

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 9, 2018

“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

[2018COA110](#)

Court of Appeals No. [13CA1604](#)

City and County of Denver District Court No. 11CR4258

Honorable John W. Madden IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sheila R. Monroe,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE TOW
Dailey and Dunn, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
August 9, 2018

[2018COA111](#)

Court of Appeals No. [14CA0478](#)

El Paso County District Court No. 12CR4638

Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John M. Halaseh,

Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE HAWTHORNE
Navarro and Casebolt*, JJ., concur

Prior Opinion Announced July 27, 2017, WITHDRAWN

OPINION PREVIOUSLY ANNOUNCED AS “NOT PUBLISHED PURSUANT TO
C.A.R. 35(e)” ON July 27, 2017, IS NOW DESIGNATED FOR PUBLICATION

[2018COA112](#)

Court of Appeals No. [15CA1365](#)

City and County of Denver District Court No. 14CR1481

Honorable Elizabeth A. Starrs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Ray Jones,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE HARRIS
Terry, J., concurs
Casebolt*, J., dissents

[2018COA113](#)

Court of Appeals No. [15CA1713](#)

City and County of Denver District Court No. 86CR2489

Honorable Brian Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric Dwight Davis,

Defendant-Appellant.

ORDERS AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Welling and Davidson*, JJ., concur

[2018COA114](#)

Court of Appeals No. [15CA2008](#)

Boulder County District Court Nos. 12CR245, 12M689, & 12M1067

Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Paul McGlaughlin,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE BERGER
Loeb, C.J., concurs
Bernard, J., dissents

[2018COA115](#)

Court of Appeals No. [16CA0875](#)

Adams County District Court No. 13CR3365

Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leonard Joosten,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE BERGER
Hawthorne and Miller*, JJ., concur

[2018COA116](#)

Court of Appeals No. [16CA1951](#)

Weld County District Court No. 14DR30427

Honorable Ryan L. Kamada, Judge

In re the Marriage of

Carol Crosley Morgan,

Appellant,

and

Carter Edward Morgan,

Appellee.

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

Division III

Opinion by JUDGE FOX

Webb and Richman, JJ., concur

Prior Opinion Announced June 28, 2018 WITHDRAWN

OPINION PREVIOUSLY ANNOUNCED AS “NOT PUBLISHED PURSUANT TO
C.A.R. 35(e)” ON June 28, 2018, IS NOW DESIGNATED FOR PUBLICATION

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ANNOUNCEMENTS
Colorado Court of Appeals
August 9, 2018

[2018COA117](#)

Court of Appeals No. [17CA1211](#)

Mesa County District Court No. 11DR278

Honorable Brian J. Flynn, Judge

In re the Marriage of

Sharon D. Tibbetts, n/k/a Sharon D. Williams,

Appellee,

and

Ronald L. Tibbetts,

Appellant.

APPEAL DISMISSED

Division III
Opinion by JUDGE FOX
Webb and Nieto*, JJ., concur

[2018COA118](#)

Court of Appeals No. [18CA0664](#)
Jefferson County District Court No. 17CR4565
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Yoel Soto-Campos,

Defendant-Appellee.

----- AND -----

Court of Appeals No. [18CA0665](#)
Jefferson County District Court No. 17CR4563
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Fermin Flores-Rosales,

Defendant-Appellee.

ORDERS AFFIRMED

Division III
Opinion by JUDGE FOX
Webb and Richman, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 16CA0011
Douglas County Juvenile Court No. 15JD222
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.P.P.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BERGER
Hawthorne and Carparelli*, JJ., concur

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

Court of Appeals No. 16CA1535
Arapahoe County District Court No. 15CR1779
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Elisabeth K. Johnson,

Defendant-Appellant.

