

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
July 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.

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UNPUBLISHED OPINIONS

Court of Appeals No.: 03CA0223
Mesa County District Court Nos. 98CR1531, 99CR979, 99CR1016, 99CR1096, &
99CR1144
Honorable Nicholas R. Massaro, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael William Hunter,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by: JUDGE RUSSEL
Casebolt and J. Jones, JJ., concur

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

Court of Appeals No.: 04CA2520
Arapahoe County District Court No. 03CR606
Honorable Gerald Rafferty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Francisco Anthony Selman,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by: JUDGE LOEB
Webb and Gabriel, JJ., concur

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

Court of Appeals No.: 05CA0155
Arapahoe County District Court No. 98CR820
Honorable Timothy L. Fasing, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reinhald Quevedo,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI
Opinion by: JUDGE GABRIEL
Loeb, J., concurs
Webb, J., concurs in part and dissents in part

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

Court of Appeals No.: 05CA1272
Arapahoe County District Court No. 02CR11

Honorable Cheryl L. Post, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dwayne Richard Lowery, a/k/a Dewayne Richard Lowery,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III

Opinion by: JUDGE RUSSEL
Casebolt and J. Jones, JJ., concur

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

Court of Appeals No.: 05CA1846

Arapahoe County District Court No. 03CR2494

Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert William Falls,

Defendant-Appellant.

JUDGMENT AFFIRMED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division II

Opinion by: JUSTICE ROVIRA*
Roy and Bernard, JJ., concur

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

Court of Appeals No.: 06CA0132
City and County of Denver District Court No. 03CV8293
Honorable Martin F. Egelhoff, Judge

Kiewit Western Co., a Delaware corporation, d/b/a South East Corridor Constructions,
a joint venture,

Plaintiff-Appellee and Cross-Appellant,

v.

Andrew J. Winfrey,

Defendant-Appellant and Cross-Appellee.

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

Division IV
Opinion by: JUDGE TERRY
Webb and Sternberg*, JJ., concur

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

Court of Appeals No.: 06CA1066
Boulder County District Court No. 00CR1219
Honorable Lael E. Montgomery, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shannon Ford Heath,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division B
Graham, Loeb, and J. Jones, JJ.
PER CURIAM

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

Court of Appeals No.: 06CA1340
Adams County District Court No. 05CR3000
Honorable Harlan R. Bockman, Judge
Honorable Tom Woodford, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Dean Baca,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by: JUDGE GRAHAM
Carparelli and Furman, JJ., concur

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

Court of Appeals No.: 06CA1747
City and County of Denver District Court No. 05CR2791
Honorable Herbert L. Stern, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Monsivaiz,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by: JUDGE J. JONES
Casebolt and Russel, JJ., concur

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

Court of Appeals No.: 06CA2290
El Paso County District Court No. 04CR925
Honorable Peter W. Booth, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Rodriguez Rosado,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by: JUDGE J. JONES
Casebolt and Russel, JJ., concur

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

Court of Appeals No.: 07CA0026
Douglas County District Court No. 05CV1630
Honorable Vincent R. White, Judge

Gary R. Hansen and Karen L. Hansen,

Plaintiffs-Appellees,

v.

Barbara A. Hemminger, The Estate of Robert J. Butler, a/k/a Robert James Butler,

Helen Bjorkquist, and Berkenkotter Motors LLC, a Colorado limited liability corporation,
Defendants-Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No.: 07CA0591
Jefferson County District Court No. 07CV681
Honorable Lily W. Oeffler, Judge

Coal Mine Centre LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Hau M. Yuan, an individual, and Bliss Nails, Inc., a Colorado corporation,

Defendants-Appellants.

JUDGMENT AND ORDERS AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

Division III
Opinion by: JUDGE RUSSEL
Casebolt and J. Jones, JJ., concur

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

Court of Appeals No.: 07CA0756
Jefferson County District Court No. 05CV3859
Honorable Tamara S. Russell, Judge

Everett Borders,

Plaintiff-Appellant,

v.

