

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
October 4, 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

[2018COA146](#)

Court of Appeals No. [15CA1722](#)

City and County of Denver District Court No. 14CR4171

Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John R. Oliver,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2018COA147](#)

Court of Appeals No. [17CA1605](#)
Jefferson County District Court No. 16CV30877
Honorable Laura A. Tighe, Judge

Big Sur Waterbeds, Inc.; Denver Mattress Company, LLC; and Sofa Mart, LLC,
Plaintiffs-Appellees,

v.

City of Lakewood, Colorado; and Larry Dorr, in his official capacity as Finance
Director of the City of Lakewood, Colorado,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
J. Jones and Kapelke*, JJ., concur

[2018COA148](#)

Court of Appeals No. [17CA1663](#)
El Paso County District Court No. 17CV30105
Honorable Eric Bentley, Judge

Town of Monument, a statutory municipality of the State of Colorado,
Plaintiff-Appellant,

v.

State of Colorado, by and through the State Board of Land Commissioners;
Forest View Company; and Raymond Decker,

Intervenors-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE J. JONES
Ashby and Harris, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 10CA1987
Jefferson County District Court No. 09CR2154
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kalani Opana,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE ROTHENBERG*
Furman and Terry, JJ., concur

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

Court of Appeals No. 15CA0169
City and County of Denver District Court No. 13CR20004
Honorable Elizabeth A. Starrs, Judge
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Nathan Scott,

Defendant-Appellant.

JUDGMENT 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. 15CA0519
El Paso County District Court No. 13CR4082
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daijwan Tommy Jones,

Defendant-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. 16CA0381
Douglas County District Court No. 15CR94
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Garrett Dean Neugebauer,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals Nos. 16CA0428 & 16CA1863
City and County of Denver District Court No. 15DR30554
Honorable David H. Goldberg, Judge

In re the Parental Responsibilities Concerning W.C., a Child,
and Concerning Kimberly Ann Nanke,
Appellee and Cross-Appellant,
and
Winston Harold Conkling,
Appellant and Cross Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FURMAN
Dunn and Freyre, JJ., concur

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

Court of Appeals No. 16CA0653
Arapahoe County District Court No. 14CR1984
Honorable Frederick Martinez, Judge

The People of the State of Colorado,
Plaintiff-Appellee,
v.
Amin Anwar El-Howeris,
Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1744
Adams County District Court No. 15CR1574
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Antonio Marcus Arbogast,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE J. JONES
Navarro and Miller*, JJ., concur

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

Court of Appeals No. 17CA0618
Arapahoe County District Court No. 15CR1191
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alex Collins West,

Defendant-Appellant.

JUDGMENT AND SENTENCE 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. 17CA0798
Jefferson County District Court No. 16JV589
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning R.J.T. and L.P.,

Respondents-Appellants.

JUDGMENT 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. 17CA1033
City and County of Denver District Court No. 16CV30620
Honorable Robert L. McGahey, Jr., Judge

Dora T. Vasquez,

Plaintiff-Appellant,

v.

Maira E. Amaya,

Defendant-Appellee.

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. 17CA1416
Pueblo County District Court No. 11CV490
Honorable Jill S. Mattoon, Judge

Rita A. Nesbitt, as trustee of the Rita A. Nesbitt Trust,

Petitioner-Appellant,

v.

Kathryn Y. Scott, Rodney A. Scott, and Vicki K. Scott,

Respondents-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE FOX
Taubman and Terry, JJ., concur

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

Court of Appeals No. 17CA1541
City and County of Denver District Court No. 16CV33943
Honorable Michael J. Vallejos, Judge

Chuck O. Egbune,

Plaintiff-Appellant,

v.

Benson & Case, LLP, a/k/a EvansCase LLP, and Aaron Evans,

Defendants-Appellees.

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

Division VI
Opinion by JUDGE DUNN
Furman and Freyre, JJ., concur

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

Court of Appeals No. 17CA1679
Mesa County District Court No. 15CV30432
Honorable Brian J. Flynn, Judge

Jill Burke, individually and as next of friend of Cambree Staidl, a minor,
Plaintiff-Appellant,

v.

Dylan McKenney and Sandra McKenney,
Defendants-Appellees.

JUDGMENT AFFIRMED IN PART, REVERSED 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. 17CA1810
City and County of Denver District Court No. 15CV30126
Honorable Elizabeth A. Starrs, Judge

Joshua Hurlock,
Plaintiff-Appellee and Cross-Appellant,

v.

A and A Quality Appliance, Inc., d/b/a Appliance Factory Outlet and
Mattresses, a Colorado corporation,

Defendant-Appellant and Cross-Appellee.

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

Division VII
Opinion by JUDGE J. JONES
Navarro and Miller*, JJ., concur

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

Court of Appeals No. 18CA0512
Industrial Claim Appeals Office of the State of Colorado
DD No. 33907-2017

Nikki L. Espinoza,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and National Driver
Training Denver Inc.,

Respondents.

ORDER AFFIRMED

Division VI
Opinion by JUDGE DUNN
Furman and Freyre, 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. 17CA0256

Ginn Battle Lender, LLC,

Plaintiff-Appellee,

v.

Battle Mountain Limited Liability Company; Sensible Housing, Company, Inc.;
and Battle Mountain Corporation,

Defendants-Appellants

and

Wells Fargo Bank NA,

Third-Party Defendant-Appellee.

Opinion Modified and
Petitions for Rehearing DENIED

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

Court of Appeals No. 17CA0785

In re the Estate of Michael Negus, deceased.

Victoria Negus-Ewell, Personal Representative

Plaintiff-Appellant,

v.

Jonna Negus-Pemberton,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA0837

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lesley Joe Taylor,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1239

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.L.W., a Child,

and Concerning M.A.W.,

Respondent-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1616

Bill Barrett Corporation and Bonanza Creek Energy, Inc.,

Plaintiffs-Appellants,

and

Noble Energy, Inc.,

Intervenor-Appellant,

v.

Robert Lembke; 70 Ranch L.L.C.; South Beebe Draw Metropolitan District,
f/k/a Bromley Park Metropolitan District No. 1; and United Water and
Sanitation District,

Defendants-Appellees.

Petition for Rehearing DENIED

Court of Appeals No. 17CA2042

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Antonio N. Manzanares,

Defendant-Appellant.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

[2018COA138M](#)

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

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

Opinion Modified
on the Court's Own Motion

Announced September 20, 2018

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2018.