*ANNOUNCEMENTS*

*COLORADO COURT OF APPEALS*

*January 28, 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.

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

[2016COA11](http://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2016/14CA2401-PD.pdf)

Court of Appeals No. [14CA2401](http://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2016/14CA2401-PD.pdf)

Summit County District Court No. 12CV290

Honorable Karen A. Romeo, Judge

Ravenstar LLC, a Colorado limited liability company; The Chips LLC, a Colorado limited liability company; Let-R-Buck LLC, a Colorado limited liability company; A Rockin Place to Ski LLC d/b/a One Rockin Place to Ski LLC, a Colorado limited liability company; and Rockin OSHP LLC, a Colorado limited liability company,

Plaintiffs-Appellants,

v.

One Ski Hill Place LLC, a Colorado limited liability company,

Defendant-Appellee.

JUDGMENT AND ORDERS AFFIRMED

Division V

Opinion by JUDGE RICHMAN

Hawthorne and Furman, JJ., concur

[2016COA12](http://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2016/15CA0164-PD.pdf)

Court of Appeals No. [15CA0164](http://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2016/15CA0164-PD.pdf)

City and County of Denver District Court No. 14CV31049

Honorable Kenneth M. Laff, Judge

Denver Health and Hospital Authority,

Plaintiff-Appellee,

v.

City of Arvada ex rel. Arvada Police Department,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III

Opinion by CHIEF JUDGE LOEB

Márquez\*, J., concurs

Vogt\*, J., specially concurs

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

Court of Appeals No. 11CA2310

El Paso County District Court No. 10CR879

Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christa O’Brien,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE DAILEY

Graham and Ashby, JJ., concur

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

Court of Appeals No. 12CA1767

El Paso County District Court No. 11CR835

Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daryl Keener,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII

Opinion by JUDGE RICHMAN

Berger, J., concurs

Dunn, J., concurs in part and dissents in part

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

Court of Appeals No. 12CA2134

City and County of Denver District Court No. 11CR20001

Honorable Martin Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Billy Wilson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE FOX

Taubman and Miller, JJ., concur

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

Court of Appeals No. 13CA0069

Fremont County District Court No. 11CR227

Honorable Julie G. Marshall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ponciano Zendejas-Garces,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by JUDGE BERNARD

Furman and Lichtenstein, JJ., concur

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

Court of Appeals No. 13CA0352

Boulder County District Court No. 11CR1806

Honorable Roxanne Bailin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eucario Alberto Fonseca-Martinez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII

Opinion by JUDGE DUNN

Richman and Berger, JJ., concur

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

Court of Appeals No. 13CA0543

Teller County District Court Nos. 10CR105 & 11CR118

Honorable Edward S. Colt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Michael Butcher,

Defendant-Appellant.

JUDGMENTS AFFIRMED

Division IV

Opinion by JUDGE ROMÁN

Hawthorne and Márquez\*, JJ., concur

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

Court of Appeals No. 13CA0917

La Plata County District Court No. 12CR43

Honorable Suzanne F. Carlson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tracy N. Anaya,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII

Opinion by JUDGE RICHMAN

Dunn and Berger, JJ., concur

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

Court of Appeals No. 13CA1432

El Paso County District Court No. 12CR3848

Honorable Scott A. Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robin R. LeMaster,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE DAILEY

Graham and Ashby, JJ., concur

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

Court of Appeals No. 13CA1533

City and County of Denver District Court No. 07CR2496

Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darren Keith Chandler,

Defendant-Appellant.

ORDER AFFIRMED

Division VII

Opinion by JUDGE DUNN

Richman and Berger, JJ., concur

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

Court of Appeals No. 13CA1917

Weld County District Court No. 12CR698

Honorable Todd Taylor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Melany Brooke Potter,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE ROMÁN

Hawthorne and Márquez\*, JJ., concur

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

Court of Appeals No. 13CA2112

Chaffee County District Court Nos. 12CR21 & 12CR93

Honorable Charles M. Barton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Allen Kelley,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED IN PART,

SENTENCE AFFIRMED IN PART, VACATED IN PART,

AND CASE REMANDED WITH DIRECTIONS

Division VII

Opinion by JUDGE MILLER

Lichtenstein and Ashby, JJ., concur

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

Court of Appeals No. 13CA2266

Arapahoe County District Court No. 93CR898

Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne M. Klink, Jr.,

Defendant-Appellant.

ORDERS AFFIRMED

Division V

Opinion by JUDGE LICHTENSTEIN

Furman and Bernard, JJ., concur

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

Court of Appeals No. 14CA0358

City and County of Denver District Court No. 06CR977

Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jimmie Wellman,

Defendant-Appellant.

ORDER AFFIRMED

Division III

Opinion by JUDGE BOORAS

Webb and J. Jones, JJ., concur

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

Court of Appeals No. 14CA0579

Boulder County District Court No. 10CR1113

Honorable Patrick Butler, Judge

The People of the State of Colorado,

Plaintiff‑Appellee,

v.

Joseph Scott Carter,

Defendant‑Appellant.

ORDER AFFIRMED

Division A

Opinion by CHIEF JUDGE LOEB

Davidson\* and Kapelke\*, JJ., concur

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

Court of Appeals No. 14CA1059

Douglas County District Court No. 99CR374

Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clifford Johnson,

Defendant-Appellant.

ORDER AFFIRMED

Division A

Opinion by JUDGE DAVIDSON\*

Loeb, C.J., and Kapelke\*, J., concur

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

Court of Appeals No. 14CA1727

Adams County District Court No. 13CV30997

Honorable C. Scott Crabtree, Judge

Alina Raffa,

Plaintiff-Appellant,

v.

