

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 30, 2005

"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 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.

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

P U B L I S H E D

O P I N I O N S

[Court of Appeals No.: 03CA1848](#)

City and County of Denver District Court No. 01CV6422
Honorable Joseph E. Meyer, III, Judge

Alex Woods, Jr.,

Plaintiff-Appellant,

v.

City and County of Denver, a municipal corporation; and Civil Service
Commission of the City and County of Denver,

Defendants-Appellees.

ORDER AFFIRMED

Division I

Opinion by: JUDGE CARPARELLI
Marquez and Loeb, JJ., concur

[Court of Appeals No.: 03CA1959](#)

Douglas County District Court No. 01CV682
Honorable Paul A. King, Judge

Certain Underwriters at Lloyd's London Subscribing to Certificate No.
986557,

Plaintiff-Appellee,

v.

Warren Rychel,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III

Opinion by: JUDGE CARPARELLI

Dailey and Hume*, JJ., concur

[Court of Appeals No.: 03CA2111](#)

Arapahoe County District Court No. 87DR1634

Honorable Robert H. Russell, II, Judge

In re the Marriage of

Robert L. Goodbinder,

Appellant,

and

Gayle S. Goodbinder, n/k/a Gayle S. Strauss,

Appellee.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division IV

Opinion by: JUDGE LOEB

Russel and Plank*, JJ., concur

[Court of Appeals No.: 03CA2190](#)

Mesa County District Court No. 02CR186
Honorable David A. Bottger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lloyd Jean Cruthers,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND VACATED IN PART

Division II
Opinion by: JUDGE WEBB
Rothenberg and Vogt, JJ., concur

[Court of Appeals No.: 04CA0013](#)

City and County of Denver Probate Court No. 01PR1324
Honorable C. Jean Stewart, Judge

In the Matter of the Estate of Robert Ramon Romero, Deceased.

Barbara A. Romero and Robert Ross Romero,

Claimants-Appellants,

v.

Dolores G. Vasquez,

Personal Representative-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by: JUDGE HAWTHORNE
Marquez and Graham, JJ., concur

[Court of Appeals No.: 04CA0179](#)

Douglas County District Court No. 02CR44

Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kristina Taylor,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by: JUDGE ROY

Nieto and Dailey, JJ., concur

[Court of Appeals No.: 04CA0701](#)

Colorado State Board of Assessment Appeals No. 42536

Family Tree Foundation,

Petitioner-Appellee,

v.

Property Tax Administrator,

Respondent-Appellant,

and

Board of Assessment Appeals for the State of Colorado,

Appellee.

ORDER AFFIRMED

Division IV

Opinion by: JUDGE STERNBERG*

Loeb and Russel, JJ.,

[Court of Appeals No.: 04CA1097](#)

Adams County District Court No. 02CR1623

Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Javier Escalera,

Defendant,

and

Kathy Ballwebber,

Surety-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by: JUDGE STERNBERG*
Davidson, C.J., and Webb, J., concur

U N P U B L I S H E D

O P I N I O N S

Court of Appeals No.: 02CA1999

Weld County District Court No. 01CR849

Honorable J. Robert Lowenbach, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith Edward Frazier,
Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by: JUDGE CASEBOLT
Loeb and Russel, JJ., concur

Prior Opinion Announced May 19, 2005, WITHDRAWN
Petition for Rehearing GRANTED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA0693
Jefferson County District Court No. 02CR724
Honorable Leland P. Anderson, Judge

The People of the State of Colorado,
Plaintiff-Appellee,

v.

Brent A. McKellip,
Defendant-Appellant.

JUDGMENTS AND SENTENCES AFFIRMED

Division V
Opinion by: JUDGE DAILEY
Roy and Nieto, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA0697
Arapahoe County District Court No. 00CR1973
Honorable Leonard P. Plank, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Teresia Ruckman,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by: JUDGE CASEBOLT

Ney* and Criswell*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA1220

Weld County District Court No. 00CR500

Honorable Daniel S. Maus, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rudy Hernandez, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division I

Opinion by: JUDGE MARQUEZ

Graham and Hawthorne, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA1362

Fremont County District Court No. 00CR423
Honorable Julie G. Marshall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy J. Boyd,

Defendant-Appellant.

