

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
December 22, 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UNPUBLISHED OPINIONS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. 14CA1126
Larimer County District Court No. 07CR1329
Honorable Julie K. Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Pedro Ruperto Mercado,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE FREYRE
Kapelke and Márquez, JJ., concur

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

Court of Appeals No. 14CA1284
El Paso County District Court No. 13CR4588
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Earl Bailey,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE NIETO*
Bernard and Richman, JJ., concur

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

Court of Appeals No. 14CA1925
Douglas County District Court No. 10CR223
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Parker Conrad Thompson,

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. 14CA1927
El Paso County District Court No. 13CR533
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

George E. Burse,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 14CA2018
Boulder County District Court No. 13CR1789
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bernd Hoefel,

Defendant-Appellant.

JUDGMENT REVERSED 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. 14CA2253
City and County of Denver District Court No. 09CR10283
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Smith,

Defendant-Appellant.

SENTENCE AFFIRMED

Division VI
Opinion by CHIEF JUDGE LOEB
Davidson* and Casebolt*, JJ., concur

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

Court of Appeals No. 15CA0372
Larimer County District Court No. 06CR371
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Homero Jimenez,

Defendant-Appellant.

ORDER 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. 15CA0664
Jefferson County District Court No. 13CV32173
Honorable Tamara S. Russell, Judge

Wendell Huggins and Andrea Huggins,

Plaintiffs-Appellees.

v.

Irene Lombardino,

Defendant-Appellant,

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE NIETO*
Freyre and Kapelke*, JJ., concur

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

Court of Appeals No. 15CA1038
Archuleta County District Court No. 12CR32
Honorable Gregory G. Lyman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Franklin Trail,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1039
Archuleta County District Court No. 12CR58
Honorable Gregory G. Lyman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Franklin Trail,

Defendant-Appellant.

JUDGMENT 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. 15CA1097
City and County of Denver District Court No. 95CR3959
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Federico P. Armenta,

Defendant-Appellant.

ORDER 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. 15CA1159
Boulder County District Court No. 13CV31563
Honorable Judith L. LaBuda, Judge

Citizens for Quiet Skies, Kimberly Gibbs, Timothy Lim, Suzanne Webel, John Behrens, Carla Behrens, and Richard Dauer,

Plaintiffs-Appellants,

v.

Mile-Hi Skydiving Center, Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED, ORDERS AFFIRMED IN PART
AND VACATED IN PART, AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA1164
Jefferson County District Court No. 14JR20
Honorable Ann G. Meinster, Judge

The People of the State of Colorado,

In the Interest of Z.A.D., a Child,

and Concerning B.D.,

Petitioner,

and

Creative Adoptions, Inc.,

Petitioner-Appellee,

and

L.S.,

Respondent-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. 15CA1317
El Paso County District Court Nos. 05CR647 & 05CR657
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Edward Wood,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE MÁRQUEZ*
Furman and Harris, JJ., concur

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

Court of Appeals No. 15CA1647
Jefferson County District Court No. 14CV31910
Honorable Margie L. Enquist, Judge

Angela Vandendriesche,

Plaintiff-Appellant,

v.

Virginia Allrunner,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE RICHMAN
Bernard and Nieto*, JJ., concur

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

Court of Appeals No. 15CA1673
Arapahoe County District Court No. 15CV30010
Honorable Charles M. Pratt, Judge

Melonie Gindlesperger,

Plaintiff-Appellant,

v.

County Court of Arapahoe County, Colorado; and Honorable Robert Tobias,
Defendants-Appellees.

