

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, JULY 2, 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.

CHIEF JUSTICE NANCY RICE RETIRED ON JUNE 30, 2018

OPINIONS

[2018 CO 65](#)

[Supreme Court Case No. 18SA113](#)

Original Proceeding Pursuant to §1-40-107(2), C.R.S. (2017)
Appeal from the Ballot Title Board

**In the Matter of the Title, Ballot Title and Submission Clause for Proposed
Initiatives 2017-2018 #178, #179, #180 and #181 "Regulation of Oil and Gas Development"**

Petitioner:

Janette Rose,

v.

Respondents:

John Brackney and Guillermo DeHerrera,

And

Title Board:

Suzanne Staiert, Glenn Roper and Jason Gelender.

Action Affirmed by Operation of Law
en banc

PER CURIAM.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2018 CO 66](#)

[Supreme Court Case No. 16SC661](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA1954

Petitioner:

The People of the State of Colorado,

v.

Respondent:

John Arthur Stellabotte.

Judgment Affirmed
en banc

JUSTICE HOOD delivered the Opinion of the Court.
CHIEF JUSTICE COATS dissents, and **JUSTICE BOATRIGHT** joins in the dissent.
JUSTICE GABRIEL does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2018 CO 67](#)

[Supreme Court Case No. 16SC744](#)
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 14CA2359

Petitioner:

The People of the State of Colorado,

v.

Respondent:

James Edward Patton.

Judgment Affirmed

en banc

JUSTICE HOOD delivered the Opinion of the Court.
CHIEF JUSTICE COATS dissents, and JUSTICE BOATRIGHT joins in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

2018 CO 52M

Supreme Court Case No. 16SC814

Certiorari to the Colorado Court of Appeals

Court of Appeals Case No. 15CA1252

Petitioners:

Colorow Health Care, LLC; QP Health Care Services, LLC, d/b/a Vivage; Travis Young; Beverly Cole; and Michael Reinhardt,

v.

Respondents:

Amy Fischer and Roger Fischer.

Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC.
JUSTICE GABRIEL and **JUSTICE HART** would grant the petition.
JUSTICE MÁRQUEZ does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2018 CO 55

Supreme Court Case No. 18SA19
Original Proceeding Pursuant to C.A.R. 21
Arapahoe County District Court Case No. 06CR705
Honorable Christopher Munch, Senior Judge

In Re

Plaintiff:

The People of the State of Colorado,

v.

Defendant:

Sir Mario Owens.

Petition for Rehearing DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

RULE CHANGE

[RULE CHANGE 2018\(10\)](#)

COLORADO RULES OF CIVIL PROCEDURE

Rule 256 The Colorado Lawyer Self-Assessment Program (New)

Amended and Adopted by the Court, En Banc, June 28, 2018, effective immediately.

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC30, Court of Appeals Case No. 15CA1956

Petitioner:

Carousel Farms Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado,

v.

Respondent:

Woodcrest Homes, Inc., a Colorado corporation.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals should review for clear error a trial court's determination that a condemning authority sufficiently demonstrated that a taking is for a public use.

[REFRAMED] Whether the court of appeals erred in concluding a metropolitan district failed to prove condemnation of a parcel was for a public use and necessary, where the subdivision that would principally benefit from the condemnation did not exist at the time of the taking and development of the subdivision was conditioned on the district's acquisition of the parcel.

[REFRAMED] Whether the court of appeals erred in concluding that a metropolitan district's condemnation of a parcel violated section 38-1-101(1)(b), C.R.S. (2017), when the condemned parcel would be dedicated to the public and would not be transferred to a private entity.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

18SC34, Court of Appeals Case No. 16CA210

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Mark Iannicelli.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the jury tampering statute requires proof of an intent to influence a juror's vote, opinion, decision, or other action in a specifically identifiable case.

Whether the jury tampering statute implicitly modifies the definition of "juror" set forth in section 18-8-601(1), C.R.S. (2017).

18SC35, Court of Appeals Case No. 16CA211

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Eric Patrick Brandt.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the jury tampering statute requires proof of an intent to influence a juror's vote, opinion, decision, or other action in a specifically identifiable case.

Whether the jury tampering statute implicitly modifies the definition of "juror" set forth in section 18-8-601(1), C.R.S. (2017).

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC54, Court of Appeals Case No. 15CA1798

Petitioner:

Eman Ali,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether a self-defense instruction modeled on the self-defense statute which refers to a single assailant is, by itself, sufficient to inform the jury to consider the totality of the circumstances, including multiple assailants.

[REFRAMED] Whether a preserved challenge to a self-defense instruction is reviewed for constitutional or nonconstitutional harmless error.

[REFRAMED] Whether the trial court's failure to instruct the jury to consider multiple assailants in evaluating petitioner's self-defense claim was harmless.

DENIED AS TO ALL OTHER ISSUES.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC478, Court of Appeals Case No. 13CA978

Petitioner:

Gregory Russell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

17SC778, Court of Appeals Case No. 14CA1645

Petitioner:

Allen J. Reese,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 17SC905, Court of Appeals Case No. 16CA1386

Petitioner:

Hugo Lionel Garza,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC14, Court of Appeals Case No. 16CA1224

Petitioner:

S.S.,

v.

Respondent:

The People of the State of Colorado.

In the Interest of Minor Children:

An.S., Ai.S. and I.S.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC31, Court of Appeals Case No. 14CA1448

Petitioner:

Michael Allen Kuntz,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

18SC97, District Court, City and County of Denver Case No. 16CV33369

Petitioner:

Mark Iannicelli,

v.

Respondent:

City and County of Denver.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC164, Court of Appeals Case No. 17CA563

Petitioner:

Richard Anthony Tristan,

v.

Respondents:

Bayada Home Health Care, Inc. and Jon Scott Strother.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC171, Court of Appeals Case No. 16CA1568

Petitioner:

Apolinar Paul Joseph Martinez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC197, Court of Appeals Case No. 15CA170

Petitioner:

Wayne Jared Vanmeter,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

18SC251, Court of Appeals Case No. 15CA683

Petitioner:

Fernando Robles-Sierra,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC397, Court of Appeals Case No. 17CA1538

Petitioner:

R. H.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

H. H.

Petition for Writ of Certiorari DENIED. EN BANC.

Justice Boatright would grant as to the following issue:

[REFRAMED] Whether the court of appeals erred in finding the father's treatment plan was appropriate when the treatment plan did not meet the definition contained in section 19-1-103 (10), C.R.S. 2016 and was contrary to precedent requiring courts to measure the appropriateness of a treatment plan against the problems that led to a dependency adjudication and the likelihood of success in assisting the parent to overcome those problems.
