

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
November 30, 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

[2017COA146](#)

Court of Appeals No. [14CA0764](#)
Boulder County District Court No. 13CR585
Honorable D.D. Mallard, Judge
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nimroid Boles Folsom,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BERGER
Webb and Lichtenstein, JJ., concur

[2017COA147](#)

Court of Appeals No. [14CA1545](#)
Douglas County District Court No. 13CR235
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Laroy Lewis,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

[2017COA148](#)

Court of Appeals No. [14CA2245](#)
Weld County District Court Nos. 13CR1937 & 13CR2016
Honorable Timothy J. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Francis Gayle Buell,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE BERGER
Webb and Lichtenstein, JJ., concur

[2017COA149](#)

Court of Appeals No. [15CA1956](#)

Douglas County District Court No. 15CV30013

Honorable Richard B. Caschette, Judge

Carousel Farms Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado,

Petitioner-Appellee,

v.

Woodcrest Homes, Inc., a Colorado corporation,

Respondent-Appellant.

JUDGMENT REVERSED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

[2017COA150](#)

Court of Appeals No. [16CA0210](#)

City and County of Denver District Court No. 15CR3981

Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Mark Iannicelli,

Defendant-Appellee.

-----AND-----

[2017COA150](#)

Court of Appeals No. [16CA0211](#)

City and County of Denver District Court No. 15CR4214

Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Eric Patrick Brandt,

Defendant-Appellee.

ORDERS AFFIRMED

Division VII

Opinion by JUDGE J. JONES

Fox and Freyre, JJ., concur

[2017COA151](#)

Court of Appeals No. [16CA1151](#)
El Paso County District Court No. 07DR2125
Honorable Deborah J. Grohs, Judge

In re the Marriage of

Linda Tozer, n/k/a Linda Finch,

Appellant,

and

Mark Tozer,

Appellee.

ORDER AFFIRMED

Division IV
Opinion by JUDGE DUNN
Graham and Booras, JJ., concur

[2017COA152](#)

Court of Appeals No. [16CA1316](#)
City and County of Denver District Court No. 15CV31175
Honorable A. Bruce Jones, Judge

Oracle Corporation and subsidiaries,

Plaintiff-Appellee and Cross-Appellant,

v.

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

Defendants-Appellants and Cross-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Lichtenstein, J., concurs
Berger, J., dissents

[2017COA153](#)

Court of Appeals No. [17CA0070](#)

Mesa County District Court No. 15JV270

Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning G.G.,

Respondent-Appellant.

ORDER OF LIMITED REMAND

Division A
Furman, Ashby, and Welling, JJ.
PER CURIAM

UNPUBLISHED OPINIONS

Court of Appeals No. 14CA0442
Weld County District Court Nos. 12CR1691, 12CR1736, 12CR1737, 12CR1738
& 12CR1739
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Pedro Luis Mosqueda-Torres,

Defendant-Appellant.

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

Division V
Opinion by JUDGE ASHBY
Román and Navarro, JJ., concur

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

Court of Appeals No. 14CA0867
Mesa County District Court No. 13CR56
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Heather L. Jensen,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division IV
Opinion by JUDGE BOORAS
Graham and Dunn, JJ., concur

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

Court of Appeals No. 14CA1448
Larimer County District Court No. 13CR429
Honorable Stephen J. Schapanski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Allen Kuntz,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE DUNN
Graham and Booras, JJ., concur

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

Court of Appeals No. 15CA0590
Jefferson County District Court No. 08CR267
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Carbajal,

Defendant-Appellant.

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

Division III
Opinion by JUDGE LICHTENSTEIN
Webb and Berger, JJ., concur

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

Court of Appeals No. 15CA0645
El Paso County District Court No. 14CR907
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terrelle Ray Batts,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE DUNN
Graham and Booras, JJ., concur

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

Court of Appeals No. 15CA1639
Mesa County District Court No. 09CR559
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Trevor Jay Stephens,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

Court of Appeals No. 15CA1975
Arapahoe County District Court No. 07CR526
Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Vito Joseph Kershaw,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE BOORAS
Graham and Dunn, JJ., concur

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

Court of Appeals No. 16CA0553
Pueblo County District Court No. 05CR2245
Honorable David W. Crockenberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dion Patrick Martinez,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE FURMAN
Taubman and Richman, JJ., concur

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

Court of Appeals No. 16CA0585
Arapahoe County District Court No. 07CR2598
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Charles Wells,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0692
Elbert County District Court No. 95CR5
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Carl Maass,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE BERGER
Webb and Rothenberg*, JJ., concur

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

Court of Appeals No. 16CA0943
El Paso County District Court No. 15CV38
Honorable J. Robert Lowenbach, Judge

Arick Justin Rinaldo,

Plaintiff-Appellant and Cross-Appellee,

v.

