

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
April 17, 2008

“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 published and modified published opinions.

PUBLISHED OPINIONS

Court of Appeals No.: [05CA1378](#)
Arapahoe County District Court No. 03CR2536
Honorable Gerald J. Rafferty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lawrence Joseph Carey, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by: JUDGE VOGT
Dailey and Furman, JJ., concur

Court of Appeals No.: [06CA0885](#)
Adams County District Court No. 05CR432
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jae Michael Laurent,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by: JUDGE TERRY
Casebolt and Webb, JJ., concur

Court of Appeals No.: [06CA1269](#)

Boulder County District Court Nos. 04CV1109 & 05CV899

Honorable Roxanne Bailin, Judge

Boulder Plaza Residential, LLC, a Colorado limited liability company,

Plaintiff-Appellant,

v.

Summit Flooring, LLC, a Colorado limited liability company,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V

Opinion by: JUDGE J. JONES
Roy and Graham, JJ., concur

Court of Appeals No.: [06CA2134](#)

Pueblo County District Court No. 05CV698
Honorable Scott B. Epstein, Judge

Gloria Ochoa,

Plaintiff-Appellee and Cross-Appellant,

v.

Eldad Vered, M.D.,

Defendant-Appellant and Cross-Appellee.

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

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

Court of Appeals No.: [06CA2496](#)
Colorado State Personnel Board No. 04B143

Patrick Ward, Complainant,

Petitioner-Appellee,

v.

Department of Natural Resources,

Respondent-Appellant,

and

State Personnel Board,

Appellee.

ORDER AFFIRMED

Division II
Opinion by: JUDGE FURMAN
Vogt and Dailey, JJ., concur

Court of Appeals No.: [06CA2558](#)
Boulder County District Court Nos. 04CV1109 & 05CV899
Honorable Roxanne Bailin, Judge

Boulder Plaza Residential, LLC, a Colorado limited liability company,
Plaintiff-Appellant,

v.

Summit Flooring, LLC, a Colorado limited liability company,
Defendant-Appellee.

ORDER AFFIRMED

Division V
Opinion by: JUDGE J. JONES
Roy and Graham, JJ., concur

Court of Appeals No.: [07CA0036](#)
El Paso County District Court No. 03CV2582
Honorable David A. Gilbert, Judge

Damien Keenan, by and through his guardian, Kelly Hickman,
Plaintiff-Appellee,

v.

Kelly Gregg, M.D.,

Defendant-Appellant.

CASE REMANDED WITH DIRECTIONS

Division III

Opinion by: JUDGE TAUBMAN
Loeb and Hawthorne, JJ., concur

Court of Appeals No.: [07CA0071](#)

Industrial Claim Appeals Office of the State of Colorado
WC No. 4-606-665

Safeway, Inc.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Tearsa Sloan,

Respondents.

ORDER AFFIRMED

Division IV

Opinion by: JUDGE TERRY
Casebolt and Webb, JJ., concur

Court of Appeals No.: [07CA0582](#)

City and County of Denver District Court Nos. 05CV1143 & 05CV1144
Honorable Robert S. Hyatt, Judge

State of Colorado, ex rel. John W. Suthers, Attorney General, and Laura E. Udis, Administrator, Uniform Consumer Credit Code,

Plaintiffs-Appellees,

v.

Cash Advance and Preferred Cash Loans,
Defendants-Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by: JUDGE BERNARD
Carparelli and Metzger*, JJ., concur

Court of Appeals No.: [07CA1647](#)
City and County of Denver Juvenile Court No. 06JV356
Honorable Anthony F. Vollack, Judge

The People of the State of Colorado,

Petitioner,

In the Interest of D.M. and D.S., Children,

Upon the Petition of the Denver Department of Human Services,

Petitioner-Appellee,

and Concerning V.L.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by: JUDGE FURMAN
Vogt and Dailey, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No.: 03CA2283
Jefferson County District Court No. 99CR794
Honorable Tom Woodford, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clayton L. Lee,

Defendant-Appellant.

