

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 10, 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UNPUBLISHED OPINIONS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. 15CA0123
El Paso County District Court No. 14CR1083
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathaniel Lee Mancha,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0348
Teller County District Court No. 14CR54
Honorable Edward S. Colt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jessica Renay Buck,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE RICHMAN
Hawthorne, J., concurs
J. Jones, J., concurs in part and dissents in part

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

Court of Appeals No. 15CA0431
Adams County District Court No. 13CR46
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Webster Hughes,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA0558
Arapahoe County District Court No. 13CR2179
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Scott Holmes,

Defendant-Appellant.

JUDGMENT AND SENTENCE 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. 15CA1266
El Paso County District Court No. 14CR3308
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Parks,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE CASEBOLT*
Dunn and Welling, JJ., concur

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

Court of Appeals No. 15CA1863
Arapahoe County District Court No. 12CR106
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alexander Noel Garcia,

Defendant-Appellant.

JUDGMENT 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. 15CA1921
City and County of Denver District Court No. 14CR3153
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Qualls,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Terry and Tow, JJ., concur

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

Court of Appeals No. 16CA0351
El Paso County District Court No. 05CR634
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Mark Archuleta,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FOX
Plank* and Kapelke*, JJ., concur

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

Court of Appeals No. 16CA0600
Montezuma County District Court No. 15CR35
Honorable Douglas S. Walker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Lino Espinoza, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED 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. 16CA0853
Arapahoe County District Court No. 05CR667
Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Dean Tillery,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by CHIEF JUDGE LOEB
Nieto* and Rothenberg*, JJ., concur

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

Court of Appeals No. 16CA1463
Arapahoe County District Court No. 15CR1605
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Keith Rammage,

Defendant-Appellant.

SENTENCE 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. 16CA1607
City and County of Denver District Court No. 10CR3481
Honorable William D. Robbins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin M. Janicki,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE ASHBY
J. Jones and Harris, JJ., concur

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

Court of Appeals No. 16CA1838
El Paso County District Court No. 14CR5285
Honorable Marla R. Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Douglas Brian Bromberg,

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. 16CA1878
Weld County District Court No. 10DR1372
Honorable Elizabeth B. Strobel, Judge

In re the Marriage of

Todd William Lowe,

Appellant,

and

Aleta Sue Wagner Lowe,

Appellee.

ORDER AFFIRMED IN PART
AND REVERSED IN PART

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. 16CA2080
Boulder County District Court No. 16CV30148
Honorable Norma A. Sierra, Judge

Asimakis Iatridis,

Plaintiff-Appellant,

v.

American Family Mutual Insurance Company,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA2160
El Paso County District Court No. 14CV32124
Honorable David A. Gilbert, Judge

James Sheldon,

Plaintiff-Appellee,

v.

American Medical Response of Colorado, Inc., a Delaware corporation,
Defendant-Appellant.

-----AND-----

Court of Appeals No. 17CA0710
El Paso County District Court No. 14CV32124
Honorable David A. Gilbert, Judge

James Sheldon,

Plaintiff-Appellant,

v.

American Medical Response of Colorado, Inc., a Delaware corporation,
Defendant-Appellee.

JUDGMENT REVERSED, APPEAL DISMISSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WEBB
Terry and Tow, JJ., concur

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

Court of Appeals No. 17CA0127
Adams County District Court No. 16CR1594
Honorable Cindy H.t Dang, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ashley Marie Arguello,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE HARRIS
J. Jones, and Ashby, JJ., concur

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

Court of Appeals No. 17CA0476
Douglas County District Court No. 15DR279
Honorable Michael Spear, Judge

In re the Marriage of

Carie Mae Gaytan,

Appellee,

and

Alejandro Gaytan,

Appellant.

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

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

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

Court of Appeals No. 17CA0637
Jefferson County District Court No. 16CR1082
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clifford Roy Burns,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE NIETO*
Loeb, C.J., and Rothenberg*, J., concur

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

Court of Appeals No. 17CA0735
Larimer County District Court No. 17CV30068
Honorable Michelle Brinegar, Judge

Jerald Hagan,

Plaintiff-Appellant,

v.

