

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
AUGUST 1, 2013*

“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.

**PUBLISHED OPINIONS**

Court of Appeals No. [08CA2700](#)  
Arapahoe County District Court No. 07CR2515  
Honorable Carlos A. Samour, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Benjamin Reed,

Defendant-Appellant.

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

Division I  
Opinion by JUDGE FOX  
Taubman and Román, JJ., concur

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Court of Appeals No. [11CA1875](#)  
Jefferson County District Court No. 03CR2486  
Honorable Jack W. Berryhill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason D. Back,

Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE LOEB  
Terry and Navarro, JJ., concur

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Court of Appeals No. [12CA0549](#)  
City and County of Denver District Court No. 11CV5101  
Honorable William D. Robbins, Judge

Marilyn Marks,

Plaintiff-Appellee and Cross-Appellant,

v.

Scott Gessler, in his official capacity as Colorado Secretary of State; Colorado Department of State; and Judd Choate, in his official capacity as a person representing or acting on behalf of the Colorado Department of State,

Defendants-Appellants and Cross-Appellees.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE CASEBOLT  
Sternberg\* and Vogt\*, JJ., concur

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Court of Appeals No. [12CA1023](#)  
City and County of Denver District Court No. 11CV6530  
Honorable Edward D. Bronfin, Judge

Walker Stapleton, in his official capacity as Colorado State Treasurer and as a  
Trustee of the Public Employees Retirement Association,

Plaintiff-Appellant,

v.

Public Employees Retirement Association,

Defendant-Appellee.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE ROTHENBERG\*  
Webb and Richman, JJ., concur

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Court of Appeals No. [12CA1509](#)  
Pueblo County District Court No. 10CV1049  
Honorable Larry C. Schwartz, Judge

Maranda G. Mauro, a minor, by and through her father and next friend, Walter  
J. Mauro, Jr.; and Walter J. Mauro, Jr., individually,

Plaintiffs-Appellees,

v.

State Farm Mutual Automobile Insurance Company, an Illinois corporation,

Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE LOEB  
Terry and Navarro, JJ., concur

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Court of Appeals No. [12CA1632](#)  
La Plata County District Court No. 11CV460  
Honorable Jeffrey R. Wilson, Judge

Durango & Silverton Narrow Gauge Railroad Company, a Colorado corporation,  
Plaintiff-Appellee,

v.

Timothy Wolf and Katherine Turner

Defendants-Appellants.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE FOX  
Taubman and Román, JJ., concur

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Court of Appeals No. [13CA0519](#)  
Garfield County District Court No. 11CV260  
Honorable Denise K. Lynch, Judge

Mid Valley Real Estate Solutions V, LLC, a Colorado limited liability company,  
Plaintiff-Appellee,

v.

Hepworth-Pawlak Geotechnical, Inc., a Colorado corporation; Steve Pawlak;  
Daniel Hardin; and S K Peightal Engineers, Ltd., a Colorado corporation,

Defendants-Appellants.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division A  
Opinion by JUDGE WEBB  
Gabriel, J., concurs  
J. Jones, J., specially concurs

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 09CA1583  
Jefferson County District Court No. 08CR1242  
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Andrew Hancock,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE MILLER  
Furman, J., concurs  
Graham, J., specially concurs

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

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Court of Appeals No. 10CA0637  
Weld County District Court No. 09CR441  
Honorable Dinsmore Tuttle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mario Reyna-Abarca,

Defendant-Appellant.

JUDGMENT VACATED IN  
PART AND AFFIRMED IN PART

Division II  
Opinion by JUDGE LICHTENSTEIN  
Casebolt and Kapelke\*, JJ., concur

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

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Court of Appeals No. 10CA1434  
Arapahoe County District Court Nos. 08CR2607, 09CR1271 & 09CR1703  
Honorable Valeria N. Spencer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cleus Cletus Williams,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE GRAHAM  
Furman and Miller, JJ., concur

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

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Court of Appeals No. 10CA1677  
Weld County District Court No. 09CR1771  
Honorable Gilbert A. Gutierrez, Judge  
Honorable William L. West, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Hayes,

Defendant-Appellant.

CASE REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE KAPELKE\*  
Casebolt and Lichtenstein, JJ., concur

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

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Court of Appeals No. 10CA2051  
Jefferson County District Court No. 09CR3413  
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rebecca Gomez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE CASEBOLT  
Lichtenstein and Kapelke\*, JJ., concur

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

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Court of Appeals No. 10CA2550  
Boulder County District Court No. 10CR332  
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Henry Red Cloud,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE FURMAN  
Graham and Miller, JJ., concur

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

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Court of Appeals No. 11CA1189  
Mesa County District Court No. 07CR1704  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Earl Dean Raff, Jr.,

Defendant-Appellant.

