

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
September 14, 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UNPUBLISHED OPINIONS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. 13CA0952
City and County of Denver District Court No. 12CR2724
Honorable Catherine A. Lemon, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Albert Roy Gonzales, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 13CA2151
Douglas County District Court No. 12CR620
Honorable Richard B. Caschette, Judge
Honorable John R. Lowenbach, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Randolph Guerrero,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
SENTENCE AFFIRMED IN PART AND VACATED IN PART,
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. 14CA0582
Elbert County District Court No. 12CR54
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Pete Eugene Lindt,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Kapelke*, J., concurs
Lichtenstein, J., dissents

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

Court of Appeals No. 14CA1841
City and County of Denver District Court No. 12CR4776
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lucas M. Watts,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE KAPELKE*
Taubman and Lichtenstein, JJ., concur

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

Court of Appeals No. 14CA2083
City and County of Denver District Court No. 12CR2805
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Franky Lamont Session,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division II
Opinion by JUDGE WELLING
Dailey and Hawthorne, JJ., concur

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

Court of Appeals No. 14CA2407
Arapahoe County District Court No. 03CR342
Honorable Carol Glowinsky, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Burton Calkins,

Defendant-Appellant.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

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

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

Court of Appeals No. 15CA0320
El Paso County District Court No. 12CR4188
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Damian Andrew Quinn,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 15CA0430
Boulder County District Court No. 13CR1350
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Osei Tatu Adwin Simmons,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Navarro and Ashby, JJ., concur

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

Court of Appeals No. 15CA0474
El Paso County District Court No. 14CR2334
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jennifer Lynn Johnson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE BERGER
Furman, J., concurs
Rothenberg*, J., dissents

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

Court of Appeals No. 15CA0616
Montrose County District Court No. 10CR249
Honorable Jeff B. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sergio Eduardo Sagrero-Mejia,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0627
Boulder County District Court No. 14CR235
Honorable Andrew R. MacDonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Secundino Martinez,

Defendant-Appellant.

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

Division I
Opinion by JUDGE ROMÁN
Taubman and Lichtenstein, JJ., concur

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

Court of Appeals No. 15CA1021
Adams County District Court No. 97CR1822
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wesley James Marymee,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by CHIEF JUDGE LOEB
Rothenberg* and Vogt*, JJ., concur

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

Court of Appeals No. 15CA1495
Jefferson County District Court No. 14CR2725
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Freeman,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA2045
Arapahoe County District Court No. 14DR30812
Honorable David J. Stevens, Judge

In re the Marriage of

Gina Scheidt,

Appellee,

and

Larry Utley,

Appellant.

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

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

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

Court of Appeals No. 15CA2164
Teller County District Court No. 98CR142
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert D. Claudio,

Defendant-Appellant.

APPEAL DISMISSED

Division II
Opinion by JUDGE FOX
Dailey and Bernard, JJ., concur

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

Court of Appeals No. 16CA0241
City and County of Denver District Court No. 15CR1258
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose T. Cabral-Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA0383
City and County of Denver District Court Nos. 08CR6149 & 13CR599
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marc Anthony Esparza,

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. 16CA0825
Mesa County District Court No. 13CV4357
Honorable Valerie J. Robison, Judge

A-1 Collection Agency, LLC,

Plaintiff-Appellee,

v.

Craig Bowen and Julie Bowen,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Navarro and Nieto*, JJ., concur

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

Court of Appeals No. 16CA0895
El Paso County District Court No. 15CV30405
Honorable Edward S. Colt, Judge

Armstrong Enterprises, Inc. and Armstrong Brothers Partnership,

Plaintiffs-Appellees,

and

Bruce A. Armstrong and Shirley E. Armstrong Trust, William L. Dunaway, and
Shirley E. Armstrong,

Third Party Defendants-Appellees,

v.

George Armstrong,

Defendant-Appellant and Third Party Plaintiff.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE FOX
Dailey and Bernard, JJ., concur

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

Court of Appeals No. 16CA1027
El Paso County District Court No. 15CR469
Honorable Jann P. Dubois, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Johnathon Benjamin Hall,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA1031
Larimer County District Court No. 09CR1781
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Charles Nardello,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA1125
Adams County District Court No. 15CV30711
Honorable Ted C. Tow, Judge

Alicia Leamon,

Plaintiff-Appellee,

v.