ORDER AFFIRMED

Division III

Opinion by: JUDGE TAUBMAN
Loeb and Hawthorne, JJ., concur

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

Court of Appeals Nos.: 04CA2339 & 06CA0037
City and County of Denver District Court No. 88CR2063
Honorable Robert L. McGahey, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Ernest Schwartz,

Defendant-Appellant.

ORDERS AFFIRMED

Division III

Opinion by: JUDGE HAWTHORNE
Taubman and Loeb, JJ., concur

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

Court of Appeals No.: 05CA0172
Arapahoe County District Court No. 02CR2974
Honorable J. Mark Hannen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tony R. Barajas,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III

Opinion by: JUDGE ROY
Taubman and Criswell*, JJ., concur

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

Court of Appeals No.: 05CA1281
City and County of Denver District Court No. 94CR3101
Honorable Christina A. Habas, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alvin J. Taylor,

Defendant-Appellant.

ORDER AFFIRMED

Division III

Opinion by: JUDGE LOEB

Taubman and Hawthorne, JJ., concur

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

Court of Appeals No.: 05CA1826

Mesa County District Court No. 01CR331

Honorable David A. Bottger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew H. Maestas,

Defendant-Appellant.

ORDER AFFIRMED

Division I

Opinion by: JUDGE RUSSEL

Román and Márquez*, JJ., concur

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

Court of Appeals No.: 05CA2579

City and County of Denver District Court Nos. 03CR3737, 04CR1661 &
04CR4688

Honorable Herbert L. Stern, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Billy Lee Longoria,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by: JUDGE ROTHENBERG
Carparelli and Bernard, JJ., concur

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

Court of Appeals No.: 06CA0338

Boulder County District Court Nos. 04CR480 & 04CR979

Honorable Carol Glowinsky, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mickey Shawn St. Clair,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division IV

Opinion by: JUDGE STERNBERG*
Webb and Terry, JJ., concur

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

Court of Appeals No.: 06CA0651
Prowers County District Court No. 93CR122
Honorable Stanley A. Brinkley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clifton Blecha,

Defendant-Appellant

ORDER AFFIRMED

Division II

Opinion by: JUDGE ROTHENBERG
Carparelli and Bernard, JJ., concur

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

Court of Appeals No.: 06CA0865
Routt County District Court No. 05CR50
Honorable Charles A. Buss, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerome Velasquez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by: JUDGE VOGT
Dailey and Furman, JJ., concur

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

Court of Appeals No.: 06CA0935
Otero County District Court No. 04CR247
Honorable Michael Schiferl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willard Clayton Smith,

Defendant-Appellant.

JUDGMENTS AND SENTENCES AFFIRMED

Division V
Opinion by: JUDGE GRAHAM
Roy and J. Jones, JJ., concur

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

Court of Appeals No.: 06CA1160
Arapahoe County District Court No. 04CR198
Honorable William B. Sylvester, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mohammed Ali,
Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by: JUDGE J. JONES
Roy and Graham, JJ., concur

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

Court of Appeals No.: 06CA1240
El Paso County District Court No. 95CR1081
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert L. Chavez,

Defendant-Appellant.

ORDER AFFIRMED

Division B
Carparelli, Furman, and Terry, JJ.
PER CURIAM

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

Court of Appeals No.: 06CA1725
Jefferson County District Court No. 05CR1614
Honorable Peter A. Weir, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremy Lee Apodaca,

Defendant-Appellant.

SENTENCE VACATED AND CASE
REMANDED WITH DIRECTIONS

Division B
Dailey, Russel, and Terry, JJ.
PER CURIAM

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

Court of Appeals No.: 06CA2324
Mesa County District Court No. 04CR1873
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samuel Kingman Lincoln,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by: JUDGE ROY
Graham and J. Jones, JJ., concur

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

Court of Appeals No.: 06CA2390
Arapahoe County District Court No. 98CR2056
Honorable Philip F. Roan, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Allen Mack,

Defendant-Appellant.

