

ANNOUNCEMENTS

COLORADO SUPREME COURT

MONDAY, JUNE 16, 2003

"Slip opinions" are the opinions as filed by the judges with the clerk. Slip opinions are subject to modification, rehearing, withdrawal, or clerical corrections. A link (in the htm format only) to any modifications to previously posted opinions will appear in the petition for rehearing section of the announcement document the day the changes are announced.

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OPINIONS

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203</p> <p>Interlocutory Appeal from the District Court El Paso County, Case Nos. 02CR3073 and 02CR4670 Honorable Gilbert A. Martinez, Judge</p>	<p>Case No. 03SA5</p>
<p>Plaintiff-Appellant:</p> <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>Defendant-Appellee:</p> <p>BRIAN ADRIAN GREEN.</p>	
<p>JUDGMENT REVERSED EN BANC</p> <p>CHIEF JUSTICE MULLARKEY delivered the Opinion of the Court.</p>	

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[Case No. 02SC247](#)

SUPREME COURT, STATE OF COLORADO
Two East 14th Avenue
Denver, Colorado 80203

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 01CA0208

Petitioner:

CYPRUS AMAX MINERALS COMPANY,

v.

Respondents:

LEXINGTON INSURANCE COMPANY; ZURICH SPECIALITIES LONDON LIMITED; and GERLING-KONZERN ALLGEMEINE VERSICHERUNGS-AG.

JUDGMENT REVERSED AND REMANDED WITH DIRECTIONS
EN BANC

JUSTICE KOURLIS delivered the Opinion of the Court.

[Case No. 02SA293](#)

SUPREME COURT, STATE OF COLORADO
Two East 14th Avenue
Denver, Colorado 80203

Appeal from the District Court
Water Division No.4, Case Nos. 00CW157, 00CW158, and
00CW168
Honorable J. Stephen Patrick, Judge

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF
PETER VOUGHT AND THE STUCKER MESA DOMESTIC PIPELINE
COMPANY IN DELTA COLORADO,

Applicant-Opposer-Appellant:

PETER VOUGHT,

v.

Applicant-Opposer-Appellee:

STUCKER MESA DOMESTIC PIPELINE COMPANY,

and

Appellee pursuant to C.A.R. 1(e):

DIVISION ENGINEER, WATER DIVISION 4.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART
EN BANC

JUSTICE HOBBS delivered the Opinion of the Court.

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203</p> <p>Original Proceeding in Discipline Pursuant to C.A.R. 21 and C.R.C.P. 251(d) Case No. 01PDJ098 Honorable Roger L. Keithley, Presiding Disciplinary Judge</p>	<p>Case No. 01SA404</p>
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IN RE:

IN THE MATTER OF THE REQUESTS FOR INVESTIGATION OF ATTORNEY E.

RULE MADE ABSOLUTE IN PART AND DISCHARGED IN PART
EN BANC

JUSTICE BENDER delivered the Opinion of the Court.
CHIEF JUSTICE MULLARKEY does not participate.

[Case No. 02SC242](#)

SUPREME COURT, STATE OF COLORADO
Two East 14th Avenue
Denver, Colorado 80203

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 00CA1586

Petitioner:

EVERGREEN HIGHLANDS ASSOCIATION, a Colorado non-profit corporation,
v.

Respondent:

ROBERT A. WEST.

JUDGMENT REVERSED AND CASE REMANDED
EN BANC

JUSTICE RICE delivered the Opinion of the Court.
JUSTICE KOURLIS and JUSTICE HOBBS do not participate.
JUSTICE COATS concurs only in the judgment of the court and Part III. A. of
the majority opinion.

PETITIONS FOR REHEARING

[Case No. 00SC527](#)

SUPREME COURT, STATE OF COLORADO
Two East 14th Avenue
Denver, Colorado 80203

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 98CA1442

Petitioners:

