

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
JANUARY 23, 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.

UNPUBLISHED OPINIONS

Court of Appeals No. 09CA1303
Fremont County District Court No. 08CR176
Honorable Julie G. Marshall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Douglas Franz,

Defendant-Appellant.

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

Division V
Opinion by JUDGE KAPELKE*
Graham and Bernard, JJ., concur

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

Court of Appeals No. 09CA2411
Saguache County District Court No. 03CR38
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald D. Foster,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VII
Opinion by JUDGE J. JONES
Fox and Navarro, JJ., concur

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

Court of Appeals No. 10CA0635
City and County of Denver District Court No. 09CR92
Honorable William D. Robbins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andres Hidalgo,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 10CA0730
Arapahoe County District Court No. 88CR399
Honorable Carlos A. Samour, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Freddie A. Diaz,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE WEBB
Román and Booras, JJ., concur

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

Court of Appeals No. 10CA1153
Adams County District Court No. 08CR1547
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesse Daniel Sifuentes,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 10CA1340
Arapahoe County District Court No. 08CR161
Honorable Michael J. Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew James Watkins,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Fox, J., concurs
J. Jones, J., concurs in part and dissents in part

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

Court of Appeals No. 10CA1641
Weld County District Court No. 08CR937
Honorable Dinsmore Tuttle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Robert Rivas,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE HAWTHORNE
Fox, J., concurs
Booras, J., specially concurs

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

Court of Appeals No. 11CA0222
City and County of Denver District Court No. 06CR55
Honorable Edward D. Bronfin, Judge
Honorable Robert L. McGahey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel R. Hernandez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 11CA0740
Jefferson County District Court No. 10CR1677
Honorable Dennis J. Hall, Judge
Honorable Jane A. Tidball, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Manuel Ronquillo,

Defendant-Appellant.

CASE REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE ROMÁN
Webb and Booras, JJ., concur

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

Court of Appeals No. 11CA0790
City and County of Denver District Court No. 10CR10097
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Reinholdt, II,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE NAVARRO
J. Jones and Fox, JJ., concur

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

Court of Appeals No. 11CA1130
City and County of Denver District Court No. 10CR2062
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Royce Edward Tiller,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BOORAS
Webb and Román, JJ., concur

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

Court of Appeals No. 11CA1765
Arapahoe County District Court No. 02CR48
Honorable Elizabeth B. Volz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bruce Hayes Bell,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 11CA1861
El Paso County District Court No. 10CR3234
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Jedidiah Kenneth Huskinson,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TAUBMAN
Dunn, J., concurs
Furman, J., specially concurs

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

Court of Appeals No. 11CA2090
Garfield County District Court No. 10CR322
Honorable Paul R. McLimans, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Ryan Hayden,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE TERRY
Dailey and Miller, JJ., concur

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

Court of Appeals No. 11CA2198
Arapahoe County District Court No. 09CR1621
Honorable Michael J. Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan C. Maher,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE WEBB
Román and Booras, JJ., concur

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

Court of Appeals No. 11CA2361
Adams County District Court No. 10CR3114
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric Jay Castro,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by CHIEF JUDGE LOEB
Nieto* and Vogt*, JJ., concur

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

Court of Appeals No. 12CA0455
Boulder County District Court No. 03CR1277
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Wayne Ward,

Defendant-Appellant.

ORDER AFFIRMED IN PART AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 12CA0719
Weld County District Court No. 10CV1156
Honorable Elizabeth Strobel, Judge

Bill J. Hall,

Plaintiff-Appellant,

v.

Town of Gilcrest, Colorado, a Colorado Municipal corporation,

and

Melinda K. Warne, an individual,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 12CA0964
Lincoln County District Court No. 11CR59
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ginny Sue Leonard,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DUNN
Taubman and Furman, JJ., concur

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

Court of Appeals No. 12CA1283
Arapahoe County District Court No. 10CR1335
Honorable John L. Wheeler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sandra Leeann Brown,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE KAPELKE*
Graham and Bernard, JJ., concur

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

Court of Appeals No. 12CA1321
El Paso County District Court No. 11CR2017
Honorable Richard V. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Earl Harper,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE ROMÁN
Webb and Booras, JJ., concur

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

Court of Appeals No. 12CA1562
City and County of Denver District Court No. 05DR3032
Honorable Herbert L. Stern, III, Judge

In re the Marriage of

Luz Maria S. Jimenez,

Appellee,

and

Francisco X. DeLeon,

Appellant.

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

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

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

Court of Appeals No. 12CA1815
City and County of Denver District Court No. 10CV1158
Honorable William W. Hood, III, Judge
Honorable Christina M. Habas, Judge

North Denver Industrial I, L.L.C.,

Plaintiff-Appellee,

v.

Robby Eskanos,

Defendant-Appellant.

