

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
May 11, 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.

**UNPUBLISHED OPINIONS**

Court of Appeals No. 13CA1553  
City and County of Denver District Court No. 12CR2669  
Honorable William D. Robbins Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stephen Angelo Montano,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE ROTHENBERG\*  
Terry and Welling, JJ., concur

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

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Court of Appeals No. 14CA0203  
City and County of Denver District Court No. 12CR1633  
Honorable William D. Robbins Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Moses Anthony Heguy, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Terry and Rothenberg\*, JJ., concur

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

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Court of Appeals No. 14CA2036  
Boulder County District Court No. 13CR35  
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Douglas Keith Murray,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA0094  
Adams County District Court No. 13CR1552  
Honorable John E. Popovich, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Rudy Gonzales,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE DAILEY  
Bernard and Fox, JJ., concur

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

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Court of Appeals No. 15CA0102  
Arapahoe County District Court No. 10CR480  
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tobias Anthniel Price,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by CHIEF JUDGE LOEB  
Vogt\* and Casebolt\*, JJ., concur

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

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Court of Appeals No. 15CA1258  
Pueblo County District Court No. 03CR383  
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Arellano,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA1265  
Douglas County District Court No. 14CR520  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Lee Jones,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA1374  
Mesa County District Court No. 00CR971  
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Joe Gomez,

Defendant-Appellant.

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

Division IV  
Opinion by JUDGE GRAHAM  
J. Jones and Welling, JJ., concur

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

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Court of Appeals No. 15CA1927  
Adams County District Court No. 11CR956  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathan Eric Walsh,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

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Court of Appeals No. 15CA2147  
Arapahoe County District Court No. 14CR720  
Honorable Marilyn Leonard Antrim

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ever Martin Olivos-Gutierrez,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

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Court of Appeals No. 16CA0126  
City and County of Denver District Court No. 15CV32760  
Honorable Karen L. Brody, Judge

Gerald Rome, Securities Commissioner for the State of Colorado,

Plaintiff-Appellant,

v.

Antonio Reyes, Craig Kahler, and Betty Schnorenberg,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE NAVARRO  
Taubman and Graham, JJ., concur

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

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Court of Appeals No. 16CA0169  
City and County of Denver Juvenile Court No. 15JD487  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.S.,

Juvenile-Appellant.

JUDGMENT REVERSED

Division II  
Opinion by JUDGE DAILEY  
Bernard and Fox, JJ., concur

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

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Court of Appeals No. 16CA0234  
El Paso County District Court No. 10CR1290  
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Louis Edmonds,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA0470  
City and County of Denver District Court No. 15CV340  
Honorable Michael J. Vallejos, Judge

James William DeHaven,

Plaintiff-Appellant,

v.

Jennifer Mrachek,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 16CA0488  
City and County of Denver Juvenile Court No. 15JD733  
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.M.A.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE FOX  
Dailey and Bernard, JJ., concur

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

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Court of Appeals No. 16CA0545  
Pitkin County District Court No. 10CV177  
Honorable Daniel B. Petre, Judge

First Citizens Bank and Trust Company,

Plaintiff-Appellee,

and

Leathem Stearn,

Defendant-Appellee,

v.

Stewart Title Guaranty Company,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 16CA0656  
El Paso County District Court No. 06CR2912  
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Crespo-Gutierrez,

Respondent-Appellant.

ORDER AFFIRMED 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)**

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Court of Appeals No. 16CA0657  
Custer County District Court No. 15CV30030  
Honorable Robert Freeman, Judge

James Butler and Johanna Butler,

Plaintiffs-Appellants,

v.

H2 Properties, Inc.,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE PLANK\*  
Hawthorne and Freyre, JJ., concur

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

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Court of Appeals No. 16CA0712  
City and County of Denver District Court No. 15CV30965  
Honorable J. Eric Elliff, Judge  
Honorable Andrew P. McCallin, Judge

Agripino Torres and Luis Torres,

Plaintiffs-Appellants and Cross-Appellees,

v.

City Council for the City and County of Denver; Councilpersons Susan Shephard, Judy Montero, Paul Lopez, Charlie Brown, Jeanne Robb, Robin Kniech, Debbie Ortega, Chris Herndon, Mary Beth Susman, Peggy Lehmann, Jeanne Faatz, Chris Nevitt, and Albus Brooks; and City and County of Denver,

Defendants-Appellees,

and

EFG-South Sloan's Lake I, LLC,

Cross-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE FOX  
Dailey and Bernard, JJ., concur

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

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Court of Appeals No. 16CA0773  
Boulder County District Court No. 12DR446  
Honorable Andrew R. Macdonald, Judge

In re the Marriage of

Carter Vincent Brown,

Appellant,

and

Cynthia Marvell-Brown,

Appellee.

ORDER REVERSED

Division IV  
Opinion by JUDGE GRAHAM  
J. Jones and Welling, JJ., concur

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

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Court of Appeals No. 16CA0804  
Boulder County District Court No. 04CR239  
Honorable Andrew Hartman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Jeffrey Britton,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals Nos. 16CA0958 & 16CA0960  
City and County of Denver Juvenile Court No. 14JV451  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.B.B., a Child,

and Concerning B.E.W. and T.D.B.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE HARRIS  
Dailey and Furman, JJ., concur

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

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Court of Appeals No. 16CA1161  
Larimer County District Court No. 16CV30307  
Honorable C. Michelle Brinegar, Judge

CTICommunications.com LLC, d/b/a CTI Communications, LLC,

Plaintiff-Appellee,

v.

