

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
November 21, 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.

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA1267
Huerfano County District Court No. 14CR40
Honorable Claude W. Appel, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alan J. Jeppsen,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA1599
Arapahoe County District Court No. 14CR764
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Hunter Rost,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1872
Mesa County District Court No. 14CR845
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lee George McDonald,

Defendant-Appellant.

JUDGMENT AND ORDER 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. 16CA1212
Douglas County District Court No. 09CR767
Honorable Shay K. Whitaker, Judge
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kyle Steven Graff,

Defendant-Appellant.

ORDER AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 16CA1259
El Paso County District Court No. 15CR3929
Honorable Jann P. Dubois, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jasmine Renee Heald,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE J. JONES
Navarro and Davidson*, JJ., concur

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

Court of Appeals No. 16CA1411
Jefferson County District Court No. 88CR1400
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Vincent Lee Rivera,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE J. JONES
Navarro and Davidson*, JJ., concur

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

Court of Appeals No. 16CA1503
Jefferson County District Court No. 15JD505
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.J.S.,

Juvenile-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TERRY
Taubman and Fox, JJ., concur

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

Court of Appeals No. 17CA0203
Arapahoe County District Court No. 13CR2625
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sharod Victor Lamont Kindell,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0247
Adams County District Court No. 03CR2916
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Enriquez, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0274
Alamosa County District Court No. 15JV111
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning E.T.J.,

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. 17CA0400
City and County of Denver District Court No. 13CR306
Honorable Andrew P. McCallin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jude Montoya,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TERRY
Taubman and Fox, JJ., concur

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

Court of Appeals No. 17CA0605
Bent County District Court No. 15CV10
Honorable Mark A. MacDonnell, Judge

James Patton,

Plaintiff-Appellant,

v.

Executive Director, Colorado Department of Corrections; and Warden, Bent
County Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0622
Adams County District Court No. 16CR1004
Honorable Craig R. Welling, Judge
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ernest Joseph Tibbels,

Defendant-Appellant.

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

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

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

Court of Appeals No. 17CA1130
Weld County District Court No. 16CR1616
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Robert Faulkner,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1383
Douglas County District Court No. 16CR401
Honorable David J. Stevens, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Caleb James Horowitz,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1460
City and County of Denver District Court No. 09CV3252
Honorable Edward D. Bronfin, Judge
Honorable Catherine A. Lemon, Judge

Stresscon Corporation, a Colorado corporation,

Plaintiff-Appellee,

v.

Travelers Property Casualty Company of America, a Connecticut company,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA1607
City and County of Denver Juvenile Court No. 08JV2939
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.A.N., a/k/a L.A.C., a Child,

and Concerning L.M.B.,

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. 17CA1609
Weld County District Court No. 14CR803
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Chism,

Defendant-Appellant.

ORDER 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. 17CA1649
Boulder County District Court No. 17CV30233
Honorable Thomas F. Mulvahill, Judge

Caroline Erika Clark,

Petitioner-Appellant,

v.

Colorado Department of Revenue, Division of Motor Vehicles,

Respondent-Appellee.

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. 17CA1710
Jefferson County District Court No. 15DR165
Honorable Diego G. Hunt, Judge

In re the Marriage of

Taylor D. Ford,

Appellee,

and

Crystal E. Foltz, f/k/a Crystal E. Ford,

Appellant.

ORDER 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. 17CA1893
Fremont County District Court No. 15DR15
Honorable Robert Freeman, Magistrate

In re the Marriage of

Jackie Irean Plesinski, n/k/a Jackie Irean Mohr,

Appellee,

and

Stanley J. Plesinski,

Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 17CA1899
Jefferson County District Court No. 16DR30417
Honorable Lily W. Oeffler, Judge

In re the Marriage of

Karen Dye Kennedy,

Appellee,

and

Darrin Charles Kennedy,

Appellant.

