

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
JULY 31, 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.

PUBLISHED OPINIONS

Court of Appeals No. [10CA1620](#)
Montezuma County District Court No. 08CR13
Honorable Douglas S. Walker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Francesca V. Marciano,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

Court of Appeals No. [11CA2177](#)
Jefferson County District Court No. 10CR1487
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric Edward Pifer,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

Court of Appeals No. [11CA2257](#)
Adams County District Court No. 10CR3265
Honorable C. Vincent Phelps, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Isaac K. Aryee,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

Court of Appeals No. [12CA2308](#)
El Paso County District Court No. 10CR2606
Honorable Victor I. Reyes, Judge
Honorable William B. Sylvester, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bruce Joseph Nozolino,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE DUNN
Graham and Fox, JJ., concur

Court of Appeals No. [13CA0632](#)
City and County of Denver District Court No. 02DR2968
Honorable William D. Robbins, Judge

In re the Marriage of

Jonathan D. Roddy,

Appellant,

and

Kristin Betherum, n/k/a Kristin Morelli,

Appellee.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

Division IV
Opinion by JUDGE GRAHAM
Fox and Dunn, JJ., concur

Court of Appeals No. [13CA0801](#)
City and County of Denver District Court No. 12CV3795
Honorable Robert S. Hyatt, Judge

Anthonia Idowu; Anne Steele; and Mary Whitfield,

Plaintiffs-Appellants,

v.

Kathy Nesbitt, in her official capacity as Executive Director of the Colorado Department of Personnel and Administration; Colorado Department of Personnel and Administration; and Colorado Department of Human Services,

Defendants-Appellees.

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

Division II
Opinion by JUDGE DAILEY
Casebolt and Berger, JJ., concur

Court of Appeals No. [13CA1812](#)
Bent County District Court No. 12JD5
Honorable Michael A. Schiferl, Judge

People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.S.R.,

Juvenile-Appellant.

ORDER REVERSED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 10CA1042
Douglas County District Court No. 08CR319
Honorable Jeffrey K. Holmes, Judge
Honorable Nancy A. Hopf, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Edward Burghardt,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE DUNN
Graham and Fox, JJ., concur

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

Court of Appeals No. 10CA1553
City and County of Denver District Court No. 08CR6460
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Joseph Guevara,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE LICHTENSTEIN
Miller, J., concurs
Taubman, J., specially concurs

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

Court of Appeals No. 10CA2540
Adams County District Court No. 09CR2594
Honorable Mark D. Warner, Judge,
Honorable Patrick T. Murphy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mickeal Paul Lucero,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by CHIEF JUDGE LOEB
Gabriel and Dunn, JJ., concur

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

Court of Appeals No. 11CA1297
Arapahoe County District Court No. 00CR1686
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clarence Frazier Banks, III,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE J. JONES
Loeb, C.J., and Hawthorne, J., concur

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

Court of Appeals No. 11CA1499
Mesa County District Court No. 06CR1474
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Amel Olier,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FURMAN
Terry and Lichtenstein, JJ., concur

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

Court of Appeals No. 11CA1742
Boulder County District Court No. 10CR621
Honorable Lael E. Montgomery, Judge
Honorable M. Gwyneth Whalen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Vincent Young,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE FOX
Graham and Dunn, JJ., concur

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

Court of Appeals No. 11CA2176
Arapahoe County District Court No. 08CR2799
Honorable Elizabeth A. Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cordell Dominick Robinson,

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. 11CA2411
Weld County District Court No. 10CR1614
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Neil D. Bouvart,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
Casebolt and Berger, JJ., concur

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

Court of Appeals No. 12CA0110
Jefferson County District Court No. 10CR1647
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tomas Angel Rodriguez,

Defendant-Appellant.

JUDGMENT 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. 12CA0684
Arapahoe County District Court No. 96CR169
Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alexander Lorenzo Stanley,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 12CA0845
Fremont County District Court No. 11CR112
Honorable Julie G. Marshall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Russell Paul Bundy,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 12CA0972
City and County of Denver District Court Nos. 08CR1480 & 08CR1590
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randall Maestas,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 12CA1526
Fremont County District Court No. 11CV110
Honorable Julie G. Marshall, Judge

Donald G. Brewer Revocable Trust and Linda A. Brewer Revocable Trust,

Plaintiffs-Appellees,

v.

Bonnie S. Bell,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE ROY*
Dailey and Gabriel, JJ., concur

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

Court of Appeals No. 12CA1530
Morgan County District Court No. 10CR288
Honorable Charles M. Hobbs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brenda S. Wiley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE KAPELKE*
Loeb, C.J., and Plank*, J., concur

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

Court of Appeals No. 12CA1588
Adams County District Court No. 10CR1596
Honorable John E. Popovich, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Faso Feru Frazier,

Defendant-Appellant.

