

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 1, 2007

“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.

UNPUBLISHED

OPINIONS

Court of Appeals No.: 03CA2424
Fremont County District Court No. 02CR97
Honorable Charles M. Barton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Barry,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by: JUDGE DAILEY
Graham and Russel, JJ., concur

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

Court of Appeals No.: 04CA1581
El Paso County District Court No. 00CR557
Honorable Kirk S. Samelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul C. Williams a/k/a Paul Williams,

Defendant-Appellant.

ORDER AFFIRMED

Division I

Opinion by: JUDGE MÁRQUEZ
Roy and Furman, JJ., concur

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

Court of Appeals No.: 04CA1759
Boulder County District Court No. 03CR1339
Honorable Daniel C. Hale, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terre L. Jefferson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by: JUDGE LOEB
Rothenberg and Terry, JJ., concur

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

Court of Appeals No.: 04CA2146
Logan County District Court Nos. 02CR22, 02CR196 & 03CR193
Honorable Steven E. Shinn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul Reed,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI

Opinion by: JUDGE GRAHAM
Dailey and Russel, JJ., concur

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

Court of Appeals No.: 04CA2262
Arapahoe County District Court No. 97CV113
Honorable J. Mark Hannen, Judge

J.L., by and through her parent and next friend Peter Liggett, and Peter Liggett,
individually,

Plaintiffs-Appellees,

v.

The Children's Hospital Association,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by: JUDGE STERNBERG*
Casebolt and Hawthorne, JJ., concur

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

Court of Appeals No.: 04CA2434
City and County of Denver District Court No. 03CR4415
Honorable Robert S. Hyatt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Antonio Alexander,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI

Opinion by: JUDGE RUSSEL
Dailey and Graham, JJ., concur

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

Court of Appeals No.: 05CA0087
Pitkin County District Court No. 98CR38
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lynda Mae Fratis,

Defendant-Appellant.

APPEAL DISMISSED

Division IV

Opinion by: JUDGE BERNARD
Casebolt and Hawthorne, JJ., concur

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

Court of Appeals No.: 05CA0265
Arapahoe County District Court No. 04CR662
Honorable Timothy L. Fasing, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jemaine A. Bowman,

Defendant-Appellant.

SENTENCE AFFIRMED

Division IV

Opinion by: JUDGE HAWTHORNE
Casebolt and Bernard, JJ., concur

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

Court of Appeals No.: 05CA0461
Arapahoe County District Court No. 79CR355
Honorable William B. Sylvester, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Douglas T. Burns,

Defendant-Appellant.

ORDER AFFIRMED

Division A

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

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

Court of Appeals No.: 05CA0528
Alamosa County District Court No. 03CR24
Honorable O. John Kuenhold, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Krystal Lee Voss,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by: JUDGE ROY
Márquez and Furman, JJ., concur

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

Court of Appeals No.: 05CA0660
Arapahoe County District Court No. 90CR222
Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robin Farris,

Defendant-Appellant.

ORDER AFFIRMED

Division IV

Opinion by: JUDGE HAWTHORNE
Casebolt and Bernard, JJ., concur

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

Court of Appeals No.: 05CA0754
El Paso District Court No. 03CR2153
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard M. Black,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by: JUDGE TERRY

Rothenberg and Loeb, JJ., concur

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

Court of Appeals No.: 05CA0760

Larimer County District Court No. 02CR1964

Honorable Jolene Carman Blair, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven A. Marble,

Defendant-Appellant.

ORDER AFFIRMED

Division B

Davidson, C.J., Carparelli and Román, JJ.

PER CURIAM

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

Court of Appeals No.: 05CA0766

Arapahoe County District Court No. 02CR1593

Honorable Michael J. Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Danny N. Lucero,

Defendant-Appellant.

SENTENCE AFFIRMED

Division B

Davidson, C.J., Carparelli and Román, JJ.
PER CURIAM

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

Court of Appeals No.: 05CA0773
Park County District Court No. 01CR37
Honorable Kenneth M. Poltz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Simon E. Sue,

Defendant-Appellant.

ORDER AFFIRMED

Division VI

Opinion by: JUDGE GRAHAM
Dailey and Russel, JJ., concur

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

Court of Appeals No.: 05CA0921
El Paso County District Court No. 83CR2181
Honorable Robert Charles Lowrey, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas J. Howell

Defendant-Appellant.

ORDER AFFIRMED

Division B

Davidson, C.J., Carparelli and Román, JJ.

