

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
November 15, 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

[2018COA156](#)

Court of Appeals No. [14CA2271](#)
Jefferson County District Court No. 13CR2847
Honorable Stephen M. Munsinger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Floyd Sandoval,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Terry and Fox, JJ., concur

[2018COA157](#)

Court of Appeals Nos. [15CA0342](#) & [15CA0531](#)
Jefferson County District Court Nos. 13JD285 & 13JD424
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.C.E-D.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Harris and Welling, JJ., concur

[2018COA158](#)

Court of Appeals No. [16CA0444](#)
El Paso County District Court No. 09CR254
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew James Ray,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE BERNARD
Hawthorne and Tow, JJ., concur

[2018COA159](#)

Court of Appeals No. [16CA1105](#)

Arapahoe County District Court No. 12CR1535

Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne Larue Jacobs,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE BERNARD
Hawthorne and Tow, JJ., concur

[2018COA160](#)

Court of Appeals No. [16CA2083](#)

Costilla County District Court Nos. 81CV5 & 81CV100005

Honorable Gaspar F. Perricone, Judge

Honorable Kenneth A. Plotz, Judge

Cielo Vista Ranch I, LLC; Jaroso Creek Ranch, LLC; and Western Properties Investors, LLC,

Defendants-Appellants and Cross-Appellees,

v.

Billy Alire, Willie Alire, Leonides Atencio, Robert Atencio, Frances D. Berggran-Buhrles, Zach Bernal, Jose Fred Carson, Emilio DeHerrera, Juan DeHerrera, Adeline Espinosa, Edward Espinosa, Elmer Manuel Espinoza, Margurito Espinoza, Pete E. Espinoza, Corpus Gallegos, Gloria Gallegos, Jose A. Gallegos, Moises Gallegos, Ruben Gallegos, Rupert Gallegos, Raymond Garcia, Richard J. Garcia, Robert Garcia, Manuel Gardunio, Ruben Herrera, Gilbert G. Herrera, Charlie Jacquez, Jr., J.R. Jaquez, Jeffrey Jaquez, Maria Jaquez, Adelmo Kaber, Juan Lacombe, Adolph J. Lobato, Bonifacio “Bonnie” Lobato, Carlos Lobato, Emilio Lobato, Jr., Eugene Lobato, Henry Lobato, Jose F. Lobato, Pete Lobato, Presentacion Lobato, Crucito Maes, Bert Maestas, Manuel Maestas, Norman Maestas, Raymond J. Maestas, Robert “Bobby” Maestas, Clorindo Martinez, David Martinez, Eugene Martinez, Hubert J. Martinez, Jesse Martinez, Jesse Martinez, Leonardo Martinez, Rosendo Martinez, Solestiano Martinez, Agatha Medina, Alfonso Medina, Cory Medina, Gilbert Medina, Leonardo Medina, Loyola Medina, Marvin Medina, Orry Medina, Raymond M. Medina, Gilbert “Andres” Montoya, Rudy Montoya, Willie Ray Montoya, Frank Olivas, Gurtrude C. Olivas, Shirley Romero Otero, Eppy Quintana, Apolinar Rael, Henry Rodriguez, Robert Romero, Bentura Roybal, Lucille Samelko, Anthony Sanchez, Bonnie Sanchez, Eugene Sanchez, Evan Sanchez, Frank Sanchez, Gerald Sanchez, James Sanchez, Jose G. Sanchez, Rufino Sanchez, S.R. Sanchez, Vernon Sanchez, Ronald A. Sandoval, Elesam Santistevan, Daniel Segura, Floyd R. Solan, Carolyn Taylor, Jose R. Torres, Arnold Valdez, Sam Valdez, Emejido Vialpando, Lawrence Vialpando, Martha Vialpando, Ervin L. Vigil, Joe P. Vigil, Larry J. Vigil, Manuel Vigil, Michael J. Vigil, Walter Vigil, David Cordova, Jerome Cordova, Matthew Cordova, Rodney Cordova, S. Raymond Cordova, Theresa Cordova, Isidro Gomez, Rosalie Gallegos, Mark Martinez, Daniel Martinez, Mike Martinez, Joseph Medina, Manuel Pacheco, Silas Pacheco, Julian Padilla, and Mary Renden,

Plaintiffs-Appellees and Cross-Appellants.

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

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

[2018COA161](#)

Court of Appeals No. [17CA1065](#)
Larimer County District Court No. 15PR30
Honorable Devin R. Odell, Judge

In re the Estate of Irene Mae Cloos, deceased.

Jean Ann Cloos,

Appellant,

v.

Drexel H. Cloos; and Joseph D. Findley, as Personal Representative of the
Estate of Irene Mae Cloos,

Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE RICHMAN
Berger and Kapelke*, JJ., concur

[2018COA162](#)

Court of Appeals No. [17CA1171](#)
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-922-618

Brian Nanez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Mechanical & Piping,
Inc.; and Pinnacol Assurance,

Respondents.

