

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 3, 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

[2018COA60](#)

Court of Appeals No. [14CA1390](#)
Grand County District Court No. 13CR58
Honorable Mary C. Hoak, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Steven Kessler,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE MÁRQUEZ*
Navarro, J., concurs
Dailey, J., concurs in part and dissents in part

[2018COA61](#)

Court of Appeals No. [15CA2082](#)
El Paso County District Court No. 11CR3659
Honorable Barney Iuppa, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Osmundo Rivera Cali,

Defendant-Appellant.

ORDER REVERSED, JUDGMENT VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE ASHBY
Terry, J., concurs
Nieto*, J., dissents

[2018COA62](#)

Court of Appeals No. [16CA0192](#)
Jefferson County District Court No. 09CR1101
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Madison,

Defendant-Appellant.

ORDER AFFIRMED

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

[2018COA63](#)

Court of Appeals No. [16CA0428](#)

City and County of Denver District Court No. 15DR30554

Honorable Karen L. Brody, Judge

In re the Parental Responsibilities Concerning W.C., a Child,

and Concerning Kimberly Ann Nanke,

Appellee,

and

Winston Harold Conkling,

Appellant.

ORDER OF CLARIFICATION

Division A
Taubman, Hawthorne, and Ashby, JJ.
PER CURIAM

[2018COA64](#)

Court of Appeals No. [17CA0435](#)

Colorado Board of Assessment Appeals Case No. 68817

Bringle Family Trust,

Petitioner-Appellant,

v.

Board of County Commissioners of Summit County, Colorado,

Respondent-Appellee,

and

Colorado Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

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

[2018COA65](#)

Court of Appeals No. [17CA0696](#)

Adams County District Court No. 16CV30215

Honorable Emily E. Anderson, Judge

Stor-N-Lock Partners # 15, LLC, a Utah limited liability company,

Plaintiff-Appellant and Cross-Appellee,

v.

City of Thornton, Colorado; and City Council of the City of Thornton, Colorado,

Defendants-Appellees,

and

Resolute Investments, Inc., a Colorado corporation; and Qwest Corporation, a Colorado corporation,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE HARRIS

Loeb, C.J., and Taubman, J., concur

[2018COA66](#)

Court of Appeals No. [18CA0018](#)
Mesa County District Court No. 15CV30428
Honorable Gretchen B. Larson, Judge

Brock Curry and Lora Curry,

Plaintiffs-Appellees,

v.

Zag Built LLC and Mike Zagrzebski,

Defendants-Appellants.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 14CA2139
Routt County District Court No. 12CR48
Honorable Shelley A. Hill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Holland Brothers,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0319
El Paso County District Court No. 13CR4126
Honorable Scott A. Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Wayne Allen,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE FREYRE
Bernard and Berger, JJ., concur

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

Court of Appeals No. 15CA0977
El Paso County District Court No. 13CR4175
Honorable Barney Iuppa, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jade Courtney Valdez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE KAPELKE*
Fox and Plank*, JJ., concur

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

Court of Appeals No. 15CA1391
El Paso County District Court No. 14CR1949
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Wayne Becker,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1451
Boulder County District Court No. 14CR945
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard R. Ramirez,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division I
Opinion by JUDGE ROTHENBERG*
Taubman and Casebolt*, JJ., concur

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

Court of Appeals No. 15CA1559
Jefferson County District Court No. 14CR2141
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Allen Graves,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1883
Montrose County District Court No. 00CR204
Honorable W. Terry Ruckriegle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Carbajal,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

Court of Appeals No. 15CA1923
Jefferson County District Court No. 14CR1655
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randy Laverne Rezac,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1991
El Paso County District Court No. 14CR5020
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy James Bittleston,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE TERRY
Tow, J., concurs
Webb, J., dissents

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

Court of Appeals No. 16CA1048
El Paso County District Court No. 99CR4527
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Lopez,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

Court of Appeals No. 16CA1420
Morgan County District Court No. 08CR129
Honorable Douglas R. Vannoy, Judge
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Lee Roy Estes,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

Court of Appeals No. 16CA1641
Yuma County District Court No. 09CR31
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Manuel Alvarez,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA2101
Teller County District Court No. 15CV30059
Honorable Theresa M. Cisneros, Judge

James E. Watson, Jr.; Sarah R. Watson; and Amy M. Watson,
Plaintiffs-Appellees,

v.

Joyce Gamewell,

Defendant-Appellant.

JUDGMENT AFFIRMED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA2120
Douglas County District Court No. 15CR654
Honorable Shay K. Whitaker, Judge

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

v.

