ANNOUNCEMENTS
COLORADO COURT OF APPEALS
MAY 15, 2014

"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.

U N P U B L I S H E D O P I N I O N S

Court of Appeals No. 07CA1045
El Paso County District Court No. 05CR2100
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Mark Archuleta,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Navarro and Roy*, JJ., concur

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

Court of Appeals No. 08CA2443
La Plata County District Court No. 07CR294
Honorable Jeffrey R. Wilson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Harold Nakai,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE GRAHAM
Bernard and Berger, JJ., concur

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

Court of Appeals No. 08CA2588
Jefferson County District Court No. 07CR994
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Joseph Zamora,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Gabriel and Miller, JJ., concur

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

Court of Appeals No. 09CA1577
City and County of Denver District Court No. 07CR3662
Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Chad Wright,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BERNARD
Graham and Berger, JJ., concur

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

Court of Appeals No. 11CA0474
Morgan County District Court No. 10CR54
Honorable Douglas R. Vannoy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Miguel Angel Vicente,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by CHIEF JUDGE LOEB
Ney* and Vogt*, JJ., concur

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

Court of Appeals No. 11CA1665
Weld County District Court No. 10CR973
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerad Alan Massey,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART
AND REVERSED IN PART

Division I
Opinion by JUDGE LICHTENSTEIN
Taubman and Miller, JJ., concur

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

Court of Appeals No. 11CA1787
City and County of Denver District Court No. 10CR10300
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luis Moses Roman,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE RICHMAN
Casebolt and Ashby, JJ., concur

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

Court of Appeals No. 11CA2441
Boulder County District Court No. 07CR919
Honorable Lael Montgomery, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Molly Irene Midyette,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE WEBB
Gabriel and Miller, JJ., concur

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

Court of Appeals No. 12CA0065
Mesa County District Court No. 00CR942
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn T. Dondero,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Navarro and Nieto*, JJ., concur

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

Court of Appeals No. 12CA0114
Jefferson County District Court No. 11CR115
Honorable Jane A. Tidball, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Ray Walker,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE NAVARRO
Taubman and Roy*, JJ., concur

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

Court of Appeals No. 12CA0365
Pueblo County District Court No. 10CR1116
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Moreno de la Cruz,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE GABRIEL
Rothenberg* and Kapelke*, JJ., concur

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

Court of Appeals No. 12CA0386
Adams County District Court No. 01CR1511
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Arturo Hernandez,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE HAWTHORNE
J. Jones and Ashby, JJ., concur

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

Court of Appeals No. 12CA1215
Adams County District Court No. 11CR352
Honorable F. Michael Goodbee, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kendrick Remon Samuels,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DUNN
Taubman, J., concurs
Rothenberg*, J., dissents

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

Court of Appeals No. 12CA1369
Larimer County District Court Nos. 11CR728, 11CR1609 & 11CR1667
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Shawn Beard,

Defendant-Appellant.

APPEAL DISMISSED

Division II
Opinion by JUDGE CASEBOLT
Dailey and Berger, JJ., concur

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

Court of Appeals No. 12CA1827
Arapahoe County District Court No. 02CR2008
Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachary C. Rhodes,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE HAWTHORNE
J. Jones and Ashby, JJ., concur

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

Court of Appeals No. 12CA1904
Jefferson County District Court No. 05CR576
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Allen Newton,

Defendant-Appellant.

ORDERS AFFIRMED

Division I
Opinion by JUDGE NAVARRO
Taubman and Nieto*, JJ., concur

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

Court of Appeals No. 12CA2527
City and County of Denver District Court No. 07CR2985
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lionel Kersh,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE NIETO*
Taubman and Navarro, JJ., concur

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

Court of Appeals No. 12CA2633
Arapahoe County District Court No. 10CR2177
Honorable Carlos A. Samour, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rigoberto Salgado-Torres,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ASHBY
Hawthorne and J. Jones, JJ., concur

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

Court of Appeals No. 13CA0019
Fremont County District Court No. 11CV228
Honorable Stephen A. Groome, Judge

William J. Hunsaker, Jr.,

Plaintiff-Appellant,

v.

Executive Director of Colorado Department of Corrections; and Warden of Fremont Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Gabriel and Miller, JJ., concur

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

Court of Appeals No. 13CA0190
Douglas County District Court No. 09CV1136 & 11CV1302
Honorable Richard B. Caschette, Judge

Stroh Ranch Development LLC, a Colorado limited liability company, and SDI, Inc., a Colorado corporation, d/b/a AscentPointe Development Inc.,

Plaintiffs-Appellants and Cross-Appellees,

v.

Parker Water and Sanitation District, a Colorado special district,

Defendant-Appellee and Cross-Appellant.

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

Division III
Opinion by JUDGE GABRIEL
Webb and Miller, JJ., concur

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

Court of Appeals No. 13CA0320
El Paso County District Court No. 07CR4155
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Deshwan Lane,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE GABRIEL
Webb and Miller, JJ., concur

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

Court of Appeals No. 13CA0445
Routt County District Court No. 12CV104
Honorable Michael A. O'Hara, III, Judge

Kerry Lofy,

Plaintiff-Appellant and Cross-Appellee,

v.