SENTENCE AFFIRMED

Division II  
Opinion by JUDGE CASEBOLT  
Lichtenstein and Kapelke\*, JJ., concur

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

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Court of Appeals No. 11CA2640  
Arapahoe County District Court No. 10CR1557  
Honorable Marilyn Leonard Antrim, Judge  
Honorable John L. Wheeler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Martha Meza-Reyes,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE WEBB  
Hawthorne and Sternberg\*, JJ., concur

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

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Court of Appeals No. 12CA0107  
Jefferson County District Court Nos. 97CR1545 & 97CR1546  
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samuel Merced Quintana, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE HAWTHORNE  
Webb and Sternberg\*, JJ., concur

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

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Court of Appeals No. 12CA0621  
Arapahoe County District Court No. 10CV2174  
Honorable J. Mark Hannen, Judge

Donald A. Jones and Kimarie M. Jones,  
  
Plaintiffs-Appellees and Cross-Appellants,

v.

Air Ambulance Specialists, Inc., a Colorado corporation; and Emergency  
Medical Services Corporation, a Delaware corporation,

Defendants-Appellants and Cross-Appellees.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE WEBB  
Hawthorne and Sternberg\*, JJ., concur

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

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Court of Appeals No. 12CA0757  
City and County of Denver District Court No. 11CV3951  
Honorable Norman D. Haglund, Judge

Todd Cox,  
  
Plaintiff-Appellant,

v.

Michael Anthony DeSanctis,

Defendant-Appellee.

JUDGMENT AFFIRMED  
AND CROSS-APPEAL DISMISSED

Division V  
Opinion by JUDGE MÁRQUEZ\*  
Furman and Miller, JJ., concur

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

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Court of Appeals No. 12CA1052  
El Paso County District Court No. 10CV4740  
Honorable Barbara L. Hughes, Judge

Herbert L. Goldstein,

Plaintiff-Appellee and Cross-Appellant,

v.

City of Colorado Springs,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE MÁRQUEZ\*  
Graham and Miller, JJ., concur

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

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Court of Appeals No. 12CA1139  
Kit Carson County District Court No. 11CV46  
Honorable Douglas R. Vannoy, Judge

Wade Cole,

Plaintiff-Appellant,

v.

Roger Werholtz, Interim Executive Director of the Colorado Department of  
Corrections and Dr. Anthony Young, Chair of the Colorado Board of Parole,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Fox and Sternberg\*, JJ., concur

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

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Court of Appeals No. 12CA1366  
Colorado State Personnel Board No. 12G061

Larry Brown,

Plaintiff-Appellant,

v.

Colorado State University, Housing and Dining Services,

Defendant-Appellee.

ORDER AFFIRMED

Division II  
Opinion by JUDGE KAPELKE\*  
Casebolt and Lichtenstein, JJ., concur

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

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Court of Appeals No. 12CA1450  
El Paso County District Court No. 03DR4303  
Honorable William B. Bain, Judge

In re the Marriage of

Melek Alexander-Yates,

Appellee,

and

Clay Alexander,

Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE MILLER  
Graham and Furman, JJ., concur

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

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Court of Appeals No. 12CA1570  
Boulder County District Court No. 04DR732  
Honorable James C. Klein, Judge

In re the Marriage of

Steven Lee Jakobs,

Appellant,

and

Donnell Gwen Jakobs, n/k/a Donnell Gwen Miller,

Appellee.

APPEAL DISMISSED

Division V  
Opinion by JUDGE FURMAN  
Graham and Miller, JJ., concur

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

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Court of Appeals No. 12CA1636  
Boulder County District Court No. 09CV312  
Honorable James C. Klein, Judge

Julie Wellinger, as Personal Representative of the Estate of Jeffrey L. Wellinger,  
deceased,

Plaintiff-Appellee,

v.

Laszlo Bagi, Wendy Bagi, and Bagi Mechanical, LLC,

Defendants-Appellants.

ORDER VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE GRAHAM  
Furman and Vogt\*, JJ., concur

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

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Court of Appeals No. 12CA2652  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 4-836-203

Charles Ross,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Colorado Cab  
Company, d/b/a Yellow Cab of Denver; and Old Republic Insurance Company,

Respondents.

ORDER AFFIRMED

Division II  
Opinion by JUDGE MÁRQUEZ  
Loeb and Terry, JJ., concur

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

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Court of Appeals No. 13CA0161  
City and County of Denver District Court No. 12CA2945  
Honorable Catherine A. Lemon, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Jose Martinez,

Defendant-Appellee.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE LICHTENSTEIN  
Casebolt and Kapelke\*, JJ., concur

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

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Court of Appeals No. 13CA0904  
Pueblo County District Court No. 10MH254  
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Michael Shaun Anderson,

Respondent-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE GRAHAM  
Furman and Miller, JJ., concur

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

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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. 10CA2140

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gerald Ray MacFarlane,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals Nos. 12CA0954 & 12CA1611

Moye White LLP, a Colorado limited liability partnership,

Plaintiff-Appellee,

v.

David I. Beren,

Defendant-Appellant.

Petition for Rehearing DENIED

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Court of Appeals No. 12CA2092

Barbara Johnson,

Petitioner,

v.

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

Respondents.

Opinion Modified and  
Petition for Rehearing DENIED

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

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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. 2012.