PER CURIAM

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

Court of Appeals No.: 05CA1052

Huerfano County District Court No. 03CR96

Honorable Claude W. Appel, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David A. Brasche,

Defendant-Appellant.

SENTENCE AFFIRMED

Division B

Davidson, C.J., Carparelli and Román, JJ.

PER CURIAM

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

Court of Appeals No.: 05CA1114

Adams County District Court No. 04CV1889

Honorable Thomas R. Ensor, Judge

Kristine E. Haerr-Lewis and William J. Lewis,

Plaintiffs-Appellants and Cross-Appellees,

v.

Sycamore Brokerage, L.L.C., a Colorado limited liability company, d/b/a Fuller Towne & Country Properties, et al.,

Defendants-Appellees,

and

Weichert Relocation Services, Inc., a New Jersey corporation,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division IV

Opinion by: JUDGE CASEBOLT

Hawthorne and Bernard, JJ., concur

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

Court of Appeals No.: 05CA1448

Jefferson County District Court No. 03CR2725

Honorable Leland P. Anderson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory A. Fanning,

Defendant-Appellant.

ORDER AFFIRMED

Division VI

Opinion by: JUDGE RUSSEL

Dailey and Graham, JJ., concur

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

Court of Appeals No.: 05CA1460
Adams County District Court No. 04CR1033
Honorable C. Scott Crabtree, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Herman M. Hinojosa,

Defendant-Appellant.

ORDER AFFIRMED

Division VI

Opinion by: JUDGE GRAHAM
Dailey and Russel, JJ., concur

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

Court of Appeals No.: 05CA1509
Larimer County District Court No. 00CR996
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Salvatore Parrino,

Defendant-Appellant.

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

Division IV

Opinion by: JUDGE CASEBOLT

Hawthorne and Bernard, JJ., concur

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

Court of Appeals No.: 05CA1561
Adams County District Court No. 03CR3124
Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randy L. Lucas,

Defendant-Appellant.

APPEAL DISMISSED IN PART AND
CASE REMANDED WITH DIRECTIONS

Division A

Opinion by: JUDGE PLANK*

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

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

Court of Appeals No.: 05CA1694
Jefferson County District Court No. 04CR2776
Honorable Peter A. Weir, Judge
Honorable Brian D. Boatright, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Armando J. Parra,

Defendant-Appellant.

SENTENCE AFFIRMED

Division B
Davidson, C.J., Carparelli and Román, JJ.
PER CURIAM

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

Court of Appeals No.: 05CA1723
City and County of Denver District Court No. 04CR3111
Honorable Michael A. Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Valenzuela-Valenzuela,

Defendant-Appellant.

APPEAL DISMISSED

Division IV
Opinion by: JUDGE CASEBOLT
Hawthorne and Bernard, JJ., concur

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

Court of Appeals No.: 05CA1855
La Plata County District Court No. 02CR460
Honorable Jeffrey R. Wilson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lee E. Hermanson,

Defendant-Appellant.

APPEAL DISMISSED AND CASE

REMANDED WITH DIRECTIONS

Division VI

Opinion by: JUDGE RUSSEL
Dailey and Graham, JJ., concur

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

Court of Appeals No.: 05CA1908
City and County of Denver District Court Nos. 00CR365 & 00CR1612
Honorable Sheila H. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Berzoza,

Defendant-Appellant.

ORDER AFFIRMED

Division B

Davidson, C.J., Carparelli and Román, JJ.
PER CURIAM

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

Court of Appeals No.: 05CA2032
Douglas County District Court No. 96DR151
Honorable Angela R. Arkin, Judge

In re the Marriage of,

Susan M. Kroll,

Appellee,

and

Leonard J. Kroll,

Appellant.

ORDERS AFFIRMED

Division I

Opinion by: JUDGE ROY
Márquez and Furman, JJ., concur

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

Court of Appeals No.: 05CA2110
Douglas County District Court No. 03CV604
Honorable Paul A. King, Judge

Farmers Insurance Exchange and Truck Insurance Exchange,

Plaintiffs-Appellees,

v.

Richard Warner,

Defendant-Appellant,

and

Jean Warner,

Intervenor-Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by: JUDGE J. JONES
Vogt and Carparelli, JJ., concur

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

Court of Appeals No.: 05CA2147
Yuma County District Court No. 00CR11
Honorable Steven E. Shinn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne A. Bethurum,

Defendant-Appellant.