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

Division V
Opinion by JUDGE BERGER
Román and Richman, JJ., concur

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

Court of Appeals No. 17CA1920
Adams County District Court No. 14JV257
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.K.M. and B.C.M., Children,

and Concerning L.C. and S.M.,

Respondents-Appellants,

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1984
Cheyenne County District Court No. 16DR3
Honorable Stanley A. Brinkley, Judge

In re the Marriage of

Sky Mae Pharo,

Appellee,

and

Tyson Todd Pharo,

Appellee,

and concerning Deanna Pharo,

Appellee,

and

Carrie H. Westbrook, Esq., and Law Firm of Cordell & Cordell, P.C.,

Attorney-Appellants.

APPEAL DISMISSED IN PART
AND ORDER REVERSED

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

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

Court of Appeals No. 17CA2182
City and County of Denver District Court No. 15CR2548
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan L. Hobbs,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA2204
Montrose County District Court No. 14DR30047
Honorable Mary E. Deganhart, Judge

In re the Marriage of

Benjamin Cornell Nielsen,

Appellee,

and

Laura Jean Nielsen, n/k/a Laura Jean Patrone,

Appellant.

JUDGMENT VACATED 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. 17CA2261
Mesa County District Court No. 17CV30132
Honorable Valerie J. Robison, Judge

Nancy Booz and Trish Hall,

Plaintiffs-Appellants,

v.

Mesa County Valley School District No. 51 and Board of Education of Mesa
County Valley School District No. 51,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE J. JONES
Navarro and Martinez*, JJ., concur

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

Court of Appeals No. 17CA2303
Boulder County District Court No. 17CV30937
Honorable Thomas F. Mulvahill, Judge

Jorgensen Estates, NUPUD, a Colorado Home Owner's Association, Inc., a
Colorado Nonprofit Corporation,

Petitioner-Appellant,

v.

LBS Farms LLC,

Respondent-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE NAVARRO
J. Jones and Davidson*, JJ., concur

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

Court of Appeals No. 18CA0162
El Paso County District Court No. 16JV317
Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.S-C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0181
Boulder County District Court No. 17CV30963
Honorable Patrick D. Butler, Judge

Spencer A. Renteria,

Plaintiff-Appellee,

v.

Regents of the University of Colorado,

Defendant-Appellant.

ORDER REVERSED 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. 18CA0317
Jefferson County District Court No. 17CV31976
Honorable Margie L. Enquist, Judge

Thomas Wetter,

Plaintiff-Appellant,

v.

Colorado Department of Revenue,

Defendant-Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE J. JONES
Navarro and Davidson*, JJ., concur

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

Court of Appeals No. 18CA0422
Weld County District Court No. 16JV752
Honorable Elizabeth Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of O.R.C.V., A.C.C.V., and L.A.C.V., Children,

and Concerning R.R.V.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0511
Douglas County District Court No. 17DR873
Honorable Christina Apostoli, Judge

In re the Marriage of

Jerome Krough,

Appellant,

and

Tatiana Krough,

Appellee.

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. 18CA0513
Arapahoe County District Court No. 16JV825
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.M.,

Respondent-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. 18CA0660
El Paso County District Court No. 17CV419
Honorable David A. Gilbert, Judge

Jason Pecci,

Plaintiff-Appellant,

v.

Colorado Department of Corrections,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE CASEBOLT*
Dailey and Nieto*, JJ., concur

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

Court of Appeals No. 18CA0700
El Paso County District Court No. 16JV1520
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.D.D.R., Jr. III, a Child,

and Concerning C.J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0730
Mesa County District Court No. 17JV181
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of U.R., a Child,

and Concerning B.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
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. 15CA1722

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John R. Oliver,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 17CA0618

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alex Collins West,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1503

Park Forest Care Center, Inc., a Colorado corporation,

Plaintiff-Appellee,

v.

City of Westminster, Colorado, a municipal corporation; and Tammy Hitchens,
in her official capacity as Finance Director of the City of Westminster,
Colorado,

Defendants-Appellants.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0710

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Travis Hodge,

Defendant-Appellee.

Petition for Rehearing DENIED

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