

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, OCTOBER 15, 2018**

"Slip opinions" are the opinions delivered by the Supreme Court Justices and are subject to modification, rehearing, withdrawal, or clerical corrections. Modifications to previously posted opinions will be linked to the case number in the petition for rehearing section the day the changes are announced.

Click on the case number to view the opinion in pdf format.

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**OPINIONS**

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**[2018 CO 81](#)**

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**[Supreme Court Case No. 16SC721](#)**

*Certiorari to Colorado Court of Appeals*

Court of Appeals Court Case No. 2015CA485

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**Petitioner:**

Francis Ybarra,

v.

**Respondent:**

Greenberg & Sada, P.C., a Colorado corporation.

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**Judgment Affirmed**

*en banc*

**CHIEF JUSTICE COATS** delivered the Opinion of the Court.

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COLORADO SUPREME COURT CASE ANNOUNCEMENTS

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[2018 CO 82](#)

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[Supreme Court Case No. 16SC552](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 13CA2155

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**Petitioner:**

Nicholas Javier Zapata,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Affirmed**

*en banc*

**JUSTICE HOOD** delivered the Opinion of the Court.

**JUSTICE HART** specially concurs, and **JUSTICE GABRIEL** joins in the special concurrence.

**JUSTICE SAMOUR** dissents, and **CHIEF JUSTICE COATS** joins in the dissent.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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[2018 CO 83](#)

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[Supreme Court Case No. 15SC754](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 10CA2481

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Edward Kevin DeGreat.

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**Judgment Affirmed**  
en banc

**JUSTICE GABRIEL** delivered the Opinion of the Court.  
**CHIEF JUSTICE COATS** dissents, and **JUSTICE BOATRIGHT** and **JUSTICE SAMOUR**  
join in the dissent.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**2018 CO 84**

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**Supreme Court Case No. 18SA169**

*Interlocutory Appeal from the District Court*  
Mesa County District Court Case No. 17CR2308  
Honorable Gretchen B. Larson, Judge

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**Plaintiff-Appellant:**

The People of the State of Colorado,

v.

**Defendant-Appellee:**

Edwin Liaon Bailey.

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**Order Reversed**

*en banc*

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**JUSTICE SAMOUR** delivered the Opinion of the Court.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**PETITIONS FOR REHEARING**

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[2018 CO 78M](#)

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[Supreme Court Case No. 15SC292](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 12CA703

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**Petitioner:**

Ismael Casillas,

v.

**Respondent:**

The People of the State of Colorado.

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**Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC.  
JUSTICE GABRIEL does not participate.**

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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2018 CO 76

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**Supreme Court Case No. 17SC241**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 13CA239

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**Petitioner:**

C. Randel Lewis, solely in his capacity as receiver,

v.

**Respondent:**

Steve Taylor.

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Petition for Rehearing DENIED. EN BANC.  
**JUSTICE HART** would grant the petition.

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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 18SC44, Court of Appeals Case No. 14CA1234**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Abdu-Latif Kazembe Abu-Nantambu-EL.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a violation of section 16-10-103(1)(k), C.R.S. (2018), which does not expressly provide for dismissal as a remedy, qualifies as a violation of an express legislative mandate.

Whether the Sixth Amendment applies to violations of section 16-10-103(1)(k), C.R.S. (2018), which provides greater protection than that required by federal due process.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC84, El Paso County District Court Case No. 17CV30785**

**Petitioner:**

Alysha Walton,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the district court erred in finding no abuse of discretion where the trial court imposed a prohibition against the use of medical marijuana on probation without basing that prohibition on any material evidence that the prohibition was necessary and appropriate to accomplish the goals of sentencing, thereby denying her rights under the Colorado Constitution.

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**No. 18SC144, Court of Appeals Case No. 14CA1097**

**Petitioner/Cross-Respondent:**

Brandon D. Campbell,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. Cross-Petition for Writ of Certiorari DENIED. EN BANC.

[REFRAMED] Whether the district court plainly erred when it allowed a DNA expert to give surrogate expert testimony about DNA profile results that she did not participate in testing.

[REFRAMED] Whether the prosecution constructively amended the complaint when it charged a specific felony in a habitual offender count but introduced evidence of a different felony at the habitual offender hearing.

DENIED AS TO ALL OTHER ISSUES.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**HELD PETITION FOR WRIT OF CERTIORARI**

18SC415, Townsell v. People  
Held pending 17SC830, People v. Espinoza

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 17SC889, Court of Appeals Case No. 14CA2173**

**Petitioner:**

Robin Clifton,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC36, Court of Appeals Case No. 14CA442**

**Petitioner:**

Pedro Luis Mosqueda-Torres,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC64, Court of Appeals Case No. 14CA415**

**Petitioner/Cross-Respondent:**

Tember Terri Rector,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

Petition and Cross-Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD would grant as to the following issues:

Whether newly discovered evidence of prior injuries to an allegedly abused child – who respondent’s primary witness determined was abused largely because he did not believe the child had preexisting conditions – required a new trial.

Whether petitioner’s Crim. P. 35(c) claim based on newly discovered evidence is successive to her prior direct appeal where she could have raised a claim regarding the denial of her motion for a new trial based on newly discovered evidence.

