ANNOUNCEMENTS
COLORADO COURT OF APPEALS
November 3, 2016

"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

2016COA159
Court of Appeals Nos. 14CA1435 & 14CA1436
Pueblo County District Court Nos. 12CR222 & 12CR27
Honorable William David Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Valerie Christine Harris,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE HARRIS
Dailey and Furman, JJ., concur

2016COA160
Court of Appeals No. 14CA2409
Baca County District Court No. 11CV14
Honorable Douglas Tallman, Judge

Red Flower, Inc., a Kansas corporation,

Plaintiff-Appellant and Cross-Appellee,

v.

Kevin R. McKown,

Defendant-Appellee and Cross-Appellant.

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

Division IV
Opinion by JUDGE HARRIS
Hawthorne and Román, JJ., concur

2016COA161
Court of Appeals No. 15CA0652
Weld County District Court No. 13CR1668
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Billy Jack Sena,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE RICHMAN
Bernard and Fox, JJ., concur

2016COA162
Court of Appeals No. 15CA1139
Larimer County District Court No. 15CV30234
Honorable C. Michelle Brinegar, Judge

Mark R. Anderson, Charles L. Patrick, Alberta R. Patrick, Theodore G. Rossin, Andrea R. Mihajlov, Marcia R. Petrun, and Mark Petrun,

Petitioners-Appellants,

v.

Applewood Water Association, Inc., d/b/a Applewood Estates Homeowners Association,

Respondent-Appellee.

ORDER REVERSED IN PART, APPEAL DISMISSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE FREYRE
Taubman and Dailey, JJ., concur

2016COA163
Court of Appeals No. 15CA1421
City and County of Denver Probate Court No. 11PR928
Honorable Elizabeth D. Leith, Judge

In re the Estate of Calvin Shimizu, a/k/a Calvin Kiyoshi Shimizu, a/k/a Calvin K. Shimizu, deceased.

Jamie Szoke, as Personal Representative of the Estate of Calvin Shimizu, and individually, a/k/a Jamie Lee Tomie-Szoke and Jamie Lee Shimizu,

Appellant,

v.

Bonnie Rae Trujillo-Dickson, James Gillen Dickson, and Ann Kathleen May,

Appellees.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Furman and Harris, JJ., concur

2016COA164
Court of Appeals No. 15CA1996
Arapahoe County District Court No. 14CV32329
Honorable Charles M. Pratt, Judge

Mt. Hawley Insurance Company, a Illinois corporation,

Plaintiff-Appellant,

v.

Casson Duncan Construction, Inc., a Colorado corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
Furman and Harris, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 13CA1210
El Paso County District Court No. 11CR4527
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jessica Christine Williams,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE TERRY
Booras and Berger, JJ., concur

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

Court of Appeals No. 14CA0068
Larimer County District Court No. 12CR1964
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bojan Milutin Vuckovic,

Defendant-Appellant.

ORDERS AND JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Hawthorne and Navarro, JJ., concur

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

Court of Appeals No. 14CA0444
Jefferson County District Court No. 12CR881
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lionel David Baca,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 14CA1882
City and County of Denver District Court No. 13CR2243
Honorable Ann B. Frick, Judge
Honorable Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven P. Brow,

Defendant-Appellant.

ORDERS AFFIRMED

Division VII
Opinion by JUDGE LICHTENSTEIN
J. Jones and Dunn, JJ., concur

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

Court of Appeals No. 14CA1956
Weld County District Court No. 13CR703
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcus Gardner,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE REVERSED,
AND CASE REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE RICHMAN
Bernard and Fox, JJ., concur

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

Court of Appeals No. 14CA2291
Mesa County District Court No. 13CV30183
Honorable Richard T. Gurley, Judge

Gary Fisher, as personal representative of the Estate of Pauline Fisher,

Plaintiff-Appellant and Cross-Appellee,

v.

Laura Smith,

Defendant-Appellee and Cross-Appellant,

and

Sisters of Charity of Leavenworth Health System, Inc., and St. Mary's Hospital & Medical Center, Inc.,

Defendants-Appellees.

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

Division VI
Opinion by JUDGE VOGT*
Navarro, J., concurs
Furman, J., concurs in part and dissents in part

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

Court of Appeals No. 15CA0393
Jefferson County District Court No. 13CR308
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Janet Lynn Gonzalez-Trujillo,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BERNARD
Furman, J., concurs
Lichtenstein, J., concurs in part and dissents in part

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

Court of Appeals No. 15CA0637
City and County of Denver District Court No. 11DR236
Honorable William D. Robbins, Judge

In re the Marriage of

Nina H. Kazazian,

Appellant,

and

Michael J. Stackpool,

Appellee.

ORDER AFFIRMED

Division II
Opinion by JUDGE FURMAN
Dailey and Harris, JJ., concur

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

Court of Appeals No. 15CA0736
Douglas County District Court No. 10CV2452
Honorable Theresa M. Slade, Judge

Brett Thomas,

Plaintiff-Appellant,

v.