JUDGMENT 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. 12CA1873
Arapahoe County District Court No. 05CR2199
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher A. Crawford,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE DAILEY
Casebolt and Berger, JJ., concur

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

Court of Appeals No. 12CA2025
Adams County District Court No. 10CR3242
Honorable F. Michael Goodbee, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Albert Dardano,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 12CA2461
Fremont County District Court No. 11CR390
Honorable David M. Thorson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stanford Jacob Simmons,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 12CA2462
Fremont County District Court No. 09CR385
Honorable David M. Thorson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stanford Jacob Simmons,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 12CA2563
Boulder County District Court No. 11DR87
Honorable José D.L. Márquez, Judge
Honorable Patrick D. Butler, Judge

In re the Marriage of

Lisa Compton, f/k/a Lisa Greene,

Appellee,

and

Mack Denzil Greene,

Appellant.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
AND SENTENCE VACATED

Division V
Opinion by JUDGE HAWTHORNE
Loeb, C.J., and J. Jones, J., concur

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

Court of Appeals No. 13CA0007
El Paso County District Court No. 06CR313
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Preston Michael Cousett,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE GRAHAM
Fox and Dunn, JJ., concur

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

Court of Appeals No. 13CA0507
Fremont County District Court No. 11CV49
Honorable Stephen A. Groome, Judge

Philip E. Stetzel,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections; Warden of
Fremont Correctional Facility; James Lander, Supervisor; Stephanie Engler,
Therapist; and Jason Walker, Therapist,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA0664
Pueblo County District Court No. 91CR140
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Woodie Mack Ashfield,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FURMAN
Terry and Lichtenstein, JJ., concur

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

Court of Appeals No. 13CA0743
Douglas County District Court No. 11DR999
Honorable Michael Spear, Judge

In re the Parental Responsibilities of D.T.M., a Child,

and Concerning William P. Moore,

Appellant,

and

Lisa T. Moore,

Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE GRAHAM
Fox and Dunn, JJ., concur

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

Court of Appeals No. 13CA1105
City and County of Denver District Court No. 12CV6443
Honorable J. Eric Elliff, Judge

Maria Montoya,

Plaintiff-Appellant,

v.

Denver School District No. 1, in the City and County of Denver, State of
Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA1353
City and County of Denver District Court No. 13CV30607
Honorable Kenneth M. Laff, Judge

Christina Toledo,

Plaintiff-Appellee,

v.

University of Colorado; Maeva Felle, M.D.; Marsha Wheeler, M.D.; and Elisabeth
Aron, M.D.,

Defendants-Appellants.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE J. JONES
Loeb, C.J., and Hawthorne, J., concur

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

Court of Appeals No. 13CA1362
Jefferson County District Court No. 06DR3308
Honorable Jack W. Berryhill, Judge

In re the Support of A.S. and A.S., Children,

Upon the Petition of Jefferson County Department of Human Services, Child
Support Services Unit,

Intervenor-Appellant,

and Concerning Guadalupe Jose Sisneros,

Appellee.

APPEAL DISMISSED

Division V
Opinion by JUDGE ASHBY
Loeb, C.J., and Hawthorne, J., concur

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

Court of Appeals No. 13CA1395
Adams County District Court No. 13CV30912
Honorable Edward C. Moss, Judge

Colorado Department of Public Health and Environment, Hazardous Materials
and Waste Management Division,

Plaintiff-Appellant,

v.

Vernon L. Dalke and Dalke's Laundry and Dry Cleaning, Inc.,

Defendants-Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA1437
Douglas County of District Court No. 10DR1153
Honorable Michael Spear, Judge

In re the Marriage of

James Canfield,

Appellee,

and

Dawn Canfield,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA1571
El Paso County District Court No. 12CV5237
Honorable Timothy J. Schutz, Judge

Zia Properties, a New Mexico general partnership,

Plaintiff-Appellee,

v.

TRU 2005 RE I, LLC, a Delaware limited liability company,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE STERNBERG*
Nieto*, J., concurs
Loeb, C.J., concurs in part and dissents in part

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

Court of Appeals No. 13CA1631
Arapahoe County District Court No. 13CV769
Honorable Charles M. Pratt, Judge

Charles M. Meyers,

Plaintiff-Appellant,

v.

Dish Network Services, LLC, a/k/a EchoSphere, LLC, d/b/a Echostar Satellite Services, LLC; Jennifer Bellmire, Individually and in her official capacity; and Katie Shortsleeve, Individually and in her official capacity,

Defendants-Appellees.

ORDER AFFIRMED

Division VII
Opinion by JUDGE LICHTENSTEIN
Furman and Vogt*, JJ., concur

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

Court of Appeals No. 13CA1780
Arapahoe County District Court No. 12DR880
Honorable Michelle A. Amico, Judge
Honorable John E. Scipione, Magistrate

In re the Marriage of

Susanne Marie Spence,

Appellant,

and

John Morris Sophir,

Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA1925
Weld County District Court No. 10CR472
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kyle Joseph Johns,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 14CA0891
Pueblo County District Court No. 14MH178
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Corena Shelton,

Respondent-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. 14CA0958
Pueblo County District Court No. 14MH166
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Warren Bell,

Respondent-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FURMAN
Terry and Lichtenstein, 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. 10CA0832

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Douglas Wise,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 10CA1374

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Taylor Lynn Moudy,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 11CA0424

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Donald Doughty,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 12CA0682

In re the Marriage of,

Nina H. Kazazian,

Appellant

and

Michael J. Stackpool,

Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 12CA1606

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Karen Sue Stevens,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 12CA2399

In re the Marriage of

Stanley Michael Wright,

Appellant,

and

Katherine Ann Wright,

Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 13CA0104

In re the Marriage of

Shan Wang,

Appellee,

and

Jun Cui,

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. 2013.