

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 30, 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

[2016COA97](#)

Court of Appeals No. [13CA0032](#)

City and County of Denver District Court No. 11CR2819

Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jonathan Ray McFee,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE HARRIS
Webb and Ashby, JJ., concur

[2016COA98](#)

Court of Appeals No. [14CA1549](#)
Pueblo County District Court No. 12CR83
Honorable Victor I. Reyes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tony James Reyes,

Defendant-Appellant.

SENTENCE AFFIRMED

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

[2016COA99](#)

Court of Appeals No. [15CA0124](#)
Mesa County District Court No. 11CR1108
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David A. Relaford,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

[2016COA100](#)

Court of Appeals No. [15CA0143](#)

Jefferson County District Court Nos. 12PR1404 & 13CV742

Honorable Lily Wallman Oeffler, Judge

In the Matter of Donald C. Taylor and Margaret Ann Taylor Trust,

and

Vicki Spacek,

Plaintiff-Appellee,

v.

Benjamin Luke Taylor, individually and as Co-Trustee of the Donald C. Taylor and Margaret Ann Taylor Joint Revocable Trust,

Defendant-Appellant,

and

Darren Ferguson, individually and as Co-Trustee of the Donald C. Taylor and Margaret Ann Taylor Joint Revocable Trust and as Co-Personal Representative of the Estate of Margaret Ann Taylor, Deceased,

Intervenor-Appellee.

JUDGMENT AND ORDER AFFIRMED

Division I

Opinion by JUDGE DAILEY

Freyre, J., concurs

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

[2016COA101](#)

Court of Appeals No. [15CA0159](#)

Logan County District Court No. 13CR284

Honorable Charles M. Hobbs, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Antero Alaniz,

Defendant-Appellee.

ORDER AFFIRMED

Division III

Opinion by JUDGE RICHMAN
Graham and Booras, JJ., concur

[2016COA102](#)

Court of Appeals No. [15CA0582](#)

City and County of Denver District Court No. 13CV854

Honorable A. Bruce Jones, Judge

TABOR Foundation, a Colorado non-profit corporation; and Penn Pfiffner,

Plaintiffs-Appellants,

v.

Regional Transportation District; Bill James, Director of the Regional Transportation District; Barbara Deadwyler, Director of the Regional Transportation District; Angie Rivera Malpiede, Director of the Regional Transportation District; Jeff Walker, Director of the Regional Transportation District; Claudia Folska, Director of the Regional Transportation District; Tom Tobiassen, Director of the Regional Transportation District; Gary Lasater, Director of the Regional Transportation District; Kent Bagley, Director of the Regional Transportation District; Judy Lubow, Director of the Regional Transportation District; Larry Hoy, Director of the Regional Transportation District; Paul Daniel Solano, Director of the Regional Transportation District; Lorraine Anderson, Director of the Regional Transportation District; Natalie Menten, Director of the Regional Transportation District; Bruce Daly, Director of the Regional Transportation District; Charles Sisk, Director of the Regional Transportation District; Scientific and Cultural Facilities District; Kathryn Spuhler, Director of the Scientific and Cultural Facilities District; Kathy Kucsan, Director of the Scientific and Cultural Facilities District; Dan Hopkins, Director of the Scientific and Cultural Facilities District; Peggy Lehmann, Director of the Scientific and Cultural Facilities District; Joseph Arcese, Director of the Scientific and Cultural Facilities District; Damon Barry, Director of the Scientific and Cultural Facilities District; Robert Grant, Director of the Scientific and Cultural Facilities District; Rob Johnson, Director of the Scientific and Cultural Facilities District; Harold Logan, Jr., Director of the Scientific and Cultural Facilities District; Shepard Nevel, Director of the Scientific and Cultural Facilities District; Elaine Torres, Director of the Scientific and Cultural Facilities District; Marjorie Long, Director of the Scientific and Cultural Facilities District; Colorado Department of Revenue; and Barbara Brohl, Executive Director of the Colorado Department of Revenue,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

[2016COA103](#)

Court of Appeals No. [15CA0842](#)

City and County of Denver District Court No. 14CV34613

Honorable Catherine A. Lemon, Judge

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.