Henry B. Clark; Fitz Apartments; Fitz 46, LLLP, a Colorado limited liability

limited partnership; and Loeva Joanne Southard-Osorto,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE HARRIS

Taubman and J. Jones, JJ., concur

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

Court of Appeals No. 14CA1746

El Paso County District Court No. 13CR1031

Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Ronald Mileto,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,

VACATED IN PART, AND CASE REMANDED WITH DIRECTIONS

Division II

Opinion by JUDGE ASHBY

Dailey and Graham, JJ., concur

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

Court of Appeals No. 14CA1756

City and County of Denver District Court No. 89CR107

Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juanita Whitaker,

Defendant-Appellant.

ORDER AFFIRMED

Division V

Opinion by JUDGE FURMAN

Bernard and Lichtenstein, JJ., concur

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

Court of Appeals No. 14CA2114

Eagle County District Court No. 13CV30408

Honorable Frederick W. Gannett, Judge

Goodman and Wallace, P.C.,

Plaintiff-Appellee,

v.

Derek Dowding Greco,

Defendant-Appellant.

ORDER AFFIRMED

Division VI

Opinion by JUDGE TERRY

Navarro and Freyre, JJ., concur

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

Court of Appeals No. 14CA2424

City and County of Denver District Court No. 06CV11160

Honorable Robert L. McGahey Jr., Judge

Gerald Rome, Securities Commissioner for the State of Colorado,

Plaintiff-Appellee,

v.

Klytie’s Developments, Inc.; Efrat Friedman; Hidai Friedman; and Klytie’s Developments, LLC,

Defendants-Appellants.

ORDER AFFIRMED

Division A

Opinion by CHIEF JUDGE LOEB

Davidson\* and Kapelke\*, JJ., concur

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

Court of Appeals No. 14CA2523

City and County of Denver District Court No. 13CV33733

Honorable Catherine A. Lemon, Judge

Beth Klein and James Klein,

Plaintiffs-Appellants,

v.

Tiburon Development, LLC and David Sell,

Defendants-Appellees.

APPEAL DISMISSED IN PART AND JUDGMENT AFFIRMED

Division III

Opinion by JUDGE J. JONES

Webb and Booras, JJ., concur

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

Court of Appeals No. 15CA0028

Mesa County District Court Nos. 90CR75, 91CR30 & 91CR31

Honorable David A. Bottger, Judge

Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick L. Brenner,

Defendant-Appellant.

ORDER AFFIRMED

Division A

Opinion by JUDGE KAPELKE\*

Loeb, C.J., and Davidson\*, J., concur

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

Court of Appeals No. 15CA0157

Weld County District Court No. 14CV30000

Honorable Todd L. Taylor, Judge

Yingfang Wang,

Plaintiff-Appellant,

and

Daniel W. Dean,

Attorney-Appellant,

v.

LJA Holdings LLC, a Colorado limited liability company,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE

REMANDED WITH DIRECTIONS

Division IV

Opinion by JUDGE MÁRQUEZ\*

Hawthorne and Román, 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. 11CA1126

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Frederick Martin, III,

Defendant-Appellant.

Opinion Modified and

Petition for Rehearing DENIED

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

[2015COA171M](http://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2016/12CA1339%20modified%20stacked-PD.pdf)

Court of Appeals No. [12CA1339](http://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2016/12CA1339%20modified%20stacked-PD.pdf)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cory James Komar,

Defendant-Appellant.

Opinion Modified and

Petition for Rehearing DENIED

Court of Appeals No. 13CA0802

Albert Johnson,

Plaintiff-Appellee,

v.

VCG Restaurants Denver, Inc., d/b/a PT’s All Nude, a Colorado corporation; and Ryan Lee Schonlaw,

Defendants-Appellants.

Petition for Rehearing DENIED

Court of Appeals No. 14CA0154

Woodmen Heights Metropolitan District No. 1; Woodmen Heights Metropolitan District No. 2; Woodmen Heights Metropolitan District No. 3; Title 32 Metropolitan Districts; and KF 103-CV, LLC, a Colorado limited liability company,

Plaintiffs-Appellees,

v.

Infinity Land Corporation, a Colorado corporation; H2 Land Company, LLC, a Colorado limited liability company; Howard Family Investments, LLC, a Colorado limited liability company; RS Holding Company, LLC, f/k/a Infinity Holding Company, LLC, a Colorado limited liability company; Paul J. Howard, individually; Jonathan Howard, individually; Scott Hente, individually; Robert Ormston, individually; RS Construction and Development, Inc., f/k/a Infinity Construction and Development, Inc., a Colorado corporation; Robert Ormston, as officer of RS Construction and Development, Inc.; Scott Hente, as officer of RS Construction and Development, Inc.,

Third-Party Defendants-Appellees and Cross-Appellants,

and

Keller Homes, Inc., a Colorado corporation,

Third-Party Defendant-Appellee,

and

City of Colorado Springs, a Colorado home rule city and municipal corporation,

Defendant-Appellee,

and

William M. Peck; C. Arlene Nance; Darrell H. Oliver, Sr.; William Marchant; Maureen M. Marchant; and William Howell, as Trustee of the Marilyn J. Howell Trust,

Defendants-Appellants and Cross-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 14CA0437

The People of the State of Colorado,

Plaintiff‑Appellee,

v.

Deon Shauntae Sneed,

Defendant‑Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 14CA0972

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Paul Nicholls,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 14CA1634

In re the Marriage of

Peggy Wolfe Dargevics,

Appellant,

and

Eric Leons Dargevics,

Appellee.

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. 2015.