

*ANNOUNCEMENTS*  
*COLORADO COURT OF APPEALS*  
*November 9, 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**UNPUBLISHED OPINIONS**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. 14CA0378  
El Paso County District Court No. 13CR2630  
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Richard Woodard,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE FURMAN  
Harris, J., concurs  
Berger, J., concurs in part and dissents in part

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

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Court of Appeals No. 14CA1176  
Arapahoe County District Court Nos. 12CR1321, 12CR1746, 12CR1762 &  
12CR1770

Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ali Shabazz,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE RICHMAN  
Taubman and Furman, JJ., concur

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

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Court of Appeals No. 15CA1065  
El Paso County District Court No. 03CR3392  
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shannon Dean Merrow,

Defendant-Appellant.

ORDER AFFIRMED IN PART AND REVERSED IN PART

Division VI  
Opinion by JUDGE BERGER  
Harris, J., concurs  
Furman, J., concurs in part and dissents in part

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

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Court of Appeals No. 15CA1074  
Douglas County District Court No. 12CR403  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lonnie James Pebley,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED  
AND CASE REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE DAILEY  
Hawthorne and Welling, JJ., concur

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

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Court of Appeals No. 15CA1092  
Jefferson County District Court No. 05CR2469  
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Martin Carlos Betancourt,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE CARPARELLI\*  
Navarro and Ashby, JJ., concur

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

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Court of Appeals No. 15CA1579  
Lincoln County District Court No. 09CR47  
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Dockery,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Furman and Richman, JJ., concur

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

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Court of Appeals No. 15CA2169  
El Paso County District Court Nos. 03CR2941 & 03CR3825  
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emmitt James Compito,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Nieto\*, J., concurs  
Lichtenstein, J., dissents

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

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Court of Appeals No. 16CA0133  
Gilpin County District Court No. 11CR31  
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Lee Mitchell,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE CARPARELLI\*  
Navarro and Ashby, JJ., concur

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

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Court of Appeals No. 16CA0744  
Douglas County District Court No. 14CR599  
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Allen Jayne,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE HARRIS  
Terry and Casebolt\*, JJ., concur

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

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Court of Appeals No. 16CA0778  
City and County of Denver District Court No. 06CR6258  
Honorable Andrew P. McCallin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terry Eugene Owen,

Defendant-Appellant.

ORDER AFFIRMED

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. 16CA0879  
Boulder County District Court No. 13CR688  
Honorable Andrew Hartman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gerald Anthony Lizakowski,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE DAILEY  
Hawthorne and Welling, JJ., concur

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

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Court of Appeals No. 16CA1795  
Boulder County District Court No. 15DR30454  
Honorable Andrew R. Macdonald, Judge

In re the Marriage of

Shirley Jean Miles,

Appellee,

and

Robert Joseph Miles,

Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by CHIEF JUDGE LOEB  
Plank\* and Márquez\*, JJ., concur

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

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Court of Appeals No. 16CA2032  
Logan County District Court No. 15JV40  
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning N.A. and V.L.,

Respondents-Appellants.

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. 16CA2051  
Arapahoe County District Court No. 15JV1184  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.A., A.A., and A.A., Children,

and Concerning R.A.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE ROMÁN  
Navarro and Nieto\*, JJ., concur

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

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Court of Appeals No. 16CA2084  
Las Animas County District Court No. 15JV14  
Honorable Leslie J. Gerbracht, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.F., P.C., and Z.C., Children,

and Concerning S.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE WEBB  
Booras and Carparelli\*, JJ., concur

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

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Court of Appeals No. 17CA0021  
Boulder County District Court No. 15JV162  
Honorable Bruce Langer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Ja.G., Jo.G., and K.G., Children,

and Concerning J.G. and C.G.,

Respondent-Appellants.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE GRAHAM  
Booras and Dunn, JJ., concur

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

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Court of Appeals No. 17CA0032  
City and County of Denver District Court No. 16CV367  
Honorable A. Bruce Jones, Judge

Arthur C. Emison,

Plaintiff-Appellant,

v.

Jamie Dean Torres, a/k/a The Chief, d/b/a The Shop,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE RICHMAN  
Taubman and Furman, JJ., concur

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

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Court of Appeals No. 17CA0123  
Arapahoe County District Court No. 15JV1051  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.D. and J.D., Children,

and Concerning J.D., Sr.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE DAILEY  
Hawthorne and Welling, JJ., concur

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

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Court of Appeals No. 17CA0125  
Arapahoe County District Court No. 15JV1238  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.D. Jr., a Child,

and Concerning J.D.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE HAWTHORNE  
Dailey and Welling, JJ., concur

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

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Court of Appeals No. 17CA0140  
Weld County District Court No. 15JV816  
Honorable James F. Hartmann, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.L., a Child,

and Concerning J.C. and H.S.,

Respondents-Appellants.

JUDGMENT REVERSED IN PART AND CASE  
REMANDED WITH DIRECTIONS

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. 17CA0232  
Arapahoe County District Court No. 14DR1926  
Honorable Bonnie H. McLean, Judge

In re the Parental Responsibilities Concerning S.D., a Child,

and Concerning Becky Breeden,

Appellee,

and

Daniel Denny,

Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE PLANK\*  
Loeb, C.J., and Márquez\*, J., concur

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

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Court of Appeals No. 17CA0334  
Larimer County District Court No. 15JV11  
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of G.B. and J.P., Children,

and Concerning A.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE WELLING  
J. Dailey and J. Hawthorne, JJ., concur

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

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Court of Appeals No. 17CA0340  
Weld County District Court No. 14PR30588  
Honorable Todd L. Taylor, Judge

In re the Estate of Oliver Ezard Frasca, a/k/a Oliver E. Frasca, a/k/a  
Oliver Frasca, deceased.

Katherine Elaine Reece,

Appellant,

v.

Alexander J. Frasca and Monica J. Frasca,

Appellees.

ORDER REVERSED

Division V  
Opinion by CHIEF JUDGE LOEB  
Plank\* and Márquez\*, JJ., concur

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

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Court of Appeals No. 17CA0429  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 27026-2016

Harry T. Wagner,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Autozoners, LLC,  
FKA,

Respondents.

ORDER AFFIRMED

Division V  
Opinion by JUDGE MÁRQUEZ\*  
Loeb, C.J., and Plank\*, J., concur

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

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Court of Appeals No. 17CA0643  
Bent County District Court No. 16CV4  
Honorable Michael A. Schiferl, Judge

Chaddrick L. Thomas, Sr.,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections; and Warden of  
the Crowley County Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1539  
Pueblo County District Court No. 17MH153  
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Robert E. Draughon,

Respondent-Appellant.

ORDER 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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**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. 10CA2019

Helen Trujillo, d/b/a/ Do-Rite Sand and Gravel, LLC,

Plaintiff-Appellee and Cross-Appellant,

v.

Richard D. Grimm,

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. 14CA1229

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Miguel Loya-Quezada,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA0471

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terri Sue Potter,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED  
Loeb, C.J., would GRANT

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

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Court of Appeals No. 15CA1303

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.M.E.,

Juvenile-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0083

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willie J. Trimble, Jr.,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0364

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Doyne R. Hathaway,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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**MODIFIED OPINIONS**

Court of Appeals No. 16CA0942  
El Paso County District Court No. 15CR214  
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Carl Gantt,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division II  
Opinion by JUDGE DAILEY  
Hawthorne and Welling, JJ., concur

Opinion Modified  
On the Court's Own Motion

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**  
Announced October 26, 2017

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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.