ORDERS AFFIRMED

Division VI

Opinion by CHIEF JUDGE LOEB
Kapelke* and Nieto*, JJ., concur

[2016COA104](#)

Court of Appeals No. [15CA0849](#)

Boulder County District Court No. 14CV31182

Honorable Dave Williams, Judge

Charles Wibby, Janix Hogle, Maureen Crook, Richard Eggers, Peter Dente, Steve Miller, Barbara Knollenberg, Don Sherwood, Irving Armstrong, Gloria Armstrong, Wayne Bailey, Harriet Bailey, Mike Baum, Carol Baum, Fe Barran, Mark Briggs, William Brown, Jane Brown, James Burow, Shirley Burow, Russell Jay Buster, Robert W. Callis, Nancy L. Callis, Dave Briggs, Renee Chavira, Benjamin Brussell, Elizabeth Brussell, Gregory Bruening, Brenda Bruening, James Calano, Craig Colley, Pam Colley, Don Cooke, Lynn Cooke, Avinder Dhaliwal, Kristy Dhaliwal, Robert Dean, Natalie Dean, Tyler Delaplaine, Shirley Delaplaine, Bryan Devine, Kirsten Devine, Cory F. Dickson, Laura Dickson, Robert R. Dugan, Ernest Eason, Laurie Eason, James Eyster, Katharine Eyster, James Fay, Thomas Finan, Karen Fukuma, Dan Fogelberg, Robyn Fogelberg, Rich Frankenheimer, Demry Frankenheimer, Ted Frazier, Carol Fruth, John Fruth, Richard Gates, Darlene Gates, Jay Gengelbach, David Gerding, Shelly Gerding, Robert Hicks, Suzanne Hicks, Richard Granger, Susan Granger, Douglas Harper, Kelly Harper, Lynn Herklotz, James Herklotz, Vince Hirsch, Laurence Hirshland, Christine Hirshland, William Hoagland, Susan D. Leach, James G. Hohenstein, Jerry Hopf, Charlotte Hopf, J. Mack Hopping, Jeannine E. Hopping, Mike Hupka, Jean Hupka, Yvonne Iden, David Kabal, Cassie Kabal, William Kaewert, Julie Kaewert, Gregory Keene, Jamiee Keene, Edward Klimkowsky, Dolores Klimkowsky, Kenneth Laughery, Scott Leslie, Julie Leslie, Russ Lindemann, Lori Lindemann, Deborah Maduff, Sharon M. Malcolm, Milton Marasch, Nancy Marasch, Michael Mayfield, Madeline Mayfield, Mark McCoy, Lois McCoy, Robert McCraith, Donna McCraith, Paul McCrosson, Herbert McPherson, Shaila McPherson, Quentin McKenna, Eileen McKenna, Steve Merager, John Michalakes, Grace Michalakes, Keith Miller, Janice Miller, Clifford Monette, Patricia Monette, Peter Moore, Rochelle Moore, Joseph Owen, Sharene Owen, Lee Papania, Jerome Papania, Jay Palmer, Shaylin Palmer, David Patton, Kathy Foster-Patton, Dreu Patterson, Mark Ponsor, Susan Ponsor, Dave Rahn, Mark Ringelmann, Nicole Ringelmann, Mark Rothney, Leonard Rozek, Diane Rozek, Ronald Sandgrund, Cheryl Barr, Elaine Scheiman, Robert Searls, Sandra Searls, Rama Gia Speakman, Alan Zalewa, Charles Springer, Deborah Springer, John Stephens, Patricia Stephens, Jim Strouse, Mark Schufman, Jillian Stuart, Rich Summers, Robert Tanner, Hugh Tanner, Edward Theiss, Mary Theiss, Anthony Tome, Jr., Joe Tonahill, Sandra Vanderveer, Will Vanderveer, David Van Deusen, Lisa Haley, Gregory Volan, Wendy Volan, David Walker, Donna Waters, Francis Herb Wiedemann, Josephine Wiedemann, Timothy Wilfong, Anne Wilfong, Gregory Wilson, Christine Wilson, Robin Abb, George Alexander, Lynn Alexander, Jon Allen Lailberte, April Laliberte, Stan Arnold, Jennifer Arnold, Diane Ashley, Glade Bagnell, Marilyn Bagnell, Douglas Barakat, Mary Barakat, Gary Baughman, Jean Baughman, Bonnie Bitter, Phil Bostley, III, Allen Brunke, Janice Brunke, Jennifer Budacz, Jon Burkepile, Steve Carano, Karen K. Christopher, Daniel Conser, Molly K. Brown, Timothy Cunningham, Christine C. Cunningham, Michael Davison, Michael Driver, Dorrel Edstand, Stephen

