

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
August 10, 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**

[2017COA105](#)

Court of Appeals No. [14CA2242](#)  
Larimer County District Court No. 13CR1167  
Honorable Julie K. Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Wesley Welborne,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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[17COA106](#)

Court of Appeals No. [15CA0470](#)  
Adams County District Court No. 14CR1022  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samuel David Carian,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART  
AND VACATED IN PART

Division I  
Opinion by JUDGE TAUBMAN  
Román and Lichtenstein, JJ., concur

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[2017COA107](#)

Court of Appeals No. [15CA0699](#)  
El Paso County District Court No. 13CR3832  
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lawson P. Garrison,

Defendant-Appellant.

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

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

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[2017COA108](#)

Court of Appeals No. [15CA1235](#)  
Boulder County District Court No. 14CR552  
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fredrick Leroy Allman,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division V  
Opinion by CHIEF JUDGE LOEB  
Davidson\* and Casebolt\*, JJ., concur

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[2017COA109](#)

Court of Appeals No. [16CA0824](#)  
City and County of Denver District Court No. 13CV33733  
Honorable Catherine A. Lemon, Judge

James Klein and Beth Klein,

Plaintiffs-Appellants,

v.

Tiburón Development LLC, a Colorado corporation; and David Sell,

Defendants-Appellees.

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

Division IV  
Opinion by JUDGE WELLING  
Graham and Casebolt\*, JJ., concur

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[2017COA110](#)

Court of Appeals No. [16CA1267](#)  
El Paso County District Court No. 16CV45  
Honorable Edward S. Colt, Judge

Robert D. Gandy,

Plaintiff-Appellant,

v.

Rick Raemisch, Executive Director, Colorado Department of Corrections; and  
Steve Hager, Director of Prisons, Colorado Department of Corrections,

Defendants-Appellees.

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

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

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[2017COA111](#)

Court of Appeals No. [16CA1274](#)  
Adams County District Court No. 15CV31554  
Honorable Ted C. Tow, Judge

T.D.,

Plaintiff-Appellant,

v.

Gilbert Wiseman,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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[2017COA112](#)

Court of Appeals No. [16CA1979](#)

City and County of Denver District Court No. 16CV31444

Honorable Shelley I. Gilman, Judge

EnCana Oil & Gas (USA), Inc.,

Plaintiff-Appellant,

v.

Sally Miller; Barclay Farms, LLC; Joan Elaine Brehon; David Furlong and Joyce Furlong, as Co-Trustees for the Janette Foote Estate; Niles Miller; White River Royalties, LLC; Whitney Brace, as Trustee for the T.E. McClintock Trust; and Helen Nelson, as Trustee for the Edwin Miller Trust,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE FOX

Dailey and Bernard, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 13CA1580  
City and County of Denver District Court No. 11CV2642  
Honorable Herbert L. Stern, III, Judge

Creager Mercantile Company, Inc.,

Plaintiff-Appellant,

v.

Colorado Department of Revenue; and Barbara Brohl, in her official capacity as  
Executive Director of the Colorado Department of Revenue,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE GRAHAM  
Dunn and Casebolt\*, JJ., concur

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

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Court of Appeals No. 13CA1749  
Arapahoe County District Court No. 06CR3473  
Honorable Carlos A. Samour, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dennis Edward Granger,

Defendant-Appellant.

JUDGMENT AFFIRMED AND SENTENCE VACATED  
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. 13CA1826  
City and County of Denver District Court No. 12CR4668  
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Amanda V. Al-Faris,

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. 14CA1034  
City and County of Denver District Court No. 13CR3011  
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fran J. Martinez,

Defendant-Appellant.

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

Division VII  
Opinion by JUDGE MÁRQUEZ\*  
Terry and Nieto\*, JJ., concur

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

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Court of Appeals No. 14CA1056  
San Juan County District Court No. 13CR1  
Honorable Gregory G. Lyman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott F. Smith,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 14CA1750  
City and County of Denver District Court No. 13CR1311  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan A. Martinson,

Defendant-Appellant.

