

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
AUGUST 29, 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. [10CA0588](#)
Jefferson County District Court No. 09CR1119
Honorable Stephen M. Munsinger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kathy Lynn Jauch,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DUNN
Casebolt and Márquez*, JJ., concur

Court of Appeals No. [12CA0906](#)
Arapahoe County District Court No. 09CV2786
Honorable John L. Wheeler, Judge

Premier Members Federal Credit Union,

Plaintiff-Appellee,

v.

Henry Block and South Broadway Automotive Group, Inc., d/b/a
Quality Mitsubishi, Inc.,

Defendants-Appellees,

and

Darrell Einspahr,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE LICHTENSTEIN
Casebolt and Dunn, JJ., concur

Court of Appeals No. [13CA0939](#)
Jefferson County District Court No. 13CV238
Honorable Margie L. Enquist, Judge

Kathleen Hickman and Earl Hickman,

Plaintiffs-Appellees,

v.

Catholic Health Initiatives, d/b/a St. Anthony Hospital,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE WEBB
Terry and Gabriel, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 08CA1241
Arapahoe County District Court No. 07CR1946
Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leroy Paul Vargas,

Defendant-Appellant.

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

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

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

Court of Appeals No. 09CA0731
City and County of Denver District Court No. 06CR11034
Honorable Anne M. Mansfield, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fredric R. Dryer,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED IN PART, VACATED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE NAVARRO
Loeb and Terry, JJ., concur

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

Court of Appeals No. 09CA1505
El Paso County District Court No. 07CR3271
Honorable David Lee Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Salvador Esquivel-Castillo,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE J. JONES
Carparelli and Booras, JJ., concur

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

Court of Appeals No. 09CA1506
El Paso County District Court No. 07CR3795
Honorable David Lee Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Salvador Esquivel-Castillo,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE J. JONES
Carparelli and Booras, JJ., concur

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

Court of Appeals No. 10CA0476
El Paso County District Court No. 09CR2469
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Melissa C. Hall,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 10CA1131
Adams County District Court No. 06CR321
Honorable John T. Bryan, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randal Ruben Romero,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE CASEBOLT
Dunn and Márquez*, JJ., concur

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

Court of Appeals No. 10CA1274
El Paso County District Court No. 08CR2662
Honorable Gilbert A. Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Javier Zappata,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division A
Opinion by CHIEF JUDGE DAVIDSON
Ney* and Vogt*, JJ., concur

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

Court of Appeals No. 10CA1734
Weld County District Court No. 09CR1135
Honorable Dinsmore Tuttle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Herbert Tompkins,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE RICHMAN
Webb and Hawthorne, JJ., concur

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

Court of Appeals No. 10CA2102
Arapahoe County District Court No. 08CR776
Honorable John L. Wheeler, Judge
Honorable Marilyn L. Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tony Antuan Thomas,

Defendant-Appellant.

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

Division A
Opinion by CHIEF JUDGE DAVIDSON
Ney* and Vogt*, JJ., concur

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

Court of Appeals No. 10CA2427
Adams County District Court No. 09CR906
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Ladaniel Johnson,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE WEBB
Hawthorne and Richman, JJ., concur

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

Court of Appeals No. 10CA2535
Jefferson County District Court No. 09CR1088
Honorable Randall C. Arp, Judge
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Alan Gay,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE J. JONES
Carparelli and Booras, JJ., concur

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

Court of Appeals No. 10CA2612
Adams County District Court No. 09CR3175
Honorable Patrick T. Murphy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Paul Suazo, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 10CA2634
Douglas County District Court No. 98CR513
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Manuel Guerrero-Flores,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 11CA0113
El Paso County District Court No. 09CR1961
Honorable Barney Iuppa, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willie B. Allmon,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 11CA0954
Mesa County District Court No. 10CR70
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin Gamil Awad,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 11CA0967
Arapahoe County District Court No. 09CR3044
Honorable Valeria N. Spencer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricky Kamil Garrison,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE WEBB
Hawthorne and Richman, JJ., concur

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

Court of Appeals No. 11CA1552
Jefferson County District Court Nos. 07CR440 & 07CR3219
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon Parker Smith,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE ROMÁN
Taubman and Fox, JJ., concur

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

Court of Appeals No. 11CA1555
Jefferson County District Court No. 10CR1823
Honorable Christie B. Phillips, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricky Carter,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
Webb and Richman, JJ., concur

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

Court of Appeals No. 12CA0303
Moffat County District Court No. 10CR147
Honorable Shelley A. Hill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cyril Joseph Lenahan,

Defendant-Appellant.

JUDGMENT VACATED IN PART
AND AFFIRMED IN PART

Division I
Opinion by JUDGE ROMÁN
Taubman and Fox, JJ., concur

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

Court of Appeals No. 12CA0387
Arapahoe County District Court No. 01CR505
Honorable Valerie N. Spencer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Arthur Farrar,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
Webb and Richman, JJ., concur

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

Court of Appeals No. 12CA0936
Jefferson County District Court No. 11CR717
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Manuel Rivero-Duarte,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE RICHMAN
Webb and Hawthorne, JJ., concur

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

Court of Appeals No. 12CA1025
Eagle County District Court No. 10CV62
Honorable R. Thomas Moorhead, Judge

Aspen at Streamside Condominium Association, a Colorado nonprofit
corporation,

Plaintiff-Appellant,

v.

