

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
April 27, 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UNPUBLISHED OPINIONS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. 13CA0350
Arapahoe County District Court No. 10CR936
Honorable Michael J. Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lessie Steve Britton, II,

Defendant-Appellant.

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

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

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

Court of Appeals No. 13CA0734
Jefferson County District Court No. 10CR2492
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Paul Arledge,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA1214
Arapahoe County District Court No. 11CR1275
Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyson Joseph Turner,

Defendant-Appellant.

JUDGMENT REVERSED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 13CA1300
City and County of Denver District Court No. 11CR2353
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bret Lee Thompson,

Defendant-Appellant.

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

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

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

Court of Appeals No. 14CA1052
Jefferson County District Court No. 13CR1383
Honorable Stephen M. Munsinger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Lloyd Golden,

Defendant-Appellant.

JUDGMENT 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. 14CA1180
El Paso County District Court No. 13CR2269
Honorable Jann P. Dubois, Judge
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin Michael Poynter,

Defendant-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. 14CA1540
Boulder County District Court No. 13CR443
Honorable Ingrid Seftar Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Kevin Casey,

Defendant-Appellant.

JUDGMENT AFFIRMED 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. 15CA0505
Douglas County District Court No. 13CR452
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Lee Samuel,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE J. JONES
Dailey and Berger, JJ., concur

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

Court of Appeals No. 15CA0904
City and County of Denver District Court No. 12CR4780
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roy Clementson Brammer, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE J. JONES
Dailey and Berger, JJ., concur

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

Court of Appeals No. 15CA1012
Jefferson County District Court No. 14DR30612
Honorable Dennis Hall, Judge

In re the Parental Responsibilities Concerning C.R., a Child,
and Concerning Nicholas Dozbaba,

Appellee,

and

April Riedel,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA1227
Fremont County District Court Nos. 03CR159 & 03CR253
Honorable Patrick W. Murphy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Allen, a/k/a Edward Allen Clutts,

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. 15CA1510
Jefferson County District Court No. 10DR1966
Honorable Kenneth M. Plotz, Judge

In re the Marriage of

Christopher J. Squires,

Appellant,

and

Jamie Squires,

Appellee.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA1546
Pueblo County District Court No. 14DR30147
Honorable Kimberly Karn, Judge

In re the Marriage of

Kristi Post,

Appellee,

and

Jonathan Post,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE J. JONES
Dailey and Berger, JJ., concur

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

Court of Appeals No. 15CA1683
Pueblo County District Court No. 2002CR1159
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fernando Jose Villalobos,

Defendant-Appellant.

ORDER 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. 15CA1834
City and County of Denver District Court No. 14CV424
Honorable Karen L. Brody, Judge

John Zodrow,

Plaintiff-Appellee,

v.

Expanding Universe, Inc. and Garden of the Gods, Inc.,

Defendants-Appellants.

ORDER AFFIRMED

Division II
Opinion by JUDGE BERGER
Dailey and J. Jones, JJ., concur

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

Court of Appeals No. 16CA0141
City and County of Denver District Court No. 13CV33671
Honorable Shelley I. Gilman, Judge

U.S. Bank National Association as Trustee for JP ALT 2006-52; and HSBC
Bank USA, National Association as Trustee for Wells Fargo Home Equity Asset-
Backed Securities 2005-1 Trust, Home Equity Asset-Backed Certificates, Series
2005-1,

Plaintiffs-Appellees,

v.

Michael L. Mendenhall,

Defendant-Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 16CA0394
Jefferson County District Court No. 10CV4577
Honorable Laura A. Tighe, Judge

Barbara Jordan,

Plaintiff-Appellant,

v.

Panorama Orthopedics & Spine Center, PC,

Defendant-Appellee.

ORDER 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. 16CA0432
City and County of Denver District Court Nos. 06CR5954 & 06CR11079
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Q. Owens-Combs,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by CHIEF JUDGE LOEB
Davidson* and Nieto*, JJ., concur

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

Court of Appeals No. 16CA0434
El Paso County District Court No. 04CR5054
Honorable Thomas Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy P. Hawkins,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0501
Arapahoe County District Court No. 96CR2753
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Desi Jim Gallegos,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE DAVIDSON*
Loeb, C.J., and Nieto*, J., concur

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

Court of Appeals No. 16CA0527
Logan County District Court No. 14CR233
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick Anthony Grant,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

Court of Appeals No. 16CA0550
City and County of Denver District Court No. 90CR1491
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert D. Gandy,

Defendant-Appellant.

ORDER 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. 16CA0573
Colorado Medical Board Case No. ME 20150007

Colorado Medical Board,

Petitioner-Appellee,

v.

Thomas Horiagon,

Respondent-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0652
Arapahoe County District Court No. 14CV200074
Honorable Charles M. Pratt, Judge

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

Plaintiff-Appellee,

v.

R. Kirk McDonald,

Defendant-Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 16CA0681
Larimer County District Court No. 13JV439
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning L.D., D.D.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE HAWTHORNE
Webb and Navarro, JJ., concur

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

Court of Appeals No. 16CA0785
City and County of Broomfield County District Court No. 05DR170
Honorable C. Scott Crabtree, Judge
Honorable Gregory P. Beacom, Magistrate

In re the Marriage of

Shan Wang,

Appellant,

and

Lisa Deng,

Appellee,

and Concerning Arapahoe County Department of Human Services,

Intervenor.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

Division II
Opinion by JUDGE BERGER
Dailey and J. Jones, JJ., concur

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

Court of Appeals No. 16CA0859
Prowers County District Court No. 00DR93
Honorable M. Jon Kolomitz, Judge

In re the Marriage of

Brandon Wollert,

Appellee,

and

Lindsey Wollert,

Appellant.

ORDER REVERSED 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. 16CA1122
El Paso County District Court No. 95CR4459
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert D. Dume,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE NIETO*
Loeb, C.J., and Davidson*, J., concur

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

Court of Appeals No. 16CA1376
Weld County District Court No. 15JV399
Honorable Elizabeth Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.E., Child,

and Concerning K.C.,

Respondent-Appellant,

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1570
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-705-926-02

Anthony J. Lucero,

Petitioner,

v.

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

Respondents.

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. 16CA1599
Industrial Claim Appeals Office of the State of Colorado
DD No. 19799-2015

Leland & Michael Health Services, LLC, d/b/a Sevens Home Care,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance, Employer Services-Integrity, Employer Audits,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA1738
Adams County District Court No. 15JV250
Honorable John E. Popovich, Jr., Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA2026
Industrial Claim Appeals Office of the State of Colorado
DD No. 7109-2016

Yolanda Y. Loving,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Visiting Nurse
Corporation of Colorado,

Respondents.

ORDER AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Lichtenstein and Richman, 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. 13CA1960

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Scott,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 14CA1918

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Damian Blase Nuckles,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0539

John Joseph Espinoza, as Father and Next Friend of John Joseph Espinoza,
III, a minor child,

Plaintiff-Appellant,

v.

Jerusha Lev, M.D.; Patrick J. Maloney, M.D.; and Amy Starr, M.D.,

Defendants-Appellants.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0676

Michael R. O'Connor,

Plaintiff-Appellant,

v.

Rick Raemisch, Executive Director of the DOC; and Cynthia H. Coffman,
Attorney General of the State of Colorado,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0772

Jeffrey Schulz,

Plaintiff-Appellant,

v.

David Dean Goss,

Defendant-Appellee.

Opinion Modified and
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.