

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 28, 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. [11CA0408](#)
Arapahoe County District Court No. 98CR1522
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Fritz,

Defendant-Appellant.

APPEAL DISMISSED

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

Court of Appeals No. [11CA0511](#)
Adams County District Court No. 97CR3018
Honorable F. Michael Goodbee, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Giselle Gutierrez-Ruiz,

Defendant-Appellant.

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

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

Court of Appeals No. [11CA1934](#)
Arapahoe County District Court No. 09CR2049
Honorable Elizabeth Ann Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bobby Nicky Rogers,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

Court of Appeals No. [12CA1655 & 12CA2200](#)
City and County of Denver District Court No. 06CV7785
Honorable J. Eric Elliff, Judge

Sure-Shock Electric, Inc.,

Plaintiff-Appellee and Cross-Appellant,

v.

Diamond Lofts Venture, LLC,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED

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

Court of Appeals No. [13CA0277](#)
Arapahoe County District Court No. 09CR31
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremy Wayne Martin,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 11CA0562
City and County of Denver District Court No. 09CR10056
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shakiel Madden-Vaughn,

Defendant-Appellant.

JUDGMENT AND SENTENCES AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 12CA0275
Boulder County District Court No. 10CR968
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Stephanie Lynn Rochester,

Defendant-Appellee.

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. 12CA0337
Jefferson County District Court No. 11CR1035
Honorable Jane A. Tidball, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Matthew Hilf,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 12CA0939
Larimer County District Court No. 05CR1527
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Clyde Park,

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. 12CA1098
El Paso County District Court No. 10CR3663
Honorable Kirk S. Samuelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Avory Clark,

Defendant-Appellant.

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. 12CA1789
City and County of Denver District Court No. 06CV7785
Honorable J. Eric Elliff, Judge

Bronco Fire Alarm Systems, Inc.,

Plaintiff-Appellee,

v.

Diamond Lofts Venture, LLC,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 12CA1913
City and County of Denver District Court No. 06CV7785
Honorable J. Eric Elliff, Judge

Bronco Fire Alarm Systems, Inc., and Sure-Shock Electric, Inc.,

Plaintiffs-Appellees,

v.

2210 Blake Street, LLC; Bank of the West; Ed Cerkovnik; Countrywide Bank
FSB; Countrywide Home Loans, Inc.; Thomas J. Curtin; William A. Curtin;
Timothy Daley; Patricia Daley; Everbank; ING Bank FSB, a/k/a ING Direct
Bancorp; Keeya Jeffrey; Jerrald P. Kukin Living Trust; Michael Kudo; Vahe
Manuelian; Sevag Manuelian; Brian Middleton; Maria Middleton; Gary Taylor;
Mary Ann Taylor; Douglas G. Welker; and Brenda H. Welker,

Defendants-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 12CA1972
Jefferson County District Court No. 11CR3192
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Dewey,

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. 12CA2135
El Paso County District Court No. 11CR302
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Thomas Whitten,

Defendant-Appellant.

JUDGMENTS AND SENTENCES 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. 12CA2290
City and County of Denver District Court No. 09CR801
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Lawrence Garcia,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 12CA2500
Adams County District Court No. 02CR2248
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darwin T. Plumb,

Defendant-Appellant.

ORDER AFFIRMED 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. 13CA0018
El Paso County District Court Nos. 07CR5637, 07CR5682 & 08CR1674
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bruce Alan Bastien,

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. 13CA0066
El Paso County District Court No. 10CR4458
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Debora Kay Schreffler,

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. 13CA0572
City and County of Denver District Court No. 12CR1320
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose M. Brambila-Arranda,

Defendant-Appellant.

SENTENCE 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. 13CA1003
Douglas County District Court No. 12CV1813
Honorable Paul A. King, Judge

Wells Fargo Bank, N.A., as Trustee for the Certificateholders of Structured
Asset Mortgage Investments II, Inc.,

Plaintiff-Appellant,

v.

Toni L. Weil,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA1070
Boulder County District Court No. 13CV30350
Honorable Maria E. Berkenkotter, Judge

Green Hill Investments, LLC,

Plaintiff-Appellant,

v.

Boulder Municipal Property Authority; and City of Boulder Open Space and
Mountain Parks,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA1095
Adams County District Court No. 12CV955
Honorable Edward Moss, Judge

Taylor Profita,

Plaintiff-Appellant,

v.

University of Colorado School of Medicine,

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 Nos. 13CA1171 & 13CA1172
Boulder County District Court Nos. 11CR216 & 11M547-6
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emanuel Gutierrez,

Defendant,

and Concerning Steven M. Rickett,

Surety-Appellant.

ORDERS 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. 13CA1259
Boulder County District Court No. 10CR1402
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Phillip Gurule,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA1309
Weld County District Court No. 82DR763
Honorable Marcelo A. Kopcow, Judge

In re the Marriage of

Carolyn S. Johnson,

Appellee,

and

William Michael Johnson,

Appellant.