Amanda Dalton and Paige Roberts,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AND ORDERS AFFIRMED

Division VII
Opinion by CHIEF JUDGE LOEB
Ney* and Vogt*, JJ., concur

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

Court of Appeals No. 13CA0451
City and County of Denver District Court No. 12CV482
Honorable Robert S. Hyatt, Judge

G. Raymond Goodwin, as father and next friend to Margaret A. Goodwin, a minor child,

Plaintiff-Appellant,

v.

Developmental Disabilities Resource Center and Colorado Department of Health Care Policy and Financing,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Navarro and Roy*, JJ., concur

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

Court of Appeals No. 13CA0649
Industrial Claim Appeals Office of the State of Colorado
DD No. 10601-2012

Sunflower Staffing LLC,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of Unemployment Insurance,

Respondents.

ORDER AFFIRMED IN PART AND SET ASIDE IN PART

Division VI
Opinion by JUDGE LICHTENSTEIN
Hawthorne and Gabriel, JJ., concur

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

Court of Appeals No. 13CA0682
Arapahoe County District Court No. 02CR1212
Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin William Satterfield,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE ASHBY
Hawthorne and J. Jones, JJ., concur

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

Court of Appeals No. 13CA0806
El Paso County District Court No. 07CR308
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Demetrius Alexander Thomas,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by CHIEF JUDGE LOEB
Ney* and Vogt*, JJ., concur

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

Court of Appeals No. 13CA0859
City and County of Denver District Court No. 11CV8723
Honorable Michael A. Martinez, Judge

David Volz and Pacific Avenue Enterprises, Inc., a Colorado corporation,

Intervenors-Appellants,

v.

Omni Linen Services, LLC, a Colorado limited liability company,

Third-Party Defendant-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE MILLER
Webb and Gabriel, JJ., concur

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

Court of Appeals No. 13CA0901
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-892-465

The Mining Exchange A Wyndham Grand Hotel and Farmers Insurance Exchange,

Petitioners,

v.

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

Respondents.

ORDER AFFIRMED

Division VII
Opinion by JUDGE NEY*
Loeb, C.J., and Vogt*, J., concur

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

Court of Appeals No. 13CA0949
Larimer County District Court No. 11DR1189
Honorable Stephen J. Schapanski, Judge

In re the Marriage of

Lisa R. Marks,

Appellee,

and

Sandy C. Marks,

Appellant.

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

Division III
Opinion by JUDGE GABRIEL
Webb and Miller, JJ., concur

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

Court of Appeals No. 13CA1234
Douglas County District Court No. 10DR1083
Honorable Michael J. Spear, Judge

In re the Marriage of

Vira Vasilyevna Magor,

Appellee,

and

Wayne Edward Magor,

Appellant.

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

Division II
Opinion by JUDGE BERGER
Casebolt and Dailey, JJ., concur

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

Court of Appeals No. 13CA1270
Boulder County District Court No. 13CV30085
Honorable D. D. Mallard, Judge

In the Matter of the Petition of

Sharman Heotis, a/k/a Sharman Petersen,

Petitioner-Appellant,

v.

Colorado Department of Education,

Defendant-Appellee.

CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE ASHBY
Hawthorne and J. Jones, JJ., concur

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

Court of Appeals No. 13CA1950
Mesa County District Court No. 12JV264
Honorable Frank Plaut, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning P.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE RICHMAN
Román and Booras, JJ., concur

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

Court of Appeals No. 13CA2003
Arapahoe County District Court No. 12JV1043
Honorable Timothy L. Fasing, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.S. and K.S., Children,

and Concerning T.S. and J.W.,

Respondent-Appellants.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE MILLER
Webb and Gabriel, JJ., concur

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

Court of Appeals No. 13CA2188
City and County of Denver Juvenile Court No. 12JV423
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.M.J., L.F.M.J., and J.J.J., Children,

and Concerning D.M.Y., a/k/a D.D.Y.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE VOGT*
Loeb, C.J., and Ney*, J., concur

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

Court of Appeals No. 13CA2214
Las Animas County District Court No. 11JV94
Honorable Claude W. Appel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.R. and S.R., Children,

and Concerning D.B.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE BOORAS
Román and Richman, JJ., concur

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

Court of Appeals No. 13CA2271
El Paso County District Court No. 12JV1455
Honorable G. David Miller, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.B. and J.E., Children,

and Concerning A.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE MILLER
Dailey and Terry, JJ., concur

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

Court of Appeals No. 14CA0422
Pueblo County District Court No. 13MH295
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Mark Allen Hoover,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Dunn and Rothenberg*, JJ., 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. 10CA1451

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marc Thomas Sylvester,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 12CA0842

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremy Daniel Anderson,

Defendant-Appellant.

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. 2013.