

*ANNOUNCEMENTS*  
*COLORADO COURT OF APPEALS*  
*July 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.

**PUBLISHED OPINIONS**

[2016COA113](#)

Court of Appeals No. [14CA2276](#)  
Weld County District Court No. 14CR285  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin Jacob Geisick,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE ASHBY  
Webb and Harris, JJ., concur

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Colorado Court of Appeals  
July 28, 2016

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[2016COA114](#)

Court of Appeals No. [15CA1755](#)

Adams County District Court No. 13CV31426

Honorable Frederick M. Goodbee, Judge

Ellyn Rucker,

Petitioner-Appellant,

v.

Federal National Mortgage Association and Heter and Company, Inc.,

Respondents-Appellees.

ORDER AFFIRMED

Division A

Opinion by JUDGE FOX

Hawthorne and Berger, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 12CA1146  
Douglas County District Court No. 2008CR80  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Carl Heeringa,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE WEBB  
Ashby and Harris, JJ., concur

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

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Court of Appeals No. 13CA1100  
Arapahoe County District Court No. 05CR547  
Honorable Timothy L. Fasing, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael William Pierson,

Defendant-Appellant.

SENTENCE AFFIRMED

Division V  
Opinion by JUDGE ROMÁN  
Berger and Casebolt\*, JJ., concur

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

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Court of Appeals No. 13CA1829  
El Paso County District Court No. 12CR3715  
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn Daniel Thomas,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE PLANK\*  
Román and Berger, JJ., concur

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

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Court of Appeals No. 13CA1915  
Douglas County District Court No. 12CR548  
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Alexander Jefferson,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division V  
Opinion by JUDGE ROMÁN  
Berger and Casebolt\*, JJ., concur

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

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Court of Appeals No. 13CA1954  
City and County of Denver District Court No. 12CR4839  
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Adams,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE ROMÁN  
Bernard and Berger, JJ., concur

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

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Court of Appeals No. 14CA0246  
Douglas County District Court No. 00CR356  
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Earl Russell,

Defendant-Appellant.

ORDER REVERSED, SENTENCE VACATED,  
AND CASE REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE TERRY  
Fox and Casebolt\*, JJ., concur

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

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Court of Appeals No. 14CA1329  
Adams County District Court No. 13CR547  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Louis Ulibarri,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE J. JONES  
Lichtenstein and Casebolt\*, JJ., concur

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

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Court of Appeals No. 14CA1711  
El Paso County District Court No. 96CR3895  
Honorable Marla R. Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Douglas Michael Campbell,

Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE DUNN  
J. Jones and Nieto\*, JJ., concur

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

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Court of Appeals No. 14CA2155  
Adams County District Court No. 07CR508  
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Raymond Stevenson,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE BERNARD  
Román and Berger, JJ., concur

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

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Court of Appeals No. 14CA2203  
El Paso County District Court No. 13CR1206  
Honorable Michael P. McHenry, Judge  
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tommie Charles Bradley,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III  
Opinion by JUDGE GRAHAM  
Booras and Davidson\*, JJ., concur

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

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Court of Appeals No. 15CA0035  
Boulder County District Court No. 05CR1188  
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Niall Charles Bouzon,

Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE J. JONES  
Dunn, J., concurs  
Lichtenstein, J., dissents

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

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Court of Appeals No. 15CA0129  
Weld County District Court No. 13CR1765  
Honorable Marcelo A. Kopcow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dana Rex Beales,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE MILLER  
Furman and Navarro, JJ., concur

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

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Court of Appeals No. 15CA0198  
City and County of Denver District Court No. 05CR43  
Honorable Elizabeth A. Starrs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel S. Medeles,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA0541  
City and County of Denver District Court No. 04CR4019  
Honorable Jane A. Tidball, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christine Speros,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Dailey and Nieto\*, JJ., concur

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

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Court of Appeals No. 15CA0610  
City and County of Denver District Court No. 04CR1918  
Honorable Martif F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gerardo Rosales,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE FOX  
Hawthorne and Terry, JJ., concur

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

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Court of Appeals No. 15CA0635  
Arapahoe County District Court No. 13CV596  
Honorable Charles M. Pratt, Judge

Stewart Title Guaranty Company,

Plaintiff-Appellee,

v.

RSUI Group, Inc.,

Defendant-Appellant.

JUDGMENT REVERSED

Division II  
Opinion by JUDGE WEBB  
Ashby and Harris, JJ., concur

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

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Court of Appeals No. 15CA0655  
El Paso County District Court Nos. 11CR3555 & 12CR1693  
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kerry Patrick Malady,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE DAILEY  
Taubman and Nieto\*, JJ., concur

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

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Court of Appeals No. 15CA0845  
Montrose County District Court No. 14PR30126  
Honorable Mary E. Deganhart, Judge

In the Interest of Martha J. Brack, Protected Person.

Donna K. Caswell, Gary Brack, and Vicki Stede,

Petitioners-Appellants,

v.

Martha J. Brack and Kenneth Brack,

Respondents-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE CASEBOLT\*  
J. Jones and Lichtenstein, JJ., concur

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

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Court of Appeals No. 15CA0853  
El Paso County District Court No. 11DR2164  
Honorable Scott A. Sells, Judge

In re the Marriage of

Gary Allen Pearson, Jr.,

Appellant,

and

Vicki Lynn Pearson,

Appellee.

