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ADVANCE SHEET HEADNOTE  
September 20, 2010

**No. 09SC132, Rodriguez v. People.**

By operation of law, the judgment of the court of appeals in Rodriguez v. People, 209 P.3d 1151 (Colo.App.2008) is affirmed by an equally divided court. See C.A.R. 35(e).

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| SUPREME COURT, STATE OF COLORADO<br>101 West Colfax Avenue, Suite 800<br>Denver, Colorado 80202<br><br>Certiorari to the Colorado Court of Appeals<br>Court of Appeals Case No. 05CA2591 | Case No. 09SC132 |
| <p><b>Petitioner:</b></p> <p>Karen S. Rodriguez,</p> <p>v.</p> <p><b>Respondent:</b></p> <p>The People of the State of Colorado.</p>                                                     |                  |
| <p style="text-align: center;">JUDGMENT AFFIRMED BY OPERATION OF LAW<br/> EN BANC<br/> September 20, 2010</p>                                                                            |                  |

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PER CURIAM.  
JUSTICE BENDER does not participate.

Justice Rice, Justice Coats and Justice Eid are of the opinion that the judgment of the court of appeals in Rodriguez v. People, 209 P.3d 1151 (Colo.App.2008) should be affirmed, whereas Chief Justice Mullarkey, Justice Hobbs and Justice Martinez 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 BENDER does not participate.