Kimi Loeffler, Kobe An Restaurant, and Japan Food Concepts, Inc., f/k/a Kobe An, Inc.
#2,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by: JUDGE GABRIEL
Webb and Loeb, JJ., concur

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

Court of Appeals No.: 07CA0803
Douglas County District Court No. 05DR267
Honorable Timothy L. Fasing, Judge

In re the Marriage of

Brian Kurtic,

Appellant,

and

Laura Oakes Kurtic,

Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by: CHIEF JUDGE DAVIDSON
Sternberg* and Nieto*, JJ., concur

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

Court of Appeals No.: 07CA0917

Jefferson County District Court No. 04CR1559
Honorable R. Brooke Jackson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Cole Barth,

Defendant-Appellant.

ORDER AFFIRMED

Division B
Roy, Bernard, and Terry, JJ.
PER CURIAM

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

Court of Appeals No.: 07CA0932
Rio Blanco County District Court No. 06CR58
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tamara Lea Meagley,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by: JUDGE CARPARELLI
Graham and Furman, JJ., concur

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

Court of Appeals No.: 07CA0974
Larimer County District Court No. 99CR473
Honorable Dave Williams, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samuel Gerald Armijo,

Defendant-Appellant.

ORDER AFFIRMED

Division VII

Opinion by: JUDGE FURMAN
Graham and Carparelli, JJ., concur

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

Court of Appeals No.: 07CA1049
Pueblo County District Court No. 03CV968
Honorable David W. Crockenberg, Judge

Lee R. Evett and Pamela Evett,

Third-Party Defendants-Appellants and Cross-Appellees,

v.

Upscale Builders, Inc., a Colorado corporation,

Defendant-Appellee and Cross-Appellant.

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

Division II

Opinion by: JUDGE BERNARD
Taubman and Furman, JJ., concur

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

Court of Appeals No.: 07CA1154
Morgan County District Court No. 05CR352
Honorable Douglas R. Vannoy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith Thomas Balka,

Defendant-Appellant.

APPEAL DISMISSED

Division B
PER CURIAM

Roy, Bernard, and Terry, JJ., concur

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

Court of Appeals No.: 07CA1230
Larimer County District Court No. 06CV845
Honorable Jolene Carman Blair, Judge

Michael J. Kellam,

Plaintiff-Appellant,

v.

Stewart Title Company, a Texas insurer; and Stewart Title Company of Larimer County,
n/k/a Stewart Title of Colorado, Inc., a Colorado corporation,

Defendants-Appellees.

JUDGMENT AFFIRMED, ORDERS VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division IV
Opinion by: JUDGE CARPARELLI
Loeb and Plank*, JJ., concur

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

Court of Appeals No.: 07CA1352
City and County of Denver District Court No. 06CR7119
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Solio Cervantes Espinoza,

Defendant-Appellant.

SENTENCE AFFIRMED

Division B
Roy, Bernard, and Terry, JJ.
PER CURIAM

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

Court of Appeals No.: 07CA1457
El Paso County District Court No. 07CV1322
Honorable G. David Miller, Judge

Amalgamated Transit Union Local 19,

Plaintiff-Appellant and Cross-Appellee,

v.

City of Colorado Springs,

Defendant-Appellee and Cross-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by: JUDGE WEBB
Loeb and Gabriel, JJ., concur

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

Court of Appeals No.: 07CA1797
City and County of Denver Juvenile Court No. 02JV2892
Honorable Karen M. Ashby, Judge

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

Upon the Petition of L.M.,

Petitioner-Appellee,

and Concerning D.M.,

Respondent-Appellant.

ORDER AFFIRMED

Division IV
Opinion by: JUDGE VOGT
Terry and Lichtenstein, JJ., concur

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

Court of Appeals No.: 07CA2045
City and County of Denver District Court No. 87CR1246
Honorable William D. Robbins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin M. Trimble,

Defendant-Appellant.

ORDER AFFIRMED

Division B
Roy, Bernard, and Terry, JJ.
PER CURIAM

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

Court of Appeals No.: 07CA2208
Pueblo County District Court No. 04DR652
Honorable Jill Suzanne Mattoon, Judge

In re the Parental Responsibilities of C.L., a Child,
and Concerning

Jacqueline C. Fields,

Appellant,

and

Michael D. Lawson,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by: JUDGE GABRIEL
Webb and Loeb, JJ., concur

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

Court of Appeals No.: 07CA2222
La Plata County District Court No. 07CR312
Honorable Jeffrey R. Wilson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robin Louise Marshalek,

Defendant-Appellant.

