

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
September 29, 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UNPUBLISHED OPINIONS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. 12CA2502
Boulder County District Court No. 12CR222
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Martin Clark,

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. 14CA0376
El Paso County District Court No. 13CR2728
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timmy Jennings,

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. 14CA0563
El Paso County District Court No. 13CR3671
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Guillermo Lopez-Sanchez,

Defendant-Appellant.

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

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

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

Court of Appeals No. 14CA0631
Weld County District Court No. 11CR637
Honorable Todd L. Taylor, Judge

The People of the State of Colorado,

Plaintiff-Appellee and Cross-Appellant,

v.

Matthew Sysum,

Defendant-Appellant and Cross-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. 14CA0930
City and County of Denver District Court No. 11CR3694
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luis Alfonso Meza,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, REVERSED
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. 14CA1376
El Paso County District Court No. 92CR1691
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason A. Long,

Defendant-Appellant.

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

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

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

Court of Appeals No. 14CA1419
Boulder County District Court No. 12CR79
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffrey Swander,

Defendant-Appellant.

JUDGMENT AND ORDER 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. 14CA1440
County and County of Denver District Court No. 13CR881
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff Appellee,

v.

Anthony Vincent Huff,

Defendant Appellant.

ORDER AFFIRMED

Division VII
Opinion by CHIEF JUDGE LOEB
Plank* and Kapelke*, JJ., concur

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

Court of Appeals No. 14CA1553
Denver County District Court No. 06CR3701
Honorable William D. Robbins, Judge

The People of the State of Colorado,

Plaintiff Appellee,

v.

Donald Martin Carrier,

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. 14CA2197
Denver County District Court No. 12CR10291
Honorable Kenneth Martin Laff, Judge
Honorable William D. Robbins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andre Lovell Jackson,

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. 14CA2330
Jefferson County District Court No. 10CR1449
Honorable Christopher Clayton Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Enrique Alejandro Lacallo,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

Court of Appeals No. 15CA0017
Douglas County District Court No. 13CR448
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chantha Than,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals Nos. 15CA0137 & 15CA0818
Arapahoe County District Court No. 13CV30141
Honorable Charles M. Pratt, Judge

Bongil Ho,

Plaintiff-Appellant and Cross-Appellee,

v.

Hyun Joo Kim; and U.S. Anpmedia, Inc., a Colorado corporation, d/b/a Weekly
Focus,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AND ORDER AFFIRMED

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

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

Court of Appeals No. 15CA0139
Gunnison County District Court No. 14CR30
Honorable James S. Patrick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angela Rae Schmid,

Defendant-Appellant.

JUDGMENT VACATED

Division V
Opinion by JUDGE LICHTENSTEIN
Román and Freyre, JJ., concur

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

Court of Appeals No. 15CA0335
Mesa County District Court No. 04CR580
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Royal Wheeler,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE PLANK*
Loeb, C.J., and Kapelke*, J., concur

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

Court of Appeals No. 15CA0721
Jefferson County District Court No. 09CR3152
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leroy D. Fresquez,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE Kapelke*
Loeb, C.J., and Plank*, J., concur

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

Court of Appeals No. 15CA0796
Adams County District Court No. 14CR2457
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bogumil Joseph Milan,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0911
Larimer County District Court No. 95CR87
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn P. Mullinex,

Defendant-Appellant.

ORDER 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. 15CA1024
Arapahoe County District Court No. 04DR2142
Honorable Bonnie McLean, Judge

In re the Marriage of

Linda Silkes,

Appellee,

and

Matthew Elberg,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA1191
City and County of Denver District Court No. 14CV34624
Honorable Andrew P. McCallin, Judge

Lance Eldon Isaac PLLC, a Colorado professional limited liability company; and

Lance Eldon Isaac,

Plaintiffs-Appellants,

v.

Todd Jeremy Stockton and JoLynn Stockton,

Defendants-Appellees.

JUDGMENT AND ORDERS 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. 15CA1220
Boulder County District Court No. 99CR2061
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew D. Mirabal,

Defendant-Appellant.

