

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
April 30, 2015*

“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**UNPUBLISHED OPINIONS**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. 11CA1805  
Weld County District Court No. 10CR699  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kyle Ryan Stirzinger,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE RICHMAN  
Dailey and Webb, JJ., concur

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

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Court of Appeals No. 12CA0103  
El Paso County District Court No. 10CR4386  
Honorable Kirk S. Samelson, Judge  
Honorable Barney Iuppa, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Garey Cisco Proctor,

Defendant-Appellant.

JUDGMENTS AFFIRMED

Division III  
Opinion by JUDGE DAILEY  
Webb and Richman, JJ., concur

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

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Court of Appeals No. 12CA0969  
Adams County District Court No. 11CR945  
Honorable John E. Popovich, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Paul Stewart,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE BOORAS  
Gabriel and Vogt\*, JJ., concur

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

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Court of Appeals No. 12CA1393  
Douglas County District Court No. 08CR691  
Honorable Richard Brewster Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Uche Brigid Mordi,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE MÁRQUEZ\*  
Román and Ashby, JJ., concur

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

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Court of Appeals No. 12CA1477  
Crowley County District Court No. 09CR43  
Honorable Michael A. Schiferl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Phillip Diaz,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division I  
Opinion by JUDGE BOORAS  
Taubman and Gabriel, JJ., concur

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

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Court of Appeals No. 12CA1558  
Adams County District Court No. 04CR1106  
Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel Alexander Acosta,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE FURMAN  
J. Jones and Fox, JJ., concur

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

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Court of Appeals No. 12CA2045  
La Plata County District Court No. 10CR518  
Archuleta County District Court No. 10CR71  
Honorable Jeffrey R. Wilson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles E. Trogdon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE BERNARD  
Hawthorne and Miller, JJ., concur

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

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Court of Appeals No. 13CA0877  
Morgan County District Court No. 12CR131  
Honorable Kevin L. Hoyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Franklin Laverne Sowder,

Defendant-Appellant.

SENTENCE AFFIRMED

Division I  
Opinion by JUDGE GABRIEL  
Booras and Vogt\*, JJ., concur

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

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Court of Appeals No. 13CA1663  
La Plata County District Court No. 12CV144  
Honorable Gregory G. Lyman, Judge

Curtis Webster,

Plaintiff-Appellant and Cross-Appellee,

v.

Justin Grimwood,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED AND CROSS-APPEAL  
DISMISSED IN PART

Division VII  
Opinion by JUDGE LICHTENSTEIN  
Navarro and Roy\*, JJ., concur

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

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Court of Appeals No. 13CA2223  
City and County of Denver District Court No. 12CV5234  
Honorable J. Eric Elliff, Judge

Ashley Franz,

Plaintiff-Appellant,

v.

David Forschner,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE GABRIEL  
Booras and Vogt\*, JJ., concur

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

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Court of Appeals No. 13CA2259  
City and County of Denver District Court No. 13CV33234  
Honorable Michael A. Martinez, Judge

Roger Oba and Mary Beth O'Quinn,

Plaintiffs-Appellants,

v.

Colorado Department of Human Services,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE GABRIEL  
Booras and Vogt\*, JJ., concur

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

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Court of Appeals No. 14CA0150  
Mesa County District Court No. 12CR302  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jordan Criswell,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE BERNARD  
Hawthorne and Miller, JJ., concur

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

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Court of Appeals No. 14CA0509  
Arapahoe County District Court No. 13CV877  
Honorable Charles M. Pratt, Judge

Daniel L. Yalacki,

Plaintiff-Appellant,

v.

Thomas Jordon; Marta Jordon; and David Jordon,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE J. JONES  
Furman and Fox, JJ., concur

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

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Court of Appeals No. 14CA0597  
Gilpin County District Court No. 92CV55  
Honorable Philip J. McNulty, Judge

The Estate of William B. Kemper and the Estate of Marjorie Robbins Daggett,  
Plaintiffs-Appellees,

v.

Quartz Hill Mining, LLC, a Colorado limited liability company, and Superior  
Gold, LLC, a Colorado limited liability company,

Intervenors-Appellants.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE FOX  
Furman and J. Jones, JJ., concur

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

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Court of Appeals No. 14CA0709  
Arapahoe County District Court No. 07CV1527  
Honorable Elizabeth A. Weishaupl, Judge

AC Excavating, Inc., a Colorado corporation,

Plaintiff-Appellant,

and

Craig D. Johnson & Associates, P.C., a Colorado professional corporation,

Appellant,

v.

Donald A. Yale,

Defendant-Appellee.

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

Division VI  
Opinion by JUDGE FOX  
Furman and J. Jones, JJ., concur

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

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Court of Appeals No. 14CA0734  
Adams County District Court No. 12DR2302  
Honorable Ted C. Tow, Judge

In re the Marriage of

Bobbie Jean Bays,

Appellee,

and

Paul Michael Wesley Bays,

Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE BOORAS  
Gabriel and Ney\*, JJ., concur

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

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Court of Appeals No. 14CA0742  
Douglas County District Court No. 13CV30869  
Honorable Richard B. Caschette, Judge

Jason Sperry and Noelle Sperry,

Plaintiffs-Appellants,

v.

Timber Tech, L.T.D., d/b/a Timber Tech,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE BERNARD  
Hawthorne and Miller, JJ., concur

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

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Court of Appeals No. 14CA0799  
City and County of Denver District Court No. 14CV30504  
Honorable Morris B. Hoffman, Judge

Crooked Stave Co Distributing Company, LLC,

Plaintiff-Appellee,

v.

Elite Brands of Colorado, Inc.,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE BOORAS  
Gabriel and Vogt\*, JJ., concur

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

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**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. 10CA2609

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Isidore A. Griego,

Defendant-Appellant.

Petition for Rehearing DENIED  
Booras, J., would GRANT

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Court of Appeals No. 12CA2114

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eddie John Vigil,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 13CA2140

Alfred L. Baker, III; Mary H. Baker; Chris Main; Kristen Main; Richard L. Liebhaber; VVI, LLC, a Colorado limited liability company; Karin Wagner Revocable Inter Vivos Trust; Potamus Bean, LLC, a Texas limited liability company; Meadow Drive Ventures, Inc., a Colorado corporation,

Appellants,

v.

Staufer Commercial, LLC, a Colorado limited liability company,

Appellee.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 14CA0247

Carnation Building Services, Inc., a Colorado corporation,

Plaintiff-Appellee,

v.

City and County of Denver, a municipal corporation and political subdivision of the State of Colorado,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 14CA0269

Briargate at Seventeenth Avenue Owners' Association,

Plaintiff-Appellee,

v.

John G. Nelson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 14CA0408

In re the Marriage of

Frank Steven Mango,

Appellant,

and

Gyorgyike Ibolya Hamvas,

Appellee.

Petition for Rehearing DENIED

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

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Court of Appeals No. 14CA0739

HIT, Inc.,

Plaintiff-Appellee,

v.

Platinum Play, Inc.; Michelle R. Sykes, a/k/a Michelle R. Thomas, d/b/a  
Platinum Play, Inc.; and John A. Meininger,

Defendants-Appellants.

Petitions 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. 2014.