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ADVANCE SHEET HEADNOTE  
June 11, 2007

**No. 06SC436, Carton v. People.**

By operation of law, the decision of the court of appeals, No. 04CA90 (Colo. App. May 4, 2006) (not selected for official publication pursuant to C.A.R. 35(f)), is affirmed by an equally divided court. See C.A.R. 35(e).

SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203  Certiorari to the Colorado Court of Appeals Court of Appeals Case No. 04CA90	Case No. 06SC436
<b>Petitioner:</b>  MICHAEL CARTON,  v.  <b>Respondent:</b>  THE PEOPLE OF THE STATE OF COLORADO.	
JUDGMENT AFFIRMED BY OPERATION OF LAW EN BANC June 11, 2007	

Patrick J. Mulligan  
Denver, Colorado

Attorney for the Petitioner

John W. Suthers, Attorney General  
Paul Koehler, Assistant Attorney General  
Denver, Colorado

Attorneys for the Respondent

PER CURIAM  
JUSTICE EID does not participate.

Justice Hobbs, Justice Rice, and Justice Coats are of the opinion that the judgment of the court of appeals, No. 04CA90 (Colo. App. May 4, 2006) (not selected for official publication pursuant to C.A.R. 35(f)) should be affirmed, whereas Chief Justice Mullarkey, Justice Martinez, and Justice Bender are of the opinion that it should be reversed.

Since the court is equally divided, the decision of the court of appeals is affirmed by operation of law. See C.A.R. 35(e).

JUSTICE EID does not participate.