

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 8, 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

[2018COA12](#)

Court of Appeals No. [14CA0144](#)
Mesa County District Court No. 11CR447
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Floyd Trujillo,

Defendant-Appellant.

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

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

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

Prior Opinion Announced January 25, 2018 WITHDRAWN

[2018COA13](#)

Court of Appeals No. [15CA0170](#)
El Paso County District Court No. 14CR2764
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne Jared Van Meter,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

[2018COA14](#)

Court of Appeals No. [16CA1383](#)
Boulder County District Court No. 14CV30542
Honorable Norma A. Sierra, Judge

Deborah Danko,

Plaintiff-Appellee and Cross-Appellant,

v.

David J. Conyers, M.D.,

Defendant-Appellant and Cross-Appellee.

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

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

[2018COA15](#)

Court of Appeals Nos. [16CA1521](#) & [17CA0066](#)
Mesa County District Court No. 11CV4626
Honorable Thomas M. Deister, Judge

Samuel A. Marso and Audrey S. Marso,

Plaintiffs-Appellants,

v.

Homeowners Realty, Inc., d/b/a Coldwell Banker Home Owners Realty, Inc.,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2016COA16](#)

Court of Appeals No. [16CA1522](#)

Colorado Office of Administrative Courts No. OS2016-0005

Campaign Integrity Watchdog, LLC,

Petitioner-Appellant,

v.

Colorado Citizens Protecting our Constitution,

Respondent-Appellee,

and

Colorado Secretary of State,

Intervenor-Appellee.

ORDER AFFIRMED

Division VII

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

[2018COA17](#)

Court of Appeals No. [16CA1864](#)

City and County of Denver District Court No. 15CV31252

Honorable Ross B. Buchanan, Judge

Daniel Brunson,

Plaintiff-Appellant,

v.

Colorado Cab Company, LLC, and Shamrock Charters, Inc.,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I

Opinion by JUDGE LICHTENSTEIN
Taubman and Kapelke*, JJ., concur

[2018COA18](#)

Court of Appeals No. [17CA0043](#)

El Paso County District Court No. 16CV32101

Honorable Michael P. McHenry, Judge

Save Cheyenne, a Colorado non-profit corporation,

Plaintiff-Appellant,

v.

The City of Colorado Springs, Colorado; the City Council of the City of Colorado Springs; John W. Suthers, in his official capacity as the Mayor of the City of Colorado Springs; and Ronn Carlentine, in his official capacity as the Real Estate Services Manager of the City of Colorado Springs,

Defendants-Appellees,

and

Manitou and Pike's Peak Railway Company; COG Land & Development Company; PF, LLC; and Broadmoor Hotel, Inc.,

Intervenors-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE TERRY
Webb and Graham, JJ., concur

[2018COA19](#)

Court of Appeals No. [17CA0322](#)

Industrial Claim Appeals Office of the State of Colorado
WC No. 4-974-821

Myra Montoya,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Ethan Allen Retail,
Inc.; and Travelers Indemnity Company,

Respondents.

ORDER SET ASIDE AND CASE
REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 14CA1643
Pitkin County District Court No. 13CR33
Honorable Gail H. Nichols, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Peter Bruno Nardi,

Defendant-Appellant.

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

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

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

Court of Appeals No. 14CA2014
Arapahoe County District Court No. 12CR2790
Honorable Michelle A. Amico, Judge
Honorable Christopher C. Cross, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shanda F. Shumpert,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
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. 15CA0618
El Paso County District Court No. 08CR1501
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Afrow Spade Stidham,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

Court of Appeals No. 15CA0742
City and County of Denver District Court No. 14CR2761
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cristian Ulises Nunez-Leyva,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1035
Boulder County District Court No. 14CR1295
Honorable Thomas Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Lee Broce,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1214
Douglas County District Court Nos. 92CR96 & 92CR209
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Bueno,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA1261
Adams County District Court No. 14CR1841
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lynard Derick Jaramillo,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA0060
Pueblo County District Court No. 07DR1039
Honorable C. Vincent Phelps, Judge

In re the Marriage of

Marion Summers,

Appellee,

and

Fritz Sturges,

Appellant,

and Concerning Michael W. Baty,

Attorney-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)

Court of Appeals No. 16CA0264
City and County of Denver District Court No. 13CR4662
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Joseph Aurelio,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0691
Mesa County District Court No. 10CR682
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justyn E. Tyme,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA1185
El Paso County District Court No. 15CR1946
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kaminski Kuatrel Lee,

Defendant-Appellant.

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. 17CA0010
El Paso County District Court No. 02CR3651
Honorable Jann P. Dubois, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Christian Luna,

Defendant-Appellant.

ORDER VACATED

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

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

Court of Appeals No. 17CA0346
Office of Administrative Courts
Case No. 2016-0221

Douglas E. Ikeler,

Plaintiff-Appellant,

v.

Colorado State Board of Veterinary Medicine,

Defendant-Appellee.

APPEAL DISMISSED

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. 17CA0390
Kit Carson County District Court No. 16JV9
Honorable Kevin L. Hoyer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.B. and S.J.B., Jr., Children,

and Concerning S.B. and C.B.,

Respondents-Appellants.

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

Division V
Opinion by JUDGE ROMÁN
Navarro and Ashby, JJ., concur

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

Court of Appeals No. 17CA0485
Pueblo County District Court No. 16CV30634
Honorable Allison P. Ernst, Judge

Kalysta Djuric-Upton,

Plaintiff-Appellant,

v.

Jeff Chostner, in his official capacity as the District Attorney for the 10th
Judicial District, Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE TERRY
Webb and Márquez*, JJ., concur

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

Court of Appeals No. 17CA0985
City and County of Denver Juvenile Court No. 16JV1711
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.W.P., a Child,

and Concerning A.N.C. and H.F.P.,

Respondents-Appellants.

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)

Court of Appeals No. 17CA1861
Industrial Claim Appeals Office of the State of Colorado
DD No. 13087-2017

Gary Rodriguez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Magnolia Road,
Inc.,

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE CARPARELLI*
Loeb, C.J., and Rothenberg*, J., concur

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

Court of Appeals No. 17CA2192
Arapahoe County District Court No. 17MH696
Honorable Harold C. Hurst, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Shnelle Angela Woodard,

Respondent-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA2253
City and County of Denver Probate Court No. 17MH924
Honorable Ruben M. Hernandez, Magistrate

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Michael Perry Finney,

Respondent-Appellant.

ORDERS AFFIRMED

Division V
Opinion by JUDGE WELLING
Román 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. 14CA0800

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bruce Joseph Nozolino,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 14CA1336

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jennifer L. Lewis,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 16CA1201

In re the Estate of Erich Paul Halbig, a/k/a Erich P. Halbig, deceased.

Roxanne Halbig, a/k/a Roxanne Servin,

Appellant,

and

Randall M. Willard and Robert Phillips, Jr.,

Attorneys-Appellants,

v.

Jacqueline Halbig von Schleppenbach and Nicole Halbig Hedrick,

Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA2238

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.L. and A.L., Children,

and Concerning L.L. and K.L.,

Respondent-Appellants.

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. 2017.