JUDGMENT AND SENTENCES AFFIRMED

Division IV

Opinion by: JUDGE NEY*

Casebolt and Criswell*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA1452
Arapahoe County District Court No. 02CV4381
Honorable Marilyn Leonard, Judge
Honorable Thomas C. Levi, Judge

Celeste C. Grynberg,

Plaintiff-Appellant,

v.

Burnsed Oil Company,

Defendant-Appellee.

JUDGMENT AFFIRMED, ORDERS AFFIRMED IN PART, REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division III

Opinion by: JUDGE PICCONE

Taubman and Carparelli, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA1917
Mesa County District Court No. 00CR454
Honorable Charles A. Buss, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard A. Sears,

Defendant-Appellant.

ORDER AFFIRMED

Division III

Opinion by: JUDGE PICCONE

Taubman and Carparelli, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA2032
Douglas County District Court No. 95CR268
Honorable Garth L. Nieschburg, Judge

The People of the State of Colorado,

Plaintiff-Appellant and Cross-Appellee,

v.

Edward Collie,

Defendant-Appellee and Cross-Appellant.

ORDER AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division I

Opinion by: JUDGE MARQUEZ
Graham and Hawthorne, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA2151
El Paso County District Court No. 96CV1001
Honorable Thomas K. Kane, Judge

Michael S. Edmond,
Plaintiff-Appellant,

v.

Joe Ortiz, Executive Director of Colorado Department of Corrections; et
al.,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II
Opinion by: JUDGE ROTHENBERG
Vogt and Webb, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA2257
El Paso County District Court No. 91CR587
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,
Plaintiff-Appellee,

v.

Ricky Williams,
Defendant-Appellant.

ORDER AFFIRMED

Division IV

Opinion by: JUDGE PLANK*

Casebolt and Sternberg*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA2484
Mesa County District Court No. 99CR1241
Honorable Nicholas R. Massaro, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Eller,

Defendant-Appellant.

ORDER AFFIRMED

Division IV

Opinion by: JUDGE STERNBERG*

Casebolt and Plank*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0427
Teller County District Court No. 03CV152
Honorable Edward S. Colt, Judge
Honorable D. Richard Toth, Judge

Jeffrey I. Tompkins,

Plaintiff-Appellee,

v.

Dennis N. King and the Michaels Trust,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by: JUDGE NEY*
Davidson, C.J., and Kirshbaum*, J., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0601
Las Animas County District Court No. 03CR147
Honorable George A. Newnam, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lisa D. Ware,

Defendant-Appellant.

SENTENCE AFFIRMED

Division III
Opinion by: JUDGE TAUBMAN
Carparelli and Piccone, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0621
Teller County District Court No. 01CR100
Honorable Edward S. Colt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffery M. Davis,

Defendant-Appellant.

ORDER AFFIRMED

Division II

Opinion by: JUDGE VOGT

Rothenberg and Webb, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0626

Weld County District Court Nos. 00CR1081 & 00CR1630

Honorable Daniel S. Maus, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Melvin W. Galvin,

Defendant-Appellant.

CASE REMANDED WITH DIRECTIONS

Division II

Opinion by: JUDGE WEBB

Rothenberg and Vogt, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0644

Division of Administrative Hearings No. S2003024

Allen M. (Mac) Williams,

Appellant,

v.

Donetta Davidson and the Committed to Elect Donetta Davidson; Ken Salazar, in his official capacity as Attorney General; and the Division of Administrative Hearings,

Appellees.

APPEAL DISMISSED IN PART AND ORDERS AFFIRMED

Division IV
Opinion by: JUDGE CASEBOLT
Sternberg* and Plank*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0871
Pueblo County District Court No. 99CR823
Honorable David A. Cole, Judge

The People of the State of Colorado,
Plaintiff-Appellee,

v.

Terry S. Dashner,
Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by: JUDGE GRAHAM
Marquez and Hawthorne, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0920
Jefferson County District Court No. 03CV2712
Honorable James D. Zimmerman, Judge

Jefferson Properties, Inc.,

Plaintiff-Appellant,

v.

Peak National Bank, Donald J. Bronson, and Michelle Bronson,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV

Opinion by: JUDGE PLANK*

Casebolt and Sternberg*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0933

Jefferson County District Court No. 01CV3051

Honorable Brian D. Boatright, Judge

Robert A. West,

Plaintiff-Appellant,

v.

