

*ANNOUNCEMENTS*  
*COLORADO COURT OF APPEALS*  
*April 5, 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**

[2018COA46](#)

Court of Appeals No. [15CA0413](#)  
Fremont County District Court No. 13CR376  
Honorable Patrick W. Murphy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Lee Fortson,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE LICHTENSTEIN  
Berger, J., specially concurs  
Webb, J., dissents

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[2018COA47](#)

Court of Appeals No. [15CA1175](#)  
Mesa County District Court No. 13CR1151  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roger Lee Short,

Defendant-Appellant.

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

Division II  
Opinion by JUDGE DAILEY  
Hawthorne, J., concurs  
Welling, J., specially concurs

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[2018COA48](#)

Court of Appeals No. [16CA0826](#)  
Arapahoe County District Court No. 15CR992  
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Wayne Henry,

Defendant-Appellant.

ORDER AFFIRMED

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

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[2018COA49](#)

Court of Appeals No. [17CA0405](#)

City and County of Denver District Court No. 15CV31295

Honorable Elizabeth A. Starrs, Judge

Preferred Professional Insurance Company,

Plaintiff-Appellee,

v.

The Doctors Company,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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[2018COA50](#)

Court of Appeals No. [17CA0952](#)

Arapahoe County District Court No. 16JV98

Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.Y. and J.O., Children,

and Concerning H.Y.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 14CA1225  
Arapahoe County District Court No. 13CR2039  
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jamale D. Townsell,

Defendant-Appellant.

JUDGMENT AND SENTENCES 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. 14CA2508  
Boulder County District Court No. 13CR1425  
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terry Romero,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE MÁRQUEZ\*  
Bernard and Berger, JJ., concur

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

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Court of Appeals No. 14CA2509  
Boulder County District Court No. 13CR1428  
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Geraldine Vodicka,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE MÁRQUEZ\*  
Bernard and Berger, JJ., concur

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

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Court of Appeals No. 15CA0020  
City and County of Denver District Court No. 13CR2791  
Honorable Bruce A. Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark A. Martinez,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE NAVARRO  
Dailey and Márquez\*, JJ., concur

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

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Court of Appeals No. 15CA0617  
Adams County District Court No. 14CR1465  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Israel Suarez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA1454  
El Paso County District Court No. 14CR1677  
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Alan McGuire,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division V  
Opinion by JUDGE ROMÁN  
Welling and Vogt\*, JJ., concur

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

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Court of Appeals No. 15CA1677  
Pitkin County District Court No. 14CR43  
Honorable Gail H. Nichols, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luis Santiago-Narvaez,

Defendant-Appellant.

JUDGMENT 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. 16CA0222  
Jefferson County District Court Nos. 08CR1439 & 08CR2280  
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jacob John Lahr,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE VOGT\*  
Román and Welling, JJ., concur

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

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Court of Appeals Nos. 16CA0285 & 16CA0286  
Mesa County District Court Nos. 15JD223 & 15JD250  
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

In the Interest of D.A.M.,

Juvenile-Appellant

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. 16CA0697  
Pueblo County District Court No. 14CR1999  
Honorable David W. Crockenberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rickey Raymond Armijo,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE VOGT\*  
Román and Welling, JJ., concur

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

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Court of Appeals No. 16CA0735  
Weld County District Court No. 14T2912  
Honorable Marcelo A. Kopcow, Judge  
Honorable John J. Briggs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alonso Ceballos, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE CARPARELLI\*  
Furman and Fox, JJ., concur

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

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Court of Appeals No. 16CA1323  
City and County of Denver District Court No. 01CR3654  
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn D. Allen,

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. 16CA1669  
Douglas County District Court No. 10CR298  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sean Burns,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1671  
El Paso County District Court No. 02CR1977  
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jarmel R. Gardner,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE WELLING  
Román and Vogt\*, JJ., concur

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

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Court of Appeals No. 16CA2121  
El Paso County District Court No. 15CR205  
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Allen Hadnot,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED IN PART,  
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. 16CA2249  
Fremont County District Court No. 16CV103  
Honorable Robert Freeman, Magistrate

Jeffrey Pursche,

Plaintiff-Appellant,

v.

Rick Raemisch, Executive Director of the Colorado Department of Corrections;  
Randy Lind, Warden of the Colorado Territorial Correctional Facility; Colorado  
State Board of Parole; Joe Morales; and Sex Offender Management Board,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE J. JONES  
Richman and Casebolt\*, JJ., concur

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

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Court of Appeals No. 17CA0450  
Arapahoe County District Court No. 97CR2688  
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Franklin D. Kemp,

Defendant-Appellant.

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

Division VI  
Opinion by JUDGE FOX  
Furman and Ashby, 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 Nos. 11CA1003 & 11CA1171

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcus Anthony Clouatre,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA0703

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Felix Jerry Reyes,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA1796

In re the Marriage of

Debra L. Murphy, n/k/a Debra L. Ortiz,

Appellee,

and

Scott Jeffrey Murphy,

Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA0019

Kathryn D. Meardon,

Plaintiff-Appellee,

v.

Freedom Life Insurance Company of American and Robert J. Pavese,

Defendants-Appellants.

Petition for Rehearing DENIED  
Bernard, J., would GRANT

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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.