

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
JULY 24, 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UNPUBLISHED OPINIONS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. 09CA1693
City and County of Denver District Court No. 07CR7248
Honorable Christina M. Habas, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Lopez, Jr.,

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. 10CA2681
Summit County District Court No. 09CV143
Honorable W. Terry Ruckriegle, Judge

Yacht Club Condominiums Home Owners Association, Steve Delaney, and
Robert R. Duncan,

Plaintiffs-Appellees,

v.

Town of Dillon, Colorado,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE GRAHAM
Dailey and Gabriel, JJ., concur

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

Court of Appeals No. 11CA2468
City and County of Denver District Court No. 10CR4682
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carl Cumby,

Defendant-Appellant.

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

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

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

Court of Appeals No. 11CA2506
El Paso County District Court No. 10CR2959
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Ray Adams,

Defendant-Appellant.

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

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

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

Court of Appeals No. 11CA2507
El Paso County District Court No. 10CR2947
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Ray Adams,

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. 11CA2508
Arapahoe County District Court No. 10CR1987
Honorable Michael Spear, Judge
Honorable Gerald Rafferty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lamar Dominguez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 11CA2578
Jefferson County District Court No. 06CR2403
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond F. Armelino,

Defendant-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. 12CA0843
Larimer County District Court No. 10CR749
Honorable Jolene C. Blair, Judge
Honorable Dave Williams, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Phillip Richard Trujillo,

Defendant-Appellant.

JUDGMENT AND ORDER 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. 12CA1031
City and County of Denver District Court No. 11CR2471
Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chester Gray,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE ROMÁN
Booras and Vogt*, JJ., concur

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

Court of Appeals No. 12CA1170
Arapahoe County District Court No. 11CR1549
Honorable Carlos A. Samour, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Lynn Shelton,

Defendant-Appellant.

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. 12CA1334
City and County of Denver District Court No. 04CR4833
Honorable Anne M. Mansfield, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Jake Chavez, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FURMAN
Plank*, J., concurs
Lichtenstein, J., dissents

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

Court of Appeals No. 12CA2070
Arapahoe County District Court No. 12CR453
Honorable Elizabeth B. Volz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Melvin Jonas Cornelius Briggs,

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. 12CA2377
Adams County District Court No. 11CR2212
Honorable F. Michael Goodbee, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Randy Zepeda,

Defendant-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. 12CA2458
El Paso County District Court No. 11CR4418
Honorable Scott A. Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Miguel Emmanuel Gonzalez-Lopez,

Defendant-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. 12CA2528
City and County of Denver District Court No. 04CR2464
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fernando A. Duran

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. 12CA2584
City and County of Denver District Court No. 11CR10309
Honorable Catherine A. Lemon, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Damian Lynch,

Defendant-Appellee.

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

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

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

Court of Appeals No. 12CA2649
Teller County District Court No. 07CR14
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Neil Atkins,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE ROMÁN
Booras and Kapelke*, JJ., concur

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

Court of Appeals No. 13CA0149
Adams County District Court No. 11CV1236
Honorable Robert W. Kiesnowski, Judge

Martin J. Flannery,

Plaintiff-Appellant,

v.

21st Century Security Insurance Company, f/k/a AIG Insurance Company,
Defendant-Appellee.

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. 13CA0157
Montrose County District Court Nos. 93CR57, 93CR95 & 93CR122
Honorable Jeff B. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joey U. Maestas,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA0337
Jefferson County District Court No. 12DR57
Honorable Dennis Hall, Judge

In re the Marriage of

Kay Jean Johnson,

Appellee,

and

Carlton Paul Johnson, Jr.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA0511
Montrose County District Court No. 11CV197
Honorable James W. Schum, Judge

Emily Ramirez, Individually and as Mother and Next Friend of Alejandro
Ramirez, a Minor Child,

Plaintiff-Appellant,

v.

Tyler Hadden,

Defendant-Appellee.

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

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

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

Court of Appeals No. 13CA0702
El Paso County District Court No. 00CR4508
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremy Michael Petschow,

Defendant-Appellant.

ORDER 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. 13CA1041
City and County of Denver District Court No. 10CV913
Honorable R. Michael Mullins, Judge

Law Offices of Stuart A. Kritzer, P.C., as successor in interest to Kritzer/Zonies,
LLC,

Plaintiff-Appellee,

v.

