

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 23, 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

[2017COA17](#)

Court of Appeals No. [14CA2167](#)

Arapahoe County District Court Nos. 12JD798, 13JD76, 14JD476 & 14JD508
Honorable Elizabeth Beebe Volz, Judge

The People of the State of Colorado,

Petitioner,

In the Interest of D.Z.B.,

Juvenile-Appellee,

and Concerning Arapahoe County Department of Human Services,

Appellant.

APPEAL DISMISSED

Division VI
Opinion by CHIEF JUDGE LOEB
Furman and Terry, JJ., concur

[2017COA18](#)

Court of Appeals No. [15CA0414](#)

Weld County District Court Nos. 12CR424 & 12CR506

Honorable Shannon D. Lyons, Judge

Honorable Todd L. Taylor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bradford Steven Raehal,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE HARRIS
Lichtenstein and Richman, JJ., concur

[2017COA19](#)

Court of Appeals No. [15CA1776](#)
Pitkin County District Court No. 10CV201
Honorable Denise K. Lynch, Judge
Honorable Gail H. Nichols, Judge

Robert A. Francis, as Trustee of the Judi B. Francis Irrevocable Trust, and as Trustee of the Robert A. Francis Irrevocable Family Trust; Judi B. Francis, as Trustee of the J. Lee Browning Belize Trust; Leslee K. Francis; Judi B. Francis Irrevocable Trust; Robert A. Francis Irrevocable Family Trust; and J. Lee Browning Belize Trust,

Plaintiffs-Appellants,

v.

Aspen Mountain Condominium Association, Inc., a Colorado not for profit corporation; Donald Miller, in his capacity as member of the Board of Directors of the Aspen Mountain Condominium Association; Steve Daubenmier, in his capacity as member of the Board of Directors of the Aspen Mountain Condominium Association; and Bruce Lynton, in his capacity as member of the Board of Directors of the Aspen Mountain Condominium Association,

Defendants-Appellees.

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

Division VI
Opinion by JUDGE TERRY
Loeb, C.J., and Furman, J., concur

[2017COA20](#)

Court of Appeals No. [16CA0102](#)
Arapahoe County District Court No. 14CV32139
Honorable Charles M. Pratt, Judge

Chris Bermel,

Plaintiff-Appellant,

v.

BlueRadios, Inc.,

Defendant-Appellee.

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

Division VII
Opinion by JUDGE BOORAS
Terry, J., concurs
Berger, J., specially concurs

[2017COA21](#)

Court of Appeals No. [16CA0249](#)
Industrial Claim Appeals Office of the State of Colorado
W.C. No. 84-1545878

Dami Hospitality, LLC,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Workers' Compensation,

Respondents.

ORDER SET ASIDE AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WEBB
Dunn and Davidson*, JJ., concur

[2017COA22](#)

Court of Appeals No. [16CA0267](#)
El Paso County District Court No. 15CV416
Honorable Edward S. Colt, Judge

Campaign Integrity Watchdog, LLC,

Plaintiff-Appellant,

v.

Alliance for a Safe and Independent Woodmen Hills and Sara Brittain Jack,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FREYRE
Nieto, J.*, concurs
Kapelke, J.*, concurs in part and dissents in part

[2017COA23](#)

Court of Appeals No. [16CA0322](#)
City and County of Denver District Court No. 15CV30089
Honorable Shelley I. Gilman, Judge

Denise G. Nibert,

Plaintiff-Appellee,

v.

Geico Casualty Company,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FOX
Román and Booras, JJ., concur

[2017COA24](#)

Court of Appeals No. [16CA0393](#)
Arapahoe County District Court No. 15CV31613
Honorable Charles M. Pratt, Judge

City of Aurora, Colorado, a municipal corporation; and Aurora Urban Renewal Authority, a Colorado urban renewal authority,

Plaintiffs-Appellants,

v.

Marc Scott, in his official capacity as Arapahoe County Assessor,

Defendant-Appellee.

ORDER AND JUDGMENT AFFIRMED

Division I
Opinion by JUDGE GRAHAM
Taubman and Navarro, JJ., concur

[2017COA25](#)

Court of Appeals No. [16CA0416](#)
City and County of Denver District Court No. 15CV30685
Honorable John W. Madden IV, Judge

Joel Munoz,

Plaintiff-Appellant,

v.

American Family Mutual Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE ASHBY
Hawthorne and Freyre, JJ., concur

[2017COA26](#)

Court of Appeals No. [16CA1867](#)

Logan County District Court No. 16CV30061

Honorable Charles M. Hobbs, Judge

Sterling Ethanol, LLC; and Yuma Ethanol, LLC,

Plaintiffs-Appellees,

v.