JUDGMENT VACATED

Division I
Opinion by JUDGE WELLING
Taubman and Martinez*, JJ., concur

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

Court of Appeals No. 16CA1749
El Paso County District Court No. 09CR2876
Honorable Scott A. Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Orlando Cobillas Guevara, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
Tow and Carparelli*, JJ., concur

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

Court of Appeals No. 17CA0154
Jefferson County District Court No. 15DR30437
Honorable Christie Ann Bachmeyer, Judge

In re the Marriage of

Lori Gesi as Personal Representative of the Estate of Janice Elaine Harmsen,

Appellant and Cross-Appellee,

and

Robert John Harmsen,

Appellee and Cross-Appellant.

ORDERS AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TAUBMAN
Bernard and Welling, JJ., concur

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

Court of Appeals No. 17CA0256
Eagle County District Court Nos. 94CV100152 & 98CV374
Honorable Frederick W. Gannett, Judge

Ginn Battle Lender, LLC,

Plaintiff-Appellee,

v.

Battle Mountain Limited Liability Company; Sensible Housing, Company, Inc.;
and Battle Mountain Corporation,

Defendants-Appellants

and

Wells Fargo Bank NA,

Third-Party Defendant-Appellee.

JUDGMENT AND ORDERS AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE J. JONES
Ashby and Harris, JJ., concur

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

Court of Appeals No. 17CA0448
Jefferson County District Court No. 16CR1338
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicole Rose Carter, a/k/a Nichole Rose Carter,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUSTICE MARTINEZ*
Taubman and Welling, JJ., concur

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

Court of Appeals No. 17CA0523
El Paso County District Court No. 16CV15
Honorable Barbara L. Hughes, Judge

Douglas L. Micco,

Plaintiff-Appellant,

v.

Dennis W. Hartley,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE ASHBY
J. Jones and Harris, JJ., concur

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

Court of Appeals No. 17CA1076
Douglas County District Court No. 12DR342
Honorable Natalie T. Chase, Judge

In re the Marriage of

Kathryn Houseman,

Appellee,

and

Eric Houseman,

Appellant.

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

Division VII
Opinion by JUDGE J. JONES
Ashby and Harris, JJ., concur

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

Court of Appeals No. 17CA1308
Lincoln County District Court 16CV12
Honorable Robert R. Lung, Judge

Justin H. Austin,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections, and Warden of
the Limon Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE RICHMAN
Webb and Fox, JJ., concur

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

Court of Appeals No. 17CA1470
El Paso County District Court No. 16JV990
Honorable Linda Billings-Vela, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.A.L., J.L., K.L.L., J.R.L.-R, Children,

and Concerning H.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FURMAN
Román and Lichtenstein, JJ., concur

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

Court of Appeals No. 17CA1527
Freemont County District Court No. 17CV38
Honorable Robert Freeman, Magistrate

Ronald Lee Smith,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of
Colorado Territorial Correctional Facility,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUSTICE MARTINEZ*
Taubman and Welling, JJ., concur

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

Court of Appeals No. 18CA0023
City and County of Denver Juvenile Court No. 16JV1243
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of V.M.D., a Child,

and Concerning M.D.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE ASHBY
J. Jones and Harris, 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

[2018COA111](#)

Court of Appeals No. [14CA0478](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John M. Halaseh,

Defendant-Appellant.

Prior Opinion Announced July 27, 2017, WITHDRAWN
Petitions for Rehearing GRANTED

OPINION PREVIOUSLY ANNOUNCED AS “NOT PUBLISHED PURSUANT TO
C.A.R. 35(e)” ON July 27, 2017, IS NOW DESIGNATED FOR PUBLICATION

[2018COA96M](#)

Court of Appeals No. [15CA1368](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Arthur Lindsey,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 16CA0221

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Xavier Claypool,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

[2018COA89M](#)

Court of Appeals No. [16CA1010](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

De Etta Wester-Gravelle,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED
Bernard, J., would GRANT

Court of Appeals No. 17CA0966

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Robert Gray,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1069

In re the Marriage of

Lisa Niesen Dantzer-Ginn,

Appellant,

v.

Matthew Richard Ginn,

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.