Charles Knight,

Defendant-Appellant and Cross-Appellee,

and

GE Group Life Assurance Company n/k/a Sun Life and Health Insurance
Company,

Third Party Defendant-Appellee and Cross-Appellant.

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

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

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

Court of Appeals No. 13CA1221
Elbert County District Court No. 12CV110
Honorable Jeffrey K. Holmes, Judge

Aaron Brachfeld, d/b/a Meadowlark Herald,

Plaintiff-Appellant,

v.

Board of County Commissioners of Elbert County, Colorado,

Defendant-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA1225
Jefferson County District Court No. 00CR182
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Wayne Hoyer,

Defendant-Appellant.

ORDER AFFIRMED AND APPEAL DISMISSED IN PART

Division VII
Opinion by CHIEF JUDGE LOEB
Sternberg* and Kapelke*, JJ., concur

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

Court of Appeals No. 13CA1277
Weld County District Court No. 12DR976
Honorable Marcelo A. Kopcow, Judge

In re the Parental Responsibilities of I.M.E.-L., a Child,
and Concerning Alan Wayne Lawson,

Appellant and Cross-Appellee,

and

Lauren Rebecca Eckard,

Appellee and Cross-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE STERNBERG*
Loeb, C.J., and Kapelke*, J., concur

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

Court of Appeals No. 13CA1352
City and County of Denver District Court No. 12CV4983
Honorable Shelley I. Gilman, Judge

City and County of Denver, a municipal corporation,

Plaintiff-Appellant,

v.

Mathew Carothers and the Career Service Board of the City and County of
Denver,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE ROMÁN
Booras and Vogt*, JJ., concur

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

Court of Appeals No. 13CA1444
City and County of Denver District Court No. 12CV1811
Honorable R. Michael Mullins, Judge

Brian Minturn and Mary Minturn,

Plaintiffs-Appellants,

v.

Definitive Renovations, Inc. and Ronald L. Taylor,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE ROMÁN
Booras and Vogt*, JJ., concur

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

Court of Appeals No. 13CA1632
Larimer County District Court No. 04CR1048
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Neil Francis Creeden,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA1676
City and County of Denver District Court No. 13CV291
Honorable Robert S. Hyatt, Judge

Andrew Mark Lamar,

Plaintiff-Appellant,

v.

John W. Hickenlooper, Governor of the State of Colorado,

Defendant-Appellee.

APPEAL DISMISSED

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

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

Court of Appeals No. 13CA1872
City and County of Denver District Court No. 13CV30822
Honorable Martin F. Egelhoff, Judge

Damian Patrick Westerman,

Plaintiff-Appellant,

v.

Colorado Department of Revenue, Division of Motor Vehicles; Mike Dixon, as
Director of the Motor Vehicle Division; and Barbara Brohl, as Executive
Director of the Department of Revenue,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA2251
City and County of Denver District Court No. 86CR1247
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James A. Childs,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA2326
Industrial Claim Appeals Office of the State of Colorado
DD No. 17010-2013

August Lee Hardesty,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Don's Oilfield
Services, Inc.,

Respondents.

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. 14CA0290
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-917-28502

Jennie E. Vigil,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and A Plus Kids, Inc.,
Respondents.

ORDER AFFIRMED

Division VII
Opinion by JUDGE KAPELKE*
Loeb, C.J., and Sternberg*, J., concur

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

Court of Appeals No. 14CA0344
Industrial Claim Appeals Office of the State of Colorado
DD No. 14100-2013

Dana L. Pelz,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Dillon Companies,
Inc.,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 14CA0429
Industrial Claim Appeals Office of the State of Colorado
DD No. 25347-2013

Melani Krneta,

Petitioner,

v.

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

ORDER AFFIRMED

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

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

Court of Appeals No. 14CA0496
City and County of Denver Juvenile Court No. 12JV45
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.J.M., Child,

and Concerning D.A.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE ROY*
Loeb, C.J., and Plank*, J., concur

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

Court of Appeals No. 14CA0608
Industrial Claim Appeals Office of the State of Colorado
DD No. 784-2014

Bobby J. Sage,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and USAA Financial
Planning Network, Inc.,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 14CA0778
Industrial Claim Appeals Office of the State of Colorado
DD No. 1225-2014

Lee A. Lindsey,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Casebolt and Roy*, 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. 10CA1875

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Jonathan Walden,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 11CA0322

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandin Eugene Kreuzer,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 11CA2100

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dexter Harris,

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.