

*ANNOUNCEMENTS*

*COLORADO COURT OF APPEALS*

*February 28, 2002*

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P U B L I S H E D

O P I N I O N S

[Court of Appeals No. 00CA0400](#)

Pueblo County District Court No. 99CV83

Honorable John R. Tracey, Judge

Rodney E. Pike and Rita J. Pike,

Plaintiffs-Appellants,

v.

American States Preferred Insurance Company, an Indiana corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE METZGER

Vogt and Dailey, JJ., concur

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[Court of Appeals No. 00CA0472](#)

Adams County District Court No. 99CR244

Honorable John J. Vigil, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chayne Anthony Scialabba,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by JUDGE NIETO

Davidson and Casebolt, JJ., concur

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[Court of Appeals No. 00CA0675](#)

Weld County District Court No. 99CR0096

Honorable Roger A. Klein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Trinidad Ramos,

Defendant-Appellant.

SENTENCE AFFIRMED AND CASE

REMANDED WITH DIRECTIONS

Division A

Opinion by JUDGE DAILEY

Sternberg\* and Criswell\*, JJ., concur

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2001.

[Court of Appeals No. 00CA1340](#)

Dolores County District Court No. 97CV14

Honorable Sharon L. Hansen, Judge

Charles W. Wark, Shauna L. Wark, and Savannah J. Wark, by and through her next friends and parents, Charles W. Wark and Shauna L. Wark,

Plaintiffs-Appellants,

v.

Board of County Commissioners of the County of Dolores,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE

REMANDED WITH DIRECTIONS

Division I

Opinion by JUDGE KAPELKE

Metzger and Rothenberg, JJ., concur

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[Court of Appeals No. 00CA1398](#)

Arapahoe County District Court No. 97CR3113

Honorable Gerald J. Rafferty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kathryn Warren, a/k/a Kathryn Sandoval,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III

Opinion by JUDGE DAILEY

Ney, J., concurs

Roy, J., concurs in part and dissents in part

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[Court of Appeals No. 00CA2007](#)

El Paso County District Court No. 99CV1827

Honorable Steven T. Pelican, Judge

W.O. Brisben Companies, Inc.,

Plaintiff-Appellee and Cross-Appellant,

v.

Eric Krystkowiak,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,

AND CASE REMANDED WITH DIRECTIONS

Division III

Opinion by JUDGE DAILEY

Ney and Roy, JJ., concur

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[Court of Appeals No. 00CA2147](#)

Garfield County District Court No. 99CV0191

Honorable T. Peter Craven, Judge

Valerie A. Collins,

Plaintiff-Appellant and Cross-Appellee,

v.

Colorado Mountain College, a Colorado Junior College District;

and Colorado Mountain College Board of Trustees, a Colorado Junior College,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AND ORDER AFFIRMED

Division II

Opinion by JUDGE PLANK

Marquez and Roy, JJ., concur

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[Court of Appeals No. 00CA2168](#)

El Paso County District Court No. 96CV2773

Honorable Steven T. Pelican, Judge

Byron C. Fielder,

Plaintiff-Appellee,

v.

Academy Riding Stables,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE RULAND\*

Davidson and Dailey, JJ., concur

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2001.

[Court of Appeals No. 00CA2227](#)

El Paso County District Court No. 99CV2127

Honorable Barney Iuppa, Judge

Debbie Leiting,

Plaintiff-Appellee,

v.

Vinay Mutha,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE

REMANDED WITH DIRECTIONS

Division V

Opinion by JUDGE NIETO

Davidson and Casebolt, JJ., concur

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[Court of Appeals No. 01CA0208](#)

**Petition for Certiorari granted. See Supreme Court Case No. 02SC247 announced June 16, 2003.**

City and County of Denver District Court No. 99CV6375

Honorable John W. Coughlin, Judge

Cyprus Amax Minerals Company, a Delaware corporation,

Plaintiff-Appellant,

v.

Lexington Insurance Company, a Delaware corporation; et al.,



Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE MARQUEZ

Taubman and Vogt, JJ., concur

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[Court of Appeals No. 01CA0259](#)

**Petition for Writ of Certiorari granted. See Supreme Court Case No. 02SC235 announced March 24, 2003.**

Jefferson County District Court No. 00CV3079

Honorable Frank Plaut, Judge

Colorado Department of Revenue,

Appellant,

v.