Kaitlin Irby,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Booras and Freyre, JJ., concur

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

Court of Appeals No. 16CA1282
City and County of Denver Juvenile Court Nos. 15JD963 & 16JD137
Honorable Melanie Gilbert, Magistrate

The People of the State of Colorado,

Petitioner-Appellant,

In the Interest of J.C.,

Juvenile-Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE FREYRE
J. Jones and Fox, JJ., concur

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

Court of Appeals No. 16CA1288
Eagle County District Court No. 15DR131
Honorable Paul R. Dunkelman, Judge

In re the Marriage of

Rhonda Woodruff,

Appellant and Cross-Appellee,

and

William F. Woodruff,

Appellee and Cross-Appellant.

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

Division I
Opinion by JUDGE VOGT*
Loeb, C.J., and Rothenberg*, J., concur

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

Court of Appeals No. 16CA1351
Pitkin County District Court No. 15CV30150
Honorable Christopher G. Seldin, Judge

Aspen/Pitkin County Housing Authority, a Colorado multi-jurisdictional
housing authority,

Plaintiff-Appellee,

v.

Edward Lee Mulcahy, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE WELLING
Dailey and Hawthorne, JJ., concur

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

Court of Appeals No. 16CA1478
Weld County District Court No. 15CV30425
Honorable Todd L. Taylor, Judge

My Roofer, Inc.,

Plaintiff-Appellant,

v.

State Farm Fire and Casualty Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1645
City and County of Denver District Court No. 16CV32092
Honorable Jay S. Grant, Judge

Angelica Porras, Catherine Pecha, and Gary Wolter,

Plaintiffs-Appellants,

v.

HCA-HealthOne LLC, d/b/a Swedish Medical Center; HealthONE of Denver,
Inc.; and Hospital Corporation of America (HCA),

Defendants-Appellees.

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

Division II
Opinion by JUDGE FOX
Plank*, J., concurs
Dailey, J., dissents

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

Court of Appeals No. 16CA1805
Jefferson County District Court No. 15JV922
Honorable Ann G. Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.L. and S.Y.,

Respondents-Appellants.

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. 16CA1846
Boulder County District Court No. 04DR81
Honorable Maria E. Berkenkotter, Judge

In re the Marriage of

Miriam Marina Pereira, f/k/a Miriam Marina Badwan,

Appellee,

and

Faris M. Badwan,

Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE TERRY
Bernard and Harris, JJ., concur

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

Court of Appeals No. 16CA1905
Jefferson County District Court No. 16CV31435
Honorable Randall C. Arp, Judge

I.Q. Data International, Inc.,

Plaintiff-Appellee,

v.

Tia Hakonson,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1925
City and County of Denver District Court No. 15CV34484
Honorable J. Eric Elliff, Judge

Sloan's Lake Neighborhood Association; Agripino Torres; Luis Torres; Betta Ferrandelli; Jim Finlaw; and Wendy Finlaw,

Plaintiffs-Appellants,

v.

Denver City Council, and its individual members in their official capacity; Paul Lopez; Paul Kashmann; Wayne New; Robin Kniech; Debbie Ortega; Chris Herndon; Mary Beth Susman; Kendra Black; Kevin Flynn; Albus Brooks; Rafael Espinoza; Jolon Clark; Stacie Gilmore; City and County of Denver, Colorado; and EFG-South Sloan's Lake I LLC, a Delaware limited liability company,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0096
Logan County District Court No. 15JV14
Honorable Alex J. Martinez, Justice

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning D.R.T.,

Respondent-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. 17CA0137
Gilpin County District Court No. 14JV8
Honorable Ann G. Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE WELLING
Dailey and Hawthorne, JJ., concur

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

Court of Appeals No. 17CA0302
El Paso County District Court No. 15JV898
Honorable Linda Billings-Vela, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning H.R.W.,

Respondent-Appellant.

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. 17CA0592
Industrial Claim Appeals Office of the State of Colorado
DD No. 1020-2017

Leonard English,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Small Business
Administration,

Respondents.

ORDER AFFIRMED

Division VI
Opinion by JUDGE BERGER
Furman and Plank*, JJ., concur

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

Court of Appeals No. 17CA0658
Industrial Claim Appeals Office of the State of Colorado
DD No. 23806-2016

Kyle D. Popko,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Triple Five
Ventures LLC,

Respondents.

ORDER AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Bernard and Terry, 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. 14CA1750

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan A. Martinson,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 16CA1156

Trans-Western Management Group, Inc.,

Plaintiff-Appellant,

v.

G&T Enterprises, P.C.,

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. 2017.