

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
January 25, 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**

[2018COA4](#)

Court of Appeals No. [14CA1181](#)  
Jefferson County District Court No. 12CR2874  
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eswin Ariel Figueroa-Lemus,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Richman, J., concurs  
Furman, J., dissents

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[2018COA5](#)

Court of Appeals No. [14CA2479](#)  
Jefferson County District Court No. 12CR1091  
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon Deshawn Campbell,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Furman and Richman, JJ., concur

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[2018COA6](#)

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

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ANNOUNCEMENTS  
Colorado Court of Appeals  
January 25, 2018

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[2018COA7](#)

Court of Appeals No. [16CA0198](#)

City and County of Denver Probate Court No. 12PR1772

Honorable Elizabeth D. Leith, Judge

In the Interest of Joanne Black, Protected Person,

Appellee and Cross-Appellant,

v.

Bernard Black, in his Capacity as Trustee for the Supplemental Needs Trust for  
the Benefit of Joanne Black,

Appellant and Cross-Appellee.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE HARRIS  
Furman and Berger, JJ., concur

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[2018COA9](#)

Court of Appeals No. [16CA2104](#)  
City and County of Denver District Court No. 16CV30510  
Honorable Jay S. Grant, Judge

Rickey Airth,

Plaintiff-Appellant,

v.

Zurich American Insurance Company, an Illinois corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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[2018COA10](#)

Court of Appeals No. [17CA0255](#)  
Garfield County District Court No. 16JV21  
Honorable Denise K. Lynch, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.M.A.,

Respondent-Appellant.

APPEAL DISMISSED

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

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[2018COA11](#)

Court of Appeals No. [17CA0339](#)

Alamosa County District Court No. 15JV114

Honorable Martin A. Gonzalez, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.C.,

Respondent-Appellant.

ORDER OF LIMITED REMAND

Division A  
Furman, Ashby, and Welling, JJ.  
PER CURIAM

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 13CA0826  
Arapahoe County District Court No. 11CR2314  
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carol Lee Hawley,

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)**

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Court of Appeals No. 14CA1444  
City and County of Denver District Court No. 09CR5979  
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Paul Valdez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 14CA2016  
Larimer County District Court No. 13CR1602  
Honorable Stephen J. Schapanski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Casey Lee Albee,

Defendant-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)**

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Court of Appeals No. 15CA0562  
Weld County District Court No. 13CR1553  
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Coy Deming,

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)**

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Court of Appeals No. 15CA1160  
Morgan County District Court No. 14CR129  
Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Velazquez-Loredo,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA1393  
Arapahoe County District Court Nos. 14CR589 & 14CR1919  
Honorable James F. Macrum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scot Alan Copher,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA1818  
Adams County District Court No. 05CR2053  
Honorable Kathy R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Alexander Brackeen,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA0625  
City and County of Denver Probate Court No. 12PR1772  
Honorable Elizabeth D. Leith, Judge

In the Interest of Joanne Black, Protected Person,

Appellee,

v.

Bernard Black, in his Capacity as Trustee for the Supplemental Needs Trust for the Benefit of Joanne Black; Anthony J. Dain, in his capacity as Trustee for the Supplemental Needs Trust for the Benefit of Joanne Black,

Appellant.

ORDER VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE HARRIS  
Furman and Berger, JJ., concur

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

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Court of Appeals No. 16CA0788  
City and County of Denver District Court Nos. 05CR400 & 05CR5751  
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reynaldo Villa,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA0952  
Jefferson County District Court No. 97CR802  
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gene E. Aviles,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1182  
City and County of Denver District Court No. 15CR3692  
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dante Walker,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III  
Opinion by CHIEF JUDGE LOEB  
Nieto\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 16CA1422  
Elbert County District Court No. 15CV30080  
Honorable Michael J. Spear, Judge

Spring Valley Ranch Master Owners Association,

Plaintiff-Appellee,

v.

Graeme D. Lang and Shelly L. Lang,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by CHIEF JUDGE LOEB  
Nieto\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 16CA1464  
El Paso County District Court No. 11CR3489  
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Wayne Sorden,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1550  
Custer County District Court No. 16DR5  
Honorable Robert Freeman, Magistrate

In re the Marriage of

Teri A. Lehman,

Appellee,

and

Bradley S. Lehman,

Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 16CA1649  
Douglas County District Court No. 12DR197  
Honorable Michael J. Spear, Judge

In re the Marriage of

Justin Arthur Rogers,

Appellant,

and

Brianna M. Woodruff, f/k/a Brianna M. Rogers,

Appellee.

ORDER AFFIRMED

Division I  
Opinion by JUDGE FURMAN  
Taubman and Richman, JJ., concur

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

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Court of Appeals No. 16CA1690  
City and County of Denver District Court No. 09CR801  
Honorable William D. Robbins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony L. Garcia,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1708  
El Paso County District Court No. 14CR4773  
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shandra Rathke,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE NIETO\*  
Loeb, C.J., and Vogt\*, J., concur

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

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Court of Appeals No. 16CA2023  
Moffat County District Court No. 15JV2  
Honorable Sandra H. Gardner, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.J., S.J., and E.J., Children,

and Concerning D.J.,

Respondent-Appellant.

