

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
June 29, 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**

[2017COA87](#)

Court of Appeals No. [14CA0202](#)  
El Paso County District Court No. 12CR2114  
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Matthew Cardman,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE ROMÁN  
Bernard, J., specially concurs  
Berger, J., dissents

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[2017COA88](#)

Court of Appeals No. [14CA1393](#)  
Douglas County District Court No. 13CR145  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawna Lee Hoggard,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Furman and Terry, JJ., concur

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[2017COA89](#)

Court of Appeals No. [14CA1447](#)  
Jefferson County District Court No. 13CR2831  
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory James Wilson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE DUNN  
Hawthorne and Navarro, JJ., concur

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[2017COA90](#)

Court of Appeals No. [16CA0448](#)  
Arapahoe County District Court No. 13CV30674  
Honorable Kurt A. Horton, Judge

Shawn Sovde, a minor, by and through his mother and next friend, Katrina Kinney,

Plaintiff-Appellant,

v.

Kevin Scott, D.O.; and Andrew Sarka, M.D.,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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[2017COA91](#)

Court of Appeals No. [16CA0481](#)  
El Paso County District Court No. 15CR1403  
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Alan Oldright,

Defendant-Appellant.

SENTENCE VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE FREYRE  
Ashby, J., concurs  
Hawthorne, J., concurs in part and dissents in part

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 10CA0587  
City and County of Broomfield District Court No. 09CR169  
Honorable John E. Popovich, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eduardo Dejesus Perez,

Defendant-Appellant.

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

Division II  
Opinion by JUDGE CASEBOLT\*  
Navarro and Carparelli\*, JJ., concur

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

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Court of Appeals No. 13CA2375  
Arapahoe County District Court No. 11CR2159  
Honorable Kurt A. Horton, Judge  
Honorable Christopher C. Cross, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Medina,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE FURMAN  
Harris and Rothenberg\*, JJ., concur

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

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Court of Appeals No. 14CA2163  
City and County of Denver District Court No. 13CR1233  
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Augustine J. Giron,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

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Court of Appeals No. 15CA0369  
City and County of Denver District Court No. 03CR3885  
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Lilgerose,

Defendant-Appellant.

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

Division VII  
Opinion by JUDGE RICHMAN  
Nieto\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 15CA0472  
Boulder County District Court No. 14CR1049  
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fernando Uli Saldana-Mosqueda,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE LICHTENSTEIN  
Román and Márquez\*, JJ., concur

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

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Court of Appeals No. 15CA0825  
Adams County District Court No. 01CR2776  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick L. Catanach,

Defendant-Appellant.

ORDER AFFIRMED

Division A  
Opinion by CHIEF JUDGE LOEB  
Nieto\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 15CA1840  
City and County of Denver Probate Court No. 13PR31372  
Honorable Elizabeth D. Leith, Judge

In re the Estate of Maxine E. Johnson, deceased.

Nature Conservancy, Nature Conservancy of Colorado, National Parks  
Conservation Association, EarthJustice, and Sky Ranch Lutheran Camp,

Appellants,

v.

Stephen E. Oxman, Devises Bethany College, Bethany Home, Eben Ezer  
Lutheran Care Center, Lutheran Family Services, and Mosaic Foundation  
Endowment,

Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE LICHTENSTEIN  
Roman, J., concurs  
Freyre, 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. 16CA0134  
Jefferson County District Court No. 11CR1756  
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Ronald Frederick Ruhoff,

Defendant-Appellee.

APPEAL DISMISSED IN PART, CROSS-APPEAL  
DISMISSED, AND ORDER AFFIRMED

Division V  
Opinion by JUDGE LICHTENSTEIN  
Román and Freyre, JJ., concur

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

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Court of Appeals No. 16CA0308  
Jefferson County District Court No. 14CR79  
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyrone Jay Sposite,

Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE TERRY  
Richman and Ashby, JJ., concur

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

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Court of Appeals No. 16CA0755  
Weld County District Court No. 09CR959  
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Trevor Brooks,

Defendant-Appellant.

ORDER AFFIRMED

Division A  
Opinion by JUDGE NIETO\*  
Loeb, C.J., and Vogt\*, J., concur

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

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Court of Appeals No. 16CA1368  
City and County of Denver District Court No. 16CV30269  
Honorable Catherine A. Lemon, Judge

Kevin D. McKinney and Jessica Robinson Bass,

Plaintiffs-Appellees,

v.

Elemental Homes L.L.C.,

Defendant-Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 16CA1384  
Board of Assessment Appeals Case No. 68217

Brian J. Allen,

Petitioner-Appellant,

v.

Denver County Board of Equalization,

Respondent-Appellee,

and

Board of Assessment Appeals,

Appellee.

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. 16CA1832  
El Paso County District Court No. 15JV657  
Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.D-T., O.D-T., L.D-T., J.D-T., E.D-T., A.D-T. and M.D.,  
Children,

and Concerning A.T. and Z.D.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division A  
Opinion by JUDGE VOGT\*  
Loeb, C.J., and Nieto\*, J., 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. 13CA1832

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Arias,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 14CA0014

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Allan Henley,

Defendant-Appellant.

Petition for Rehearing DENIED

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Court of Appeals No. 14CA1174

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Valerie Valentina Gonzales,

Defendant-Appellant.

Petition for Rehearing DENIED

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Court of Appeals No. 15CA1103

Dallas Meadows Community Association, a Colorado nonprofit corporation,

Plaintiff-Appellee,

v.

Garth Valentine, and any subsequent owner of Lot 21, Dallas Meadows Subdivision, as reflected in the plat recorded at Reception Number 125957 of the records of Ouray County, Colorado,

Defendant-Appellant.

-----AND-----

Court of Appeals No. 16CA1013

Dallas Meadows Community Association, a Colorado nonprofit corporation,

Plaintiff-Appellee,

v.

Garth Valentine, and any subsequent owner of Lot 21, Dallas Meadows Subdivision, as reflected in the plat recorded at Reception Number 125957 of the records of Ouray County, Colorado,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA1196

Honorable C. Michelle Brinegar, Judge

James A. Deplitch,

Plaintiff-Appellee,

v.

Karin Schmidova, M.D.,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0141

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.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0373

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Lynn Owens,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA1123

Battle North, LLC,

Petitioner-Appellee,

v.

Sensible Housing Co., Inc.,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA1217

Mark Halper,

Petitioner-Appellant,

v.

Peggy Kanter, San Miguel County Assessor; Jeff Marsoun, Staff Appraiser; and  
the San Miguel County Board of Equalization,

Respondents-Appellees.

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.