Equity Residential Properties Management, LLC; and EQR-Wellfan 2008 LP,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE HAWTHORNE
Webb and Navarro, JJ., concur

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

Court of Appeals No. 15CA0764
Weld County District Court No. 12CV321
Honorable Julie C. Hoskins, Judge

Frederic P. Rubin,

Plaintiff-Appellee,

v.

Robert J. Stemwedel, Jr.,

Defendant-Appellant.

JUDGMENTS AFFIRMED

Division IV
Opinion by JUDGE TERRY
Hawthorne and Fox, JJ., concur

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

Court of Appeals No. 15CA1467
Elbert County District Court No. 13DR66
Honorable Jeffrey K. Holmes, Judge

In re the Marriage of

Gary Guild,

Appellant,

and

Brenda Guild,

Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE RICHMAN
Bernard and Fox, JJ., concur

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

Court of Appeals No. 15CA1576
Boulder County District Court No. 15DR408
Honorable Thomas F. Mulvahill, Judge

In re the Marriage of

Droit Silverman,

Appellant,

and

Estate of Paul L. Silverman, deceased,

Appellee.

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

Division II
Opinion by JUDGE FURMAN
Dailey and Harris, JJ., concur

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

Court of Appeals No. 15CA1769
Arapahoe County District Court No. 15CV30145
Honorable Phillip L. Douglass, Judge

Valley Country Club, a Colorado non-profit corporation,

Plaintiff-Appellant and Cross-Appellee,

v.

Arapahoe County Water and Wastewater Authority,

Defendant-Appellee and Cross-Appellant.

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

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

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

Court of Appeals No. 15CA1949
Adams County District Court No. 14JV266
Honorable Jill E. Straus, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.M.P., D.R. Jr., D.R., Children,

and Concerning M.S.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE NIETO*
Freyre and Kapelke*, JJ., concur

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

Court of Appeals No. 15CA1990
City and County of Denver District Court No. 11CR2471
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chester Gray,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE WEBB
Hawthorne and Navarro, JJ., concur

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

Court of Appeals No. 15CA1997
Cheyenne County District Court No. 13CV30004
Honorable Stanley A. Brinkley, Judge

Rex Buck,

Plaintiff-Appellant,

v.

Richard E. Buck, individually and as Co-Personal Representative of the Estate of Ila V. Buck, a/k/a Ila Viola Buck; and Daniel Moors, individually and as Personal Representative of the Estate of Janet Moors,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE MÁRQUEZ*
Freyre and Nieto*, JJ., concur

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

Court of Appeals No. 15CA2095
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-922-344

Velvet Serena,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; SSC Pueblo Belmont OP CO, LLC; and Ace American Insurance,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE FREYRE
Kapelke* and Nieto*, JJ., concur

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

Court of Appeals No. 15CA2100
City and County of Denver District Court No. 14CV34053
Honorable Morris B. Hoffman, Judge

Layton Construction Company, Inc., a Utah corporation,

Plaintiff-Appellant,

v.

Shaw Contract Flooring Services, Inc., d/b/a Spectra Contract Flooring, a Georgia corporation,

Defendant-Appellee.

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

Division IV
Opinion by JUDGE J. JONES
Graham and Miller, JJ., concur

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

Court of Appeals No. 16CA0022
Weld County District Court No. 14CV00141
Honorable Julie C. Hoskins, Judge

Warner Concrete, LLC,

Plaintiff-Appellant,

v.

Neal Dvorak,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Kapelke* and Nieto*, JJ., concur

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

Court of Appeals No. 16CA0064
City and County of Denver District Court No. 15CV31713
Honorable Catherine A. Lemon, Judge

Molly Miranda Craig,

Plaintiff-Appellee,

v.

Michael Cordova,

Defendant-Appellant.

ORDER REVERSED IN PART AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE TERRY
Booras and Berger, JJ., concur

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

Court of Appeals No. 16CA0119
City and County of Denver District Court No. 14DR30289
Honorable Robert L. McGahey, Jr., Judge

In re the Marriage of

Alycia Lynn Hoskins,

Appellee,

and

Conley M. Hoskins,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0165
San Miguel County District Court No. 11DR29
Honorable Mary E. Deganhart, Judge

In re the Marriage of

Jeffrey J. Ptak,

Appellee,

and

Anita Rullens Ptak,

Appellant.

ORDERS AFFIRMED

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

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

Court of Appeals No. 16CA1019
City and County of Denver Juvenile Court No. 15JV260
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of P.L. and J.L., Children,

and Concerning P.L.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE BERGER
Terry and Booras, JJ., concur

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

Court of Appeals No. 16CA1394
City and County of Denver District Court No. 16MH789
Honorable Ruben M. Hernandez, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Maria Razzano,

Respondent-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE BOORAS
Terry and Berger, JJ., concur

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

PETITIONS FOR REHEARING

Court of Appeals No. 12CA1968

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Frantz,

Defendant-Appellant.

Petition for Rehearing DENIED
Furman, J., would GRANT

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

Court of Appeals No. 12CA2502

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Martin Clark,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 14CA0930

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luis Alfonso Meza,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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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. 2016.