Jake A. Garner,

Appellee.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE METZGER

Rothenberg and Kapelke, JJ., concur

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[Court of Appeals No. 01CA0489](#)

City and County of Denver District Court No. 00CV8305

Honorable Larry J. Naves, Judge

Robert Carson,

Plaintiff-Appellant,

v.

PaineWebber Incorporated,

Defendant-Appellee.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,

AND CASE REMANDED WITH DIRECTIONS

Division V

Opinion by JUDGE TAUBMAN

Marquez and Vogt, JJ., concur

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[Court of Appeals No. 01CA0698](#)

Arapahoe County District Court No. 00CV1076

Honorable Timothy L. Fasing, Judge

City of Englewood, a home rule city and a Colorado municipal corporation,

Petitioner-Appellant,

v.

Denver Waste Transfer, L.L.C.,

Respondent-Appellee.

JUDGMENT AFFIRMED

Division V

Opinion by JUDGE DAVIDSON

Casebolt and Nieto, JJ., concur

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[Court of Appeals No. 01CA0852](#)

Industrial Claim Appeals Office of the State of Colorado

WC No. 4-296-404

Ronnie L. Cordova,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Foundation Builders, Inc.; and American Compensation Insurance Co.,

Respondents.

ORDER AFFIRMED

Division IV

Opinion by JUDGE TAUBMAN

Marquez and Vogt, JJ., concur

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Court of Appeals No. 01CA1841

Industrial Claim Appeals Office of the State of Colorado

DD No. 7-479-2001

Eileen F. Pero,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and MediaOne  
of Delaware, Inc.,

Respondents.

ORDER AFFIRMED

Division IV

Opinion by JUDGE VOGT

Marquez and Taubman, JJ., concur

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U N P U B L I S H E D

O P I N I O N S

Court of Appeals No. 97CA1988

Weld County District Court No. 96CV368

Honorable William L. West, Judge

W. Robert Eason,

Plaintiff-Appellant,

v.

The Town of Erie, a Colorado statutory town; et al.,

Defendants-Appellees.

-----**AND**-----

Court of Appeals No. 98CA0874

Weld County District Court No. 96CV506

Honorable William L. West, Judge

The Town of Erie, a Colorado statutory town,

Plaintiff-Appellee,

v.

William Robert Eason,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division I

Opinion by JUDGE METZGER

Taubman and Erickson\*, JJ., concur

**NOT SELECTED FOR PUBLICATION**

\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2001.

Court of Appeals No. 98CA1811

Mesa County District Court No. 97CR1145

Honorable David A. Bottger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Altemus,

Defendant-Appellant.

JUDGMENT AND SENTENCES AFFIRMED

Division III

Opinion by JUDGE JONES

Ney and Taubman, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 99CA1800

Larimer County District Court No. 90CR158

Honorable James H. Hiatt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angela M. Valdivia,

Defendant-Appellant.

ORDER VACATED AND CASE

REMANDED WITH DIRECTIONS

Division IV

Opinion by JUDGE MARQUEZ

Taubman and Vogt, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA0253

Adams County District Court No. 98CR0159

Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Mondragon,  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE PLANK

Jones and Webb, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA0943

Larimer County District Court No. 96CR520

Honorable Arnaud Newton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Dee Fry,

Defendant-Appellant.

ORDER AFFIRMED

Division IV

Opinion by JUDGE VOGT

Marquez and Taubman, JJ., concur

**NOT SELECTED FOR PUBLICATION**



Court of Appeals No. 00CA1336

Jefferson County District Court No. 99CR1671

Honorable Brian D. Boatright, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert G. Valanzuela,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE JONES

Plank and Webb, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA1380

Adams County District Court No. 99CR1876

Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael D. Forbes,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III

Opinion by JUDGE JONES

Rothenberg and Nieto, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA1709

Pueblo County District Court No. 99CR955

Honorable James D. Childress, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Major,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE METZGER

Rothenberg and Kapelke, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA1882

City and County of Denver District Court No. 96CR2540

Honorable Frank Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willie D. Hayward, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division V

Opinion by JUDGE DAVIDSON

Casebolt and Nieto, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA2112

Douglas County District Court No. 99CV389

Honorable Thomas J. Curry, Judge

Bear Canyon Ranch Association, Inc.,

Plaintiff-Appellee,

v.