Nepi, Daniel Foley, Judy Foley, Jesse Foote, Paul Gagner, Victoria Gagner, Gordon Gates, Jan Gates, Damon Ginnow, Nancy Ginnow, Josh Ginsberg, Lauren Ginsberg, Robert Grau, Diane Deyo, Ronald Grush, Lisabeth Hall, Clinton Blackwood, Andrew Halperin, Brenda Burnell, James Hammack, Mary Hammack, James Hayes, Jodie Hayes, Donald Hobbs, Joan Hobbs, Susan Hofer, William Hollander, Margaret A. Hollander, Christopher Hume, Tara Hefty, John Jacob, Edwin Kase, Barbara Ellwanger Kase, Terry Kelly, Diane Kelly, David Kerridge, Barbara Kerridge, Robert Franssen, Deborah Keyek Franssen, Eric J. Kramer, Robin Laurel, Ron Leever, Cindy Leever, Stephen Leichty, Julie Melchior, Karen Lin, Melvin Lyon, Patricia Lyon, Robert Marriner, Cynthia Marriner, Mary Elizabeth McClellan, Kay McCormick, Valery McNally, Gregory Mecca, Kristen Mecca, Tom Miers, Donna Miers, Mark Milliman, Elizabeth Mirowski, Brian Coffey, Robert Murphy, Leann Murphy, Stephanie O'Connor, Dennis Ogden, Danean Ogden, Michael Persinger, Lori Persinger, Pamela Pierce, Edward Podrasky, Rita Podrasky, Steven Preitauer, Marie Preitauer, Allen Price, Janet Price, Kerry Richardson, David Rowan, Shelly Rowan, Peter Schild, Paula Schild, Seward Dean Schooler, Jr., Mark Severance, Pamela Severance, Jim Shapiro, Martha Shapiro, Terrence Smith, Kent Somers, Analisa Somers, Andrew Spiegel, John Steiner, Robert Stoddard, Harriett Stoddard, Dave Strand, Ann Strand, William Stawser, Kristopher Pirtle, James Telischak, Christopher Tennis, Timothy Triggs, Penelope Triggs, Leon Tupy, Judy Tupy, Cliff Watts, Craig Werner, Anita M. Wilks, Bob Worley, Dorothy Worley, Ronald D. Young, and Fannie C. Young,

Plaintiffs-Appellants,

v.

Boulder County Board of County Commissioners,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DUNN
J. Jones and Lichtenstein, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 12CA0321
Weld County District Court No. 11CR408
Honorable Todd L. Taylor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Cox,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 12CA0410
City and County of Denver District Court No. 10CR3824
Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Carbajal,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FURMAN
Miller and Navarro, JJ., concur

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

Court of Appeals No. 13CA1068
Mesa County District Court No. 11CR853
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Aaron Jason Dotson,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA1875
El Paso County District Court No. 12CR1346
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Arthur Ray Hickman,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 14CA1646
City and County of Denver District Court No. 13CR797
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dustin C. Reynolds,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 14CA2507
Logan County District Court No. 12CR240
Honorable Douglas R. Vannoy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Lee Bretz,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0394
Summit County District Court No. 13CV94
Honorable Karen A. Romeo, Judge

Samir R. Patel and Donna N. Patel,

Plaintiffs-Appellants,

v.

Brian Corcoran,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FURMAN
Miller and Navarro, JJ., concur

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

Court of Appeals No. 15CA0514
City and County of Denver District Court No. 14CV32479
Honorable Michael J. Vallejos, Judge

Maria Herrera,

Plaintiff-Appellant,

v.

School District No. 1, City and County of Denver, Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE RICHMAN
Graham and Booras, JJ., concur

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

Court of Appeals No. 15CA0948
Mesa County District Court No. 13CR1154
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Authur Newton,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1034
Teller County District Court No. 14CR32
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lakota Cheyenne Curtis,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1126
City and County of Denver District Court No. 14CV33322
Honorable Michael J. Vallejos, Judge

Andre Revil, Ph.D.,

Plaintiff-Appellant,

v.

Colorado School of Mines; Terry Parker, Ph.D.; and M.W. Scoggins, Ph.D.,
Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1981
Industrial Claim Appeals Office of the State of Colorado
DD No. 8653-2015

Joseph R. Busse, Jr.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Gunnison
Watershed School District RE1J,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA2157
Adams County District Court No. 14JV123
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.G. and J.G., Children,

and Concerning L.G.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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. 14CA1865

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alejandro Armando Sosa,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 15CA0245

Vincent C. Todd,

Petitioner-Appellant,

v.

Department of Public Health and Environment; City and County of Denver,
Colorado, acting through the Denver Department of Public Safety; Denver
Police Department; and Mary Dulacki,

Respondents-Appellees.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 15CA0705

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor A. Lopez,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA1370

Ann M. Hardegger,

Plaintiff-Appellee,

v.

Daniel H. Clark and Cheryl A. Clark,

Defendants-Appellants.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

[2016COA56M](#)

Court of Appeals No. [15CA0554](#)

Office of Administrative Courts Case No. OS 2014-0004

Campaign Integrity Watchdog,

Petitioner-Appellant,

v.

Coloradans for a Better Future,

Respondent-Appellee,

and

Office of Administrative Courts,

Appellee.

JUDGMENT AFFIRMED

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

Opinion Modified
On the Court's Own Order

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2015.