

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
April 20, 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

[2017COA48](#)

Court of Appeals No. [13CA2318](#)
City and County of Denver District Court No. 11CR3951
Honorable John W. Madden IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hector Toby Sifuentes,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE NAVARRO
Taubman, J., concurs
Graham, J., dissents

[2017COA49](#)

Court of Appeals No. [14CA0339](#)
Mesa County District Court No. 00CR907
Honorable Charles A. Buss, Judge
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David William Wiseman,

Defendant-Appellant.

SENTENCE VACATED AND CASE
REMANDED WITH DIRECTIONS

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

[2017COA50](#)

Court of Appeals No. [14CA2417](#)
El Paso County District Court Nos. 13CR3575, 13CR3586 & 13CR3600
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brock Edward Butson,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

[2017COA51](#)

Court of Appeals No. [15CA0878](#)
El Paso County District Court No. 06DR65
Honorable Theresa M. Cisneros, Judge
Honorable Evelyn H. Sullivan, Magistrate

In re the Marriage of

Sylvia Dean, f/k/a Sylvia Cook,

Appellant,

and

Andre L. Cook,

Appellee.

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

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

[2017COA52](#)

Court of Appeals No. [15CA1352](#)
Adams County District Court No. 14CV2608
Honorable Walter R. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jimmy Aruther Perez,

Defendant-Appellant.

ORDER AFFIRMED IN PART AND CASE
REMANDED WITH DIRECTIONS

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

[2017COA53](#)

Court of Appeals No. [15CA1557](#)
Jefferson County District Court No. 13PR534
Honorable Lily W. Oeffler, Judge

In re the Estate of Arlen E. Owens, deceased.

David Owens,

Petitioner-Appellee,

v.

Angela Dominguez,

Respondent-Appellant.

JUDGMENTS AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Graham and Navarro, JJ., concur

[2017COA54](#)

Court of Appeals No. [16CA0388](#)
Prowers County District Court No. 15PR30000
Honorable Douglas A. Tallman, Judge
Honorable M. Jon Kolomitz, Judge

In re the Estate of Paul J. Gadash, deceased.

Lorella Gadash,

Petitioner-Appellant,

v.

Estate of Paul J. Gadash by and through its Personal Representative, Linda
Rose,

Appellee.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Booras and Fox, JJ., concur

[2017COA55](#)

Court of Appeals No. [16CA0598](#)

Arapahoe County District Court No. 12CV1559

Honorable Elizabeth A. Weishaupl, Judge

William P. Dolan,

Plaintiff-Appellant,

v.

Fire and Police Pension Association,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE GRAHAM

Taubman and Navarro, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 13CA1976
El Paso County District Court No. 12CR903
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Todd Wesley Eckley,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
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)

Court of Appeals No. 14CA0556
Adams County District Court No. 12CR3423
Honorable Robert W. Kiesnowski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hector Alvarez-Martinon,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 14CA1035
Jefferson County District Court No. 04CR3020
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eugene Robert Trujillo,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 14CA1388
Weld County District Court No. 13CR1576
Honorable Robert S. Hyatt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel Ian Orozco,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE TERRY
Furman, J., concurs
Welling, J., dissents

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

Court of Appeals No. 14CA1686
El Paso County District Court No. 10PR884
Honorable Teresa M. Cisneros, Judge

In the Matter of Cozart Williams,

and

Next Step Adult Care Management, LLC; Robert Francisco, d/b/a Next Step
Adult Care Management, LLC; Annette Bonnart, d/b/a Next Step Adult Care
Management, LLC; and Janice Eder, d/b/a Eder and Hasling, Inc.,

Appellees,

and

Joyce Sanchez and Wayna Marshall,

Attorneys-Appellees,

v.

Gwendolyn M. Lawson, f/k/a Gwendolyn M. Solomon,

Attorney-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WEBB
Nieto* and Casebolt*, JJ., concur

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

Court of Appeals No. 14CA2221
Arapahoe County District Court No. 12CR2354
Honorable Frederick T. Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher John Maher,

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. 15CA0810
Boulder County District Court Nos. 12CR311, 12CR884 & 13CR313
Honorable Thomas F. Mulvahill, Judge
Honorable Andrew R. MacDonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Daniel Steinle,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA0888
Arapahoe County District Court No. 11CR1947
Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alexander Christian Greer,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE TERRY
Furman and Welling, JJ., concur

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

Court of Appeals No. 15CA0898
City and County of Broomfield County District Court No. 13CR274
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kingsakhorn King Vorasane,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 15CA1057
City and County of Denver District Court No. 14DR30078
Honorable Sheila A. Rappaport, Judge

In re the Marriage of

Marisa Ann Simm,

Appellee and Cross-Appellant,

and

Edward Scott Simm,

Appellant and Cross-Appellee.

