

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
September 20, 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

[2018COA131](#)

Court of Appeals No. [15CA0210](#)
Chaffee County District Court No. 13CR113
Honorable Charles M. Barton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Joseph Aldridge,

Defendant-Appellant.

JUDGMENT AND SENTENCE REVERSED
AND CASE REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TAUBMAN
Bernard and Welling, JJ., concur

[2018COA137](#)

Court of Appeals No. [15CA1912](#)

City and County of Denver District Court No. 14CR6405

Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Michael Koper,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE CASEBOLT*
Bernard and Welling, JJ., concur

[2018COA138](#)

Court of Appeals No. [17CA0130](#)

Weld County District Court Nos. 16JD123, 16JD124 & 16JD141

Honorable Randall C. Lococo, Magistrate

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.V.,

Juvenile-Appellant.

ORDERS AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Terry and Navarro, JJ., concur

[2018COA139](#)

Court of Appeals No. [17CA0782](#)
Pueblo County District Court No. 04CR2139
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Loren A. Chavez,

Defendant-Appellant.

ORDER VACATED

Division IV
Opinion by JUDGE BERGER
Loeb, C.J., and Hawthorne, J., concur

[2018COA140](#)

Court of Appeals No. [17CA0851](#)
Kit Carson County District Court No. 16CV30032
Honorable Kevin L. Hoyer, Judge

Matthew Schulte,

Petitioner-Appellant,

v.

Colorado Department of Revenue, Division of Motor Vehicles,

Respondent-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE BERNARD
Welling and Casebolt*, JJ., concur

[2018COA141](#)

Court of Appeals No. [17CA0991](#)
Mesa County District Court No. 15CV30729
Honorable Lance P. Timbreza, Judge

Maria Herrera,

Plaintiff-Appellant,

v.

Leo Lerma,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE HAWTHORNE
Berger and Miller*, JJ., concur

[2018COA142](#)

Court of Appeals No. [17CA1111](#)
City and County of Denver District Court No. 14CV33937
Honorable A. Bruce Jones, Judge

Digital Landscape Inc.,

Plaintiff-Appellant,

v.

Media Kings LLC,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE BERNARD
Taubman and Welling, JJ., concur

[2018COA143](#)

Court of Appeals No. [17CA1295](#)
Douglas County District Court No. 14DR30238
Honorable Michael Spear, Judge

In re the Marriage of

Steven R. Durie,

Appellee,

and

Kelly J. Durie, n/k/a Kelly J. Simmerman,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TAUBMAN
Welling and Kapelke*, JJ., concur

[2018COA144](#)

Court of Appeals No. [17CA1672](#)
Routt County District Court No. 16CV30055
Honorable Shelley A. Hill, Judge

Andres Trucking Company,

Plaintiff-Appellant,

v.

United Fire and Casualty Company,

Defendant-Appellee.

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

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

[2018COA145](#)

Court of Appeals No. [17CA2147](#)

Industrial Claim Appeals Office of the State of Colorado
DD No. 16040-2017

Dos Almas LLC,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance Employer Audits,

Respondents.

ORDER AFFIRMED

Division IV
Opinion by CHIEF JUDGE LOEB
Hawthorne and Berger, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA0412
City and County of Denver District Court No. 14CR1727
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hamdi D. Neamah,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FURMAN
Román and Lichtenstein, JJ., concur

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

Court of Appeals No. 15CA1543
Jefferson County District Court No. 14CR1464
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maksim Khamov,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART
AND VACATED IN PART

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

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

Court of Appeals No. 15CA2080
Douglas County District Court No. 98CR242
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Russell Smith,

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. 16CA0005
Jefferson County District Court No. 15CR1053
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rosario Ramiro Jacobo-Villegas,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED IN PART,
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. 16CA0909
Mesa County District Court No. 15CR387
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jon Michael Gerber,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE BERGER
Loeb, C.J., and Hawthorne, J., concur

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

Court of Appeals No. 16CA1264
Arapahoe County District Court No. 09CR2947
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jennifer Erin Roth,

Defendant-Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 16CA1538
City and County of Denver District Court No. 06CR10482
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Orlando Rollie,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE BERNARD
Taubman and Welling, JJ., concur

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

Court of Appeals No. 16CA1831
Mesa County District Court No. 06CR1028
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff Appellee,

v.

Jerod Lance Wade,

Defendant Appellant.

APPEAL DISMISSED

Division I
Opinion by CHIEF JUDGE LOEB
Márquez* and Casebolt*, JJ., concur

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

Court of Appeals No. 16CA1997
El Paso County District Court No. 05CR3776
Honorable G. David Miller, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Nicholls,

Defendant-Appellant.

ORDER 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. 16CA2099
City and County of Denver District Court Nos. 08CR3686, 09CR3687 &
08CR3688
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Acree,

Defendant-Appellant.

