

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 1, 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

[2017COA75](#)

Court of Appeals No. [13CA1516](#)
Arapahoe County District Court Nos. 11CR1503 & 12CR1029
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Wayne George,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

[2017COA76](#)

Court of Appeals No. [14CA0014](#)
El Paso County District Court No. 12CR1808
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Allan Henley,

Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE J. JONES
Graham and Welling, JJ., concur

[2017COA77](#)

Court of Appeals No. [14CA1175](#)
Arapahoe County District Court No. 12CR2748
Honorable Gerald J. Rafferty, Judge
Honorable Christopher C. Cross, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rogelia Perez-Rodriguez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BOORAS
Román and Fox, JJ., concur

[2017COA78](#)

Court of Appeals No. [16CA1005](#)
Garfield County District Court No. 13CV30316
Honorable John F. Neiley, Judge

Erika Galindo, individually and as parent, guardian, and next friend of Ariana Guadalupe Galindo, a minor child; and Jose Galindo, individually and as parent, guardian, and next friend of Ariana Guadalupe Galindo, a minor child,

Plaintiffs-Appellants,

v.

Valley View Association, d/b/a/ Valley View Hospital,

Defendant-Appellee.

APPEAL DISMISSED

Division IV
Opinion by JUDGE J. JONES
Graham and Welling, JJ., concur

[2017COA79](#)

Court of Appeals No. [16CA1375](#)
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-972-492

Richard Hutchison,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Pine Country, Inc.,
d/b/a Pine Country Truck & Auto; and Pinnacol Assurance,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Plank*, J., concurs
Berger, J., specially concurs

UNPUBLISHED OPINIONS

Court of Appeals No. 13CA0825
Arapahoe County District Court No. 10CR1154
Honorable F. Stephen Collins, Judge
Honorable Elizabeth A. Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Robert Lafe Todd,

Defendant-Appellee.

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

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

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

Court of Appeals No. 13CA1092
City and County of Denver District Court No. 11CV7842
Honorable Robert S. Hyatt, Judge

Jose Morales-Guevara,

Plaintiff-Appellant,

v.

Claire A. Koren,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA1770
El Paso County District Court No. 12CR4083
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sean Michael Lawson,

Defendant-Appellant.

CASE REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FURMAN
Harris and Márquez*, JJ., concur

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

Court of Appeals No. 14CA1227
Weld County District Court No. 13CR737
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Allen Pierce,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE HAWTHORNE
Dunn and Kapelke*, JJ., concur

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

Court of Appeals No. 14CA1375
Adams County District Court No. 08CR791
Honorable Patrick T. Murphy, Judge
Honorable C. Vincent Phelps, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Uto Essien,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE TERRY
Richman and Vogt*, JJ., concur

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

Court of Appeals No. 14CA2203
El Paso County District Court No. 13CR1206
Honorable Michael P. McHenry, Judge
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tommie Charles Bradley,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III
Opinion by JUDGE GRAHAM
Booras and Davidson*, JJ., concur

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

Court of Appeals No. 15CA0355
Elbert County District Court No. 03CR42
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Hyberg,

Defendant-Appellant.

SENTENCE VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE RICHMAN
Terry and Vogt*, JJ., concur

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

Court of Appeals No. 15CA0646
El Paso County District Court No. 14CR1507
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dexter L. Disnake,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE HAWTHORNE
Dunn and Kapelke*, JJ., concur

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

Court of Appeals No. 15CA0680
Boulder County District Court No. 06CR1290
Honorable Andrew R. McDonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Norman Hansen,

Defendant-Appellant.

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

Division III
Opinion by JUDGE WEBB
Booras and Freyre, JJ., concur

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

Court of Appeals No. 15CA0747
El Paso County District Court No. 13CR5007
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin John Gonzales, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DUNN
Hawthorne and Kapelke*, JJ., concur

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

Court of Appeals No. 15CA1196
Larimer County District Court No. 10CV1040
Honorable C. Michelle Brinegar, Judge

James A. Deplitch,

Plaintiff-Appellee,

v.

Karin Schmidova, M.D.,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA1424
Clear Creek County District Court No. 13CR42
Honorable John N. McMullen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chad J. Farrells,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Furman and Márquez*, JJ., concur

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

Court of Appeals No. 15CA1452
Jefferson County District Court No. 14CR2616
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clinton Eugene Priest,

Defendant-Appellant.

JUDGMENT REVERSED

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

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

Court of Appeals No. 15CA1610
Jefferson County District Court No. 14CV30592
Honorable Christopher J. Munch, Judge

John J. Pembroke Living Trust and Linda D. Pembroke Living Trust,

Plaintiffs and Third Party Defendants-Appellants,

v.

