

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 22, 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

[2018COA20](#)

Court of Appeals No. [15CA0126](#)
Larimer County District Court No. 13CR1903
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brooke E. Rojas,

Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE FURMAN
Taubman, J., concurs
Richman, J., dissents

[2018COA21](#)

Court of Appeals No. [16CA0817](#)

City and County of Denver District Court No. 14CV34542

Honorable Karen L. Brody, Judge

Honorable Elizabeth A. Starrs, Judge

Dorsey & Whitney LLP,

Plaintiff-Appellee,

v.

RegScan, Inc.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE J. JONES

Hawthorne and Richman, JJ., concur

[2018COA22](#)

Court of Appeals No. [16CA1446](#)

Jefferson County District Court Nos. 14JD168, 14JD191, 14JD400 & 14JD522

Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.C.,

Juvenile-Appellant.

SENTENCE VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VII

Opinion by JUDGE J. JONES

Fox and Freyre, JJ., concur

[2018COA23](#)

Court of Appeals No. [16CA1492](#)
Boulder County District Court No. 10DR1467
Honorable Bruce Langer, Judge

In re the Marriage of

Barbara Runge,

Appellant,

and

David Allen Runge,

Appellee.

ORDER AFFIRMED

Division I
Opinion by JUDGE FURMAN
Richman, J., specially concurs
Taubman, J., dissents

[2018COA24](#)

Court of Appeals No. [16CA1643](#)
Mesa County District Court Nos. 09CR1694 & 13CR1449
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Joslin,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FURMAN
Fox and Ashby, JJ., concur

[2018COA25](#)

Court of Appeals Nos. [16CA1646](#) & [17CA0074](#)
Mesa County District Court No. 15CV30761
Honorable Thomas M. Deister, Judge

Roseann Scott,

Plaintiff-Appellant,

v.

Donna Scott,

Defendant-Appellee.

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

Division A
Opinion by CHIEF JUDGE LOEB
Rothenberg* and Carparelli*, JJ., concur

[2018COA26](#)

Court of Appeals No. [17CA0178](#)
City and County of Denver District Court No. 15CV33862
Honorable Ross B.H. Buchanan, Judge

Denver Police Protective Association,

Plaintiff-Appellee,

v.

City and County of Denver, Colorado,

Defendant-Appellant.

JUDGMENT REVERSED

Division VII
Opinion by JUDGE BERGER
Bernard and Freyre, JJ., concur

[2018COA27](#)

Court of Appeals No. [17CA0608](#)
Jefferson County District Court No. 15JV650
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning L.H.,

Respondent-Appellant.

ORDER OF LIMITED REMAND

Division A
Loeb, C.J., Román, and Welling, JJ.
PER CURIAM

UNPUBLISHED OPINIONS

Court of Appeals No. 14CA1452
Larimer County District Court No. 04CR2329
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jakob Ruben Mayer,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE BERNARD
Terry and Harris, JJ., concur

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

Court of Appeals No. 14CA2129
Arapahoe County District Court No. 10CR2852
Honorable Elizabeth Beebe Volz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Akinlabi Coleman,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Hawthorne and Davidson*, JJ., concur

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

Court of Appeals No. 14CA2243
Larimer County District Court No. 13CR1166
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kellie Jean Lawson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Terry and Márquez*, JJ., concur

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

Court of Appeals No. 15CA0561
Jefferson County District Court No. 14CR1188
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alex Robert Martines,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Dunn and Welling, JJ., concur

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

Court of Appeals No. 15CA0744
Mesa County District Court No. 14CR706
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rebecca M. Trujillo,

Defendant-Appellant.

ORDER VACATED

Division VI
Opinion by JUDGE FOX
Furman and Ashby, JJ., concur

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

Court of Appeals No. 15CA0802
Arapahoe County District Court No. 10CR872
Honorable Gerald J. Rafferty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Javier Reyes,

Defendant-Appellant.