Eugene Lobato; Zack Bernal; Gabrielita Adeline Espinosa; Edward Espinosa; Pete E. Espinosa, Jr.; Corpus Gallegos, by and through his conservator Yvette Gallegos; GLORIA GALLEGOS; RUPERT GALLEGOS; RAYMOND GARCIA; CHARLIE JACQUEZ, JR.; ADOLPH J. LOBATO; BONIFACIO "BONNIE" LOBATO, by and through his conservator Teresa Lobato; CARLOS LOBATO; EMILIO LOBATO, JR.; JOSE F. LOBATO; PRESENTACION J. LOBATO; GLORIA MAESTAS; NORMAN MAESTAS; ROBERT "BOBBY" MAESTAS; RAYMOND J. MAESTAS; EUGENE MARTINEZ; MARK MARTINEZ; AGATHA MEDINA; GILBERT "ANDRES" MONTOYA; SHIRLEY ROMERO OTERO; EPPIE QUINTANA; LUCILLE SAMELKO; ARNOLD VALDEZ; ERVIN L. VIGIL; LARRY J. VIGIL; MICHAEL J. VIGIL; BILLY ALIRE; ROBERT ATENCIO; FRANCES D. BERGGAN-BUHRLES; JOSE FRED CARSON; ELMER MANUEL ESPINOSA; MARGURITO ESPINOSA; MOISES GALLEGOS; RUBEN GALLEGOS; RICHARD J. GARCIA; MANUEL GARDUNIO; RUBEN HERRERA; JEFFREY JACQUEZ; ADELMO KABER; CRUCITO MAES; DANIEL MARTINEZ; DAVID MARTINEZ; JESSE MARTINEZ; LEONARDO MARTINEZ; ROSENDO MARTINEZ; SOLESTIANO MARTINEZ; ALFONSO MEDINA; GILBERT MEDINA; LEONARDO MEDINA; LOYOLA MEDINA; MARVIN MEDINA; ORRY MEDINA; RAYMOND N. MEDINA; RUDY MONTOYA; GURTRUDE C. OLIVAS; EPPY WAYNE QUINTANA; ROBERT ROMERO; SHIRLEY ROMERO; ANTHONY SANCHEZ; BONNIE SANCHEZ; EUGENE SANCHEZ; EVAN SANCHEZ; JAMES SANCHEZ; JOSE G. SANCHEZ; RUFINO SANCHEZ; S.R. SANCHEZ; VERNON SANCHEZ; RONALD A. SANDOVAL; ELESAM SANTISTEVAN; DANIEL SEGURA; FLOYD R. SOLAN; CAROLYN TAYLOR; SAM VALDEZ; MARTHA VIALPONDO; JOE P. VIGIL; and WALTER VIGIL,

v.

Respondents:

ZACHARY TAYLOR, as executor of the Estate of Jack T. Taylor, Jr., deceased; THE TAYLOR FAMILY PARTNERSHIP; J. HOY ANDERSON; MARVIN LAVERN STOHS; EDYTHE KELLY STOHS; CHARLES W. GELDERMAN; WILLIAM F. PHINNEY; HARLAN A. BROWN; DENA F. FUHRMANN; JIMMY C. CROOK; FREELAND D. CRUMLEY; JOSEPH P. CAMPISI; HUGH R. DENTON; ROBERT PAUL RESTELI; EUGENE J. KAFKA; AVIS M. ANDERSON; CLIFFORD R. JENSON; DON W. JACOBS; RAYMOND E. GAUTHIER; FRANCIS P. HESTON; and HOWARD G. FRAILEY.

Opinion modified, and as modified, Petitions for Rehearing DENIED. EN BANC. JUSTICE KOURLIS and JUSTICE RICE would grant the Respondents' Petition for Rehearing. JUSTICE COATS does not participate.

SUPREME COURT, STATE OF COLORADO
Two East 14th Avenue
Denver, Colorado 80203

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 99CA1365

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondents:

THORO PRODUCTS COMPANY, INC., a Colorado corporation,
and RICHARD ERNEST NEWMAN.

Petition for Rehearing DENIED. EN BANC.
CHIEF JUSTICE MULLARKEY, JUSTICE MARTINEZ and JUSTICE BENDER would grant the
Petition.

PETITIONS FOR WRIT OF CERTIORARI

No. 02SC836
Court of Appeals Case No. 01CA1203 (10/17/02)

JEFFREY MULBERRY, Petitioner,

v.

THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 02SC837
Court of Appeals No. 01CA0014 (10/17/02)

DAVLON REAGOR, Petitioner,

v.

THE PEOPLE OF THE STATE OF COLORADO, Respondent.

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

No. 02SC851

Court of Appeals Case No. 01CA2034 (10/24/02)

JAMES DAVIS, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC20
Court of Appeals Case No. 01CA0467 (11/21/02)

HUMBERTO PINILLO, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE COATS does not participate.
JUSTICE BENDER would grant as to the following issue:

Whether the court of appeals erred in holding, contrary to state and federal law, that the trial court did not violate Petitioner's rights under the Confrontation Clause when it admitted a key unavailable witness' self-serving and unreliable videotaped and written statements inculcating Petitioner, in the absence of constitutionally adequate analysis in either court.

