

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 1, 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UNPUBLISHED OPINIONS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. 13CA0453
City and County of Denver District Court No. 12CR1562
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stephen J. Ahuero,

Defendant-Appellant.

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

Division I
Opinion by JUDGE BERGER
Loeb, C.J., and Taubman, J., concur

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

Court of Appeals No. 14CA0137
Arapahoe County District Court No. 12CR2558
Honorable Christopher C. Cross, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Elvira Vasquez-Castorena,

Defendant-Appellant.

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

Division I
Opinion by JUDGE CASEBOLT*
Taubman and Dunn, JJ., concur

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

Court of Appeals No. 14CA0477
City and County of Denver District Court No. 12CR2934
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Aguilar-Sanchez,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 14CA0963
El Paso County District Court No. 13CR1179
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clayton Horst Schaner,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 14CA1097
City and County of Denver District Court No. 12CR1154
Honorable John W. Madden, IV, Judge
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon D. Campbell,

Defendant-Appellant.

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

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

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

Court of Appeals No. 14CA1333
Jefferson County District Court No. 13CR2304
Honorable Stephen M. Munsinger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Howard Miller,

Defendant-Appellant.

JUDGMENT REVERSED 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. 14CA1539
Arapahoe County District Court No. 13CR540
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tony Montoya,

Defendant-Appellant.

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

Division V
Opinion by JUDGE DUNN
Román and Welling, JJ., concur

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

Court of Appeals No. 14CA1792
Adams County District Court No. 13CR1602
Honorable Thomas Richard Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Jesse Rattler,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA0354
Adams County District Court No. 10CR274
Honorable John E. Popovich, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Muniz,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0866
City and County of Denver District Court No. 14CR3699
Honorable Ann B. Frick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leopoldo J. Maes,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0889
El Paso County District Court No. 13CR3894
Honorable Scott A. Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew James Marsh,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Booras and Harris, JJ., concur

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

Court of Appeals No. 15CA1653
City and County of Denver District Court No. 02CR4294
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Phillip Board,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0665
Douglas County District Court No. 12DR1089
Honorable Michael J. Spear, Judge

In re the Marriage of

Frank Steven Mango,

Appellant,

and

Gyorgyike Ibolya Hamvas,

Appellee.

ORDERS 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. 16CA0905
Boulder County District Court No. 15CR891
Honorable Patrick D. Butler, Judge
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Robbins,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1276
El Paso County District Court No. 09DR5153
Honorable Jill M. Brady, Judge

In re the Marriage of

Joseph M. Howard,

Appellee,

and

Catherine J. Marion, f/k/a Catherine J. Howard,

Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Booras and Harris, JJ., concur

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

Court of Appeals No. 16CA1291
Arapahoe County District Court No. 11CV2209
Honorable Christopher C. Cross, Judge

Tae Young Hur,

Plaintiff-Appellant and Cross-Appellee,

and

Jaehoon James Lee,

Plaintiff-Appellee and Cross-Appellant,

v.

Sang Don Han and HLK Investments LLC,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1428
Adams County District Court No. 06CR2218
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jay Winterburn,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA1568
Pueblo County District Court No. 16CR1203
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Apolinar Paul Joseph Martinez,

Defendant-Appellant.

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

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

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

Court of Appeals No. 16CA1624
El Paso County District Court No. 15CV3
Honorable Jill M. Brady, Judge

Daniel C. Zook,

Plaintiff-Appellant,

v.

El Paso County Retirement Plan,

Defendant-Appellee.

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. 16CA1629
Pueblo County District Court Nos. 15CR1564 & 16CR540
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Arthur Martinez,

Defendant-Appellant.

SENTENCES 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. 16CA1794
Douglas County District Court No. 12DR1089
Honorable Michael J. Spear, Judge

In re the Marriage of

Frank Steven Mango,

Appellant,

and

Gyorgyike Ibolya Hamvas,

Appellee.