ORDER AFFIRMED

Division II

Opinion by: JUDGE LOEB
Rothenberg and Terry, JJ., concur

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

Court of Appeals No.: 05CA2329
Boulder County District Court No. 03CV2254
Honorable Roxanne Bailin, Judge

Dunrite Excavation, Inc.,

Plaintiff-Appellee,

v.

Chuck Ekberg,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III

Opinion by: JUDGE WEBB
Taubman and Román, JJ., concur

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

Court of Appeals No.: 06CA0036
Delta County District Court No. 96CR98
Honorable Dennis P. Friedrich, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John L. Davis,

Defendant-Appellant.

ORDER AFFIRMED

Division IV

Opinion by: JUDGE HAWTHORNE
Casebolt and Bernard, JJ., concur

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

Court of Appeals No.: 06CA0208
Boulder County District Court No. 05CV515
Honorable Morris W. Sandstead, Jr., Judge

Alan R. Sobel,

Plaintiff-Appellant,

v.

Lawrence J. Schoenwald, Julia T. Thompson, and Schoenwald Sanger and Thompson,
LLC,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V

Opinion by: JUDGE VOGT
Carparelli and J. Jones, JJ., concur

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

Court of Appeals No.: 06CA0233
Fremont County District Court No. 04CV404
Honorable Julie G. Marshall, Judge

Nathan R. Lucero,

Plaintiff-Appellant,

v.

Gary K. Watkins, Gloria Masterson, and Charles Tappe,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III

Opinion by: JUDGE ROMÁN
Taubman and Webb, JJ., concur

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

Court of Appeals No.: 06CA0304

El Paso County District Court No.: 05CV4210

Honorable Edward S. Colt, Judge

James Clark,

Plaintiff-Appellant,

v.

Joe Ortiz, Joe Stommel, Charles M. Olin, and Richard G. Lins,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI

Opinion by: JUDGE CARPARELLI
Webb and J. Jones, JJ., concur

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

Court of Appeals No.: 06CA0626

City and County of Denver District Court No. 04CV10258

Honorable Robert S. Hyatt, Judge

Gina Booker,

Plaintiff-Appellant,

v.

Kenneth Johnson and Brenda Johnson,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III

Opinion by: JUDGE TAUBMAN

Webb and Román, JJ., concur

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

Court of Appeals No.: 06CA1310

Arapahoe County District Court No. 05JV261

Honorable Gerald J. Rafferty, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.J., Child,

and Concerning R.J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by: JUDGE TERRY

Rothenberg and Loeb, JJ., concur

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

Court of Appeals No.: 06CA1503

Industrial Claim Appeals Office of the State of Colorado

DD No. 4805-2006

Bob J. Beauchamp,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Fiserv Trust Company,

Respondents.

ORDER AFFIRMED

Division B

Davidson, C.J., Rothenberg and Roy, JJ.

PER CURIAM

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

Court of Appeals No.: 06CA1780

Industrial Claim Appeals Office of the State of Colorado

DD No. 9250-2006

Helen Florio-Famiano,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Department of the
Treasury,

Respondents.

ORDER AFFIRMED

Division B

Davidson, C.J., Rothenberg and Roy, JJ.

PER CURIAM

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

P E T I T I O N S

F O R

REHEARING

Court of Appeals No.: 03CA2475

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maurice D. Farris,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No.: 04CA0829

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tomas Rodrigo Castillo,

Defendant-Appellant.

Opinion Modified, and As Modified,
Petition for Rehearing DENIED
NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No.: 04CA2085

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Felix Castillo,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No.: 05CA1600

Hoopeston Foods Denver Corp., a Delaware corporation,

Plaintiff-Appellant,

v.

Stokes Canning Company, a Colorado corporation,

Defendant-Appellee.

Petition for Rehearing DENIED

Court of Appeals No.: 05CA2011

Holnam, Inc. and Pacific Employers Insurance Company,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Manuel Vigil,

Respondents.

Petition for Rehearing DENIED

Court of Appeals No.: 05CA2082

In re the Marriage of Garriss

Elizabeth M. Mason, Personal Representative of the Estate of Alice Marie Litz, a/k/a
Alice M. Litz, a/k/a Alice Litz, Deceased,

Appellee,

and

Randy L. Garriss,

Appellant.

Petition for Rehearing DENIED

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5 (3), and § 24-51-1105, C.R.S. 2006.