Board of County Commissioners of the County of Jefferson, acting as the
Jefferson County Board of Equalization, and the Jefferson County
Assessor,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division A

Opinion by: JUDGE STERNBERG*

Davidson, C.J., and Ney*, J., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0976
Adams County District Court No. 03CR451
Honorable C. Scott Crabtree, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Daniel Lynn,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by: JUDGE MARQUEZ
Graham and Hawthorne, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA1136
City and County of Denver District Court No. 96CR1910
Honorable Robert S. Hyatt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Vernell Wilson,

Defendant-Appellant.

ORDER AFFIRMED

Division IV

Opinion by: JUDGE CRISWELL*
Casebolt and Ney*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA1156
El Paso County District Court No. 97CR1014
Honorable Steven T. Pelican, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Lavon Flakes,

Defendant-Appellant.

ORDER AFFIRMED

Division III

Opinion by: JUDGE PICCONE

Taubman and Carparelli, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA1194
Bent County District Court No. 03CV63
Honorable Michael Schiferl, Judge

Lee Durre,

Plaintiff-Appellant,

v.

Colorado Department of Corrections; Joe Ortiz, director; Carl Zenon, warden, Fort Lyon Correctional Facility; Major Reed, custody control officer; and Officer Duncan, mail room officer,

Defendants-Appellees.

APPEAL DISMISSED IN PART AND ORDERS AFFIRMED

Division A

Opinion by: JUSTICE KIRSHBAUM*
Davidson, C.J., and Ney*, J., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA1274
City and County of Denver District Court No. 89CR2935
Honorable Robert S. Hyatt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald A. Herndon,

Defendant-Appellant.

ORDER AFFIRMED

Division III

Opinion by: JUDGE PICCONE
Casebolt and Dailey, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA1320
El Paso County District Court No. 96CR753
Honorable Richard V. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sheila F. Barnhart,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by: JUDGE ROTHENBERG
Vogt and Webb, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA1466
Montrose County District Court No. 01CR46
Honorable Dennis P. Friedrich, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald J. Ouellette,

Defendant-Appellant.

CASE REMANDED WITH DIRECTIONS

Division I
Opinion by: JUDGE HAWTHORNE
Marquez and Graham, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA1541
Arapahoe County District Court No. 04CV906
Honorable Marilyn Leonard, Judge

Oloyea D. Wallin,

Plaintiff-Appellant,

v.

People of the State of Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division A

Opinion by: JUDGE NEY*

Davidson, C.J., and Sternberg*, J., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA1691

Industrial Claim Appeals Office of the State of Colorado

WC No. 4-465-535

Albert Andrade,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Triple R
Structures, and Pinnacol Assurance,

Respondents.

ORDER AFFIRMED

Division II

Opinion by: JUDGE VOGT

Rothenberg and Webb, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2003

Industrial Claim Appeals Office of the State of Colorado

WC No. 4-529-704

Javier Gallegos,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Sealy
Inc., RSKCO,

Respondents.

ORDER AFFIRMED

Division II

Opinion by: JUDGE ROTHENBERG
Taubman and Russel, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2047
Adams County District Court No. 03JV588
Honorable Chris Melonakis, Judge

The People of the State of Colorado,

In the Interest of N.M., a Child,

Upon the Petition of the Adams County Department of Human Services,

Petitioner-Appellee

and Concerning K.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by: JUDGE ROTHENBERG
Vogt and Webb, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2052
Adams County District Court No. 03JV25
Honorable Chris Melonakis, Judge

The People of the State of Colorado,
Petitioner-Appellee,
In the Interest of K.S., K.B., and E.B., Children,
and Concerning D.B.,
Respondent-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by: JUDGE VOGT
Rothenberg and Webb, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2204
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-604-103

Lens Dynamics, Inc., and State Farm Insurance Company,
Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Kathy
Vaske,

Respondents.

ORDER AFFIRMED

Division IV
Opinion by: JUDGE CASEBOLT
Sternberg* and Plank*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2215

Mesa County District Court No. 03JV254
Honorable Nicholas R. Massaro, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of B.C., B.C., T.H., L.F. and N.F., Children,

and Concerning B.F. and R.H.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division V

Opinion by: JUDGE DAILEY
Roy and Ney*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2345
City and County of Denver Juvenile Court No. 03JV2668
Honorable Dana U. Wakefield, Judge

People of the State of Colorado,

In the Interest of M.K.C., a Child,

Upon the Petition of the Denver Department of Human Services,

Petitioner-Appellee,

and Concerning K.L.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by: JUDGE ROY
Dailey and Ney*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2610
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-197-919

Mary Gaitan,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and ConAgra
Beef Company,

Respondents.