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

Division V
Opinion by JUDGE LICHTENSTEIN
Román and Davidson, JJ., concur

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

Court of Appeals No. 15CA1322
City and County of Denver District Court No. 14CV31831
Honorable John W. Madden IV, Judge

Michael Locricchio

Plaintiff-Appellant,

v.

American Family Mutual Insurance Company, a Wisconsin corporation,
Defendant-Appellee.

JUDGMENT AND 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. 15CA1333
Park County District Court No. 13DR30024
Honorable Stephen A. Groome, Judge

In re the Marriage of

Tracy A. Meighan, f/k/a Tracy A. Sherry,

Appellee,

and

John Robert Sherry,

Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WEBB
Hawthorne and Navarro, JJ., concur

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

Court of Appeals No. 15CA1568
El Paso County District Court No. 14CV31488
Honorable Jill M. Brady, Judge

John Pankau,

Plaintiff-Appellee,

v.

Paul Lorenzo Sotello,

Defendant-Appellant.

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

Division III
Opinion by JUDGE HAWTHORNE
Webb and Navarro, JJ., concur

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

Court of Appeals No. 15CA1569
El Paso County District Court No. 15CV30304
Honorable Tim J. Schutz, Judge

Judith Dacumos,

Plaintiff-Appellant,

v.

State Farm Fire & Casualty Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by CHIEF JUDGE LOEB
Plank* and Kapelke*, JJ., concur

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

Court of Appeals No. 15CA1796
Jefferson County District Court No. 2010DR65
Honorable Laura Ann Tighe, Judge

In re the Marriage of

Diane L. Sicilia,

Appellant,

and

Mark F. Bendinelli,

Appellee.

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. 15CA1891
City and County of Denver District Court No. 13CV34869
Honorable A. Bruce Jones, Judge

Northwestern Builders, Inc.,

Plaintiff-Appellee,

v.

Guerin Green,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA1918
Arapahoe County District Court No. 13DR866
Honorable Natalie T. Chase, Judge

In re the Marriage of

Ifiok Etuk,

Appellant,

and

Heather P. Etuk,

Appellee.

ORDER REVERSED 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. 15CA1974
Boulder County District Court No. 98CR2283
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Thomas Gettings,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA2121
Fremont County District Court No. 15CV78
Honorable Robert Freeman, Magistrate

Edward Hudson,

Plaintiff-Appellant,

v.

Rick Raemisch, Executive Director, Colorado Department of Corrections; and
David Zupan, Warden of Colorado Territorial Correctional Facility,

Defendants-Appellees.

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. 16CA0122
Larimer County District Court No. 15DR567
Honorable Julie K. Field, Judge

In re the Parental Responsibilities Concerning J.N., a Child,

and Concerning Anthony Robert Walter,

Appellee,

and

Jiying Wei,

Appellant.

JUDGMENT REVERSED 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. 16CA0892
City and County of Denver District Court No. 14JV2052
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.A.C., a Child,

and Concerning A.C.C.,

Respondent-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. 16CA0954
City and County of Denver Juvenile Court No. 15JV772
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.R.R-G., a Child,

and Concerning K.A.B.,

Respondent-Appellant,

and

D.A. and R.A.,

Intervenors.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA0995
Jefferson County District Court No. 15JV206
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.G, El.H., J.H., and Et.H, Children,

and Concerning S.P.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1142
City and County of Denver Probate Court No. 14MH0526
Honorable Ruben M. Hernandez, Magistrate

People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.D.E.,

Respondent-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE LICHTENSTEIN
Román and Freyre, 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. 12CA2507

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Draton Philip Mares,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 14CA1389

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneisha Cynthia Whitmore,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA0770

MarkWest Energy Partners, L.P., a Delaware master limited partnership,

Plaintiff-Appellant,

v.

Zurich American Insurance Company, a New York corporation,

Defendant-Appellee,

Petition for Rehearing DENIED

Court of Appeals Nos. 15CA1127 & 15CA1960

ALF Equinox Todd Creek Village North, L.L.C., n/k/a ALF Todd Creek Village North, L.L.C., a Colorado limited liability company,

Plaintiff-Appellant,

v.

Todd Creek Village Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado,

Defendant-Appellee.

Petitions for Rehearing DENIED

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

Court of Appeals No. 15CA1550

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Keith Tivis,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA1613

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steve Galvez,

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.