

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
April 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.

**UNPUBLISHED OPINIONS**

Court of Appeals No. 12CA1938  
City and County of Denver District Court No. 10CR3526  
Honorable Anne M. Mansfield, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jaylen Noble,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE WEBB  
J. Jones and Booras, JJ., concur

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

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Court of Appeals No. 13CA0075  
City and County of Denver District Court No. 11CR61  
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Diann Heart Adorno,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Miller and Fox, JJ., concur

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

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Court of Appeals No. 13CA0393  
Adams County District Court No. 07CR480  
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Omar Anthony King,

Defendant-Appellant.

ORDER VACATED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 13CA0544  
Morgan County District Court No. 12CR98  
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith Fletcher,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE ROMÁN  
Hawthorne and Lichtenstein, JJ., concur

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

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Court of Appeals No. 13CA0982  
Jefferson County District Court No. 08CR1259  
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Russell Thomas Kelim,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A  
Opinion by CHIEF JUDGE LOEB  
Sternberg\* and Davidson\*, JJ., concur

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

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Court of Appeals No. 13CA1067  
El Paso County District Court No. 11CR2889  
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chad Eric Castrejon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE FOX  
Taubman and Miller, JJ., concur

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

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Court of Appeals No. 13CA1191  
Boulder County District Court No. 12CR1610  
Honorable Roxanne Bailin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Durk Leo Jans,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE ROMÁN  
Hawthorne and Harris, JJ., concur

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

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Court of Appeals No. 14CA0204  
City and County of Denver District Court No. 13CR1848  
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Glenwood Hunter, Jr.,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE HAWTHORNE  
Román and Harris, JJ., concur

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

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Court of Appeals No. 14CA0242  
Garfield County District Court No. 12CV34  
Honorable James B. Boyd, Judge

JGS Properties, LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Richard Kozel and Elaine Kozel,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE FREYRE  
Terry and Rothenberg\*, JJ., concur

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

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Court of Appeals No. 14CA0692  
City and County of Denver Juvenile Court No. 08JV141  
Honorable D. Brett Woods, Judge

In re the Parental Responsibilities Concerning K.A.B., a Child,  
and Concerning R.M.,  
Petitioner-Appellant,  
and  
C.T., n/k/a C.M.,  
Respondent-Appellee,  
and  
S.B. and J.B.,  
Intervenors-Appellees.

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

Division IV  
Opinion by JUDGE WEBB  
Graham and Terry, JJ., concur

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

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Court of Appeals No. 14CA0863  
Jefferson County District Court No. 12CR1374  
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alfonso Ayala-Castillo,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN  
Miller and Fox, JJ., concur

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

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Court of Appeals No. 14CA1492  
El Paso County District Court No. 12CR4465  
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Grover Allan Tarver,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE ROTHENBERG\*  
Terry and Freyre, JJ., concur

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

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Court of Appeals No. 14CA1794  
El Paso County District Court No. 13CR226  
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lugene Devlyn Burnett, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A  
Opinion by CHIEF JUDGE LOEB  
Sternberg\* and Davidson\*, JJ., concur

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

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Court of Appeals No. 14CA1799  
El Paso County District Court No. 12CR128  
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Herman Trotter III,

Defendant-Appellant.

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

Division VII  
Opinion by JUDGE DUNN  
Richman and Berger, JJ., concur

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

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Court of Appeals No. 14CA1885  
City and County of Denver District Court No. 13CR5552  
Honorable Elizabeth A. Starrs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victoria A. Allen,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE FREYRE  
Terry and Rothenberg\*, JJ., concur

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

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Court of Appeals No. 14CA2138  
Pitkin County District Court No. 12CR58  
Honorable Gail H. Nichols, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fernando Antonio Fuentes-Silva,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE MILLER  
Taubman and Fox, JJ., concur

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

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Court of Appeals No. 14CA2220  
Douglas County District Court No. 08CR126  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luisa Crisel Segovia-Avalos,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND VACATED IN PART

Division VII  
Opinion by JUDGE LICHTENSTEIN  
Bernard and Sternberg\*, JJ., concur

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

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Court of Appeals No. 14CA2265  
Pueblo County District Court No. 11CV490  
Honorable Jill Mattoon, Judge

Rita A. Nesbitt, as Trustee of the Rita A. Nesbitt Trust,

Petitioner-Appellant,

v.

Kathryn Y. Scott, Rodney A. Scott, and Vicki K. Scott,

Respondents-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE BERGER  
Richman and Dunn, JJ., concur

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

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Court of Appeals No. 14CA2266  
Montrose County District Court No. 12CV284  
Honorable Mary E. Deganhart, Judge

Matt Brown and Kaydee Brown,

Plaintiffs-Appellants and Cross-Appellees,

v.

Installed Building Products, LLC, d/b/a Accurate Insulation/IBP Asset, LLC,  
d/b/a Accurate Insulation, a Delaware limited liability company,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division VI  
Opinion by JUDGE TERRY  
Freyre and Rothenberg\*, JJ., concur

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

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Court of Appeals No. 14CA2295  
Pueblo County District Court Nos. 04CR875 & 04CR1212  
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nielson E. Casias,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE FURMAN  
Bernard and Lichtenstein, JJ., concur

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

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Court of Appeals No. 15CA0053  
Arapahoe County District Court No. 13CV778  
Honorable Frederick T. Martinez, Judge

Kim Risa Milove,

Plaintiff-Appellant,

v.

