ANNOUNCEMENTS
COLORADO COURT OF APPEALS
October 27, 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.

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

Court of Appeals No. 13CA0602
Delta County District Court No. 11CR3
Honorable Charles R. Greenacre, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathan Jude Yager,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA1084
Jefferson County District Court No. 12CR1369
Honorable Jane A. Tidball, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shirley Ann Anderson,

Defendant-Appellant.

JUDGMENT 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. 13CA1114
Arapahoe County District Court No. 12CR793
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fernando Leyva,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE MILLER
Graham, J., concurs
J. Jones, J., concurs in part and dissents in part

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

Court of Appeals No. 13CA1158
Jefferson County District Court No. 12CR2413
Honorable Christie Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Johnny D. Robinson,

Defendant-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. 13CA1213
Adams County District Court No. 12CR1392
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcus Henry Weston,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE NAVARRO
Webb and Hawthorne, JJ., concur

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

Court of Appeals No. 13CA1375
Weld County District Court No. 11CR1610
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Scott Morin,

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. 13CA2196
Boulder County District Court No. 13JD129
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.C.F.,

Juvenile-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. 13CA2234
Washington County District Court No. 12CR9
Honorable Douglas R. Vannoy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kerry Allen Stucker,

Defendant-Appellant.

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. 13CA2381
Mesa County District Court No. 12CR680
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Julius Sutton,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE GRAHAM
J. Jones and Miller, JJ., concur

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

Court of Appeals No. 14CA0149
El Paso County District Court No. 12CR3881
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesse James Palacio,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Dunn and Ashby, JJ., concur

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

Court of Appeals No. 14CA0643
El Paso County District Court No. 13CR1849
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel Lee Martin,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 14CA1155
Jefferson County District Court No. 13CR1388
Honorable Christopher J. Munch, Judge
Honorable Stephen M. Munsinger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jan Otavsky,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Lichtenstein and Freyre, JJ., concur

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

Court of Appeals No. 14CA1236
Weld County District Court No. 13CR596
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Claude Wilson,

Defendant-Appellant.

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. 14CA1430
Jefferson County District Court No. 12CR2905
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chantler Bruce Bahena,

Defendant-Appellant.

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

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. 14CA1484
Douglas County District Court No. 13CR288
Honorable Vincent White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Avi Banderas,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 14CA2310
Mesa County District Court No. 13CR1529
Honorable Valerie J. Robinson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Michael Dean,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DUNN
Taubman and Ashby, JJ., concur

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

Court of Appeals No. 14CA2391
Adams County District Court No. 14CR862
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jahmal Ali Price,

Defendant-Appellant.

JUDGMENT AFFIRMED 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. 14CA2426
El Paso County District Court No. 14CR1065
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Omar Fernando Thorne, II,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE MILLER
Graham and J. Jones, JJ., concur

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

Court of Appeals No. 14CA2460
City and County of Denver District Court No. 06CR10471
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose J. Alba,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Dunn and Ashby, JJ., concur

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

Court of Appeals No. 15CA0388
Adams County District Court No. 06CR3026
Honorable John E. Popovich, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Allen Washington,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE GRAHAM
J. Jones and Miller, JJ., concur

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

Court of Appeals No. 15CA0574
City and County of Denver District Court No. 13CV34780
Honorable Robert L. McGahey, Jr., Judge
Honorable Michael J. Vallejos, Judge

Neighborhood Law Office, P.C.,

Plaintiff-Appellee,

v.

Kyle Allen Kopperman and Dina Loreen Breedlove Kopperman,

Defendants-Appellants.

ORDERS 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. 15CA0600
Mesa County District Court No. 13CR1510
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Harold Ervine Wardle,

Defendant-Appellant.

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. 15CA0663
Douglas County District Court No. 12DR931
Honorable Michael J. Spear, Judge

In re the Marriage of

Christian E. Sparks,

Appellant,

and

Susanne R. Walker,

Appellee.

ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Dunn and Ashby, JJ., concur

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

Court of Appeals No. 15CA0675
Jefferson County District Court No. 14CR24
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maksim Khamov,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE NAVARRO
Webb and Hawthorne, JJ., concur

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

Court of Appeals No. 15CA0870
Mesa County District Court No. 13CR1529
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Michael Dean,

Defendant-Appellant.

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

Division I
Opinion by JUDGE DUNN
Taubman and Ashby, JJ., concur

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

Court of Appeals No. 15CA0880
City and County of Denver District Court No. 15CV30454
Honorable Michael J. Vallejos, Judge

Vincent C. Todd,

Petitioner-Appellant,

v.

Colorado Department of Public Health and Environment,

Respondent-Appellee.

ORDER AFFIRMED

Division II
Opinion by CHIEF JUDGE LOEB
Davidson* and Plank*, JJ., concur

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

Court of Appeals No. 15CA0949
Adams County District Court No. 14CV30642
Honorable Ted C. Tow, Judge

American Family Mutual Insurance Company,

Plaintiff-Appellant,

v.

Carlena Green-Tillman,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0999
Adams County District Court No. 13CR2581
Honorable Katherine R. Delgado, Judge
Honorable Robert W. Kiesnowski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alejandro Pinedo,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Lichtenstein and Freyre, JJ., concur

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

Court of Appeals No. 15CA1223
El Paso County District Court No. 11CV989
Honorable Larry E. Schwartz, Judge

United States Taekwondo Committee, a Colorado nonprofit corporation; U.S. Kukkiwon, Inc., a Colorado corporation; and Sang Chul Lee,

Plaintiffs-Appellants,

v.