Jarrold Adam Coger,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA2124
City and County of Denver District Court No. 07CR1981
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick Santiago Sanchez,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0071
Adams County District Court No. 15JV62
Honorable Jill-Ellyn Straus, Judge
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0248
Arapahoe County District Court No. 14DR30384
Honorable Elizabeth Beebe Volz, Judge

In re the Marriage of

Sara L. Bradbury,

Appellant,

and

Thomas H. Bradbury, Jr.,

Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0430
Douglas County District Court No. 15CV31140
Honorable Paul A. King, Judge

Gregory Brown,

Plaintiff-Appellant,

v.

Centura Health Corporation, a Colorado corporation; Portercare Adventist Health System, a Colorado corporation, together d/b/a Parker Adventist Hospital,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE RICHMAN
Plank*, J., concurs
Carparelli*, J., dissents

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

Court of Appeals No. 17CA0437
Board of Assessment Appeals Case No. 68819

Gilbert D. Mook, Trustee, and Carol S. Mook, Trustee,
Petitioners-Appellants,

v.

Board of County Commissioners of Summit County,
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. 17CA0452
Jefferson County District Court No. 15PR70
Honorable Lily W. Oeffler, Judge

In re the Estate of Larry Leroy Torrez, deceased.

Amanda Blair,

Appellant,

v.

Tammy Conover, Guardian Ad Litem for D.S. and J.M.,

Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0461
El Paso County District Court No. 14CV30173
Honorable David A. Gilbert, Judge

Jessica McCart and Robin Moreno,

Plaintiffs-Appellees,

v.

Center for Excellence in Higher Education, Inc., d/b/a Collegeamerica
Colorado Springs, Inc., an Indiana corporation,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
J. Jones and Richman, JJ., concur

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

Court of Appeals No. 17CA0587
City and County of Denver District Court No. 15CV30698
Honorable A. Bruce Jones, Judge

Louis A. Oswald, III,

Plaintiff-Appellee,

and

Oswald Family Foundation; Oswald Family Investments, LLC; Oswald Family Irrevocable Trust; Oswald Family Revocable Trust; Oswald Family Trust; Ssaljd Inv. Group LLC; WWWF LLC; Wyotex Drilling Ventures LLC; Wyotex Oil Company; Wyotex Operating Company LLC; Wyotex Realty LLC,

Plaintiffs,

v.

Crystal H. Hathaway,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA0650
El Paso County District Court No. 16CV32613
Honorable Thomas K. Kane, Judge

Timothy Turner,

Plaintiff-Appellant,

v.

Colorado Department of Revenue,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0843
El Paso County District Court No. 15CV31025
Honorable Jill M. Brady, Judge

Center for Excellence in Higher Education, Inc., an Indiana corporation,

Plaintiff-Appellant,

v.

David McConkie and Torbet Tuft & McConkie, LLC,

Defendants-Appellees.

JUDGMENT AND ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE PLANK*
Loeb, CJ., and Kapelke*, J., concur

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

Court of Appeals No. 17CA0852
El Paso County District Court No. 11DR2164
Honorable Scott A. Sells, Judge

In re the Marriage of

Gary Allen Pearson, Jr.,

Appellant,

and

Vicki Lynn Lingle, f/k/a Vicki Lynn Pearson,

Appellee,

and

El Paso County Child Support Services Unit,

Intervenor-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA1072
Boulder County District Court Nos. 14CR1442 & 14CR1582
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cody Ward,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA1075
Weld County District Court No. 15JV825
Honorable Elizabeth B. Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.K.C. and D.L.C., Children,

and Concerning G.E.C., Jr., and S.C.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1520
Boulder County District Court No. 16JV108
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.W. a Child,

and Concerning L.M.W.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE FREYRE
Bernard and Berger, JJ., concur

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

Court of Appeals No. 17CA1538
Weld County District Court No. 15JV87
Honorable Elizabeth B. Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning R.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE NAVARRO
Dailey and Plank*, 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. 14CA2509

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Geraldine Vodicka,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 15CA2073

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.M.H.,

Juvenile-Appellant.

Opinion Modified and
Petitions for Rehearing DENIED

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

[2018COA42M](#)

Court of Appeals No. [17CA0212](#)

CAW Equities, L.L.C., a Colorado limited liability company,

Plaintiff-Appellant,

v.

City of Greenwood Village, Colorado, a home rule municipality,

Defendant-Appellee.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 17CA0405

Preferred Professional Insurance Company,

Plaintiff-Appellee,

v.

The Doctors Company,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 17CA1261

Arjune Mirchandani,

Plaintiff-Appellant,

v.

Honorable Gary M. Jackson, in his official capacity as judge,

Defendant-Appellee.

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.