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

Division II
Opinion by JUDGE MÁRQUEZ*
Casebolt, J., concurs
Berger, J., specially concurs

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

Court of Appeals No. 13CA1319
Adams County District Court No. 11CR2838
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Glen Michael Moreno-Garcia,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by CHIEF JUDGE LOEB
Sternberg* and Márquez*, JJ., concur

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

Court of Appeals No. 13CA1445
Larimer County District Court No. 83CR82
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith D. Courville,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA1551
Weld County District Court No. 08CV305
Honorable M. Jon Kolomitz, Judge

Town of Johnstown, Colorado, a political subdivision of the State of Colorado,
Petitioner-Appellee,

v.

Ivar W. Larson and Donna M. Larson,
Respondents-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA1657
City and County of Denver District Court No. 12CV6842
Honorable Herbert L. Stern, III, Judge

Pitman Place, LLC, d/b/a Westwind Campus of Care,
Plaintiff-Appellant,

v.

Colorado Department of Health Care Policy and Financing,
Defendant-Appellee.

ORDER 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. 13CA1723
City and County of Denver District Court No. 11CV7358
Honorable Kenneth M. Laff, Judge

Gary Hilton,

Plaintiff-Appellee,

v.

State of Colorado, by and through its agencies; Colorado Department of Human Services; Colorado Mental Health Institute at Pueblo; Teresa A. Bernal, individually and in her capacity as Interim Superintendent of the Colorado Mental Health Institute at Pueblo; Reggie Bicha, individually and in his capacity as Executive Director of the Colorado Department of Human Services; Robin McCann, individually and in her capacity as the final decision-maker for the progressions within the Colorado Mental Health Institute at Pueblo; Herb Brockman, individually and in his capacity as Clinical Team Leader at Colorado Mental Health Institute at Pueblo; Danielle Weittenhiller Mason, individually and in her capacity as Supervisor of the Advanced Cognitive Behavioral Therapy unit at the Colorado Mental Health Institute at Pueblo,

Defendants-Appellants.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
AND CASE REMANDED FOR DIRICTIONS

Division III
Opinion by CHIEF JUDGE LOEB
Sternberg* and Márquez*, JJ., concur

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

Court of Appeals No. 13CA1947
Arapahoe County District Court No. 12CV1170
Honorable Charles M. Pratt, Judge

Willie Kellum,

Plaintiff-Appellant,

v.

Ravi Aluru and 3230 South Birch Street LLC, a Colorado limited liability
company,

Defendants-Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA1993
Mesa County District Court No. 12JV248
Honorable Frank Plaut, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.C., a Child,

and Concerning M.C. and L.H.,

Respondents-Appellants.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA2174
Jefferson County District Court No. 93CR158
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles R. Workman,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE NEY*
Richman and Booras, JJ., concur

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

Court of Appeals No. 13CA2211
San Miguel County District Court No. 10DR38
Honorable Mary E. Deganhart, Judge

In re the Marriage of

John Michael Humphries,

Appellee,

and

Elizabeth Marshall Covington,

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. 13CA2292
City and County of Denver District Court No. 03CR1586
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Manuel Martinez,

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. 14CA0045
Larimer County District Court No. 12JV411
Honorable David E. Williams, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.M.G., a Child,

and Concerning G.P. and M.G.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE STERNBERG*
Loeb, C.J., and Márquez*, J., concur

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

Court of Appeals No. 14CA0295
Delta County District Court Nos. 10JV34 & 12JV33
Honorable Charles R. Greenacre, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.A.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE TERRY
Furman and Lichtenstein, JJ., concur

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

Court of Appeals No. 14CA0417
Industrial Claim Appeals Office of the State of Colorado
DD No. 25873-2013

Vertigo Ventures, LLC,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; and Christopher J.
Phillips,

Respondents.

ORDER 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. 14CA0753
Industrial Claim Appeals Office of the State of Colorado
DD No. 1470-2014

Antoinette James,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Cherry Creek
School District No. 5,

Respondents.

ORDER 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. 14CA0775
Mesa County District Court No. 13JV410
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.L.P., a Child,

and Concerning T.E.P.,

Respondent-Appellant.

ORDER 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. 14CA0945
Industrial Claim Appeals Office of the State of Colorado
DD No. 2541-2014

Denise Edwards,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Numinous
Enterprises, LLC,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE J. JONES
Hawthorne and Ashby, 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. 10CA1646

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Wayne Miller,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals Nos. 11CA0338 & 11CA0349

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dandy Lee Vickery,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 12CA2582

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan Diego Flores,

Defendant-Appellant.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

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

Opinion Modified
on the Court's Own Motion

Announced July 31, 2014

* Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2013.