Timothy D. Good and Kara K. Good,

Defendants-Appellants.

ORDER AFFIRMED

Division III

Opinion by JUDGE NEY

Roy and Dailey, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA2122

City and County of Denver District Court No. 95CV104

Honorable John N. McMullen, Judge

Charles Arnold,

Plaintiff-Appellant,

v.

Casino Management of America, Inc., a Utah corporation; MDM Gaming

Partners L.P., a Colorado limited partnership; and Nona Morelli's II, Inc., a Colorado corporation,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE JONES

Plank and Webb, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA2251

Boulder County District Court No. 97DR0090

Honorable Roxanne Bailin, Judge

In re the Marriage of

Connie A. Albert,

Appellee,

and

Gary F. Albert,

Appellant.

ORDER VACATED, JUDGMENTS REVERSED,  
AND CASE REMANDED WITH DIRECTIONS

Division III

Opinion by JUDGE DAILEY

Ney and Roy, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA2383

Delta County District Court No. 99CV43

Honorable Charles R. Greenacre, Judge

Dennis Caldarelli,

Plaintiff-Appellant,

v.

Susan Worthington, Mr. Green, and David Schumacher,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division A

Opinion by JUDGE NIETO

Kirshbaum\* and Sternberg\*, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2001.

Court of Appeals No. 01CA0002

El Paso County District Court No. 93CR2768

Honorable Steven T. Pelican, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randall D. Tomlinson,

Defendant-Appellant.

ORDER AFFIRMED

Division IV

Opinion by JUDGE TAUBMAN

Marquez and Vogt, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA0035

City and County of Denver District Court No. 94CR0306

Honorable Daniel C. Hale, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Robert D. Romero,

Defendant-Appellee.

ORDER AFFIRMED



Division II

Opinion by JUDGE PLANK

Jones and Webb, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA0060

Park County District Court No. 98CV0060

Honorable Kenneth M. Plotz, Judge

AAF-McQuay, Inc., d/b/a McQuay International, Inc.,

Plaintiff-Appellant,

v.

Reliance National Indemnity Company,

Defendant-Appellee.

APPEAL DISMISSED IN PART AND

ORDER AFFIRMED

Division A

Opinion by JUDGE STERNBERG\*

Nieto and Kirshbaum\*, JJ., concur

**NOT SELECTED FOR PUBLICATION**

Court of Appeals No. 01CA0139

Jefferson County District Court No. 96CR2031

Honorable Frank Plaut, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bobby J. Long,

Defendant-Appellant.

ORDER AFFIRMED

Division V

Opinion by JUDGE DAVIDSON

Casebolt and Nieto, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2001.

Court of Appeals No. 01CA0416

Arapahoe County District Court No. 99CV0027

Honorable Thomas C. Levi, Judge

Michael Bengé and Debra Bengé,

Plaintiffs-Appellants,

v.

Hauschild and Company, a Colorado corporation, a/k/a Metro Brokers,  
Inc.; and John Hauschild, individually and as agent for Hauschild and  
Company,

Defendants-Appellees.

JUDGMENT REVERSED, ORDER VACATED,

AND CASE REMANDED WITH DIRECTIONS

Division II

Opinion by JUDGE PLANK

Jones and Webb, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA0429

Delta County District Court No. 97CV2792

Honorable Gloria A. Rivera, Judge

Mitchell Slater, Mark Slater, Michael Slater, Maria Slater, and  
Sharon Slater,

Plaintiffs-Appellants,

v.

Beth Ingalls, Mark Welsh, Holly Wendelin, and Samantha Marshall,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division A

Opinion by JUDGE NIETO

Kirshbaum\* and Sternberg\*, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2001.

Court of Appeals No. 01CA0469

Pueblo County District Court No. 95MH502

Honorable David A. Cole, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Dennis Merrell,

Respondent-Appellant.