Bryan Mahan, D.O.; Catholic Health Initiatives Colorado, d/b/a Centura
Health-Penrose-St. Francis Health Services,

Defendants-Appellees and Cross-Appellants,

and

Memorial Hospital; Judge Robin Chittum; Jeremy Patterson; Colorado Spring
Police Officers; and Kristen Hoffecker,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE J. JONES
Fox and Freyre, JJ., concur

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

Court of Appeals No. 16CA0973
City and County of Denver District Court No. 07CR7248
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ramón Lopez,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FOX
J. Jones and Plank*, JJ., concur

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

Court of Appeals No. 16CA1239
Logan County District Court No. 13CV30059
Honorable Michael K. Singer, Judge

Kurt Allen Welsh,

Plaintiff-Appellant,

v.

Karen Torres, Family Resource Center, James Gareis, and Martha J. Gareis,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE FURMAN
Taubman and Richman, JJ., concur

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

Court of Appeals No. 16CA1290
Arapahoe County District Court No. 15CV31120
Honorable Charles M. Pratt, Judge

Aroldo Espinosa,

Plaintiff-Appellant,

v.

American Family Mutual Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Berger and Vogt*, JJ., concur

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

Court of Appeals No. 16CA1490
Board of Assessment Appeals Case No. 67858

Batterberry Land Group LLC,

Petitioner,

v.

Douglas County Board of Equalization,

Respondent-Appellant,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

Division I
Opinion by JUDGE FURMAN
Taubman and Richman, JJ., concur

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

Court of Appeals No. 16CA1534
El Paso County District Court No. 15CR4092
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Rodriguez-Rivas,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE VOGT*
Webb and Berger, JJ., concur

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

Court of Appeals No. 16CA1948
City and County of Denver District Court No. 04CR4308
Honorable Andrew P. McCallin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Ramon Quinonez-Hurtado,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE BOORAS
Graham and Dunn, JJ., concur

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

Court of Appeals No. 16CA2067
El Paso County District Court No. 14CV34456
Honorable Thomas K. Kane, Judge

Cynthia K. Nath,
Plaintiff-Appellant,

v.

ABM Industries Incorporated, d/b/a AMPCO Parking Systems,
Defendant-Appellee.

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

Division III
Opinion by JUDGE BERGER
Webb and Rothenberg*, JJ., concur

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

Court of Appeals No. 16CA2180
Morgan County District Court No. 14CR186
Honorable Kevin L. Hoyer, Judge

The People of the State of Colorado,
Plaintiff-Appellee,

v.

Christopher Delayne Bender,
Defendant-Appellant.

SENTENCE AFFIRMED

Division V
Opinion by JUDGE NAVARRO
Román and Ashby, JJ., concur

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

Court of Appeals No. 17CA0415
Larimer County District Court No. 15JV248
Honorable Thomas R. French, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning L.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0475
City and County of Broomfield District Court No. 16JV18
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.L.T. and D.I.T., Children,

and Concerning L.C.T. and M.A.T.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ASHBY
Román and Navarro, JJ., concur

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

Court of Appeals No. 17CA0500
Montrose County District Court No. 16JV118
Honorable David S. Westfall, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning D.D.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE BERGER
Webb and Lichtenstein, JJ., concur

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

Court of Appeals No. 17CA0504
Weld County District Court No. 15JV952
Honorable Elizabeth B. Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.E.Z., Y.E-M., and A.E-M., Children,

and Concerning Y.A.E., O.E.M., and M.E.,

Respondents-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE BOORAS
Graham and Dunn, JJ., concur

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

Court of Appeals No. 17CA0693
Mesa County District Court No. 16JV33
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.J.S. and C.J., Children,

and Concerning D.J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE BERGER
Webb and Márquez*, JJ., concur

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

Court of Appeals No. 17CA1508
Industrial Claim Appeals Office of the State of Colorado
DD No. 6018-2017

Fanos Gibre,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and DBF, Inc.,

Respondents.

ORDER SET ASIDE AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA1643
Pueblo County District Court No. 13MH385
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Sandra Guertin,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE LICHTENSTEIN
Webb and Berger, 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

[2017COA131M](#)

Court of Appeals No. [16CA1474](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Fallis,

Defendant-Appellee,

and

Alfred Perna,

Surety-Appellant.

Opinion Modified and
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. 2017.