Highland P.U.D. Association, a Colorado nonprofit corporation,

Defendant-Appellee.

JUDGMENT REVERSED

Division III
Opinion by JUDGE FURMAN
Dailey and Booras, JJ., concur

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

Court of Appeals No. 12CA1045
City and County of Denver District Court No. 09CV7516
Honorable Edward D. Bronfin, Judge

Oxbow Mining, LLC, a Delaware limited liability corporation,
Plaintiff-Appellant and Cross-Appellee,

v.

TXI Operations, LP, a Delaware limited partnership,
Defendant-Appellee and Cross-Appellant.

ORDER AFFIRMED IN PART AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE WEBB
Hawthorne and Richman, JJ., concur

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

Court of Appeals No. 12CA1055
El Paso County District Court No. 12CV10
Honorable G. David Miller, Judge

Charolyn K H Edwards,
Plaintiff-Appellant,

v.

Bank of America, N. A.,
Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 12CA1298
El Paso County District Court No. 11CV5768
Honorable Michael P. McHenry, Judge

Michael Duff,

Plaintiff-Appellant,

v.

United Services Automobile Association (USAA),

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
Webb and Richman, JJ., concur

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

Court of Appeals No. 12CA1542
Logan County District Court No. 11CV157
Honorable Kevin L. Hoyer, Judge

Marco A. Rocha,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of the
Sterling Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE J. JONES
Carparelli and Booras, JJ., concur

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

Court of Appeals No. 12CA1559
Arapahoe County District Court No. 11JD486
Honorable William Blair Sylvester, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

In the Interest of G.C.

Juvenile-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division IV
Opinion by JUDGE LICHTENSTEIN
Webb and Fox, JJ., concur

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

Court of Appeals No. 12CA1614
Boulder County District Court No. 09DR1053
Honorable Maria E. Berkenkotter, Judge

In re the Marriage of

Amanda S. Prentiss,

Appellee,

and

Bernd Hoefel,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 12CA1680
Boulder County District Court No. 07DR786
Honorable Maria E. Berkenkotter, Judge

In re the Marriage of

Patricia Lynn Anselmo,

Appellant,

and

Michael Shaun Anselmo,

Appellee.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE RICHMAN
Webb and Hawthorne, JJ., concur

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

Court of Appeals No. 12CA1788
Douglas County District Court No. 11CV1672
Honorable Paul A. King, Judge

Julia Ann Johnson,

Plaintiff-Appellant,

v.

Colorado Department of Revenue, Division of Motor Vehicles,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 12CA2121
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-657-012

Jason Weaver,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; R.A.
Waffensmith/Quanta Services, Employer; and Old Republic Insurance
Company, Insurer,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 12CA2197
Boulder County District Court No. 07DR786
Honorable Andrew R. Macdonald, Judge

In re the Marriage of

Patricia Lynn Anselmo,

Appellant,

and

Michael Shaun Anselmo,

Appellee.

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

Division IV
Opinion by JUDGE RICHMAN
Webb and Hawthorne, JJ., concur

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

Court of Appeals No. 12CA2266
El Paso County District Court No. 11JV1057
Honorable G. David Miller, Judge

In re the Parental Responsibilities of A.S. and D.S., Children,
and Concerning The People of the State of Colorado,

Petitioner-Appellee,

and

K.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 12CA2648
Larimer County District Court No. 12CV35
Honorable Daniel J. Kaup, Judge

Alfa Construction, LLC,

Plaintiff-Appellant,

v.

Town of Berthoud, Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA0371
Arapahoe County District Court No. 11JV946
Honorable Timothy L. Fasing, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.S., A.S., and Z.R., Children,

and Concerning C.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA0444
Mesa County District Court No. 11JV192
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.R., a Child,

and Concerning C.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE BOORAS
Carporelli and J. Jones, JJ., concur

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

Court of Appeals No. 13CA0526
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-682-496

Employers Compensation Insurance Company,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA0582
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-879-893

Colby Zech,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; and LVI
Environmental Services, Inc.; and New Hampshire Company,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA0583
Arapahoe County District Court No. 11JV1380
Honorable Timothy L. Fasing, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Z.H., a Child,

and Concerning C.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA0677
Industrial Claim Appeals Office of the State of Colorado
DD No. 28306-2012

Jade A. Wheeler,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE NEY*
Davidson, C.J., and Vogt*, J., concur

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

Court of Appeals No. 13CA0836
Industrial Claim Appeals Office of the State of Colorado
DD No. 3880-2013

Jodie L. Danley,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Roaring Fork
Earthmoving,

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE VOGT*
Davidson, C.J., and Ney*, 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. 09CA2724

The People of the State of Colorado,

Plaintiff-Appellee and Cross-Appellant,

v.

Kimberly Ann Parker,

Defendant-Appellant and Cross-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 12CA0809

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Derrick Turner,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 12CA1138
Douglas County District Court No. 02CR63
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cynthia Renee Pinkey,

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. 2012.