ORDER AFFIRMED

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

[2018COA163](#)

Court of Appeals No. [17CA2090](#)
El Paso County District Court No. 17JV1116
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.V.; Ma.M.; P.M., a/k/a P.P.; and Mo.M., a/k/a M.M-B.,
Children,

and Concerning M.M.,

Respondent-Appellant.

ORDERS REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2018COA164](#)

Court of Appeals No. [17CA2370](#)
Elbert County District Court No. 16DR30008
Honorable Robert Raymond Lung, Judge

In re the Parental Responsibilities Concerning W.F-L., a Child,

and Concerning Shaun Edward Lee,

Appellant,

and

Suzanne Jean Flagge,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TAUBMAN
Terry and Fox, JJ., concur

[2018COA165](#)

Court of Appeals No. [18CA0313](#)
Jefferson County District Court No. 15JV572
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.N., a Child

and Concerning A.N.,

Respondent-Appellant,

and Concerning A.F. & S.F.,

Intervenors-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE FOX
Taubman and Terry, JJ., concur

[2018COA166](#)

Court of Appeals No. [18CA0625](#)
Mesa County District Court No. 15CR591
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Shannon Deane Burke,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE WELLING
Bernard, J., concurs
Taubman, J., specially concurs

UNPUBLISHED OPINIONS

Court of Appeals No. 14CA2250
Jefferson County District Court No. 11CR1713
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Arthur Donovan,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BERNARD
Hawthorne and Tow, JJ., concur

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

Court of Appeals No. 15CA1084
Jefferson County District Court No. 14CR271
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rustin James Melphy,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA1086
Weld County District Court No. 14CR1202
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jorge Quintana, Jr.,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA0570
Jefferson County District Court Nos. 15CR145, 15CR1642 & 15CR1822
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Scott Waddell,

Defendant-Appellant.

SENTENCE AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE TOW
Hawthorne and Bernard, JJ., concur

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

Court of Appeals No. 16CA0979
Boulder County District Court No. 14CR1440
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Vincent Dunkum,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by CHIEF JUDGE LOEB
Davidson* and Márquez*, JJ., concur

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

Court of Appeals No. 16CA1513
Jefferson County District Court No. 15CR591
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Samuel Leibensperger,

Defendant-Appellant.

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

Division III
Opinion by JUDGE WEBB
Harris and Welling, JJ., concur

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

Court of Appeals No. 16CA1892
Weld County District Court No. 14CR1799
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Anthony Silva,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

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

Court of Appeals No. 16CA2033
Eagle County District Court No. 13CV30149
Honorable Frederick W. Gannett, Judge

Ronald L. Anderson,

Plaintiff-Appellee,

v.

J. Chris Lindgren, Julie Mazo, Lewis Mazo, and Lindgren Irrevocable
Grandchildren's Education Trust,

Defendants-Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA2038
El Paso County District Court No. 15CR5917
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesse Gene Sanchez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE DUNN
Furman and Freyre, JJ., concur

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

Court of Appeals No. 16CA2216
Arapahoe County District Court No. 02CR1533
Honorable Elizabeth Beebe Volz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Haki Muhammad,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Ashby and Nieto*, JJ., concur

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

Court of Appeals No. 17CA0426
Pitkin County District Court No. 16CV9
Honorable Christopher G. Seldin, Judge

Northern Trust Company, as Successor by Merger to Northern Trust Bank,
N.A.,

Plaintiff-Appellee,

v.

James Anthony St. Ville, as Trustee on Behalf of the James Anthony St. Ville
Revocable Trust,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE BERGER
Kapelke* and Márquez*, JJ., concur

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

Court of Appeals No. 17CA0887
Larimer County District Court No. 15DR30277
Honorable Gregory M. Lammons, Judge

In re the Parental Responsibilities Concerning K.S.L., a Child,
and Concerning Cori Rose Scott,

Appellant,

and

Joshua Lewis,

Appellee,

and

Larimer County Department of Social Services,

Intervenor.

JUDGMENT AFFIRMED IN PART
AND REVERSED IN PART

Division I
Opinion by JUDGE DAVIDSON*
Jones and Navarro, JJ., concur

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

Court of Appeals No. 17CA0949
Adams County District Court No. 16JV73
Honorable John E. Popovich, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.J.L.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FURMAN
Dunn and Freyre, JJ., concur

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

Court of Appeals No. 17CA0971
El Paso County District Court No. 16CV477
Honorable William B. Bain, Judge

Anthony Jolin Jimenez, Sr.,

Plaintiff-Appellant,

v.