JUDGMENT AND ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA2081  
Jefferson County District Court No. 15CV30992  
Honorable Todd L. Vriesman, Judge

Bell Advisors, LLC, a Delaware limited liability company,

Plaintiff-Appellant,

v.

American Family Mutual Insurance Company, a Wisconsin corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0063  
City and County of Denver District Court No. 16DR655  
Honorable Robert L. McGahey, Jr., Judge

In re the Marriage of

Rodrigo Flores Molina,

Appellant,

and

Ingrid Yadira Orellana Orellana,

Appellee.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,  
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)**

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Court of Appeals No. 17CA0111  
El Paso County District Court No. 14CR782  
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Lee Campen,

Defendant-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE VOGT\*  
Loeb, C.J., and Nieto\*, J., concur

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

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Court of Appeals No. 17CA0133  
City and County of Denver District Court No. 16CV30409  
Honorable Michael J. Vallejos, Judge

Louise Pryor, as sister and next of kin of the deceased, Paul Carney; Caleb Gordon, as son and next of kin of the deceased, Paul Carney; and Kyle Gordon, as son and next of kin of the deceased, Paul Carney,

Plaintiffs-Appellants,

v.

Rick Raemisch, in his official capacity as Executive Director of the Colorado Department of Corrections, and in his individual capacity; Kellie Wasko, in her official capacity as Deputy Executive Director of the Colorado Department of Corrections, and in her individual capacity; Steve Hagar, in his official capacity as Director of Prisons of the Colorado Department of Corrections, and in his individual capacity; Renae Jordan, in his official capacity as Director of Clinical and Correctional Services of the Colorado Department of Corrections, and in his individual capacity; Jay Kirby, in his official capacity as Inspector General of the Colorado Department of Corrections, and in his individual capacity; Rick Thompkiks, in his official capacity as Chief Human Resources Officer of the Colorado Department of Corrections, and in his individual capacity; John Hickenlooper, in his official capacity as Governor of the State of Colorado, and in his individual capacity; Dave Johnson, in his official capacity as Warden of the Denver Reception Diagnostic Center of the Colorado Department of Corrections, and in his individual capacity; Sean Foster, in his official capacity as Warden of the Arkansas Valley Correctional Facility of the Colorado Department of Corrections, and in his individual capacity; and Theodore L. Laurence, Physician's Assistant at the Arkansas Valley Correctional Facility, in his official and individual capacity,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 17CA0135  
El Paso County District Court No. 16CV100  
Honorable Jill M. Brady, Judge

Sylvia McRae,

Plaintiff-Appellant,

v.

JPMorgan Chase Bank, N.A. and Affiliates,

Defendant-Appellee.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 17CA0240  
Adams County District Court No. 09CR822  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcos Timothy Giron,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA0392  
Weld County District Court No. 15JV232  
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.S., T.S., M.S., and H.S., Children,

and Concerning R.A. and N.S.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0393  
Weld County District Court No. 16JV535  
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning R.A. and N.S.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0418  
Adams County District Court No. 15CR3477  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Artem Daniyelyan,

Defendant-Appellant.

APPEAL DISMISSED

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

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

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Court of Appeals No. 17CA0578  
City and County of Denver District Court No. 15DR1717  
Honorable Douglas R. Vannoy, Judge

In re the Marriage of

Lori A. Siler Restaino,

Petitioner,

and

John M. Restaino, Jr.,

Appellee,

and

Court-Appointed Receiver of the Restaino Law Firm, P.C.,

v.

Ferrer & Poirot, GP, d/b/a Ferrer, Poirot & Wansbrough,

Intervenor-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE FREYRE  
Bernard, J., concurs  
Berger, J., dissents

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

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Court of Appeals No. 17CA0585  
Park County District Court No. 15JV12  
Honorable Stephen A. Groome, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning K.C.P.,

Respondent-Appellant,

and K.L.M.,

Respondent-Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0597  
Pueblo County District Court No. 16CV30999  
Honorable Jill S. Mattoon, Judge

Andrews Produce Inc., d/b/a/ Andrews FoodService Systems, Inc.,

Plaintiff-Appellee,

v.

Ben E. Keith Company, a Texas company, and Candy Daniel,

Defendants-Appellants.

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

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

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

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Court of Appeals No. 17CA0695  
Weld County District Court No. 15JV172  
Honorable Warren T. Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.D. a Child,

and Concerning J.D.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0732  
Jefferson County District Court No. 16JV308  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.W-J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1660  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 19002-2017

Tabitha K. Campbell,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and CGI Technologies  
and Solutions, Inc.,

Respondents.

ORDER AFFIRMED

Division II  
Opinion by JUDGE NAVARRO  
Dailey and Lichtenstein, JJ., concur

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

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Court of Appeals No. 17CA2034  
City and County of Denver Probate Court No. 17MH1052  
Honorable Ruben M. Hernandez, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.L.,

Respondent-Appellant.

ORDER AFFIRMED

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

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

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**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. 16CA1129

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carne M. Mwangi,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

**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. 2017.