APPEAL DISMISSED

Division IV
Opinion by JUDGE DAVIDSON*
Hawthorne and J. Jones, JJ., concur

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

Court of Appeals No. 15CA1149
El Paso County District Court No. 07CR4894
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon James Pedas,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Terry and Márquez*, JJ., concur

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

Court of Appeals No. 15CA1396
El Paso County District Court No. 99CR3267
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gerry Dale Roadcap,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FOX
Furman and Ashby, JJ., concur

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

Court of Appeals No. 15CA1603
Logan County District Court No. 13CR190
Honorable Charles M. Hobbs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cesar San Miguel,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by CHIEF JUDGE LOEB
Webb and Terry, JJ., concur

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

Court of Appeals No. 15CA1630
Jefferson County District Court No. 13JD815
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.F.C.,

Juvenile-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE DUNN
Román and Welling, JJ., concur

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

Court of Appeals No. 15CA1735
Boulder County District Court No. 14CR1035
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gilbert James Million,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE ASHBY
Furman and Fox, JJ., concur

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

Court of Appeals No. 15CA1848
Adams County District Court No. 14CR1895
Honorable John E. Popovich, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Antonio Cruz,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FOX
Furman and Ashby, JJ., concur

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

Court of Appeals No. 15CA2090
El Paso County District Court No. 13CR183
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin James O'Rourke,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE BERNARD
Berger and Nieto*, JJ., concur

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

Court of Appeals No. 16CA0529
Jefferson County District Court No. 15CR997
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stanley Dean Holveck,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE BERGER
Bernard and Freyre, JJ., concur

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

Court of Appeals No. 16CA0557
Arapahoe County District Court No. 08CR2750
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kindu Jubar Ealey,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE ASHBY
Furman and Fox, JJ., concur

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

Court of Appeals No. 16CA0649
Logan County District Court No. 14CR117
Honorable Douglas R. Vannoy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric Morales,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE ASHBY
Furman and Fox, JJ., concur

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

Court of Appeals No. 16CA0777
Weld County District Court No. 04CR2164
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Cecil Martinez,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE TERRY
Webb and Márquez*, JJ., concur

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

Court of Appeals No. 16CA0965
Jefferson County District Court No. 15CR501
Honorable Jane A. Tidball, Judge
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Travis Edward Sandlin,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE WELLING
Román and Dunn, JJ., concur

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

Court of Appeals No. 16CA1149
Montezuma County District Court No. 15CR55
Honorable Todd J. Plewe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jory P. Miller,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE MÁRQUEZ*
Webb and Terry, JJ., concur

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

Court of Appeals No. 16CA1658
Arapahoe County District Court No. 15DR31163
Honorable Elizabeth Beebe Volz, Judge

In re the Marriage of

Eva Potter,

Appellee,

and

Christopher Fort,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE DAILEY
Lichtenstein and Navarro, JJ., concur

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

Court of Appeals No. 16CA1692
Boulder County District Court No. 14DR853
Honorable Bruce Langer, Judge

In re the Marriage of

Robert Edward Weber,

Appellee,

and

Lisa Michelle Weber,

Appellant.

JUDGMENT AND SENTENCE REVERSED

Division IV

Opinion by JUDGE HAWTHORNE
J. Jones and Davidson*, JJ., concur

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

Court of Appeals No. 16CA1843
City and County of Denver District Court No. 16CV199
Honorable Catherine A. Lemon, Judge

Mark Halper,

Plaintiff-Appellant,

v.

Colorado Department of Human Services,

Defendant-Appellee.

ORDER AFFIRMED

Division VI

Opinion by JUDGE ASHBY
Furman and Fox, JJ., concur

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

Court of Appeals No. 16CA1855
Arapahoe County District Court No. 13DR289
Honorable Elizabeth Beebe Volz, Judge

In re the Marriage of

Isaac M. Tibbetts,

Appellant,

and

Colleen J. Brennan-Tibbetts,

Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE BERGER
Bernard and Freyre, JJ., concur

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

Court of Appeals No. 16CA1908
Jefferson County District Court No. 15DR31022
Honorable Diego G. Hunt, Judge

In re the Marriage of

Ashley L. Lemons,

Appellant,

and

David C. Lemons,

Appellee.