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**No. 18SC121, Court of Appeals Case No. 14CA1170**

**Petitioner:**

Jose Sanchez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC159, Court of Appeals Case No. 14CA800**

**Petitioner:**

Bruce Joseph Nozolino,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC193, Court of Appeals Case No. 15CA1261**

**Petitioner:**

Lynard Derick Jaramillo,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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**No. 18SC243, Court of Appeals Case Nos. 16CA1646 & 17CA74**

**Petitioner:**

Donna Scott,

v.

**Respondent:**

Roseann Scott.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC252, District Court, City and County of Broomfield Case No. 17CV30078**

**Petitioner:**

Kurt Junge,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC276, Arapahoe County District Court Case No. 17CV30204**

**Petitioner:**

Anthony Locke,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC296, Court of Appeals Case No. 16CA972**

**Petitioner:**

David K. Jenner,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.  
CHIEF JUSTICE COATS does not participate.

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**No. 18SC314, Court of Appeals Case No. 15CA703**

**Petitioner:**

Felix Jerry Reyes,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC315, Court of Appeals Case No. 17CA51**

**Petitioners:**

Maralex Resources, Inc., a Colorado corporation; A.M. O'Hare; and Mary C. O'Hare,

v.

**Respondent:**

Colorado Oil and Gas Conservation Commission.

Petition for Writ of Certiorari DENIED. EN BANC.

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**18SC357, Court of Appeals Case No. 16CA285**

**Respondent:**

The People of the State of Colorado,

**In the Interest of**

**Petitioner:**

D. A. M.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC358, Court of Appeals Case No. 16CA1928**

**Petitioner:**

Alvin Sartain,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC365, Court of Appeals Case No. 16CA1115**

**Petitioner:**

Tilford Gash,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC366, Court of Appeals Case No. 16CA2068**

**Petitioner:**

Eric J. Laurson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC367, Court of Appeals Case No. 2015CA1874**

**Petitioner:**

Craig Edward Nelson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC378, Jefferson County District Court Case No. 17CV31625**

**Petitioner:**

Stephanie Ward,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC393, Court of Appeals Case No. 15CA2073**

**Respondent:**

The People of the State of Colorado,

**In the Interest of**

**Petitioner:**

K. M. H.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC400, Court of Appeals Case No. 17CA466**

**Petitioner:**

Ronald Jennings Fogle,

v.

**Respondent:**

John W. Hickenlooper, in his official capacity as Governor of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

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**No. 18SC404, Court of Appeals Case No. 14CA1929**

**Petitioner:**

Steven Fisher Henson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC408, Court of Appeals Case No. 17CA1918**

**In re the Parental Responsibilities Concerning**

N. Y. J.,

**and Concerning**

**Petitioner:**

Phadra Wilson,

and

**Respondent:**

James Jackman.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

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**No. 18SC417, Court of Appeals Case No. 16CA1906**

**Petitioner:**

LeRoy Arlen Wallace,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC421, Adams County District Court Case No. 17CV31132**

**Petitioner:**

Christopher Breceda,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC422, Court of Appeals Case No. 15CA1963**

**Petitioner:**

Feliciano Bautista,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC424, Court of Appeals Case No. 15CA1391**

**Petitioner:**

Donald Wayne Becker,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC425, Court of Appeals Case No. 17CA1152**

**Petitioner:**

Joseph A. Camp,

v.

**Respondent:**

Daniel Brennan.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC427, Court of Appeals Case No. 14CA2139**

**Petitioner:**

John Holland Brothers,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC430, Court of Appeals Case No. 15CA1559**

**Petitioner:**

Joshua Allen Graves,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC431, Court of Appeals Case No. 15CA1923**

**Petitioner:**

Randy Laverne Rezac,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC441, Court of Appeals Case No. 16CA1608**

**Petitioner:**

Gordon L. Johnston,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC443, Court of Appeals Case No. 17CA113**

**Petitioner:**

Bobby R. Hayes,

v.

**Respondent:**

Robin Feffer.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC449, Chaffee County District Court Case No. 17CV30042**

**Petitioner:**

Jada Davis,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC450, Montezuma County District Court Case No. 17CV30062**

**Petitioner:**

Heather Roe,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC456, Adams County District Court Case No. 16CA1610**

**Petitioner:**

James Edward Thomas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC458, Court of Appeals Case No. 15CA1863**

**Petitioner:**

Alexander Noel Garcia,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC460, Court of Appeals Case No. 16CA853**

**Petitioner:**

Thomas Dean Tillery,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC461, Court of Appeals Case No. 16CA1838**

**Petitioner:**

Douglas Brian Bromberg,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC462, Court of Appeals Case No. 16CA799**

**Petitioner:**

Dartanin Duran Mitchell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC466, Court of Appeals Case No. 15CA2116**

**Petitioner:**

Kimberly Renee Howerton,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC467, Court of Appeals Case No. 16CA399**

**Petitioner:**

Marcos Rodriguez-Andrades,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC642, Court of Appeals Case No. 17CA1812**

**Petitioner:**

D. C.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

Da. C.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC647, Court of Appeals Case No. 17CA648**

**Petitioner:**

J. B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

K. D. B.,

**and Concerning**

C. L. n/k/a C.B.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC648, Court of Appeals Case No. 17CA296**

**Petitioner:**

K. A. B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

Z. M. L. B. and T. A. J. B.,

**and Concerning**

J. B.

Petition for Writ of Certiorari DENIED. EN BANC.

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