*ANNOUNCEMENTS*
*COLORADO COURT OF APPEALS*
*JANUARY 30, 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. 09CA2409
Larimer County District Court No. 08CR303
Honorable Jolene Carman Blair, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Peter Conyac,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE CASEBOLT
Terry and Marquez*, JJ., concur

Court of Appeals No. 12CA0227
Fremont County District Court No. 10CV179
Honorable Julie G. Marshall, Judge

Top Rail Ranch Estates, LLC, a Colorado limited liability company,

Plaintiff-Appellee and Cross-Appellant,

and

Chris Jenkins,

Plaintiff-Appellee,

v.

Ronald E. Walker and Walker Development Company, a Colorado corporation,

Defendants-Appellants and Cross-Appellees.

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

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Court of Appeals No. 12CA1326
Fremont County District Court No. 11CV128
Honorable Julie G. Marshall, Judge

Walker Development Company, a Colorado corporation,

Plaintiff-Appellant and Cross-Appellee,

v.

Top Rail Ranch Estates, LLC, a Colorado limited liability company and
Christopher B. Jenkins,

Defendants-Appellees and Cross-Appellants.

JUDGMENT REVERSED, ORDER AFFIRMED,
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE TERRY
Loeb, C.J., and Navarro, J., concur

Court of Appeals No. 12CA2428
Adams County District Court No. 10CV2032
Honorable C. Scott Crabtree, Judge

Taylor Morrison of Colorado, Inc. f/k/a Morrison Homes of Colorado, Inc.,

Plaintiff-Appellant,

v.

Bemas Construction, Inc. and Terracon Consultants, Inc.,

Defendants-Appellees.

JUDGMENT AFFIRMED IN PART AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE GABRIEL
Hawthorne and Lichtenstein, JJ., concur

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Court of Appeals No. 13CA0659
La Plata County District Court No. 10CV55
Honorable David L. Dickinson, Judge

Rose L. Watson Revocable Trust,

Plaintiff,

and

William D. Bontrager,

Attorney-Appellant,

v.

BP America Production Company,

Defendant-Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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## U N P U B L I S H E D  O P I N I O N S

Court of Appeals No. 10CA0531
La Plata County District Court Nos. 08CR263 & 09CR168
Honorable David L. Dickinson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul Andrew Stelzer,

Defendant-Appellant.

JUDGMENTS AND SENTENCES AFFIRMED

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

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

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Court of Appeals No. 10CA1277
Adams County District Court No. 09CR2120
Honorable Chris Melonakis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gerome Ramero Brooks,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 10CA1942
Jefferson County District Court No. 09CR1972
Honorable Jane A. Tidball, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lesley Ann Winegarden-Mortimer,

Defendant-Appellant.

ORDER REVERSED IN PART AND CASE
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 11CA1228
Mesa County District Court No. 10CR1149
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stuart Jason Peacock,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 11CA1434
Arapahoe County District Court No. 09CR645
Honorable Elizabeth A. Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kimberly Dawn Meza,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 11CA2126
Arapahoe County District Court No. 08CR1389
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Adam Muro,

Defendant-Appellant.

ORDER, JUDGMENT, AND SENTENCE AFFIRMED

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

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

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Court of Appeals No. 12CA0101
City and County of Denver District Court No. 10CR4030
Honorable Anne M. Mansfield, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lance Haley Cook,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE FURMAN
Taubman and Dunn, JJ., concur

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

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Court of Appeals No. 12CA0343
Boulder County District Court No. 11CR745
Honorable James C. Klein, Judge
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ashley Nicole Bradford,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 12CA0488
Douglas County District Court No. 11CR84
Honorable Vincent R. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne Gerald Froemke,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
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)**

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Court of Appeals No. 12CA0625
City and County of Denver District Court No. 10CR1259
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick Hart,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI
Opinion by JUDGE GABRIEL
Hawthorne and Lichtenstein, JJ., concur

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

Court of Appeals No. 12CA1109
Boulder County District Court No. 10CR202
Honorable M. Gwyneth Whalen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Theodore Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE MILLER
Dailey and Terry, JJ., concur

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

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Court of Appeals No. 12CA1147
Boulder County District Court No. 10CR189
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Theodore Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE MILLER
Dailey and Terry, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R.**

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Court of Appeals No. 12CA1548
Boulder County District Court No. 11CR1467
Honorable James C. Klein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicole Renee Depaolo,

Defendant-Appellant.

JUDGMENTS AFFIRMED

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

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

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Court of Appeals No. 12CA1587
Larimer County District Court No. 11CR1094
Honorable Julie K. Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Guadelupe Favela,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE FURMAN
Taubman and Dunn, JJ., concur

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

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Court of Appeals No. 12CA2202
Montrose County District Court No. 09CR109
Honorable Jeff B. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Erland Tengstedt,

Defendant-Appellant.

APPEAL DISMISSED

Division VII
Opinion by JUDGE FOX
J. Jones and Navarro, JJ., concur

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

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Court of Appeals No. 13CA0016
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-850-101

APEX Transportation, Inc.; and Pinnacol Assurance,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado; and Paul R. Vigil,

Respondents.

ORDER SET ASIDE AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA0212
Adams County District Court No. 11DR2850
Honorable Ted C. Tow, III, Judge

In re the Marriage of

Derren E. Tippets,

Appellant,

and

Shauna C. Tippets, n/k/a Washburn,

Appellee.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE LOEB
Plank* and Kapelke*, JJ., concur

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

Court of Appeals No. 13CA0330
Pitkin County District Court No. 08CV56
Honorable Gail H. Nichols, Judge

Arnold Meyerstein, in his capacity as trustee of the Meyerstein Trust,

Plaintiff-Appellant,

v.