Boston Derivatives LLC,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FOX
Plank* and Kapelke*, JJ., concur

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

Court of Appeals No. 17CA0813
Weld County District Court No. 14PR30734
Honorable Todd L. Taylor, Judge

In re the Estate of Tanya S. Olson, a/k/a Tanya S. Noller Olson, a/k/a Tanya Sharon Olson, f/k/a Tanya S. Noller, deceased.

Gregory Lee Olson,

Appellant,

v.

Heidi Morgan, as Personal Representative for the Estate of Tanya Sharon Olson,

Petitioner-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0832
City and County of Denver District Court No. 16CV31710
Honorable John W. Madden, IV, Judge

Mackey Holdings, LLC.,

Plaintiff-Appellant,

v.

Regional Transportation District, d/b/a RTD; Asset Acquisition Authority, Inc.,
d/b/a Fastracks; Herzog Contracting Corp; and Denver Transit Construction
Group, a joint venture,

Defendants-Appellees.

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. 17CA0861
Mesa County District Court No. 15CV30401
Honorable Brian J. Flynn, Judge

Carol Jozovich, individually and on behalf of the Estate of Michael Jozovich,

Plaintiff-Appellant,

v.

Western States Motel, d/b/a The Clarion Inn Grand Junction,

Defendant-Appellee.

ORDERS REVERSED IN PART, VACATED IN PART,
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. 17CA0934
Larimer County District Court No. 15JV346
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.B.N., a Child,

and Concerning P.J.A.,

Respondent-Appellant.

JUDGMENT 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. 17CA1188
Weld County District Court No. 16JV364
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning B.M.,

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. 17CA1900
Adams County District Court No. 16JV269
Honorable Priscilla Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.J.D.B., a Child,

and Concerning J.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE RICHMAN
Webb and Fox, JJ., concur

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

Court of Appeals No. 17CA2127
Industrial Claim Appeals Office of the State of Colorado
DD No. 871-2017

CMH Civil, LLC,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Francisco Serna
Gonzales,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Dunn and Tow, JJ., concur

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

Court of Appeals No. 18CA0012
Industrial Claim Appeals Office of the State of Colorado
DD No. 29130-2017

Jose Luis Quiroz,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Environmental
Logistics Inc.,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE DUNN
Dailey and Tow, JJ., concur

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

Court of Appeals No. 18CA0258
Industrial Claim Appeals Office of the State of Colorado
DD No. 27552-2017

Ellen M. Salz,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and American
Furniture Warehouse Co.,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE TOW
Dailey 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. 14CA1225

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jamale D. Townsell,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA1454

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Alan McGuire,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA1868

In re the Marriage of

Richard Frank Kent,

Appellant,

and

Jill Susan Kent,

Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA1906

The People of the State of Colorado,

Plaintiff-Appellee,

v.

LeRoy Arlen Wallace,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA0458

Citibank, N.A., as Trustee for the Certificateholders of the Bear Stearns Alt-A
Trust 2007-1 Mortgage Pass Through Certificates, Series 2007-1,

Plaintiff-Appellee,

v.

B. Michael Henkel and Christine Henkel,

Defendants-Appellants.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA0466

Ronald Jennings Fogle,

Plaintiff-Appellant,

v.

John W. Hickenlooper, in his official capacity as Governor of the State of
Colorado,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1089

Laurie Nakauchi,

Plaintiff-Appellant,

v.

Alvin Tafoya, in his official capacity as Director of Child Support Services for Jefferson County, Colorado; Yvette Gallegos, in her official capacity as an employee of Child Support Services; Larry Desbien, in his official capacity as state Director of Colorado Child Support Services; Reggie Bicha, in his official capacity as Executive Director of the Colorado Department of Human Services;

Defendants-Appellees.

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.