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

Division VII  
Opinion by JUDGE TERRY  
Ashby and Nieto\*, JJ., concur

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

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Court of Appeals No. 14CA2272  
City and County of Denver District Court No. 13CR4458  
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John P. Munilla,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE DAILEY  
Fox and Nieto\*, JJ., concur

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

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Court of Appeals No. 15CA0914  
El Paso County District Court No. 14CR2084  
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason R. Forbes,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 15CA1979  
City and County of Denver District Court No. 05CR3716  
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremy D. Ellerton,

Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE NIETO\*  
Terry and Ashby, JJ., concur

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

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Court of Appeals No. 15CA2146  
Weld County District Court No. 15CR474  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Fredrick,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

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Court of Appeals No. 15CA2172  
El Paso County District Court No. 10CR2053  
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Feliz Ramirez-Martinez,

Defendant-Appellant.

ORDER 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. 16CA0533  
City and County of Denver District Court Nos. 01CR4599 & 02CR1491  
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ray R. Nunn,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by CHIEF JUDGE LOEB  
Rothenberg\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 16CA0562  
El Paso County District Court No. 98CR4443  
Honorable Lin Billings-Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Roger Duncan,

Defendant-Appellant.

ORDER AFFIRMED

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. 16CA0753  
Arapahoe County District Court No. 14CR329  
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Abdullah Jhalil Ratcliff,

Defendant-Appellant.

SENTENCE 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. 16CA0754  
Arapahoe County District Court No. 12CR1598  
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lance Christopher Wyman,

Defendant-Appellant.

SENTENCE REVERSED 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. 16CA0919  
City and County of Denver District Court No. 15CV31274  
Honorable Ross B. Buchanan, Judge

Diane Croce,

Plaintiff-Appellant,

v.

Keith Hetherington,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE TERRY  
Nieto\* and Márquez\*, JJ., concur

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

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Court of Appeals No. 16CA0997  
City and County of Denver District Court No. 02CR914  
Honorable Ronald J. Mullins, Judge  
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Norman Joseph Garcia,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE VOGT\*  
Loeb, C.J., and Rothenberg\*, J., concur

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

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Court of Appeals No. 16CA1509  
City and County of Denver District Court No. 16CV137  
Honorable Catherine A. Lemon, Judge

Hershall Joseph Shelley,

Plaintiff-Appellant,

v.

Colorado Board of Governors, in its official capacity over Colorado State  
University; President Tony Frank; Dr. Susan P. James; and Dr. William S. Duff,

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. 16CA1853  
Chaffee County District Court No. 16CV11  
Honorable Patrick W. Murphy, Judge

Ramiro Vargas,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of  
Buena Vista Correctional Complex,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE TERRY  
Ashby and Casebolt\*, JJ., concur

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

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Court of Appeals No. 16CA1920  
Teller County District Court No. 15JV24  
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.J.F., a Child,

and Concerning S.F.,

Respondent-Appellant.

JUDGMENT 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. 16CA2105  
Arapahoe County District Court No. 15JV724  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.S.,

Respondent-Appellant.

JUDGMENT 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. 16CA2196  
Mesa County District Court No. 16JV258  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.J., A.J., R.J., and V.A.J., Children,

and Concerning L.J.,

Respondent-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division II  
Opinion by JUDGE FOX  
Dailey and Nieto\*, JJ., concur

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

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Court of Appeals No. 17CA0105  
Garfield County District Court No. 16JV1  
Honorable Denise K. Lynch, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.T. and N.B.,

Respondents-Appellants.

JUDGMENT 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. 17CA0152  
Weld County District Court No. 16JV230  
Honorable James F. Hartmann, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.D., a Child,

and Concerning R.W.,

Respondent-Appellant.

APPEAL DISMISSED IN PART  
AND JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE NIETO\*  
Dailey and Fox, JJ., concur

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

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Court of Appeals No. 17CA0517  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 26613-2016

Brent M. Houchin,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Denver Health and  
Hospital Authority,

Respondents.

ORDER 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. 17CA0671  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 2761-2017

Sung S. Lee,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Custom Care  
Cleaners,

Respondents.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE ASHBY  
Terry and Casebolt\*, JJ., concur

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

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Court of Appeals No. 17CA0686  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 4913-2017

Nathaniel Bellamy, Jr.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Boondocks Fun  
Center Northglenn, LLC,

Respondents.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE Casebolt\*  
Terry and Ashby, 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. 15CA0128

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Breck Torrell Higgins,

Defendant-Appellant.

Petition for Rehearing DENIED

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Court of Appeals No. 16CA0311

The People of the State of Colorado,

Plaintiff-Appellee,

v.

A.R.,

Defendant-Appellant.

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. 2016.