Carmel Partners, Inc., d/b/a Dove Valley Apartments,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE BOORAS  
Webb and J. Jones, JJ., concur

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

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Court of Appeals No. 15CA0075  
Boulder County District Court No. 13CV31577  
Honorable Judith L. LaBuda, Judge

Horizon Park Partners, LLC,

Plaintiff-Appellee,

v.

Gator Horizon Partners, Ltd.,

Defendant-Appellant.

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

Division II  
Opinion by JUDGE GRAHAM  
Ashby, J. concurs  
Kapelke\*, J., concurs in part and dissents in part

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

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Court of Appeals No. 15CA0111  
Jefferson County District Court No. 13CV32183  
Honorable Jeffrey R. Pilkington, Judge

JP Morgan Chase Bank, National Association,

Plaintiff-Appellee,

v.

Holly L. MacIntyre,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTION

Division VI  
Opinion by JUDGE ROTHENBERG\*  
Terry and Freyre, JJ., concur

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

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Court of Appeals No. 15CA0215  
City and County of Denver District Court Nos. 11CR2674 & 12CR1023  
Honorable Elizabeth A. Starrs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Goodface,

Defendant-Appellant.

ORDERS REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE ROMÁN  
Hawthorne and Harris, JJ., concur

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

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Court of Appeals No. 15CA0447  
City and County of Denver District Court No. 13CV35139  
Honorable Andrew P. McCallin, Judge

Steven Hamel,

Plaintiff-Appellant,

v.

Citizens Medical Center, Inc., a Kansas corporation; Bobi Robles, PT; Layla Schlageck; Paul Schrick; and Joshua Kenny,

Defendants-Appellees.

JUDGMENT AND ORDER AFFIRMED

Division III  
Opinion by JUDGE J. JONES  
Webb and Booras, JJ., concur

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

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Court of Appeals No. 15CA0731  
Weld County District Court No. 14CV30361  
Honorable Todd L. Taylor, Judge

Pamela Jelaca,

Plaintiff-Appellee,

v.

Oasis Ranch, LLC, a Colorado limited liability company and Lloyd Lambertson,

Defendants-Appellants.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE HAWTHORNE  
Román and Harris, JJ., concur

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

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Court of Appeals No. 15CA0881  
Larimer County District Court No. 08CR1722  
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul David Minich,

Defendant-Appellant.

SENTENCE AFFIRMED

Division VII  
Opinion by JUDGE LICHTENSTEIN  
Bernard and Davidson\*, JJ., concur

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

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Court of Appeals No. 15CA1180  
Garfield County District Court No. 14CR259  
Honorable Denise K. Lynch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robin Lynn McMillan,

Defendant-Appellant.

SENTENCES VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE DAVIDSON\*  
Bernard and Lichtenstein, JJ., concur

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

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Court of Appeals No. 15CA1294  
Eagle County District Court No. 10CR364  
Honorable Paul Risley Dunkelman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Todd Anthony Searles,

Defendant-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE GRAHAM  
Dailey and Ashby, JJ., concur

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

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Court of Appeals No. 15CA1316  
Jefferson County District Court No. 99CR626  
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Jennings Fogle,

Defendant-Appellant.

ORDER AFFIRMED

Division A  
Opinion by JUDGE STERNBERG\*  
Loeb, C.J., and Davidson\*, J., concur

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

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Court of Appeals No. 15CA1658  
Office of Administrative Courts No. UC 2015-0001

Board of Education of Falcon School District No. 49, County of El Paso,  
Colorado,

Petitioner-Appellee,

v.

William R. Strouse,

Respondent-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE RICHMAN  
Berger and Kapelke\*, JJ., concur

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

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Court of Appeals No. 15CA2061  
Douglas County District Court No. 15JV125  
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.L., L.L., H.L., Children,

and Concerning J.L.,

Respondent-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE HAWTHORNE  
Román and Harris, JJ., concur

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

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Court of Appeals No. 15CA2119  
Mesa County District Court No. 14JV296  
Honorable David A. Bottger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.S., a Child,

and Concerning M.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE LICHTENSTEIN  
Furman and Bernard, JJ., concur

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

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Court of Appeals No. 16CA0078  
Adams County District Court No. 14JV275  
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.V. and B.P.V., Children,

and Concerning P.V.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division A  
Opinion by JUDGE DAVIDSON\*  
Loeb, C.J., and Sternberg\*, 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. 11CA2535

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willie Clark,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 14CA1031

The People of the State of Colorado,

Plaintiff-Appellee,

v.

George Tiba,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA0337

Timothy R. Bussey,

Plaintiff-Appellant,

v.

Jeffrey Alan Groff, in his official capacity as Program Manager of the Evidential Breath Alcohol Testing Program of the Colorado Department of Health and Environment; the Colorado Department of Public Health and Environment; Ann Hause, in her official capacity as Director of the Office of Legal and Regulatory Compliance for the Colorado Department of Public Health and Environment; and Deborah Nelson, in her official capacity as Board of Health Administrator of the Office of Legal and Regulatory Compliance for the Colorado Department of Public Health and Environment,

Defendants-Appellees.

Petition 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. 2015.