

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
JUNE 26, 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UNPUBLISHED OPINIONS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. 10CA0998
Arapahoe County District Court No. 08CR2105
Honorable John L. Wheeler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Francis M. Hernandez,

Defendant-Appellant.

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

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

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

Court of Appeals No. 11CA0235
Douglas County District Court No. 09CR790
Honorable Vincent White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darek Nour Kassem,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCES VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 11CA0797
Jefferson County District Court No. 03CR1371
Honorable Stephen M. Munsinger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Eligio Zuniga,

Defendant-Appellant.

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

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

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

Court of Appeals No. 11CA2085
Boulder County District Court No. 10CR208
Honorable D.D. Mallard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Lopez-Diaz,

Defendant-Appellant.

JUDGMENT AND SENTENCE 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. 12CA0115
El Paso County District Court No. 93CR3580
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Henry W. Stone,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE J. JONES
Ashby and Ney*, JJ., concur

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

Court of Appeals No. 12CA0273
El Paso County District Court No. 06CR2542
Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel Motta,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE LOEB
Vogt* and Roy*, JJ., concur

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

Court of Appeals No. 12CA0307
El Paso County District Court No. 10CR3635
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Duane McNeil,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 12CA0682
City and County of Denver District Court No. 11DR236
Honorable Michael J. Vallejos, Judge

In re the Marriage of,

Nina H. Kazazian,

Appellant,

and

Michael J. Stackpool,

Appellee.

APPEAL DISMISSED IN PART AND ORDER AFFIRMED

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

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

Court of Appeals No. 12CA1337
Lincoln County District Court No. 07CR46
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Josh Hendren,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE VOGT*
Loeb, C.J., and Roy*, J., concur

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

Court of Appeals No. 12CA1922
City & County of Denver District Court No. 11DR236
Honorable Michael J. Vallejos, Judge

In re the Marriage of,

Nina H. Kazazian,

Appellant,

and

Michael J. Stackpool,

Appellee.

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

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

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

Court of Appeals No. 12CA2183
Douglas County District Court No. 06CR236
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wrighty Wilkins Velarde,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

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

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

Court of Appeals No. 13CA0104
City and County of Broomfield District Court No. 11DR115
Honorable Thomas R. Ensor, Judge
Honorable Robert W. Kiesnowski, Jr., Judge
Honorable Patrick T. Murphy, Judge

In re the Marriage of

Shan Wang,

Appellee,

and

Jun Cui,

Appellant.

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

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

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

Court of Appeals No. 13CA0183
Jefferson County District Court No. 98JD659
Honorable Kolony L. Fields, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.V.,

Juvenile-Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 13CA0356
Mesa County District Court No. 11CR1370
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew James Mechling,

Defendant-Appellant.

SENTENCE 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. 13CA0411
City and County of Denver Juvenile Court No. 04JV1407
Honorable Karen M. Ashby, Judge

In re the Support of J.C.B-P., a Child,

and Concerning C.P.,

Petitioner-Appellee,

and

M.B.,

Respondent-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA0414
Jefferson County District Court No. 09CV2704
Honorable Dennis J. Hall, Judge

Cryton, Inc.

Defendant-Appellant,

v.

2010-1 RADC/CADC Venture, LLC,

Defendant-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA0532
City and County of Denver District Court No. 12CV3541
Honorable Robert L. McGahey Jr., Judge

Midland Funding LLC,

Plaintiff-Appellant,

v.

Barbara J. Steinmeyer,

Defendant-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. 13CA0695
El Paso County District Court No. 07CR3875
Honorable David Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Garcia-Fernandez a/k/a Santos Torres,

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 Nos. 13CA0717 & 13CA0718
City and County of Denver District Court Nos. 10CV9845 & 11CV8227
Honorable Norman D. Haglund, Judge

Lake Chalet Owners Association, Inc.; William Harriman; and Julie Barnes,

Plaintiffs-Appellants and Defendants-Appellants,

v.

Amber Properties, LLC; Amber Homes, Inc.; Amber Communities, Inc.; Lake
Chalet Land Company, Inc.; and Jim Harmon,

Defendants-Appellees and Plaintiffs-Appellees.

JUDGMENTS 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. 13CA0777
City and County of Denver District Court No. 13CV9
Honorable Herbert L. Stern, III, Judge

Lake Chalet Owners Association, Inc.,

Plaintiff-Appellee,

v.

Amber Homes, Inc.; Amber Communities, Inc.; and Amber Properties, LLC,
Appellants.

ORDER 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. 13CA0997
City and County of Denver District Court No. 09CV602
Honorable Michael A. Martinez, Judge

Gaffigan & Associates, LLC.,

Plaintiff-Appellee and Cross-Appellant,

v.

American Family Mutual Insurance Company,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA1071
Larimer County District Court No. 12CV30006
Honorable Stephen E. Howard, Judge

William Kunzman,

Plaintiff-Appellant,

v.

Deutsche Bank National Trust Company, as Trustee for Argent Securities, Inc.,
Asset-Backed Pass-Through Certificates, Series 2005-W4,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA1448
Larimer County District Court No. 10CV833
Honorable John D. Williams, Judge

Estate of Martha V. Schrom, deceased.

Katherine Schaffer, individually and heir at law; and Delores Hennessy,
individually and heir at law,

Plaintiffs-Appellants,

v.

Allstate Insurance Company,

Garnishee-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA2175
Pueblo County District Court No. 12JV445
Honorable Deborah R. Eyler, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning H.E.,

Respondent-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. 13CA2246
Weld County District Court No. 13JV51
Honorable Dinsmore Tuttle, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.G.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 14CA0047
Adams County District Court No. 12JV302
Honorable Craig R. Welling, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.T. and J.A., Children,

and Concerning M.A.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE ROY*
Loeb, C.J., and Vogt*, J., concur

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

Court of Appeals No. 14CA0177
Industrial Claim Appeals Office of the State of Colorado
DD No. 19430-2013

Jerusalem Restaurant, Inc.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Helen Belay,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE BERNARD
Taubman 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. 08CA2443

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Harold Nakai,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 13CA0537

In re the Marriage of

Neil Curtis Slack,

Appellant,

and

Carol Lynn Kresge,

Appellee.

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.