City of Aspen, a home rule municipal corporation, and Aspen/Pitkin County Housing Authority, a multi-jurisdictional housing authority,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE GABRIEL
Hawthorne and Lichtenstein, JJ., concur

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

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Court of Appeals No. 13CA0359
Routt County District Court No. 12JD2
Honorable Shelley Ann Hill, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.H.,

Juvenile-Appellant.

JUDGMENT AFFIRMED IN PART
AND DISMISSED IN PART

Division VII
Opinion by JUDGE FOX
J. Jones and Navarro, JJ., concur

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

Court of Appeals No. 13CA0539
Arapahoe County District Court No. 07DR81
Honorable Theresa Michelle Slade, Judge
Honorable Kathleen Janski, Magistrate

In re the Marriage of

Craig Jacob Nelson,

Appellee,

and

Shirley N. Whitesel, formerly Shirley Nelson,

Appellant.

ORDER REVERSED AND REMANDED

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

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

Court of Appeals No. 13CA0563
Arapahoe County District Court No. 09CV1327
Honorable Charles M. Pratt, Judge

L & R Exploration Venture; Loeb Partners Corporation, as agent for the participants in L & R Exploration Venture; Judith L. Chiara; Peter Dixon, as Executor of the Estate of W. Palmer Dixon; Margaret L. Kempner; Thomas L. Kempner; Jerome A. Manning, as Trustee of the Carl M. Loeb Trust f/b/o Ann L. Bronfman; John A. Levin, as Trustee of the Carl M. Loeb Trust f/b/o Ann L. Bronfman; Jerome A. Manning, as Trustee of the Carl M. Loeb Trust f/b/o Deborah L. Brice; John A. Levin, as Trustee of the Carl M. Loeb Trust f/b/o Judith L. Chiara; Jerome A. Manning, as Trustee of the Carl M. Loeb Trust f/b/o Judith L. Chiara; John A. Levin, as Trustee of the Carl M. Loeb Trust f/b/o Deborah L. Brice; Jerome A. Manning, as Trustee under the will of Frances L. Loeb f/b/o John L. Loeb, Jr., Estate of Henry A. Loeb; John A. Levin, as Trustee under the will of Frances L. Loeb f/b/o John L. Loeb, Jr., Estate of Henry A. Loeb; John L. Loeb, Jr., as Trustee of the Virginia Bloomgarden Trust; TROF, Inc., f/k/a Marshall Petroleum; Larry C. Serr, as Trustee of the Robineau Trusts; John S. Rodgers; Columbia University Trust Administration, Executor of the Estate of Daniel Silberberg; John S. Rodgers, as Trustee of the Audrey Holly Trust; Mal L. Barasch, as Trustee of the Audrey Holly Trust; John S. Rodgers, as Trustee of the Virginia Bloomgarden Trust; M. Wellman, as Trustee of the Mark J. Millard Trust; Frederick Lubcher, as Trustee of the Diana von Mueffling Trust and the William von Mueffling Trust; and Ann B. Lesk, as Trustee of the Diana von Mueffling Trust and the William von Mueffling Trust,

Plaintiffs-Appellees,

v.

CCG, LLC; Gadeco, LLC; Pricaspian Development Corporation; and Celeste C. Grynberg,

Intervenors-Appellants.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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. 13CA0895
Montrose County District Court No. 12CV352
Honorable James W. Schum, Judge

Alan Russell Wernstrum,

Plaintiff-Appellee,

v.

State of Colorado, Department of Revenue, Motor Vehicle Division,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 13CA0897
El Paso County District Court No. 03CR4889
Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Metcalf,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA1017
City and County of Denver Juvenile Court No. 12JV253
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of I.Z.S., L.A.S., and K.S., Children,

and Concerning K.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 13CA1659
Boulder County District Court No. 11JV179
Honorable Roxanne Bailin Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.B., Child

and Concerning N.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE MILLER
Dailey and Terry, JJ., concur

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

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Court of Appeals No. 13CA1708
Industrial Claim Appeals Office of the State of Colorado
DD No. 12555-2013

Lightning Mobile Wash, Inc.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Christopher S. Harmon,

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE PLANK*
Loeb, C.J., and Kapelke*, J., concur

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

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Court of Appeals No. 13CA1949
Industrial Claim Appeals Office of the State of Colorado
DD No. 16288-2013

Gildardo Jasso,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Mountain Rolloffs, Inc.,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 13CA2077
Pueblo County District Court No. 13MH392
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Samuel Morris Clemons,

Respondent-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 13CA2094
Pueblo County District Court No. 13MH388
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Richard Lancaster,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE MILLER
Dailey and Terry, 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. 11CA2159

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lavern Bonnie Barron,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 12CA0688

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Anthony Boetger,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 12CA1999

Lucht's Concrete Pumping, Inc., a Colorado corporation,

Plaintiff-Appellant,

v.

Tracy Horner and Everist Materials, LLC, d/b/a Peak Concrete Pumping, an Iowa limited liability company,

Defendants-Appellants.

Petition for Rehearing DENIED

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

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Court of Appeals No. 12CA2473

In re the Parental Responsibilities Concerning R.L.R., a Child,

and Concerning Prina Lynn Fitzgerald,

Appellant,

and

David William Riecken,

Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 13CA1409

Douglas E. Champiny,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Joseph T. Ryerson & Son, Inc.,

Respondents.

Opinion Modified and
Petition for Rehearing DENIED

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

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