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

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

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

Court of Appeals No. 15CA1420
Mesa County District Court No. 14DR30067
Honorable Brian J. Flynn, Judge

In re the Marriage of

Ginny L. Parko,

Appellee,

and

Jerry F. Parko,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BERNARD
Casebolt*, J, concurs
Webb, J., specially concurs

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

Court of Appeals No. 16CA0027
El Paso County District Court No. 09DR205
Honorable Robert L. Lowrey, Judge

In re the Marriage of

Stephanie M. Parks, n/k/a Stephanie M. Seales,

Appellant,

and

Jason P. Parks,

Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0480
City and County of Denver Probate Court No. 04PR647
Honorable Elizabeth D. Leith, Judge

In re the Estate of Sanford Vance, deceased.

Dana M. Robinson,

Appellant,

v.

Marcie R. McMinimee, Special Administrator for the Estate of Sanford Vance,
Appellee.

ORDER AFFIRMED 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. 16CA0566
City and County of Denver Juvenile Court No. 15JD934
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of O.K.L.B.,

Juvenile-Appellant.

SENTENCE AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA0955
Arapahoe County District Court No. 15CV32281
Honorable Elizabeth A. Weishaupl, Judge

Wayne Francis Yakes,

Plaintiff-Appellant,

v.

The Colorado Department of Revenue, Division of Motor Vehicles,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE RICHMAN
Lichtenstein and Harris, JJ., concur

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

Court of Appeals No. 16CA1006
Larimer County District Court No. 15CV30301
Honorable Gergory M. Lammons, Judge

Richard Larsen,

Plaintiff-Appellee,

v.

Cutler Repaving, Inc. a Delaware foreign corporation,

Defendant-Appellant.

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. 16CA1356
Yuma County District Court No. 15JV15
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.P. III and S.W., Children,

and Concerning B.O.,

Respondent-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE ROMÁN
Booras and Fox, JJ., concur

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

Court of Appeals No. 16CA1453
City and County of Denver District Court No. 15JV759
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.M.L., L.D.L., A.L.L., E.C.L., and S.D.L., Children,

and Concerning A.L. and L.L.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1488
Arapahoe County District Court No. 15JV685
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE MÁRQUEZ*
Furman and Welling, JJ., concur

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

Court of Appeals No. 16CA1520
Weld County District Court No. 15JV277
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.R. and L.R., Children,

and Concerning K.C. and S.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1549
Mesa County District Court No. 15JV102
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of I.A., A.A., J.A., Children,

and Concerning J.A.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1556
Industrial Claim Appeals Office of the State of Colorado
WC Nos. 4-712-263 & 4-726-134

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.

ORDER 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. 16CA1561
Mesa County District Court No. 16JV108
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning B.W.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1684
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-947-730

Karen Adams,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Heart of the Rockies
Regional Medical Center and CHA Trust,

Respondents.

ORDER AFFIRMED

Division VI
Opinion by JUDGE KAPELKE*
Loeb, C.J., and Vogt*, J., concur

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

Court of Appeals No. 16CA1702
El Paso County District Court No. 15JV618
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.M., J.O., B.O., and A.O., Children,

and Concerning A.M.,

Respondent-Appellant.

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. 16CA1750
Teller County District Court No. 16JV5
Honorable Teresa M. Cisneros, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning B.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1839
Weld County District Court No. 15JV399
Honorable Elizabeth B. Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning E.E.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1930
Industrial Claim Appeals Office of the State of Colorado
DD No. 14574-2016

Krista L. Edmonds-Radford,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0025
Industrial Claim Appeals Office of the State of Colorado
DD No. 13941-2016

Terri L. Foechterle,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Western Regional
EMS Council,

Respondents.

ORDER AFFIRMED

Division IV
Opinion by JUDGE FREYRE
Hawthorne and Ashby, 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. 16CA0101

Broomfield Senior Living Owner, LLC, a Delaware limited liability company;
and Sunrise Development, Inc., LLC, a Virginia corporation,

Plaintiffs-Appellants,

v.

R.G. Brinkmann Company, d/b/a Brinkmann Constructors, a Missouri
corporation,

Defendant-Appellee.

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.