APPEAL DISMISSED

Division III
Opinion by: JUDGE RUSSEL
Casebolt and J. Jones, JJ., concur

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

Court of Appeals No.: 07CA2297
Mesa County District Court No. 05DR208
Honorable Brian J. Flynn, Judge

In re the Marriage of

Cynthia A. Wirth,

Appellant,

and

John Wirth,

Appellee.

JUDGMENT AFFIRMED

Division IV
Opinion by: JUDGE TERRY
Vogt and Lichtenstein, JJ., concur

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

Court of Appeals No.: 07CA2388

Industrial Claim Appeals Office of the State of Colorado
No. 4688350

Brisk Transportation, LP, and Liberty Mutual Fire Insurance Co.,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Anton Abramczuk,

Respondents.

ORDER AFFIRMED

Division II

Opinion by: JUDGE BERNARD
Taubman and Roy, JJ., concur

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

Court of Appeals No.: 07CA2462

Industrial Claim Appeals Office of the State of Colorado

WC No. 4-594-683

May B. McCormick,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Exempla Healthcare,

Respondents.

ORDER AFFIRMED

Division V

Opinion by: JUDGE NIETO*
Davidson, C.J., and Sternberg*, J., concur

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

Court of Appeals No.: 07CA2522
Fremont County District Court No. 01CR486
Honorable Julie G. Marshall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith William Pebley,

Defendant-Appellant.

ORDER AFFIRMED

Division B
Roy, Bernard, and Terry, JJ.
PER CURIAM

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

Court of Appeals No.: 08CA0248
Larimer County District Court No. 06JV653
Honorable John A. Jostad, Judge
Honorable James H. Hiatt, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.T., a Child,

and Concerning C.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by: CHIEF JUDGE DAVIDSON
Sternberg* and Ney*, JJ., concur

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

Court of Appeals No.: 08CA0424
Rio Grande County District Court No. 06JV22
Honorable Martin A. Gonzales, Judge
Honorable Pattie P. Swift, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.J., E.J., and T.J.J., Children,

and Concerning D.H.J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI

Opinion by: JUDGE ROMÁN
Rothenberg and Kapelke*, JJ., concur

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

Court of Appeals No.: 08CA0430
Industrial Claim Appeals Office of the State of Colorado
DD No. 14968-2007

Kapualani Tassillio,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Denver Public Schools,

Respondents.

ORDER AFFIRMED

Division IV

Opinion by: JUDGE LICHTENSTEIN
Vogt and Terry, JJ., concur

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

Court of Appeals No.: 08CA0534
Adams County District Court No. 06JV406
Honorable Katherine Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.T.C., a Child,

and Concerning R.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by: JUDGE STERNBERG*
Davidson, C.J., and Ney*, J., concur

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

Court of Appeals No.: 08CA0608
Arapahoe County District Court No. 07JV481
Honorable Timothy L. Fasing, Judge

The People of the State of Colorado,

Petitioner,

In the Interest of P.C., a Child,

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

Petitioner-Appellee,

and Concerning K.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by: JUDGE NEY*
Davidson, C.J., and Sternberg*, J., 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.: 06CA1461

In re the Marriage of

Mary T. Stecker, n/k/a Mary T. Dybicz,

Appellee and Cross-Appellant,

and

William J. Stecker,

Appellant and Cross-Appellee.

Opinion Modified and
Petitions for Rehearing DENIED

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

Court of Appeals No.: 06CA1486

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Peter A. Koetje,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No.: 06CA1666

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.E.,

Juvenile-Appellant.

Opinion Modified and
Petitions for Rehearing DENIED

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

Court of Appeals No.: 06CA1983

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Oliver Herbert Giller,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No.: 06CA2338

Rod Schultz,

Plaintiff-Appellant,

v.

Boston Stanton, Law Offices of Boston Stanton, James S. Covino, James Covino Law Office, and James S. Covino, P.C.,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No.: 07CA0610

Jorgensen, Motycka & Lewis, P.C.,

Appellant,

v.

Shughart Thomson & Kilroy, P.C.,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No.: 07CA0750

Charles M. McAfee & Company, LLLP, a Colorado limited liability partnership,

Plaintiff-Appellant,

v.

Board of County Commissioners of Montezuma County; H. Dewayne Findley; Gerald W. Koppenhafer; Larrie D. Rule; Stone Crushing, Inc., a Colorado corporation; Daren R. Stone; and Kathy J. Stone,

Defendants-Appellees.

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.