ORDER REVERSED

Division IV
Opinion by JUDGE WEBB
Román and Booras, JJ., concur

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

Court of Appeals No. 12CA1855
Adams County District Court No. 05CR719
Honorable Chris Melonakis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Eugene Schmittel,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE BOORAS
Webb and Román, JJ., concur

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

Court of Appeals No. 12CA2333
Mesa County District Court No. 11CR133
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Lee Dausel,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 12CA2396
Douglas County District Court No. 11CV1178
Honorable Richard B. Caschette, Judge

Muirfield at Lone Tree Homeowners Association, Inc., a Colorado nonprofit corporation,

Plaintiff-Appellee and Cross-Appellant,

v.

Summit Investments, Inc., a Colorado corporation; Masters Homes, Inc., a dissolved Colorado corporation; and Baljit S. Nanda, individually,

Defendants-Appellants and Cross-Appellees.

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

Division IV
Opinion by JUDGE WEBB
Román and Booras, JJ., concur

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

Court of Appeals No. 12CA2587
City and County of Denver Probate Court No. 04PR647
Honorable Elizabeth D. Leith, Judge

In re the Estate of Sanford Vance, deceased.

Dana Robinson,

Appellant,

v.

Marcie R. McMinimee, Special Administrator for the Estate of Sanford Vance,
for the deceased Personal Representative, Carl Vance,

Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Furman and Dunn, JJ., concur

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

Court of Appeals No. 12CA2589
Mesa County District Court No. 11CV4632
Honorable David R. Lass, Judge

Shelli S. Smith,

Plaintiff-Appellee,

v.

James Patrick Bland, Core Life Systems, Inc., a Colorado corporation, and
CrossFit Red, a Colorado trade name of Core Life Systems, Inc.

Defendant-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE BOORAS
Webb and Román, JJ., concur

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

Court of Appeals No. 12CA2656
Logan County District Court No. 12CV85
Honorable Kevin L. Hoyer, Judge

Edward A. Clutts, a/k/a Edward Allen,

Plaintiff-Appellant,

v.

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

Defendants-Appellees.

ORDER AFFIRMED

Division VI
Opinion by JUDGE HAWTHORNE
Lichtenstein and Gabriel, JJ., concur

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

Court of Appeals No. 13CA0047
Gunnison County District Court No. 11CV262
Honorable J. Steven Patrick, Judge

Gunnison Energy Corporation, a Delaware corporation,

Plaintiff-Appellee,

v.

SG Interests I, Ltd., a Texas limited partnership; SG Interests VII, Ltd., a Texas limited partnership; and Margan Investments, LLC, a Colorado limited liability company,

Defendant-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA0130
City and County of Denver District Court No. 09DR2227
Honorable William W. Hood, III, Judge

In re the Marriage of

Regina T. Bruce,

Appellee,

and

Charles B. Bruce, Jr.,

Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Furman and Dunn, JJ., concur

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

Court of Appeals 13CA0317
Fremont County District Court No. 09CR421
Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Demetrius Alexander Thomas,

Defendant-Appellant.

ORDER 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. 13CA0349
Industrial Claim Appeals Office of the State of Colorado
DD No. 25335-2012

Keith A. Ramos,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA0759
Industrial Claim Appeals Office of the State of Colorado
DD No. 28164-2012

Dora M. Arellano,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and City of Lakewood
Housing Authority,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals Nos. 13CA0971, 13CA1264, 13CA1295
Mesa County District Court No. 11JV0448
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.X.; B.X., V; K.B.; M.B.; and B.X., Children;

and Concerning B.X., Jr. and A.B.,

Respondents-Appellants.

JUDGMENTS AFFIRMED

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

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

Court of Appeals No. 13CA1204
Adams County District Court No. 12JV122
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.L.B., a Child,

and Concerning C.E.F.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE VOGT*
Loeb, C.J., and Nieto*, J., concur

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

Court of Appeals No. 13CA1385
Adams County District Court No. 12JV198
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning P.N.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE TERRY
Dailey and Miller, JJ., concur

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

Court of Appeals No. 13CA1490
Industrial Claim Appeals Office of the State of Colorado
DD No. 8401-2013

Regina M. Dennis,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Cobigred, Inc.,
Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE STERNBERG*
Graham and Bernard, JJ., concur

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

Court of Appeals No. 13CA1688
Adams County District Court No. 12JV273
Honorable F. Michael Goodbee, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.A.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE NIETO*
Loeb, C.J., and Vogt*, J., concur

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

Court of Appeals No. 13CA1743
Industrial Claim Appeals Office of the State of Colorado
DD No. 5155-2013

Christopher A. Ludovic,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; and EMC2
Corporation,

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE DAILEY
Terry and Miller, JJ., concur

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

Court of Appeals No. 13CA1794
Industrial Claim Appeals Office of the State of Colorado
DD No. 11245-2013

Patricia McClain,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; and Wal-Mart
Associates, Inc.,

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE TERRY
Dailey and Miller, JJ., concur

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

Court of Appeals No. 13CA2076
Pueblo County District Court No. 11MH155
Honorable William B. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of James Spivey,

Respondent-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FOX
J. Jones and Navarro, 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. 10CA1638

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Leo Dudley,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 10CA2454

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Curtis Gordon Adams,

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. 2013.