ORDER AFFIRMED

Division V

Opinion by: JUDGE J. JONES

Roy and Graham, JJ., concur

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

Court of Appeals No.: 06CA2566
Arapahoe County District Court No. 88CR228
Honorable Michael J. Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Pryor,

Defendant-Appellant.

ORDER AFFIRMED AND CASE

REMANDED WITH DIRECTIONS

Division IV

Opinion by: JUDGE TERRY
Casebolt and Webb, JJ., concur

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

Court of Appeals No.: 06CA2598
El Paso County District Court No. 98CR3738
Honorable Kirk S. Samelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bedah D. Frey,

Defendant-Appellant.

ORDER AFFIRMED

Division I

Opinion by: JUDGE ROMÁN
Russel and Márquez*, JJ., concur

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

Court of Appeals No.: 06CA2668
City and County of Denver District Court No. 06CV6728
Honorable Joseph E. Meyer, III, Judge

Crystal Hunter-Erichsen,

Plaintiff-Appellant and Cross-Appellee,

v.

Lester Nieves, P.C., a professional corporation; and Lester Nieves,
Defendants-Appellees and Cross-Appellants.

APPEAL DISMISSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by: JUDGE ROY
Graham and J. Jones, JJ., concur

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

Court of Appeals No.: 07CA0098
Pitkin County District Court No. 96CR84
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Ronald Kelly Young,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by: JUDGE CARPARELLI
Rothenberg and Bernard, JJ., concur

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

Court of Appeals No.: 07CA0300
Jefferson County District Court No. 03DR1576
Honorable Peter A. Weir, Judge

In re the Marriage of

Vincent A. DiCroce,

Appellee,

and

Diane M. DiCroce,

Appellant.

ORDER AFFIRMED

Division III

Opinion by: JUDGE HAWTHORNE
Taubman and Loeb, JJ., concur

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

Court of Appeals No.: 07CA0383
City and County of Denver District Court No. 06CV10014
Honorable Larry J. Naves, Judge

Aero Products Research, Inc., a California corporation, d/b/a Advance Products,

Plaintiff-Appellee,

v.

Think on Your Feet, Inc. and John A. Cimino, P.C.,

Defendants-Appellants.

ORDERS AFFIRMED AND CASE

REMANDED WITH DIRECTIONS

Division I

Opinion by: JUDGE MÁRQUEZ*
Russel and Román, JJ., concur

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

Court of Appeals No.: 07CA0494
Boulder County District Court No. 05CV546
Honorable James C. Klein, Judge

Pratt Management Company, LLC,

Plaintiff-Appellant,

v.

Encompass Mechanical Services-Rocky Mountains, Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V

Opinion by: JUDGE GRAHAM
Roy and J. Jones, JJ., concur

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

Court of Appeals No.: 07CA0615
Mesa County District Court No. 06CR1075
Honorable Richard T. Gurley, Judge
Honorable Amanda D. Bailey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Silva,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by: JUDGE ROY

Graham and J. Jones, JJ., concur

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

Court of Appeals No.: 07CA0723

El Paso County District Court No. 06CV3893

Honorable Edward S. Colt, Judge

Richard Blair, d/b/a RV Land, Rylan Blair, and Phoebe Paetsch,

Plaintiffs-Appellants,

v.

Ed Tickel and Cannell, L.L.C, a Colorado corporation,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV

Opinion by: JUDGE CASEBOLT

Webb and Terry, JJ., concur

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

Court of Appeals No.: 07CA1222
Mesa County District Court No. 05DR1140
Honorable David Bottger, Judge
Honorable Edwin G. Ruland, Judge

In re the Marriage of

Susan J. DeBrucque,

Appellee,

and

Allen M. Williams,

Appellant.

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

Division III

Opinion by: JUDGE TAUBMAN
Loeb and Hawthorne, JJ., concur

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

Court of Appeals No.: 07CA1284
Garfield County District Court No. 03DR301
Honorable Thomas W. Ossola, Judge

In re the Marriage of

Jeffrey S. Krebill,

Appellant,

and

Shelley Aibner, f/k/a Shelley Krebill,

Appellee.