Fourth Judicial District Attorney's Office; El Paso County, Colorado; City of
Colorado Springs, Colorado; Teller County, Colorado; City of Cripple Creek,
Colorado;

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Furman and Dunn, JJ., concur

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

Court of Appeals No. 17CA1168
Fremont County District Court No. 06CR274
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Grant Henry Stewart,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by CHIEF JUDGE LOEB
Davidson* and Márquez*, JJ., concur

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

Court of Appeals No. 17CA1217
City and County of Denver District Court No. 16DR30897
Honorable R. Michael Mullins, Judge

In re the Marriage of

Lauren Brookins,

Appellee,

and

Joshua Brookins,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FURMAN
Dunn and Freyre, JJ., concur

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

Court of Appeals No. 17CA1340
El Paso County District Court No. 14PR31274
Honorable Robin L. Chittum, Judge

In re the Matter of the Robert Clifton Holmes and Katheryn Shannon Holmes
Revocable Trust,

and

Helen Shannon Holmes-Ingwell,

Petitioner-Appellant,

v.

Robert Clifton Holmes, Jr., Trustee,

Respondent-Appellee.

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

Division III
Opinion by JUDGE WEBB
Harris and Welling, JJ., concur

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

Court of Appeals No. 17CA1523
La Plata County District Court No. 16JV8
Honorable William L. Herringer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.M.,

Respondent-Appellant,

and

R.B.,

Intervenor.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
Bernard and Tow, JJ., concur

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

Court of Appeals No. 17CA1630
City and County of Denver Juvenile Court No. 16JV291
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.T.J., a Child,

and Concerning T.M.J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DAVIDSON*
Loeb, C.J., and Márquez*, J., concur

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

Court of Appeals No. 17CA1961
City and County of Denver Juvenile Court No. 16JV1276
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.G.C., Jr. and D.L.G.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BERNARD
Hawthorne and Tow, JJ., concur

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

Court of Appeals No. 17CA2128
Douglas County District Court No. 17JV163
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.M.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0075
Boulder County District Court No. 13DR927
Honorable Andrew Hartman, Judge

In re the Parental Responsibilities Concerning A.H.M., a Child,

and Concerning David M. Huntley,

Appellee,

and

Mikayla Muth,

Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Ashby and Martinez, JJ., concur

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

Court of Appeals No. 18CA0233
Arapahoe County District Court No. 17CV32094
Honorable Charles M. Pratt, Judge

Laura Lynn Littleton,

Plaintiff-Appellant,

v.

Colorado Department of Revenue,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE DUNN
Furman and Freyre, JJ., concur

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

Court of Appeals No. 18CA0261
City and County of Denver Juvenile Court No. 17JD688
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.M.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE ASHBY
Dailey and Martinez*, JJ., concur

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

Court of Appeals No. 18CA0416
Arapahoe County District Court No. 16JV814
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.S., a Child,

and Concerning L.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE MÁRQUEZ*
Loeb, C.J., and Davidson, J., concur

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

Court of Appeals No. 18CA0472
Weld County District Court No. 16JV587
Honorable Elizabeth Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of B.B. and X.W., Children,

and Concerning T.F., a/k/a T.W-F.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE TOW
Hawthorne and Bernard, JJ., concur

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

Court of Appeals No. 18CA0856
Douglas County District Court No. 17JV157
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Furman and Dunn, JJ., concur

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

Court of Appeals No. 18CA1300
Mesa County District Court No. 18CR45
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Justin Walter Rieger,

Defendant-Appellee.

ORDER AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
Bernard and Tow, JJ., concur

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

Court of Appeals No. 18CA1348
Adams County District Court No. 99CR2124
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffery Ross Jenson,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUSTICE MARTINEZ*
Dailey and Ashby, JJ., concur

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

Court of Appeals No. 18CA1733
Pueblo County District Court No. 18MH52
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Nahum Smith,

Respondent-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FREYRE
Furman and Dunn, 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. 15CA0975

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clay Earl Hounshell,

Defendant-Appellant.

Prior Opinion Announced August 30, 2018, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 16CA0243

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raul Edgardo Febo,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals Nos. 16CA0428 & 16CA1863

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

and Concerning Kimberly Ann Nanke,

Appellee and Cross-Appellant,

and

Winston Harold Conkling,

Appellant and Cross-Appellee.

Petition for Rehearing DENIED

MODIFIED OPINIONS

Court of Appeals No. 15CA1612
El Paso County District Court No. 10CR3396
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Thomas Whitten,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Richman and Berger, JJ., concur

Opinion Modified
On the Court's Own Motion

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced November 1, 2018

Court of Appeals No. 15CA1989
Arapahoe County District Court No. 14CR2803
Honorable Elizabeth Beebe Volz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel A. Fougner,

Defendant-Appellant.

JUDGMENT AFFIRMED AND ORDER REVERSED

Division II
Opinion by JUDGE NIETO*
Dailey and Ashby, JJ., concur

Opinion Modified
On the Court's Own Motion

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced November 1, 2018

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2018.