

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
September 21, 2017*

“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**

[2017COA122](#)

Court of Appeals No. [15CA1920](#)  
Adams County District Court No. 14CR679  
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Martin Castruita Espinoza,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,  
AND CASE REMANDED WITH DIRECTIONS

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

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[2017COA123](#)

Court of Appeals No. [16CA0191](#)

Montezuma County District Court No. 15CR87

Honorable Douglas S. Walker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremiah Elijah Jim,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE LICHTENSTEIN  
Taubman and Nieto\*, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 13CA1371  
City and County of Denver District Court No. 11CR5114  
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan J. Miller,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE VOGT\*  
Terry and Harris, JJ., concur

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

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Court of Appeals No. 14CA0139  
Jefferson County District Court No. 13CR1153  
Honorable Christopher J. Munch, Judge  
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Martin David Angelo,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE BOORAS  
Graham and Dunn, JJ., concur

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

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Court of Appeals No. 14CA1387  
Arapahoe County District Court No. 13CR2135  
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul James Kerr,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE DUNN  
Graham and Booras, JJ., concur

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

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Court of Appeals No. 14CA1838  
Boulder County District Court No. 12CR1968  
Honorable Ingrid S. Bakke, Judge  
Honorable Andrew R. Macdonald, Judge  
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Peter Daucunas,

Defendant-Appellant.

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

Division VI  
Opinion by JUDGE BERGER  
Furman and Harris, JJ., concur

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

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Court of Appeals No. 14CA2079  
City and County of Denver District Court No. 01CR4000  
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jermaine D. Maxwell,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE BOORAS  
Graham and Dunn, JJ., concur

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

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Court of Appeals No. 15CA0527  
Adams County District Court No. 12CR2293  
Honorable Robert W. Kiesnowski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mickell Javon Johnson,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI  
Opinion by JUDGE HARRIS  
Bernard and Terry, JJ., concur

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

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Court of Appeals No. 15CA0901  
Adams County District Court No. 14CR2306  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Boyd Allen Kugler,

Defendant-Appellant.

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

Division VI  
Opinion by JUDGE BERNARD  
Terry and Harris, JJ., concur

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

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Court of Appeals No. 15CA0934  
La Plata County District Court No. 14CV30153  
Honorable Suzanne F. Carlson, Judge

Softail, Inc.; and Robert Malone,

Plaintiffs-Appellees,

v.

Randall M. Wilson; Janet Wilson; and Vista Pacifica, LLC,

Defendants-Appellants.

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

Division VI  
Opinion by JUDGE BERGER  
Harris and Plank\*, JJ., concur

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

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Court of Appeals No. 15CA1636  
Jefferson County District Court No. 14CR3052  
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David A. Arellano,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE TERRY  
Bernard and Harris, JJ., concur

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

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Court of Appeals No. 15CA1815  
La Plata County District Court No. 14CR355  
Honorable William L. Herringer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Lonestar Addison,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE BERGER  
Furman and Harris, JJ., concur

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

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Court of Appeals No. 16CA0698  
Arapahoe County District Court No. 15CR1442  
Honorable Frederick T. Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Wayne Ariniello,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE DUNN  
Graham and Booras, JJ., concur

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

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Court of Appeals No. 16CA0900  
El Paso County District Court No. 13CR5244  
Honorable Marla R. Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Woo Sang Ra,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE ROMÁN  
Taubman and Lichtenstein, JJ., concur

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

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Court of Appeals No. 16CA1021  
San Miguel County District Court No. 14CV30037  
Honorable Keri A. Yoder, Judge

Angela Monferrato,

Plaintiff-Appellant,

v.

Jack D'Angelo,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE HARRIS  
Bernard and Terry, JJ., concur

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

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Court of Appeals No. 16CA1835  
El Paso County District Court No. 16CV32568  
Honorable Michael P. McHenry, Judge

Harley-Davidson Credit Corporation, as assignee of Eaglemark Savings Bank,

Plaintiff-Appellee,

v.

Exzavior R. McCulley and Bonnie Castro,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE NIETO\*  
Román and Navarro, JJ., concur

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

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Court of Appeals No. 16CA2113  
El Paso County District Court No. 15JV992  
Honorable Tim J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.R-S., a Child,

and Concerning A.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE BERGER  
Furman and Harris, JJ., concur

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

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Court of Appeals No. 16CA2164  
City and County of Denver Juvenile Court No. 15JV1763  
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of G.E.M. and I.K.M., Children,

and Concerning K.P.T.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE CARPARELLI\*  
Webb and Booras, JJ., concur

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

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Court of Appeals No. 17CA0916  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 554-2017

Sherrie D. Garcia,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Whole Foods  
Market Southwest LP,

Respondents.

ORDER AFFIRMED

Division III  
Opinion by JUDGE BERGER  
Webb and Lichtenstein, JJ., 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. 13CA1873

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Francisco R. Quintana,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 14CA0583

The People of the State of Colorado,

Plaintiff-Appellee and Cross-Appellant,

v.

Desean Willie Owens,

Defendant-Appellant and Cross-Appellee.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA0564

U.S. Bank National Association, as successor-in-interest to Bank of America, NA, as trustee, as successor by merger to LaSalle National Association, as indenture trustee, on behalf of the Holders of the Accredited Mortgage Loan Trust 2005-3 Asset Backed Notes,

Plaintiff-Appellee,

v.

Dennis Sladek and Diana Sladek,

Defendants-Appellants.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA0412

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Tevin Reinstein,

Defendant-Appellee.

Petition for Rehearing DENIED

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

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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. 2017.