Colorado Air Quality Control Commission; and Colorado Department of Public
Health and Environment,

Defendants-Appellants.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE FOX
Ashby and Berger, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 14CA0564
Larimer County District Court No. 13CR463
Honorable Stephen J. Schapanski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Efren Rivas-Retana,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division VII
Opinion by JUDGE PLANK*
Richman and Harris, JJ., concur

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

Court of Appeals No. 14CA0932
El Paso County District Court No. 12CR2254
Honorable Richard V. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Douglas Smith,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE BERGER
Dailey and J. Jones, JJ., concur

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

Court of Appeals No. 15CA0377
City and County of Denver District Court No. 13CR10212
Honorable Ann B. Frick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Patricia Salas-Lucero,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE LICHTENSTEIN
Richman and Harris, JJ., concur

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

Court of Appeals No. 15CA0707
Douglas County District Court No. 08CR152
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Melvin Bompreszi,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE ASHBY
Hawthorne and Rothenberg*, JJ., concur

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

Court of Appeals No. 15CA0903
Adams County District Court No. 11CR1797
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Cecil Walshe,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE ASHBY
Hawthorne and Freyre, JJ., concur

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

Court of Appeals No. 15CA1008
El Paso County District Court No. 14CR1594
Honorable Scott A. Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Valerie L. Freyre,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE ROTHENBERG*
Hawthorne and Ashby, JJ., concur

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

Court of Appeals No. 15CA1301
Jefferson County District Court No. 14DR30326
Honorable Laura A. Tighe, Judge

In re the Marriage of

Robin M. Fuller,

Appellee,

and

Jesse E. Fuller,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE HAWTHORNE
Ashby and Freyre, JJ., concur

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

Court of Appeals Nos. 15CA1909 & 16CA0028
City and County of Denver District Court No. 14CV33221
Honorable C. Vincent Phelps, Judge

A&A Quality Appliance, Inc., d/b/a Contract Appliance, a Colorado
corporation,

Plaintiff-Appellant,

v.

Timothy L. Blunk,

Defendant-Appellee.

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

Division III
Opinion by JUDGE WEBB
Bernard and Dunn, JJ., concur

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

Court of Appeals No. 15CA2042
City and County of Denver District Court No. 15CV33166
Honorable Catherine A. Lemon, Judge

Paula Muncy,

Plaintiff-Appellee,

v.

City and County of Denver, Colorado,

Defendant-Appellant.

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

Division III
Opinion by JUDGE BERNARD
Webb and Dunn, JJ., concur

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

Court of Appeals No. 15CA2043
City and County of Denver District Court No. 15CV30740
Honorable Shelley I. Gilman, Judge

Scott Martinez, as City Attorney for the City and County of Denver; and
Nicholas Mitchell, as Independent Monitor for the City and County of Denver,

Plaintiffs-Appellants,

v.

Edward Keller,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE HARRIS
Richman and Plank*, JJ., concur

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

Court of Appeals No. 16CA0187
El Paso County District Court No. 07CR1477
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Donis,

Defendant-Appellant.

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

Division III
Opinion by JUDGE DUNN
Webb and Bernard, JJ., concur

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

Court of Appeals No. 16CA0319
Douglas County District Court No. 15DR30187
Honorable Natalie T. Chase, Judge

In re the Marriage of

Judith Stein, f/k/a Judith Stein Stutman,

Appellant,

and

Alan Stutman,

Appellee.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE ASHBY
Hawthorne and Freyre, JJ., concur

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

Court of Appeals No. 16CA0411
City and County of Denver District Court No. 15CV33636
Honorable J. Eric Elliff, Judge

Eric Crabtree,

Plaintiff-Appellant,

v.

City and County of Denver,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
Freyre and Ashby, JJ., concur

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

Court of Appeals No. 16CA0460
Routt County District Court No. 09DR121
Honorable Shelley A. Hill, Judge

In re the Marriage of

Robert Harvey,

Appellee,

and

Keri Rusthoi,

Appellant.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE LOEB
Rothenberg* and Casebolt*, JJ., concur

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

Court of Appeals No. 16CA0580
City and County of Denver District Court No. 15CV33750
Honorable Michael Anthony Martinez, Judge

Christopher King,

Plaintiff-Appellant,

v.

Westlake Services, LLC,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE FREYRE
Hawthorne and Ashby, JJ., concur

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

Court of Appeals No. 16CA0635
Gilpin County District Court No. 15CR57
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Danielle Anne Sofa,

Defendant-Appellant.

SENTENCE AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Lichtenstein and Richman, JJ., concur

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

Court of Appeals No. 16CA1231
Adams County District Court No. 15JV135
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.M., a Child,

and Concerning Y.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE ROTHENBERG*
Loeb, C.J., and Casebolt*, J., concur

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

Court of Appeals No. 16CA1393
City and County of Denver Juvenile Court No. 15JV1129
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.C.A.P., a Child,

and Concerning K.A.P.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE CASEBOLT*
Loeb, C.J., and Rothenberg*, J., concur

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

Court of Appeals No. 16CA2082
Pueblo County District Court No. 16MH317
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Ryan Seylhouwer,

Respondent-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE ASHBY
Hawthorne 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. 13CA2377

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leon R. Ewing,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 13CA2378

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Burnest Alvis Johnson,

Defendant-Appellant.

Petitions for Rehearing DENIED

Court of Appeals No. 14CA0332

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cody Lynn DeBorde,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 15CA0012

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.W.,

Juvenile-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA1705

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)

[2017COA7M](#)

Court of Appeals No. [16CA0167](#)

Donna Kovac,

Plaintiff-Appellant,

v.

Farmers Insurance Exchange,

Defendant-Appellee.

Opinion Modified and
Petition for Rehearing DENIED

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