

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
February 9, 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**

[2017COA13](#)

Court of Appeals No. [13CA0239](#)  
City and County of Denver District Court No. 12CV1699  
Honorable Edward D. Bronfin, Judge

C. Randel Lewis, solely in his capacity as Receiver,

Plaintiff-Appellee and Cross-Appellant,

v.

Steve Taylor,

Defendant-Appellant and Cross-Appellee.

JUDGMENT REVERSED, ORDER VACATED,  
AND CASE REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE ASHBY  
Freyre and Nieto\*, JJ., concur

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[2017COA14](#)

Court of Appeals No. [15CA1753](#)  
El Paso County District Court No. 13CV30988  
Honorable Thomas K. Kane, Judge

Active Release Techniques, LLC, a Colorado limited liability company; ART Corporate Solutions, Inc., a Colorado corporation; and ART Business Solutions, LLC, a Colorado limited liability company,

Plaintiffs-Appellants,

v.

Xtomic, LLC, a Colorado limited liability company; Select Seminar Services, LLC, a Colorado limited liability company; and Jay Ferguson,

Defendants-Appellees.

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

Division IV  
Opinion by JUDGE ASHBY  
Freyre and Davidson\*, JJ., concur

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[2017COA15](#)

Court of Appeals No. [16CA0456](#)  
Weld County District Court No. 15CV30103  
Honorable Todd L. Taylor, Judge

Michael Martinez,

Plaintiff-Appellant,

v.

American Family Mutual Insurance Company, a Wisconsin Corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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[2017COA16](#)

Court of Appeals No. [16CA0723](#)

Eagle County District Court No. 15CV30255

Honorable Russell H. Granger, Judge

Traer Creek-EXWMT LLC, a Colorado limited liability company,

Plaintiff-Appellant,

v.

Eagle County Board of Equalization,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II

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

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 13CA1010  
Jefferson County District Court No. 12CR1392  
Honorable Dennis Hall, Judge

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

v.

Carlos Francisco Lucero,  
  
Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III  
Opinion by JUDGE WEBB  
Bernard and Dunn, JJ., concur

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

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Court of Appeals No. 13CA1157  
Jefferson County District Court No. 12CR1927  
Honorable Jane A. Tidball, Judge

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

v.

Benjamin Torres Galvan,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE WEBB  
Bernard and Dunn, JJ., concur

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

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Court of Appeals No. 13CA1304  
Pueblo County District Court Nos. 11CR135, 11CR678 & 11CR805  
Honorable Victor I. Reyes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew F. Miller,

Defendant-Appellant.

ORDER AFFIRMED, 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)**

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Court of Appeals No. 14CA0107  
City and County of Denver District Court No. 13CR1149  
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bruce C. Nunnally,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE HARRIS  
Lichtenstein and Richman, JJ., concur

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

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Court of Appeals No. 14CA0434  
Adams County District Court No. 12CR2694  
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Demetrius Santiago Trujillo,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE TERRY  
Davidson\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 14CA0824  
Mesa County District Court No. 12CR314  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Dale Stepp,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART  
AND VACATED IN PART

Division III  
Opinion by JUDGE DUNN  
Webb and Bernard, JJ., concur

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

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Court of Appeals No. 14CA1033  
City and County of Denver District Court No. 13CR3520  
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jorge Solano-Flores,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 14CA1798  
Boulder County District Court No. 13CR9  
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Phillip Jan O'Shea,

Defendant-Appellant.

ORDER REVERSED

Division IV  
Opinion by JUDGE ASHBY  
Hawthorne and Plank\*, JJ., concur

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

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Court of Appeals No. 14CA2005  
City and County of Denver District Court No. 13CR2444  
Honorable Elizabeth A. Starrs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Napoleon A. Courtney,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE BERNARD  
Webb and Dunn, JJ., concur

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

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Court of Appeals No. 14CA2133  
City and County of Denver District Court No. 13CR4988  
Honorable Ann B. Frick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victory Laray Grant,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA0443  
Jefferson County District Court No. 10CR1823  
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricky Carter,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA0476  
Jefferson County District Court No. 14CR741  
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lonnie Lee Unruh,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

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Court of Appeals No. 15CA0895  
El Paso County District Court No. 08CR2808  
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy P. Hawkins,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA1270  
Montezuma County District Court No. 14CR273  
Honorable Douglas S. Walker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel Michael Gallegos,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE BERNARD  
Webb and Dunn, JJ., concur

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

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Court of Appeals No. 15CA1516  
Pitkin County District Court No. 13CV30047  
Honorable Gail H. Nichols, Judge

City of Aspen, a home rule municipality,

Plaintiff-Appellee,

v.

Michael Sedoy and Natalia Shvachko,

Defendants-Appellants.

ORDER AFFIRMED

Division III  
Opinion by JUDGE BERNARD  
Webb and Dunn, JJ., concur

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

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Court of Appeals No. 15CA1566  
Pueblo County District Court No. 12CR188  
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Craig Steven Boulse,

Defendant-Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE TERRY  
Furman and Nieto\*, JJ., concur

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

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Court of Appeals No. 15CA1685  
Adams County District Court No. 08CR3546  
Honorable Katherine Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michelle Velez,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA1697  
Pitkin County District Court No. 13CV30018  
Honorable John F. Neiley, Judge

Colarelli Construction, Inc.,

Plaintiff-Appellant and Cross-Appellee

v.

McGloin, Davenport, Severson & Snow, P.C.; Ronald J. Snow; and J. Randolph Earnest,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AND ORDER AFFIRMED

Division III  
Opinion by JUDGE DUNN  
Webb and Bernard, JJ., concur

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

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Court of Appeals No. 15CA1885  
City and County of Denver District Court No. 13DR44  
Honorable Ross B. Buchanan, Judge

In re the Marriage of

Byrum C. Lee, Jr.,

Appellee and Cross-Appellant,

and

Valerie A. Lee,

Appellant and Cross-Appellee.

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

Division IV  
Opinion by JUDGE ASHBY  
Hawthorne and Freyre, JJ., concur

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

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Court of Appeals No. 15CA1907  
Mesa County District Court No. 14CV30636  
Honorable Brian J. Flynn, Judge

Clymers' Ranch & Livestock Co.,

Plaintiff-Appellee,

v.

Redlands Water & Power Company,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA2122  
El Paso County District Court No. 03CR1448  
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gino J. Lerner,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA0212  
City and County of Denver District Court No. 11CV8723  
Honorable Michael A. Martinez, Judge

Community Banks of Colorado, a division of Bank Midwest, NA, n/k/a/ NBH  
Bank, NA,

Plaintiff-Appellee,

v.

Pacific Avenue Enterprises, Inc., a Colorado corporation; and David Volz,

Intervenors-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 16CA0615  
El Paso County District Court No. 15CR4938  
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos E. Sierra,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1104  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 8508-2015

AVL Growth Partners, LLC,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Chasidey M.  
Geissler,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1209  
Jefferson County District Court No. 15JV457  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 16CA1662  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 7214-2016

Craig J. Plizga,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and City of Glenwood  
Springs, Colorado,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1809  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 12063-2016

James R. Minkner,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Sequoia Golf  
Blackstone, LLC,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1959  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 14789-2016

Michael P. Young,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and E.R. Squibb &  
Sons, LLC,

Respondents.

ORDER AFFIRMED

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

**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.