ORDER AFFIRMED

Division B
Davidson, C.J., Rothenberg and Graham, JJ.
PER CURIAM

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2622
Industrial Claim Appeals Office of the State of Colorado
DD No. 20263-2004

Sherri Gann,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division
of Employment,

Respondents.

ORDER AFFIRMED

Division B
Davidson, C.J., Rothenberg and Graham, JJ.
PER CURIAM

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 05CA0239
Industrial Claim Appeals Office of the State of Colorado
DD No. 23037-2004

William L. Weaver,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division
of Employment,

Respondents.

ORDER AFFIRMED

Division B
Davidson, C.J., Rothenberg and Graham, JJ.
PER CURIAM

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 05CA0533
Adams County District Court No. 03JV573
Honorable Chris Melonakis, Judge

The People of the State of Colorado,

In the Interest of A.K., a Child,

Upon the Petition of the Adams County Department of Human Services,

Petitioner-Appellee

and Concerning E.K.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by: JUDGE NEY*
Roy and Dailey, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 05CA0687
City and County of Denver Juvenile Court No. 04JV2024
Honorable Dana U. Wakefield, Judge

The People of the State of Colorado,

In the Interest of E.I.M., a Child,

Upon the Petition of Denver Department of Human Services,

Petitioner-Appellee,

and Concerning E.L.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by: JUDGE STERNBERG*
Casebolt and Loeb, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 05CA0703
Jefferson County District Court No. 04JV742
Honorable James D. Zimmerman, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.C.P., a Child,
and Concerning M.L.P.,
Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by: JUDGE LOEB
Casebolt and Sternberg*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

P E T I T I O N S

F O R

R E H E A R I N G

Court of Appeals No.: 01CA0584

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Harold Cunefare,

Defendant-Appellant.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 02CA1999

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith Edward Frazier,

Defendant-Appellant.

Prior Opinion Announced May 19, 2005, WITHDRAWN
Petition for Rehearing GRANTED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 02CA2208

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Christian Lane,

Defendant-Appellant.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA0580

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Calvin L. Powell,

Defendant-Appellant.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 03CA1478

Chuck O. Egbune,

Plaintiff-Appellant,

v.

Northwest Airlines, Inc., and KLM Royal Dutch Airlines,

Defendants-Appellees.

Opinion Modified, and As Modified,
Petitions for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals Nos.: 03CA2000 & 03CA2152

Marian Olson and Ida Mae Brueske,

Plaintiffs-Appellants and Cross-Appellees,

v.

Hillside Community Church SBC, a Colorado non-profit corporation; the
City of Golden, a Colorado municipal corporation; and the City Council
of the City of Golden,

Defendants-Appellees and Cross-Appellants.

Petition for Rehearing DENIED

Court of Appeals No.: 03CA2086

In re the Marriage of

Kimberly A. DuBray,

Appellee,

and

Marcus M. DuBray,

Appellant,

and Concerning Dennis Kearns,

Intervenor.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

[Court of Appeals No.: 03CA2374](#)

Issam A. Awad, M.D., MSc, F.A.C.S.,

Plaintiff-Appellee,

v.

Robert Breeze, M.D., Glenn Kindt, M.D., Kevin Lillehei, M.D.,
and Kenneth Winston, M.D.,

Defendants-Appellants.

Opinion Modified, and As Modified,
Petition for Rehearing DENIED

Court of Appeals No.: 03CA2417

Michael A. Martinez and Meghan W. Martinez,

Plaintiffs-Appellees,

v.

Infinity Development Associates, LLC, f/k/a Infinity Associates, LLC;
Infinity Communities, LLC; and Paul Schmergel, Jr.,

Defendants-Appellants.

Opinion Modified, and As Modified,
Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0201

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Paul Fry,

Defendant-Appellant.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0287

In re the Marriage of

Rebecca Medina,

Appellee,

and

Scott Dugger,

Appellant.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA0680

Debra Dillard,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Pepsi
Bottling Group,

Respondents.

Petition for Rehearing DENIED

Court of Appeals No.: 04CA1012

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Major Daniel Vann,

Defendant-Appellant.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2138

Myra Wozniczka,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, TJ Maxx, and
American Casualty Company of Reading, Pennsylvania,

Respondents.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2004.