JUDGMENT 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. 17CA0124
El Paso County District Court No. 15DR31687
Honorable Marla R. Prudek, Judge

In re the Marriage of

Dawn A. Bornitz,

Appellee,

and

Nathan A. Bornitz,

Appellant.

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

Division IV
Opinion by JUDGE BERGER
Hawthorne and Miller*, JJ., concur

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

Court of Appeals No. 17CA0326
Douglas County District Court No. 13CR633
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Andrew Manjarrez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE HAWTHORNE
Loeb, C.J., concurs
Berger, J., specially concurs

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

Court of Appeals No. 17CA0376
Arapahoe County District Court No. 15JV849
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.E.L. and M.J.T.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Harris and Welling, JJ., concur

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

Court of Appeals No. 17CA0946
El Paso County District Court No. 15DR30186
Honorable Eric Bentley, Judge

In re the Marriage of

Teresa A. Maxon, a/k/a Teresa A. Fitts,

Appellant,

and

John M. Fitts,

Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA1098
Adams County District Court No. 15CR3894
Honorable Thomas Richard Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos Daniel Candelaria II,

Defendant-Appellant.

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

Division VI
Opinion by JUDGE FREYRE
Furman and Dunn, JJ., concur

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

Court of Appeals No. 17CA1336
Boulder County District Court No. 16CV30126
Honorable Norma A. Sierra, Judge

Boulder and White Rock Ditch and Reservoir Company,

Plaintiff-Appellee and Cross-Appellant,

v.

Niall O'Toole; Mary Anne Carroll; Renala Condominium Association, Inc.; and
Thomas J. McWilliams,

Defendants-Appellants and Cross-Appellees.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA1501
El Paso County District Court No. 13DR374
Honorable Marla Prudek, Judge

In re the Marriage of

Dawn E. Carlson,

Appellant,

and

Charles Richard Gray,

Appellee.

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. 17CA1619
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-889-298

Allen Villegas,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Denver Water, and
Travelers Indemnity Company,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA1684
Eagle County District Court No. 11DR120
Honorable Russell H. Granger, Judge

In re the Marriage of

Mary Vlaar,

Appellee,

and

Hans Vlaar,

Appellant.

ORDER 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. 17CA1692
El Paso County District Court No. 12CR4396
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan VanLue,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

Court of Appeals No. 17CA1881
City and County of Denver Probate Court No. 11PR2201
Honorable Elizabeth D. Leith, Judge

In the Matter of Charles Craft Trust,

and

Ronald Craft,

Appellant,

v.

Melissa R. Schwartz, in her capacity as Successor Trustee of the Charles Craft Trust,

Appellee.

ORDER 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. 17CA2404
Arapahoe County District Court Nos. 16JV336 & 16JV1169
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of H.S. and Z.S., Children,

and Concerning N.T-S.,

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. 18CA0061
Mesa County District Court No. 10DR1019
Honorable Gretchen B. Larson, Judge

In re the Marriage of

Heidi Marie Fay,

Appellee,

and

Benjamin D. Fay,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0093
Adams County District Court Nos. 92CR716 & 92CR718
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wesley James Marymee,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE MÁRQUEZ*
Loeb, C.J., and Casebolt*, J., concur

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

Court of Appeals No. 18CA0111
Douglas County District Court No. 17DR673
Honorable Gary M. Kramer, Judge

In re the Marriage of

Stephen D. Chamberlain,

Appellant,

and

Judith C. Chamberlain,

Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Furman and Dunn, JJ., concur

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

Court of Appeals No. 18CA0305
Mesa County District Court No. 16JV379
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.J.H., a Child,

and Concerning J.L.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE CASEBOLT*
Loeb, C.J., and Márquez*, J., concur

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

Court of Appeals No. 18CA0451
City and County of Denver Juvenile Court No. 16JV190
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.E.M. and J.A.M-C., Children,

and Concerning M.R.M-J., a/k/a M.R.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE TOW
Hawthorne and Bernard, JJ., concur

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

Court of Appeals No. 18CA0611
Industrial Claim Appeals Office of the State of Colorado
DD No. 13963-2017

Michael M. Kiley,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Jefferson County
School District No. R-1,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA1356
City and County of Denver Probate Court No. 18MH132
Honorable Beth A. Tomerlin, Magistrate

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of

Jessica A. Kawanabe,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE FOX
Webb and Richman, 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. 16CA1467

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daud Ali Mohamed,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1099

Jeannene Marlice Page,

Plaintiff-Appellee,

v.

Brett Lang Abernathy,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1604

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Adam Wells,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1634

James M. Bertolo,

Plaintiff-Appellant,

v.

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

Defendants-Appellees.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

Court of Appeals No. 17CA1604

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Adam Wells,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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