Kukkiwon, a Republic of Korea special corporation,

Defendant-Appellee.

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. 15CA1328
Boulder County District Court No. 14DR30159
Honorable Thomas Francis Mulvahill, Judge

In re the Marriage of

Molly Crawford,

Appellee,

and

David H. Crawford,

Appellant.

JUDGMENT 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. 15CA1383
El Paso County District Court No. 15CV93
Honorable Gregory Robert Werner, Judge

James K. Conkleton,

Plaintiff-Appellant,

v.

Rick Raemisch, Executive Director of the Colorado Department of Corrections; Christina Ortiz-Marquez, Interim Colorado Department of Corrections, Sex Offender Treatment and Monitoring Program Administrator; Colton McNutt, Sex Offender Treatment and Monitoring Program Treatment Provider; Leonard Woodson, Colorado Department of Corrections, Sex Offender Treatment and Monitoring Program, Program Manager; Samuel Dunlap, Sex Offender Treatment and Monitoring Program Treatment Provider; Becky Lowe, Sex Offender Treatment and Monitoring Program Therapist; Bart Cox, Sex Offender Treatment and Monitoring Program Treatment Provider; Angela Reed, Sex Offender Treatment and Monitoring Program Therapist; Dan DePriest, Colorado Department of Corrections Case Manager; Michael Floyd, Contract Polygraph Operator; Jeff Jenks, Contract Polygraph Operator,

Defendants-Appellees.

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

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

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

Court of Appeals No. 15CA1656
El Paso County District Court No. 03CR4370
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Al Williams,

Defendant-Appellant.

ORDER AFFIRMED

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. 15CA1666
Larimer County District Court No. 89CR802
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John R. Yellowboy,

Defendant-Appellant.

ORDER 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. 15CA1707
City and County of Denver District Court No. 92CR1583
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Patrick Fletcher,

Defendant-Appellant.

ORDER 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. 15CA1771
Jefferson County District Court No. 14CV32056
Honorable Todd L. Vriesman, Judge

State Farm Mutual Automobile Insurance Company,

Plaintiff-Appellee,

v.

Mabel Garcia,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE GRAHAM
J. Jones and Miller, JJ., concur

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

Court of Appeals No. 15CA2051
El Paso County District Court Nos. 08CR174, 09CR1024 & 12CR4
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Alexander Cree,

Defendant-Appellant.

ORDERS AFFIRMED

Division IV
Opinion by JUDGE MILLER
Graham and J. Jones, JJ., concur

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

Court of Appeals No. 16CA0581
Weld County District Court No. 15JV175
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.O., a Child,

and Concerning D.G.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE MILLER
Graham and J. Jones, JJ., concur

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

Court of Appeals No. 16CA0640
Industrial Claim Appeals Office of the State of Colorado
DD No. 13122016

Concrete Company, Inc.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Seth T. Sperbeck,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE FREYRE
Román and Lichtenstein, JJ., concur

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

Court of Appeals No. 16CA0684
Industrial Claim Appeals Office of the State of Colorado
DD No. 23996-2015

GCC Energy LLC,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Kameron R. Burns,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Lichtenstein and Freyre, JJ., concur

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

Court of Appeals No. 16CA1034
Industrial Claim Appeals Office of the State of Colorado
DD No. 191-2015

Western Logistics, Inc., d/b/a Diligent Delivery Systems,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Gilbert J. Pacheco,

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE NAVARRO
Webb and Hawthorne, JJ., concur

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

Court of Appeals No. 16CA1073
Mesa County District Court No. 14JV241
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner Appellee,

In the Interest of P.W.R., a Child,

and Concerning R.R., n/k/a R.F.,

Respondent Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DUNN
Taubman and Ashby, JJ., concur

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

Court of Appeals No. 16CA1245
Industrial Claim Appeals Office of the State of Colorado
DD No. 7938-2016

Flora Jean McKay,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and SER Jobs for Progress National, Inc.,

Respondents.

ORDER AFFIRMED

Division II
Opinion by CHIEF JUDGE LOEB
Davidson* and Plank*, JJ., concur

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

Court of Appeals No. 16CA1277
Industrial Claim Appeals Office of the State of Colorado
DD No. 7602-2016

Tammy L. Marquez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Rocky Mountain SER Jobs for Progress,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAVIDSON*
Loeb, C.J., and Plank*, J., concur

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

Court of Appeals No. 16CA1359
Industrial Claim Appeals Office of the State of Colorado
DD No. 9930-2016

Douglas E. Beaman,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and RCH Colorado, LLC, d/b/a Reserve Casino Hotel,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE PLANK*
Loeb, C.J., and Davidson*, J., concur

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

PETITIONS FOR REHEARING

Court of Appeals No. 14CA1376

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason A. Long,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 15CA0911

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn P. Mullinex,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA1371

Public Service Company of Colorado, a Colorado corporation,

Plaintiff-Appellant,

v.

City of Boulder, Colorado; City Council of the City of Boulder, Colorado; Matthew Appelbaum, in his official capacity as Mayor; George Karakehian, in his official capacity as Mayor Pro Tem; Macon Cowles, in his official capacity as a member of the City Council; Suzanne Jones, in her official capacity as a member of the City Council; Lisa Morzel, in her official capacity as a member of the City Council; Tim Plass, in his official capacity as a member of the City Council; Andrew Shoemaker, in his official capacity as a member of the City Council; Sam Weaver, in his official capacity as a member of the City Council; and Mary Young, in her official capacity as a member of the City Council,

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. 2016.