ORDER AFFIRMED

Division III

Opinion by JUDGE NEY

Roy, J., concurs

Dailey, J., dissents

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA0480

Boulder County District Court No. 00CV1112

Honorable Daniel C. Hale, Judge

Ralph Grant,

Plaintiff-Appellant,

v.

Level 3 Communications, Inc., a Delaware corporation, doing business  
in Colorado; et al.,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE

REMANDED WITH DIRECTIONS

Division I

Opinion by JUDGE METZGER

Rothenberg and Kapelke, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA0533

El Paso County District Court No. 00CV0847

Honorable Kirk S. Samelson, Judge

Mueller Ranch Homeowners Association, Inc., a Colorado nonprofit  
corporation,

Plaintiff-Appellee,

v.

Tommie L. Reynolds and Deborah J. Reynolds,

Defendants-Appellants.

APPEAL DISMISSED

Division I

Opinion by JUDGE KAPELKE

Metzger and Rothenberg, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA0583

Pitkin County District Court No. 99CV213

Honorable J.E. Devilbiss, Judge

Honorable Joyce S. Steinhardt, Judge

Donald Roberts,

Plaintiff-Appellant,

v.

William J. Rodman, M.D.,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE KAPELKE

Metzger and Rothenberg, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA0855

Pueblo County District Court No. 96DR182

Honorable James H. Frasher, Jr., Judge

In re the Marriage of

Julianna M. Leyba,

Appellant,

and

Manuel J. Leyba,

Appellee.

ORDER AFFIRMED

Division A

Opinion by JUSTICE KIRSHBAUM\*

Nieto and Sternberg\*, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2001.

Court of Appeals No. 01CA0996

Chaffee County District Court No. 00CV112

Honorable Kenneth M. Plotz, Judge

Richard Joseph Mijares,

Plaintiff-Appellant,

v.

Colorado Department of Corrections,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE

REMANDED WITH DIRECTIONS

Division I

Opinion by JUDGE METZGER

Rothenberg and Kapelke, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA1033

Mesa County District Court No. 98JV0170

Honorable Nicholas R. Massaro, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.I., a Child,

and Concerning H.F.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE ROTHENBERG

Metzger and Kapelke, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA1178

City and County of Denver Juvenile Court No. 99JV1759

Honorable Karen M. Ashby, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.S.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE KAPELKE

Metzger and Rothenberg, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA1268

Arapahoe County District Court No. 00JD973

Honorable Cheryl L. Post, Judge

People of the State of Colorado,  
Petitioner-Appellant,  
In the Interest of J.W., a Juvenile,  
and Concerning C.R.,  
Respondent-Appellee.

ORDER REVERSED AND CASE

REMANDED WITH DIRECTIONS

Division III

Opinion by JUDGE NEY

Roy and Dailey, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA1390

Industrial Claim Appeals Office of the State of Colorado

WC No. 39202-2002

Michael A. Frazier,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Montgomery

Ward & Co., Inc.; and Standard Fire Insurance Company,  
Respondents.

ORDER AFFIRMED

Division I

Opinion by JUDGE ROTHENBERG

Metzger and Kapelke, JJ., concur

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 01CA1727

Industrial Claim Appeals Office of the State of Colorado

DD No. 5072-2001

Corey P. Kruse,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Housing  
Helpers, Inc.,

Respondents.

ORDER AFFIRMED

Division II

Opinion by JUDGE WEBB

Plank and Jones, JJ., concur

NOT SELECTED FOR PUBLICATION

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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. 99CA2431](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua C. Lawrence,

Defendant-Appellant.

Opinion Modified, and As Modified,

Petition for Rehearing DENIED

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Court of Appeals No. 00CA2040

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kinshasa Cooley,

Defendant-Appellant.

Petition for Rehearing DENIED

**NOT SELECTED FOR PUBLICATION**

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Court of Appeals No. 00CA2363

Danielle L. Taulbee,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Teletech  
Customer Care Management,

Respondents.

Opinion Modified, and As Modified,

Petition for Rehearing DENIED

**NOT SELECTED FOR PUBLICATION**

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