

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
November 6, 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. [10CA1476](#)
City and County of Denver District Court No. 09CR510
Honorable Robert L. McGahey, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sandra L. Jacobson,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE WEBB
Navarro and Kapelke*, JJ., concur

Court of Appeals No. [13CA0658](#)
City and County of Denver District Court No. 11CV2749
Honorable Herbert L. Stern, III, Judge

State of Colorado, ex rel. John W. Suthers, Attorney General, and Julie Ann Meade, Administrator, Uniform Consumer Credit Code,

Plaintiffs-Appellants and Cross-Appellees

v.

Johnson Law Group, PLLC, a Florida private limited liability company, and Clint L. Johnson,

Defendants-Appellee and Cross-Appellants.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE ROMÁN
Casebolt and Gabriel, JJ., concur

Court of Appeals No. [13CA1486](#)
Eagle County District Court No. 11CV227
Honorable R. Thomas Moorhead, Judge

Liberty Bankers Life Insurance Company,

Third-Party Defendant-Appellant,

v.

First Citizens Bank & Trust Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BOORAS
Graham and Lichtenstein, JJ., concur

Court of Appeals No. [13CA1547](#)
Colorado Motor Vehicle Dealer Board
Case No. MSD-12-189

Colorado Motor Vehicle Dealer Board,

Plaintiff-Appellee,

v.

Jeffrey Freeman,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE HAWTHORNE
Dailey, J., concurs
Dunn, J., dissents

Court of Appeals No. [13CA1844](#)
City and County of Denver District Court No. 13CV31634
Honorable J. Eric Elliff, Judge

Harper Hofer & Associates, LLC,

Plaintiff-Appellee,

v.

Northwest Direct Marketing, Inc.; Northwest Direct Marketing of Oregon, Inc.;
and Northwest Direct Teleservices, Inc.,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE GRAHAM
Lichtenstein and Booras, JJ., concur

Court of Appeals No. [13CA2085](#)
Logan County District Court No. 13CV46
Honorable Charles M. Hobbs, Judge

Anthony Max Garcia,

Plaintiff-Appellant,

v.

Allen Harms, in his official capacity; James Falk, in his official capacity; Rick Raemisch, in his official capacity; John Hickenlooper, Governor, in his official capacity; State of Colorado; and Jane Doe and John Doe, whose true names are unknown, in their official capacities,

Defendants-Appellees.

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

Division VI
Opinion by JUDGE FOX
Bernard and Ashby, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 09CA0184
Jefferson County District Court No. 06CR1797
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Billy Edwin Reid,

Defendant-Appellant.

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

Division II
Opinion by JUDGE CASEBOLT
Román and Gabriel, JJ., concur

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

Court of Appeals Nos. 09CA0537 & 09CA0542
City and County of Denver District Court No. 07CR6412
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee and Cross-Appellant,

v.

Manuel Martinez,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BERNARD
Gabriel, J., concurs
Dailey, J., dissents

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

Court of Appeals No. 10CA0428
Mesa County District Court No. 09CR125
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel John Lyons,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE CASEBOLT
Román and Gabriel, JJ., concur

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

Court of Appeals No. 11CA0402
Adams County District Court No. 09CR822
Honorable F. Michael Goodbee, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcos Timothy Giron,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE BERGER
J. Jones and Miller, JJ., concur

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

Court of Appeals No. 12CA0201
Arapahoe County District Court No. 10CR2382
Honorable Gerald J. Rafferty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Wayne Bassett,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE ROMÁN
Casebolt and Gabriel, JJ., concur

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

Court of Appeals No. 12CA0813
Adams County District Court No. 11CR30
Honorable John E. Popovich, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keaton Schaefer,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE CASEBOLT
Román and Gabriel, JJ., concur

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

Court of Appeals No. 12CA0850
City and County of Denver District Court No. 10CR3327
Honorable Christina M. Habas, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Vincent O'Neal II,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE J. JONES
Miller and Berger, JJ., concur

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

Court of Appeals No. 12CA1338
Adams County District Court No. 10CR3476
Honorable Chris Melonakis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Lee Hill, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE MILLER
J. Jones and Berger, JJ., concur

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

Court of Appeals No. 12CA1341
Adams County District Court No. 97CR3020
Honorable F. Michael Goodbee, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Abel Martinez-Sanchez,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE MILLER
J. Jones and Berger, JJ., concur

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

Court of Appeals No. 12CA1598
Arapahoe County District Court No. 10CR2290
Honorable Marilyn L. Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cameron Ryan Sizemore,

Defendant-Appellant.

JUDGMENT REVERSED

Division III
Opinion by JUDGE PLANK*
Dailey and Dunn, JJ., concur

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

Court of Appeals Nos. 12CA1666 & 13CA1986
El Paso County District Court No. 12CV2380
Honorable Timothy Schutz, Judge

Fountain Village Townhomes Lender, LLC, a Colorado limited liability company,

Petitioner-Appellant,

v.

Larry Schreder and Aspen Mortgage Corporation, a Colorado limited liability corporation,

Defendants-Appellees.

JUDGMENTS AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FOX
Loeb, C.J., and Bernard, J., concur

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

Court of Appeals No. 12CA2460
El Paso County District Court No. 11CR4142
Honorable Timothy Schutz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn Matthew Russell,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE RICHMAN
Taubman and Terry, JJ., concur

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

Court of Appeals No. 13CA0153
Gilpin County District Court No. 11CR76
Honorable Jack W. Berryhill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos Silva-Rayas,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE BERGER
J. Jones and Miller, JJ., concur

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

Court of Appeals No. 13CA0556
Douglas County District Court No. 07DR1321
Honorable Michael J. Spear, Judge

In re the Marriage of

Rose Ann Barranco, f/k/a Rose Ann Bridgers,

Appellee,

and

Rodney P. Bridgers, Jr.,

Appellant.