US Bank, N.A., as Trustee, successor to Bank of America, N.A, successor by merger to LaSalle Bank, N.A., Trustee for Wamu Mortgage Pass-Through Certificates, Series 2006-AR11 Trust; Select Portfolio Servicing, Inc.; and JPMorgan Chase Bank, N.A.,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Welling, J., concurs
Graham, J., dissents

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

Court of Appeals No. 15CA1804
Fremont County District Court No. 13CR109
Honorable David M. Thorson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachariah McDonald,

Defendant-Appellant.

SENTENCE AFFIRMED

Division II
Opinion by JUDGE BERNARD
Dailey and Fox, JJ., concur

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

Court of Appeals No. 16CA0003
El Paso County District Court No. 15CR275
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael George McKeon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FURMAN
Harris and Márquez*, JJ., concur

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

Court of Appeals No. 16CA0392
Fremont County District Court No. 15DR30048
Honorable Robert Freeman, Magistrate

In re the Marriage of

Daniel Gall,

Appellant,

and

Cindy Gall,

Appellee.

JUDGMENT REVERSED

Division III
Opinion by JUDGE WEBB
Freyre, J., concurs
Booras, J., dissents

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

Court of Appeals No. 16CA0589
Douglas County District Court No. 15CV30395
Honorable Theresa M. Slade, Judge

U.S. Bank National Association, as Trustee, successor-in-interest to Bank of America, N.A., as Trustee, successor by merger to Lasalle Bank, N.A., as Trustee, for the registered holders of Bear Stearns Commercial Mortgage Securities Inc., Commercial Mortgage Pass-Through and Certificated, 2007-PWR16, by and through C-III Asset Management LLC, solely in its capacity as special receiver,

Plaintiff-Appellee,

v.

Constance Marie, LLC, a California limited liability company; GKKK, LLC, a California limited liability company; and Cook Islands, LLC, a California limited liability company,

Defendants-Appellants.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE ASHBY
Terry and Richman, JJ., concur

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

Court of Appeals No. 16CA0687
Mesa County District Court Nos. 07CR1572 & 07CR1604
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David B. Hoeck,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0883
City and County of Denver District Court No. 14CV33195
Honorable Shelley I. Gilman, Judge

Premier Group Insurance, Inc., a Colorado corporation,

Plaintiff-Appellee,

v.

C. Robert Biodino, Jr., and James Rensimer,

Attorneys-Appellants.

APPEAL DISMISSED

Division V
Opinion by JUDGE HAWTHORNE
Dunn and Kapelke*, JJ., concur

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

Court of Appeals No. 16CA0928
Larimer County District Court No. 12CR1152
Honorable Michelle C. Brinegar, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven J. Garcia,

Defendant-Appellant.

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

Division V
Opinion by JUDGE KAPELKE*
Hawthorne and Dunn, JJ., concur

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

Court of Appeals No. 16CA1043
Rio Grande County District Court No. 15JV48
Honorable Patrick H. Hayes, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.A., V.L., and A.L., Children,

and Concerning A.A.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1063
Logan County District Court No. 16CV8
Honorable Douglas R. Vannoy, Judge

Luke Johnson,

Plaintiff-Appellant,

v.

Rick Raemisch, in his official capacity as Executive Director of Colorado Department of Corrections, and Matthew Hansen, in his official capacity as Warden of the Sterling Correctional Facility,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA1071
City and County of Denver District Court No. 13CV33978
Honorable J. Eric Elliff, Judge

Elizabeth Ingram,

Plaintiff-Appellee,

v.

Vincent Atchity,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE VOGT*
Terry and Richman, JJ., concur

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

Court of Appeals No. 17CA0513
City and County of Denver Probate Court No. 16MH184
Honorable Ruben M. Hernandez, Magistrate

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Carlos Malone,

Respondent-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE WELLING
Graham and J. Jones, 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. 13CA1300

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bret Lee Thompson,

Defendant-Appellant.

Petition for Rehearing DENIED
Graham, J., would GRANT

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

Court of Appeals No. 14CA0377

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tommy Anthony Sirvent,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 14CA1035

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eugene Robert Trujillo,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA0377

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Patricia Salas-Lucero,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 15CA1434

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas E. Espinoza,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0055

Stoneridge Software, Inc.,

Plaintiff-Appellee,

v.

Sopris Systems, LLC,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0357

Rita R. Lewis,

Plaintiff-Appellant,

v.

Denise Phillips,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0652

CitiBank N.A., as Trustee for Chase Funding Mortgage Loan Asset-Backed
Certificates, Series 2002-4

Plaintiff-Appellee,

v.

R. Kirk McDonald,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA1556

Jeckonias N. Muragara,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Sears Holdings, d/b/a
Sears Roebuck & Company; and Ace American Insurance Company,

Respondents.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA1570

Anthony J. Lucero,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Wyndam Hotel &
Resorts, and Zurich North America Insurance Company,

Respondents.

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.