ORDERS 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. 16CA2209
City and County of Denver District Court No. 15CV31694
Honorable Robert L. McGahey, Jr., Judge

Colorado Airport Parking, LLC, d/b/a USAirport Parking; CFS 2907 Denver, LLC, d/b/a The Parking Spot,

Plaintiffs-Appellants,

v.

Department of Aviation of the City and County of Denver; and Kim Day, in her official capacity as Manager of Aviation,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA2255
Mesa County District Court No. 12CR116
Honorable David A. Bottger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Federico Lerma,

Defendant-Appellant.

ORDER 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. 17CA0069
Pueblo County District Court No. 14PR30152 & 14PR30194
Honorable Jill S. Mattoon, Judge

In re the Estate of Lester I. McLaughlin, a/k/a Lester Ivel McLaughlin, a/k/a
Lester McLaughlin, deceased.

Leslie J. Leonard and Daryl Kirk McLaughlin,

Petitioners-Appellants,

v.

Kendra M. Oyen,

Appellee,

and

Kathryn Y. Scott-McLaughlin,

Intervenor-Appellee.

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

Division V
Opinion by JUDGE DUNN
Román and Welling, JJ., concur

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

Court of Appeals No. 17CA0264
Larimer County District Court No. 03CR158
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason P. Clausen,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0414
Colorado State Personnel Board Case No. 2016B069

Danny Rome,

Petitioner-Appellant,

v.

University of Colorado at Colorado Springs,

Respondent-Appellee,

and

State Personnel Board,

Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0518
City and County of Denver District Court No. 17CV30037
Honorable A. Bruce Jones, Judge

Clark Pyles,

Plaintiff-Appellee,

v.

City and County of Denver, Colorado; and Denver Department of Public Works,
Defendants-Appellants.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA0555
El Paso County District Court No. 16JV8
Honorable Linda M. Billings-Vela, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.J.,

Respondent-Appellant.

JUDGMENT 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. 17CA0568
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-978-510

Sinke Mulgeta,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, ISS Facility Services,
Inc., and XL Specialty Insurance Company,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE DUNN
Román and Welling, JJ., concur

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

Court of Appeals No. 17CA0607
Montezuma County District Court No. 15JV9
Honorable Douglas S. Walker, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.R.B., S.B.B., and K.B.B., Children,

and Concerning T.L.B. and S.A.S.,

Respondents-Appellants.

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. 17CA1105
Weld County District Court No. 16JV386
Honorable Douglas R. Vannoy, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Z.B., a/k/a Z.S., a Child,

and Concerning J.S. and D.B.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1113
Adams County District Court No. 16JV176
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning S.M. and B.N.P.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1178
Larimer County District Court Nos. 16CV31129 & 16CV31130
Honorable Devin R. Odell, Judge

Poudre School District R-1,

Plaintiff-Appellee,

v.

Eric Sutherland,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1491
Industrial Claim Appeals Office of the State of Colorado
DD No. 9469-2017

Kenneth R. Kent,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Social Security
Administration,

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE ROTHENBERG*
Loeb, C.J., and Carparelli*, J., 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. 14CA0832

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Wilson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA0745

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lawrence M. Hart,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA1604

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Irving Watson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA2169

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emmitt James Compito,

Defendant-Appellant.

Petition for Rehearing DENIED
Lichtenstein, J., would GRANT

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

Court of Appeals No. 16CA0778

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terry Eugene Owen,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA1160

Selma Eikelenboom,

Plaintiff-Appellee,

v.

Leigh Ann Jordan,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA2050

Myles Sherman and Terrell Sherman,

Plaintiffs-Appellees,

v.

Terry K. Vickery and TKV Consulting, a/k/a TKV Consulting, Inc.,

Defendants-Appellants.

Petition for Rehearing DENIED
Carparelli*, J., would GRANT

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

Court of Appeals No. 17CA1775

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Robert Lewis Dear, Jr.,

Respondent-Appellant.

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.