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

Division VII
Opinion by JUDGE BERGER
Bernard and Freyre, JJ., concur

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

Court of Appeals No. 17CA0309
Arapahoe County District Court No. 04CR476
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Raifsnider,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Booras and Harris, JJ., concur

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

Court of Appeals No. 17CA0352
Weld County District Court No. 14DR30427
Honorable Elizabeth Strobel, Judge

In re the Marriage of

Carol Crosley Morgan,

Petitioner,

and

Carter Edward Morgan,

Respondent-Appellant,

and Concerning The Bagley Law Firm, LLC,

Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE VOGT*
Hawthorne and J. Jones, JJ., concur

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

Court of Appeals No. 17CA0373
Eagle County District Court No. 04CR201
Honorable Paul R. Dunkelman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Raifsnider,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE BOORAS
Taubman and Harris, JJ., concur

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

Court of Appeals No. 17CA0375
Board of Assessment Appeals Case No. 67715

Linda G. Prettner,

Petitioner-Appellant,

v.

Denver County Board of Equalization,

Respondent-Appellee,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FURMAN
Fox and Ashby, JJ., concur

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

Court of Appeals No. 17CA0466
City and County of Denver District Court No. 17CV98
Honorable Michael A. Martinez, Judge

Ronald Jennings Fogle,

Plaintiff-Appellant,

v.

John W. Hickenlooper, in his official capacity as Governor of the State of
Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE HARRIS
Taubman and Booras, JJ., concur

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

Court of Appeals No. 17CA0511
Arapahoe County District Court No. 15JV1055
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of G.H., a Child,

and Concerning S.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE ASHBY
Furman and Fox, JJ., concur

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

Court of Appeals No. 17CA0571
Summit County District Court No. 16DR30002
Honorable Karen Ann Romeo, Judge

In re the Parental Responsibilities Concerning C.D., a Child,
and Concerning Anthony Harris,
Appellee,
and
Glenn Danielson,
Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE LICHTENSTEIN
Dailey and Navarro, JJ., concur

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

Court of Appeals No. 17CA0576
Larimer County District Court No. 15JV218
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,
Petitioner-Appellee,
In the Interest of J.R. and P.R., Children,
and Concerning A.R.,
Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE KAPELKE*
Loeb, C.J., and Webb, J., concur

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

Court of Appeals No. 17CA0688
Larimer County District Court No. 16JV231
Honorable Stephen J. Jouard, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of X.A.B., a Child,

and Concerning C.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by CHIEF JUDGE LOEB
Plank* and Rothenberg*, JJ., concur

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

Court of Appeals No. 17CA0830
Mesa County District Court No. 16JV166
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning N.C. and P.C.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE ASHBY
Furman and Fox, JJ., concur

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

Court of Appeals No. 17CA1036
Garfield County District Court No. 14JV104
Honorable Anne K. Norrdin, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.S. and M.S., Children,

and Concerning S.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Hawthorne and Vogt*, JJ., concur

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

Court of Appeals No. 17CA1048
City and County of Denver Juvenile Court No. 16JV622
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of V.S.B., a Child,

and Concerning S.L.P. and B.W.B.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE HARRIS
Taubman and Booras, JJ., concur

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

Court of Appeals No. 17CA1052
Arapahoe County District Court No. 16JV312
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.M. and M.M., Children,

and Concerning M.W. and I.M.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FOX
Furman and Ashby, JJ., concur

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

Court of Appeals No. 17CA1749
Industrial Claim Appeals Office of the State of Colorado
DD No. 15067-2017

Kathleen Cleary,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Dillon Companies,
Inc.,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE ROTHENBERG*
Loeb, C.J., and Plank*, J., concur

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

Court of Appeals No. 17CA2307
Adams County District Court No. 08MH314
Honorable Patrick T. Murphy, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Cassandra M. Rhymer,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Booras and Harris, JJ., concur

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

MODIFIED OPINIONS

[2018COA6M](#)

Court of Appeals No. [15CA1395](#)

Jefferson County District Court No. 13CR2977

Honorable Todd L. Vriesman, Judge

Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Luis Palacios,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI

Opinion by JUDGE HARRIS
Terry and Plank*, JJ., concur

Opinion Modified
On the Court's Own Motion

Announced January 25, 2018

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2017.