

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
January 26, 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

[2017COA9](#)

Court of Appeals No. [13CA2154](#)
Logan County District Court No. 12CR315
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roger Louis Archuleta,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Lichtenstein and Márquez*, JJ., concur

[2017COA10](#)

Court of Appeals No. [13CA2377](#)
El Paso County District Court No. 13CR452
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leon R. Ewing,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

[2017COA11](#)

Court of Appeals No. [13CA2378](#)
El Paso County District Court No. 13CR991
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Burnest Alvis Johnson,

Defendant-Appellant.

JUDGMENT VACATED IN PART
AND AFFIRMED IN PART

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

[2017COA12](#)

Court of Appeals No. [15CA1861](#)
Adams County District Court No. 12CR2061
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy David Smith,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE BOORAS
Terry and Berger, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 14CA0071
Mesa County District Court No. 13CR326
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Crystal L. Johnson,

Defendant-Appellant.

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

Division I
Opinion by JUDGE DUNN
Davidson*, J., concurs
Ashby, J., dissents

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

Court of Appeals No. 14CA0356
City and County of Denver District Court No. 12CR3054
Honorable Michael J. Vallejos, Judge
Honorable William D. Robbins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tony J. Dotson,

Defendant-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. 14CA0384
Prowers County District Court No. 12CR148
Honorable Jane A. Tidball, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Salazar,

Defendant-Appellant.

JUDGMENT 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. 14CA0648
Mesa County District Court No. 13CR79
Honorable David A. Bottger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kimberly Dawn Quick,

Defendant-Appellant.

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

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

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

Court of Appeals No. 14CA1109
City and County of Denver District Court No. 05CR5325
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ezamika Brown,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA0012
Arapahoe County District Court No. 14JD265
Honorable Elizabeth Beebe Volz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.W.,

Juvenile-Appellant.

JUDGMENT 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. 15CA1120
Arapahoe County District Court No. 03CR287
Honorable Frederick T. Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Joel Tucker,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA1732
Mesa County District Court No. 03DR1026
Honorable Thomas M. Deister, Judge

In re the Marriage of

Kathleen M. Reed, f/k/a Kathleen M. Beshai,

Appellant,

and

Amir Beshai,

Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA1946
City and County of Denver District Court Nos. 06CR4068, 06CR5928 &
06CR6086
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Razjohn R. Smyer,

Defendant-Appellant.

ORDERS AFFIRMED

Division A
Opinion by CHIEF JUDGE LOEB
Davidson* and Plank*, JJ., concur

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

Court of Appeals No. 16CA0061
Weld County District Court No. 14JD543
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.K.,

Juvenile-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0089
City and County of Denver District Court No. 15CV30657
Honorable John W. Madden IV, Judge

Omni Leasing Corporation,

Plaintiff-Appellant,

v.

Larry Thiesen,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
J. Jones and Berger, JJ. concur

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

Court of Appeals No. 16CA0239
Adams County District Court No. 14CV31023
Honorable F. Michael Goodbee, Judge
Honorable C. Scott Crabtree, Judge

Todd Creek Farms, LLC,

Plaintiff-Appellant,

v.

Randy R. Schneider and Patricia M. Cline,

Defendants,

and

Michael J. Adams, Stephanie Rene Adams, Robert C. Akmenkalns, Sandra L.G. Akmenkalns, Edie M. Apke, Ted H. Apke, Alfred E. Austin, Barbara R. Austin, Mark S. Bella, Linda S. Holm, Marilee Bergstrom, Robert C. Bergstrom, Brian Boeyink, Tareesa Boeyink, Paula S. Boswell, Donna Herrick, Jeffrey R. Bratcher, Dawn M. Bratcher, Gerard J. Brienza, Mariuccia Brienza, Cheryl L. Brock, Rodney L. Brock, Kristopher T. Brunson, Shannon I. Brunson, Melissa W. Bruxvoort, Ryan Bruxvoort, Troy T. Cunningham, Michael L. Dwyer, Julie A. Dwyer, Daniel Eisenhauer, Dona Eisenhauer, Anthony Dale Ritchie, Sondra Ritchie, Paul J. Harris, Karen R. Harris, Susan K. Harris, James McCulley, Heather L. Henkel, Justin L. Henkel, Kevin Hergert, Anne Hergert, Connie D. Hicks, Steven Jarvis, Cynthia Jarvis, Larry P. Jonas, Janelle K. Jonas, Charles M. Littler, Mary J. Littler, Patrick J. Mackendrick, Cecile M. Mackendrick, Marina R. Mackintosh, Austin Mackintosh, Mary Jean Marquez, Christopher Maxwell, Edda Maxwell, Lynn A. McBride, John S. McDuff, Cathryn E. McDuff, Brandon McLaughlin, Christin McLaughlin, Matthew J. Motisi, Denise L. Motisi, Matthew J. Nicholas, Sheila M. Wiese, Terry L. Owen, Linda M. Owen, Allen Parrent, Judy Parrent, Anthony C. Pfeifer, Judith A. Pfeifer, Angela A. Richard, Brian M. Richard, Holly Richard, Erik C. Richard, Leslie A. Rock, Anitra Rock, Ronnie L. Sanders, Donna R. Sanders, Thomas R. Schad, Robin L. Schad, Anthony W. Schoeninger, Constance L. Schoeninger, Mark E. Schwarz, Jill M. Schwarz, Scott Lane Swetkovich, Denise Marie Swetkovich, Karrey L. Terry, Don C. Terry, Jackson Living Trust, Aaron L. Todd, Susan R. Todd, Brian Uchida, Scott A. Wilson, Kathryn Witzeman, Ronald L. Wilson, Julia A. Wilson, Betty J. Burkey, Todd Creek Village Homeowners Association, Meshea Danner, Ely Danner, Mitchell Scott Archer, L. Sharon Renee Sandoval, Terry F. Forde, Loree M. Forde, Diane Kamidoi, Richard P. Lane, Dianna B. Lane, Cheryl A. Watson, and Gregory D. Watson,

Defendants-Appellees.

JUDGMENTS AFFIRMED

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

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

Court of Appeals No. 16CA0376
Industrial Claim Appeals Office of the State of Colorado
DD No. 13143-2015

Doreen F. McCabe,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Douglas County
School District RE 1,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Lichtenstein and Freyre, JJ., concur

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

Court of Appeals No. 16CA0877
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-837-612

David Alan York,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Manpower
International, Inc.; and American Insurance Group Plan,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE MÁRQUEZ*
Furman and Harris, JJ., concur

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

Court of Appeals No. 16CA0986
Larimer County District Court No. 15JV406
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning L.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE DAVIDSON*
Loeb, C.J., and Plank*, J., concur

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

Court of Appeals No. 16CA1425
Douglas County District Court No. 15DR30250
Honorable Gary M. Kramer, Judge

In re the Marriage of

Jodi C. Ciarvella, f/k/a Jodi C. Tooley,

Appellant,

and

Andrew D. Tooley,

Appellee.

JUDGMENT REVERSED IN PART
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA1851
Industrial Claim Appeals Office of the State of Colorado
DD No. 6911-2016

Jon G. Hall,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; and Vista TD, LLC,
Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE PLANK*
Loeb, C.J., and Davidson*, J., 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

[2016COA192M](#)

Court of Appeals No. [15CA2033](#)

Gerald Rome, Securities Commissioner for the State of Colorado,

Plaintiff-Appellee,

v.

Mark Mandel and Wall Street Radio, Inc., d/b/a Winning on Wall Street,

Defendants-Appellants.

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. 2016.