ORDER AFFIRMED

Division IV

Opinion by: JUDGE CASEBOLT
Webb and Terry, JJ., concur

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

Court of Appeals No.: 07CA1375

City and County of Denver District Court No. 04CV4522

Honorable Christina M. Habas, Judge

Honorable Morris B. Hoffman, Judge

David D. Rediger,

Plaintiff-Appellant,

v.

Seymore Investments, LLC, a Colorado intervivos trust; Ashley Trust, a Colorado intervivos trust; Justin Trust, a Colorado intervivos trust; Ashtin Trust, a Colorado intervivos trust; Dan E. Spicer, individually, and as settler for the above named estates and as co-member/manager of the Seymore Investments, LLC,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V

Opinion by: JUDGE ROY
Graham and J. Jones, JJ., concur

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

Court of Appeals No.: 07CA1546
Crowley County District Court No. 06CV62
Honorable Michael Schiferl, Judge

Robert D. Gandy,

Plaintiff-Appellant,

v.

Arkansas Valley Correctional Facility; Lou Archuletta, Warden; Lt. John Doe, Unknown Hearing Committee Member; Lt. Martinez, Hearing Committee Member; Lt. T. Ritter, Hearing Committee Member; and John W. Suthers, the Attorney General of the State of Colorado,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V

Opinion by: JUDGE GRAHAM
Roy and J. Jones, JJ., concur

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

Court of Appeals No.: 07CA1721
Industrial Claim Appeals Office of the State of Colorado
WC No.4-389-907

Randy Robertson,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Vincam Staff Administrators, and Western Guaranty Fund,

Respondents.

ORDER AFFIRMED

Division IV
Opinion by: JUDGE WEBB
Casebolt and Terry, JJ., concur

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

Court of Appeals No.: 07CA1794
Weld County District Court No. 01DR607
Honorable Daniel S. Maus, Judge

In re the Marriage of

Lisa D. Keyes,

Appellant,

and

Terry M. Keyes,

Appellee.

ORDER AFFIRMED

Division IV
Opinion by: JUDGE WEBB
Casebolt and Terry, JJ., concur

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

Court of Appeals No.: 07CA2143
Boulder County District Court No. 03CR1139
Honorable D.D. Mallard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Larry John Jaramillo,

Defendant-Appellant.

ORDER AFFIRMED

Division B
Dailey, Russel, and Furman, JJ.
PER CURIAM

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

Court of Appeals No.: 07CA2535
Adams County District Court No. 06JV490
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of W.D.R., a Child,

and Concerning L.A.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by: JUDGE MÁRQUEZ*
Russel and Román, 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.: 05CA0767

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Paul Rodriguez,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No.: 05CA2192

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tiriek Allen,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No.: 06CA1289

Major Investments, LLC,

Plaintiff-Appellant,

v.

Thomas Little and Janet Little,

Defendants-Appellees,

Petition for Rehearing DENIED

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

Court of Appeals No.: 06CA1302

City of Black Hawk, Colorado, a Colorado home rule municipality,

Petitioner-Appellee and Cross-Appellant,

v.

J.D. Ficke and Carrie Shields,

Respondents-Appellants and Cross-Appellees.

Petition for Rehearing DENIED

Court of Appeals No.: 06CA1526

B. B. & C. Partnership,

Plaintiff-Appellee,

v.

Edelweiss Condominium Association,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No.: 06CA1577

Cheryl Warren,

Petitioner-Appellee,

v.

The People of the State of Colorado,

Respondent-Appellant.

Petition for Rehearing DENIED

Court of Appeals No.: 06CA2080

In re the Marriage of

Victor Arunkumar Palli,

Appellant,

and

Latha Nair Palli,

Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No.: 06CA2671

U.S. Bank, N.A.,

Plaintiff-Appellee,

v.

Bankers Assistance, Ltd.,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No.: 07CA0123

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn Balbas Souva,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No.: 07CA2263

People of the State of Colorado,

Plaintiff-Appellee,

v.

Lonny W. Dawson,

Defendant-Appellant.

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. 2007.