ORDERS 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. 13CA1223
El Paso County District Court No. 12CV5947
Honorable Jann P. Dubois, Judge

Sabrina E. Magraff,

Plaintiff-Appellant,

v.

Vaneeta Dhindsa,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE DUNN
Dailey and Hawthorne, JJ., concur

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

Court of Appeals No. 13CA1421
Weld County District Court No. 09CR2141
Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcello Maldonado Perez,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE GABRIEL
Casebolt and Román, JJ., concur

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

Court of Appeals No. 13CA1513
City and County of Denver District Court No. 11CV1976
Honorable Ann B. Frick, Judge

Donna Worley,

Plaintiff-Appellant,

v.

State of Colorado, Office of Child's Representative; and Linda Weinerman, in
her official capacity,

Defendants-Appellees.

JUDGMENT AFFIRMED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE ROMÁN
Casebolt and Gabriel, JJ., concur

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

Court of Appeals No. 13CA1658
Pueblo County District Court No. 13CV96
Honorable David W. Crockenberg, Judge

Fremont Paving and Redi-Mix, Inc., a Colorado corporation; Danny J. Henrichs, an individual; Cindy L. Henrichs, an individual; and Pritekel Brothers Farm, LLC, a Colorado limited liability company,

Plaintiffs-Appellants,

v.

State of Colorado, by and through the State Board of Land Commissioners; Board of County Commissioners of Pueblo County, by and through its Board Members and the Pueblo County Planning Commission; Terry A. Hart, in his official capacity as Pueblo County Commissioner for District 1; Liane “Buffie” McFadyen, in her official capacity as Pueblo County Commissioner for District 2; and Sal Pace, in his official capacity as Pueblo County Commissioner for District 3,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE BERNARD
Fox and Vogt*, JJ., concur

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

Court of Appeals No. 13CA1782
Douglas County District Court No. 12CV1919
Honorable Richard B. Caschette, Judge

Jason Sperry,

Plaintiff-Appellant,

v.

Robert Leonard,

Defendant-Appellee.

ORDER AFFIRMED

Division III
Opinion by JUDGE DAILEY
Hawthorne and Dunn, JJ., concur

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

Court of Appeals No. 13CA1801
Adams County District Court No. 08DR864
Honorable Ted C. Tow, III, Judge

In re the Marriage of

John Notary,

Appellant,

and

Svetlana V. Notary,

Respondent,

and Concerning Michael V. Makaroff, Judgment Creditor; and Richard W.
Daily, Judgment Creditor,

Attorneys-Appellees.

ORDER AFFIRMED

Division III
Opinion by JUDGE ROY*
Hawthorne and Dunn, JJ., concur

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

Court of Appeals No. 13CA1958
Adams County District Court No. 13CV92
Honorable C. Scott Crabtree, Judge

Matthew A. Smith,

Plaintiff-Appellant,

v.

Mikayla J. Mauser,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE GABRIEL
Casebolt and Román, JJ., concur

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

Court of Appeals No. 13CA2103
Eagle County District Court No. 12CV953
Honorable Russell H. Granger, Judge

Christian A. Hansen,

Plaintiff-Appellant,

v.

Ski Base, Inc., d/b/a Wheel Base, Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA2226
La Plata County District Court No. 10DR311
Honorable Suzanne F. Carlson, Judge

In re the Marriage of

Matthew Ross Gauthier,

Appellant,

and

Rachel Edith Taylor-Saghie,

Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE DAILEY
Hawthorne and Dunn, JJ., concur

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

Court of Appeals No. 14CA0297
Industrial Claim Appeals Office of the State of Colorado
W.C. No. 4-884-077-02

Craig Milroy,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and City of Colorado
Springs,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE GABRIEL
Casebolt and Román, JJ., concur

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

Court of Appeals No. 14CA0373
Arapahoe County District Court No. 12DR1924
Honorable Theresa M. Slade, Judge

In re the Marriage of

Eiman Mohamed,

Appellee,

and

Haitham Hamad,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE DUNN
Dailey and Hawthorne, JJ., concur

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

Court of Appeals No. 14CA0494
Jefferson County District Court No. 96CR1886
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Darron McDaniel,

Defendant-Appellant.

ORDERS AFFIRMED

Division VII
Opinion by JUDGE BERGER
J. Jones and Miller, JJ., concur

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

Court of Appeals No. 14CA0923
Weld County District Court No. 13JV49
Honorable Paul R. McLimans, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.J.W., N.M.H., and S.L.H., Children,

and Concerning B.P.W. and A.L.H.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FOX
Bernard and Vogt*, JJ., concur

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

Court of Appeals No. 14CA0937
Douglas County District Court No. 14JV43
Honorable Richard Caschette, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of F.B.V., a Child,

and Concerning J.E.V.,

Respondent-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE WEBB
Navarro, J., concurs
Furman, J., specially concurs

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

Court of Appeals No. 14CA1298
Industrial Claim Appeals Office of the State of Colorado
DD No. 8509-2014

Carolyn P. Martinez,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE BOORAS
Graham and Lichtenstein, 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. 09CA1100

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony William Fontanese,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 11CA0511

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Giselle Gutierrez-Ruiz,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 12CA2005

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Coy Stewart,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. [12CA2635](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Sabino Espino-Paez,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 13CA0499

Kevin Buckley and Brooke Buckley,

Plaintiffs-Appellants,

v.

Robert D. Ostermiller, Jr., and Laurie Ostermiller,

Defendants-Appellees.

Petitions for Rehearing DENIED

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

Court of Appeals No. 13CA2089

In re the Marriage of

David Andrew Renton,

Appellee,

and

Susan Magdalene Renton,

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. 2014.