No. 03SC55
Court of Appeals Case No. 01CA0843 (12/5/02)

KINH B. PHAM and LA T. BUI, Natural Parents of
LOUIS DIEP PHAM, Deceased, Petitioners,
v.
PRUDENTIAL PROPERTY AND CASUALTY COMPANY, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC66
Court of Appeals Case No. 01CA1848 (12/19/02)

ERIC J. LAURSON, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC68
Court of Appeals Case No. 01CA1489 (12/12/02)

MARSHALL SCOTT ADAY, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC70
Court of Appeals Case No. 01CA1405 (12/19/02)

ERIC J. LAURSON, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC74
Court of Appeals Case No. 01CA0874 (10/24/02)

RONALD D. LUCERO, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC85
Court of Appeals Case No. 01CA0305 (12/19/02)

DCC EQUITIES LIMITED; DCC EQUITIES
INCORPORATED; DUNDEE CAPITAL, INC.; and
DUNDEE BANCORP INC., Petitioners,
v.
SIGNATURE PROPERTIES INTERNATIONAL, L.P.;
F. CHRISTOPHER ANSLEY; DEV-CON ASSOCIATES
(CANADA); A&S MANAGEMENT (U.S.);
and YALE/STARPASS HOLDING PARTNERSHIP, L.P., Respondents.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC93
Court of Appeals Case No. 01CA2241 (12/19/02)

ANIL DUTT, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC108
Court of Appeals Case No. 01CA0817 (12/26/02)

DONALD WEEKS, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC110
Court of Appeals Case No. 00CA2333 (10/31/02)

RANDY PENA, Petitioner,
v. Respondent.
THE PEOPLE OF THE STATE OF COLORADO,

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC113
District Court, City & County of Denver, Case No. 02CV6970

GREGORY J. APODACA, Petitioner,
v. Respondent.
THE PEOPLE OF THE STATE OF COLORADO,

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC129
Court of Appeals Case No. 01CA2500 (12/12/02)

AARON SMITH, Petitioner,
v. Respondent.
THE PEOPLE OF THE STATE OF COLORADO,

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC154
Court of Appeals Case No. 01CA1514 (12/5/02)

CLIFFORD STEWART, Petitioner,
v. Respondent.
THE PEOPLE OF THE STATE OF COLORADO,

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC159
Court of Appeals Case No. 02CA0005 (1/23/03)

KENNETH CARTER, Petitioner,
v. Respondent.
THE PEOPLE OF THE STATE OF COLORADO,

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC171
Court of Appeals Case No. 01CA0833 (1/23/02)

MICHAEL ZAMORA, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC172
Court of Appeals Case No. 01CA0361 (1/23/02)

LAWRENCE WILLIAM FITZGERALD, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC182
Court of Appeals Case No. 01CA1289 (1/30/03)

JOANN WENZINGER, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC188
Court of Appeals Case No. 01CA1933 (1/30/03)

RICHARD B. HORTON, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC189
Court of Appeals Case No. 01CA0370 (1/30/03)

MICHAEL WASHINGTON, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC194
Court of Appeals Case No. 01CA1229 (2/20/03)

SIMON SALAZAR, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

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

No. 03SC195
Court of Appeals Case No. 01CA1726 (2/20/03)

KEVIN ROBINSON, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC214
Court of Appeals Case No. 02CA1442 (2/27/03)

PUEBLO COUNTY, Petitioner,
v.
INDUSTRIAL CLAIM APPEALS OFFICE, and
SAMUEL SANCHEZ, Respondents.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC215
Court of Appeals Case No. 00CA1933 (5/16/02)

KENNETH R. COBBIN, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

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

No. 03SC217
Court of Appeals Case No. 02CA0062 (3/13/03)

JOYLENE E. CHIPMAN, Petitioner,
v.
TERRENCE L. SHELDON; and AUTOMOBILE
TRANSPORT SPECIALISTS, INC., a Colorado
corporation, Respondents.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC220
Court of Appeals Case No. 01CA2126 (2/13/02)

MATTHEW ZAJAC, Petitioner,
v.
THE PEOPLE OF THE STATE OF COLORADO, Respondent.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC296
Court of Appeals Case No. 02CA0965 (3/27/03)

S.W., Petitioner,
v. Respondent,
THE PEOPLE OF THE STATE OF COLORADO,

In the Interest of:
A.W. & M.W., Minor Children.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 03SC335
Court of Appeals Case No. 02CA2315

C.S., Petitioner,
v. Respondent,
THE PEOPLE OF THE STATE OF COLORADO,

In the Interest of:
I.S., D.S., & N.A., Minor Children.

No. 03SC336
Court of Appeals Case No. 02CA2316

C.S., Petitioner,
v. Respondent,
THE PEOPLE OF THE STATE OF COLORADO,

In the Interest of:
S.S., Minor Child.

Petitions for Writ of Certiorari GRANTED. EN BANC.

SUMMARY OF ISSUES:

Whether the court of appeals deprived Petitioner of due process and fundamental fairness in dismissing her appeals of the trial court's orders terminating her parental rights by finding it lacked jurisdiction over the appeals.

IT IS FURTHER ORDERED that the parties brief the issues of the underlying appeals on their merits.

These cases are consolidated for briefing and any oral argument.