AltiGen Communications, Inc.,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 16CA1243  
City and County of Denver District Court No. 10DR2179  
Honorable William D. Robbins Jr., Judge

In re the Parental Responsibilities Concerning L.A. and M.W., Children,  
and Concerning Evan W. Wasserman,

Appellant,

and

Amanda Sakowicz,

Appellee,

and Concerning Arapahoe County Department of Human Services

Intervenor.

ORDERS AFFIRMED

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

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

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Court of Appeals No. 16CA1287  
Logan County District Court No. 15CV28  
Honorable Carl S. McGuire, Judge

L. R. Moore,

Plaintiff-Appellant,

v.

Warden of Sterling Correctional Facility and Executive Director of the Colorado  
Department of Corrections,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 16CA1431  
Jefferson County District Court No. 13JV609  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of I.N. and J.N., Children,

and Concerning T.A., a/k/a M.K., and J.N.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE DAILEY  
Bernard and Fox, JJ., concur

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

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Court of Appeals No. 16CA1573  
Montrose County District Court No. 14JV60  
Honorable David S. Westfall, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.T., N.T., and A.T., Children,

and Concerning M.T.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE CASEBOLT\*  
Hawthorne and Freyre, JJ., concur

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

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Court of Appeals No. 16CA1622  
Huerfano County District Court No. 14JV23  
Honorable Claude W. Appel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.J., M.J., J.J., and S.J., Children,

and Concerning M.J.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 16CA1721  
Adams County District Court No. 15JV149  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.R.G.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 16CA1752  
City and County of Denver Juvenile Court No. 15JV312  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.A.P., N.S.P., and G.C.P., Children,

and Concerning D.M.W.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 16CA1754  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 8160-2016

Kirk C. Wells,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Wal Mart  
Associates Inc.,

Respondents.

ORDER AFFIRMED

Division I  
Opinion by CHIEF JUDGE LOEB  
Vogt\* and Casebolt\*, JJ., concur

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

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Court of Appeals No. 16CA1767  
Adams County District Court No. 14JV141  
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning T.T.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE BOORAS  
Webb and Freyre, JJ., concur

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

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Court of Appeals No. 16CA1891  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 14527-2016

Nicholas F. Laursen,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Jones Landscape  
Care Company, Inc.,

Respondents.

ORDER AFFIRMED

Division I  
Opinion by JUDGE VOGT\*  
Loeb, C.J., and Casebolt\*, J., concur

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

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Court of Appeals No. 16CA1969  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 14979-2016

Steven F. Day,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Complete  
Landscape Care, Inc.,

Respondents.

ORDER AFFIRMED

Division I  
Opinion by JUDGE CASEBOLT\*  
Loeb, C.J., and Vogt\*, J., concur

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

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Court of Appeals No. 16CA2043  
Mesa County District Court No. 15JV278  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.R., A.R., and N.H., Children,

and Concerning J.M.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE FOX  
Dailey and Bernard, JJ., concur

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

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Court of Appeals No. 16CA2254  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 14691-2016

David J. Betts,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Work Zone Traffic  
Control, Inc.,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA0147  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 16907-2016

James E. Makris,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of  
Unemployment Insurance Benefit Payment Control,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA0290  
Industrial Claim Appeals Office of the State of Colorado  
DD Nos. 23493-2016 & 23497-2016

Susan Linder,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Samson Resources  
Company,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA0417  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 69-2017

Rachal A. Metz,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and City of Littleton, a  
Colorado home rule municipality,

Respondents.

ORDER AFFIRMED

Division V  
Opinion by JUDGE NAVARRO  
Hawthorne and Dunn, 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. 15CA1697

Colarelli Construction, Inc.,

Plaintiff-Appellant and Cross-Appellee,

v.

McGloin, Davenport, Severson & Snow, P.C.; Ronald J. Snow; and J. Randolph Earnest,

Defendants-Appellees and Cross-Appellants.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA1747

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Henry Post,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0103

Catholic Charities of Central Colorado, Inc.,

Petitioner-Appellant,

In the Interest of C.G., a Child,

and Concerning A.S., a/k/a A.D.,

Respondent-Appellee.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0473

Emerald Isle Properties, LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

David Hamilton,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0918

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.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0927

Maralex Disposal, LLC,

Plaintiff-Appellant,

v.

Brice D. Ferguson, Trustee of the Dara M. Ferguson Trust of 1991,

Defendant-Appellee.

Petition for Rehearing DENIED

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

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**MODIFIED OPINIONS**

Court of Appeals No. 15CA0651  
Lincoln County District Court No. 14CR60  
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Perry L. Smith,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE HARRIS  
Dailey and Furman, JJ., concur

Opinion Modified  
On the Court's Own Motion

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**  
Announced December 8, 2016

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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. 2016.