ORDER AFFIRMED

Division III  
Opinion by JUDGE DAVIDSON\*  
Graham and Booras, JJ., concur

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

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Court of Appeals No. 15CA0985  
Montezuma County District Court No. 13CR86  
Honorable Todd J. Plewe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alex Cruz,

Defendant-Appellant.

ORDER REVERSED, SENTENCED VACATED,  
AND CASE REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE BERGER  
Román and Bernard, JJ., concur

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

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Court of Appeals No. 15CA1188  
Weld County District Court No. 09DR164  
Honorable Elizabeth Strobel, Judge

In re the Marriage of

Amy Lucy Schultz,

Appellant,

and

Scott Schultz,

Appellee.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Dailey and Sternberg\*, JJ., concur

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

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Court of Appeals No. 15CA1197  
City and County of Denver District Court No. 13CV33617  
Honorable Herbert L. Stern, III, Judge

Deutsche Bank National Trust Company, f/k/a Bankers Trust Company of  
California, NA, as Trustee for American Home Mortgage Investment Trust  
2006-1,

Plaintiff-Appellee,

v.

Keystone East, LLC,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE DAVIDSON\*  
Graham and Booras, JJ., concur

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

Court of Appeals No. 15CA1326  
City and County of Denver District Court No. 08CR4202  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Lindenthaler,

Defendant-Appellant.

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

Division I  
Opinion by JUDGE NIETO\*  
Taubman and Dailey, JJ., concur

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

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Court of Appeals Nos. 15CA1343, 15CA1344, 15CA1345  
Adams County District Court No. 14JA203  
Honorable John E. Popovich, Judge

In re the Petition of J.D.H.,

Petitioner-Appellee,

for the Adoption of M.L.M., M.D.M., and H.L.M., Children,

and Concerning P.D.M.,

Respondent-Appellant.

JUDGMENTS AFFIRMED

Division VII  
Opinion by JUDGE PLANK\*  
Lichtenstein and Dunn, JJ., concur

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

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Court of Appeals No. 15CA1464  
Morgan County District Court No. 13CR12  
Honorable Kevin L. Hoyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Felicio Ostuni,

Defendant-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE ASHBY  
Webb and Márquez\*, JJ., concur

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

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Court of Appeals No. 15CA1538  
Jefferson County District Court No. 03CR2633  
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Antonio Aguilar,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA1590  
Arapahoe County District Court No. 12CV2055  
Honorable Phillip L. Douglass, Judge

Lee Monsebrotten,

Plaintiff-Appellant,

v.

Suzanne Smith,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE WEBB  
Ashby and Plank\*, JJ., concur

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

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Court of Appeals No. 15CA1720  
Montrose County District Court No. 15CV2  
Honorable David S. Westfall, Judge

Dalice Duncan,

Plaintiff-Appellant,

v.

Michael T. Mihm and Starrs Mihm LLP,

Defendants-Appellees.

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

Division III  
Opinion by JUDGE GRAHAM  
Richman, J., concurs  
Booras, J., dissents

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

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Court of Appeals No. 15CA2083  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 19701-2014

Plan Et Creations, LLC,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of  
Unemployment Insurance Employer Services – Integrity/Audits,

Respondents.

ORDER AFFIRMED

Division III  
Opinion by CHIEF JUDGE LOEB  
Davidson\* and Kapelke\*, JJ., concur

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

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Court of Appeals No. 16CA0342  
City and County of Denver Juvenile Court No. 13JV2089  
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner Appellee,

In the Interest of A.M.S., a Child,

and Concerning K.M.S.,

Respondent Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE DUNN  
Lichtenstein and Plank\*, JJ., concur

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

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Court of Appeals No. 16CA0631  
Pueblo County District Court No. 16MH79  
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Thomas K. Stirling,

Respondent-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE WEBB  
Ashby and Harris, JJ., concur

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

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Court of Appeals No. 16CA0757  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 3640-2016

Kyle E. Wharton,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Fedex Kinkos  
Office & Print Services, Inc.,

Respondents.

ORDER AFFIRMED

Division III  
Opinion by JUDGE DAVIDSON\*  
Loeb, C.J., and Kapelke\*, J., concur

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

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Court of Appeals No. 16CA0791  
Pueblo County District Court No. 16MH92  
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Cassidy Moroney,

Respondent-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE GRAHAM  
Booras and Plank\*, JJ., concur

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

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Court of Appeals No. 16CA0827  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 2410-2016

Erroll E. Giddings,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Arapahoe County,

Respondents.

ORDER AFFIRMED

Division III  
Opinion by JUDGE KAPELKE\*  
Loeb, C.J., and Davidson\*, J., concur

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

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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. 15CA0625

Cory A. Morrison,

Plaintiff-Appellant,

v.

Rick Raemisch, Executive Director, Colorado Department of Corrections; and  
Lou Archuletta, Warden of the Fremont Correctional Facility,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA0842

West Colorado Motors, LLC, d/b/a Autonation Buick GMC Park Meadows,

Plaintiff-Appellant,

v.

General Motors, LLC; Alpine Buick GMC, LLC; and Barbara Brohl, as Executive  
Director of the Colorado Department of Revenue,

Defendants-Appellees.

Petition for Rehearing DENIED

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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. 2015.

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