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. 15CA1765
Jefferson County District Court No. 14CR3400
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Lynn Eastman,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE CASEBOLT*
Furman and Harris, JJ., concur

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

Court of Appeals No. 15CA2046
City and County of Denver District Court No. 03DR2367
Honorable David H. Goldberg, Judge

In re the Marriage of

Claudia Shiring, f/k/a Claudia Delgado,

Appellee,

and

Daniel Diaz,

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. 15CA2048
El Paso County District Court Nos. 14CR4838 & 14CR4858
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Andre Barnes,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE ASHBY
Taubman and Dunn, JJ., concur

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

Court of Appeals No. 15CA2109
City and County Denver District Court No. 14CV32886
Honorable Michael J. Vallejos, Judge

Colorado Manna, LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Commodore Technology, LLC, a New York limited liability company,

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. 16CA0088
Adams County District Court No. 07DR2681
Honorable Emily E. Anderson, Judge

In re the Marriage of

David E. Buesgens,

Appellant,

and

Lisa Marie Buesgens,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by CHIEF JUDGE LOEB
Davidson* and Casebolt*, JJ., concur

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

Court of Appeals No. 16CA0095
Weld County District Court No. 12DR248
Honorable Warren T. Hause, Judge

In re the Marriage of

Lacey Maureen Morrison,

Appellee,

and

Orion Christian Barnes,

Appellant.

JUDGMENT 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. 16CA0171
City and County of Denver District Court No. 14CV30294
Honorable John W. Madden, IV, Judge

Jennie Kraemer,

Plaintiff-Appellant,

v.

Fox Hills Owners Association, Inc.; and Nash, Spindler, Grimstad &
McCracken, LLP,

Defendants-Appellees.

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. 16CA0180
Freemont County District Court No. 14CV104
Honorable David M. Thorson, Judge

Summer Colby,

Plaintiff-Appellant,

v.

Charles Everett Cook, d/b/a Cookdales and Edith Cook, d/b/a Cookdales,
Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA0205
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-918-651

Dish Network and Ace American Insurance Co.,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Sherry Cole,
Respondents.

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. 16CA0208
Weld County District Court No. 15CV30651
Honorable Julie C. Hoskins, Judge

Justin Cranmer,

Plaintiff-Appellant,

v.

Bank of America, N.A.,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA0256
Adams County District Court No. 10DR654
Honorable Donald S. Quick, Judge

In re the Marriage of

Georgia L. Montoya, f/k/a Georgia L. Fligg,

Appellant,

and

Michael B. Fligg,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE DAVIDSON*
Loeb, C.J., and Casebolt*, J., concur

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

Court of Appeals No. 16CA0262
Boulder County District Court No. 09CR1312
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sergio Macias,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Furman and Harris, JJ., concur

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

Court of Appeals Nos. 16CA0305 & 16CA0306
Mesa County District Court Nos. 15JA56 & 15JA57
Honorable Brian J. Flynn, Judge

In re the Petition of G.J.R.,

Petitioner-Appellee,

for the Adoption of K.R.T. and E.M.T., Children,

and Concerning J.T.,

Respondent-Appellant.

JUDGMENTS 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. 16CA0686
Larimer County District Court No. 92CR424
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John B. Bowring,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE CASEBOLT*
Loeb, C.J., and Davidson*, J., concur

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

Court of Appeals No. 16CA0918
City and County of Denver Juvenile Court Nos. 12JV1380 & 13JV1203
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.H., E.H., and A.W.J.H., Children,

and Concerning K.M.H. and W.J.A.H.,

Respondents-Appellants.

JUDGMENT 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. 16CA1091
Boulder County District Court No. 14JV134
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.C-G. and B.O-G., Children,

and Concerning C.W.,

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. 16CA1496
Industrial Claim Appeals Office of the State of Colorado
DD No. 11250-2016

Theresa R. Sprague,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and
Division of Unemployment Insurance Customer Service/Benefits,

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. 16CA1544
Industrial Claim Appeals Office of the State of Colorado
DD No. 11359-2016

Nola J. Kula,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Bullwhackers
Casino, Inc.,

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. 16CA1769
Pueblo County District Court No. 13MH385
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Sandra Guertin,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DUNN
Taubman and Ashby, 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. 14CA0444

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lionel David Baca,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA1048

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory C. Reed,

Defendant-Appellant.

Petition for Rehearing DENIED

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

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2016.