

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
March 29, 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**UNPUBLISHED OPINIONS**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. 14CA1843  
Jefferson County District Court No. 13CR2770  
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael James Mustin,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 14CA2130  
Arapahoe County District Court No. 13CR78  
Honorable Christopher C. Cross, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Lyle Fields,

Defendant-Appellant.

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

Division II  
Opinion by JUDGE MÁRQUEZ\*  
Dailey and Navarro, JJ., concur

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

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Court of Appeals No. 15CA0411  
Boulder County District Court No. 13CR1849  
Honorable Carol Glowinsky, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lance Tyler Hering,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA1449  
Arapahoe County District Court No. 13CR2631  
Honorable Christopher C. Cross, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Mackey,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA1852  
City and County of Denver District Court No. 00CR177  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas David Martinez,

Defendant-Appellant.

ORDER AFFIRMED IN PART, REVERSED 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)**

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Court of Appeals No. 15CA2081  
City and County of Denver District Court No. 12CR589  
Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenny Ray Sanchez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 16CA0207  
City and County of Denver District Court No. 12DR2577  
Honorable R. Michael Mullins, Judge

In re the Parental Responsibilities Concerning Z.M. and C.M., Children,

and Concerning M.G. and L.G.,

Petitioners-Appellees,

and

E.M.,

Respondent-Appellant.

ORDER VACATED IN PART, REVERSED 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)**

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Court of Appeals No. 16CA0646  
El Paso County District Court No. 14CR4489  
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James William Carnall,

Defendant-Appellant.

SENTENCES AFFIRMED

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

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

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Court of Appeals No. 16CA0972  
City and County of Denver District Court No. 96CR2563  
Honorable Andrew P. McCallin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David K. Jenner,

Defendant-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE CASEBOLT\*  
Webb and Tow, JJ., concur

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

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Court of Appeals No. 16CA1153  
Weld County District Court No. 14CR1303  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terry Myers,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE HARRIS  
Taubman and Booras, JJ., concur

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

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Court of Appeals No. 16CA1328  
Weld County District Court No. 01CR1656  
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin Hernandez,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1910  
City and County of Denver District Court No. 15CR5945  
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrea Lindsley,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART  
AND REVERSED IN PART

Division I  
Opinion by JUDGE HARRIS  
Taubman and Booras, JJ., concur

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

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Court of Appeals No. 16CA1943  
Gilpin County District Court No. 13CR20  
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Allen Helms,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA2247  
City and County of Denver District Court Nos. 05CR818 & 05CR1214  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Paul Garcia,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE WELLING  
Román and Dunn, JJ., concur

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

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Court of Appeals No. 16CA2251  
Arapahoe County District Court No. 13DR30265  
Honorable Elizabeth Beebe Volz, Judge

In re the Marriage of

Leatha Jean Taylor,

Appellant,

and

Larry Edward Taylor,

Appellee.

JUDGMENT 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)**

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Court of Appeals No. 16CA2253  
Fremont County District Court No. 16CV102  
Honorable Robert Freeman, Magistrate

William McCartney,

Plaintiff-Appellant,

v.

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

Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE RICHMAN  
J. Jones and Casebolt\*, JJ., concur

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

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Court of Appeals No. 17CA0160  
Arapahoe County District Court No. 16CV88  
Honorable Charles M. Pratt, Judge

Richard Fleenor, Jr.,

Plaintiff-Appellant,

v.

Edward Yenkinson,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE NAVARRO  
Dailey and Márquez\*, JJ., concur

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

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Court of Appeals No. 17CA0170  
El Paso County District Court No. 15CV33385  
Honorable G. David Miller, Judge

Larry K. Dozier, as Personal Representative of the Estate of Norm Karasa,  
deceased,

Plaintiff-Appellant,

v.

HCC Life Insurance Company, a foreign corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE FURMAN  
Ashby, J., concurs  
Fox, J., dissents

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

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Court of Appeals No. 17CA0222  
El Paso County District Court No. 14CR3212  
Honorable Jann P. DuBois, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dominic Deshaun Love,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0301  
Fremont County District Court No. 16CV30149  
Honorable Lynette M. Wenner, Judge

Marilia Siaca Rodriguez,

Plaintiff-Appellant,

v.

The Royal Gorge Company of Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0633  
Adams County District Court No. 16CV30833  
Honorable Emily E. Anderson, Judge

Raquel Veronica Garcia,

Plaintiff-Appellee,

v.

State of Colorado Department of Revenue Motor Vehicle Division; Barbara Brohl, Executive Director of the Motor Vehicle Division; and Mike Kennedy, Hearing Officer,

Defendants-Appellants.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE NAVARRO  
Dailey and Márquez\*, JJ., concur

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

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Court of Appeals No. 17CA0649  
City and County of Denver District Court No. 15CV32509  
Honorable Karen L. Brody, Judge  
Honorable Robert L. McGahey, Jr., Judge

Magnus Lee; Vernon Paulsen; Ryan Glover; Philip Maier; and Cory Geist,  
Plaintiffs-Appellants,

v.

Silver Star Resources LLC; and Revenue-Virginus Mines Corporation,  
Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0736  
City and County of Denver District Court No. 16CV33007  
Honorable A. Bruce Jones, Judge

Franklin Gale,  
Plaintiff-Appellant,

v.

Career Service Authority Board of the City and County of Denver; City and  
County of Denver, a Colorado municipal corporation; and Department of Safety  
for the City and County of Denver,

Defendants-Appellees.

ORDER AFFIRMED

Division II  
Opinion by JUDGE MÁRQUEZ\*  
Dailey and Navarro, JJ., concur

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

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Court of Appeals No. 17CA0737  
Weld County District Court No. 14CV30957  
Honorable Todd L. Taylor, Judge

Jose A. Miranda,

Plaintiff-Appellee,

v.

EWV, LLC, a Colorado limited liability company; Keith Cowan, an individual;  
and Laurie Lechuga, an individual,

Defendants-Appellants.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA0777  
Jefferson County District Court No. 17CV84  
Honorable Christie A. Bachmeyer, Judge

Lisa M. Stepancic,

Plaintiff-Appellant,

v.

City of Wheat Ridge, Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 17CA0831  
Arapahoe County District Court No. 15JV960  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.M. and J.M., Children,

and Concerning K.M.,

Respondent-Appellant.

JUDGMENT VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE HARRIS  
Taubman and Booras, JJ., concur

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

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Court of Appeals No. 17CA0992  
Larimer County District Court No. 15JV22  
Honorable Thomas R. French, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.A., N.A., and J.A., Jr., Children,

and Concerning S.U.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0996  
City and County of Denver Juvenile Court No. 15JV1021  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.L.L.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1120  
Teller County District Court No. 00CR178  
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Lolin Jimenez, Sr.,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA1175  
Douglas County District Court No. 16JV46  
Honorable Dinsmore Tuttle, Judge  
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.M.L.G., A.J.G.G., M.D.G.G., C.A.C.T., and L.A.C.T,  
Children,

and Concerning C.G.G., a/k/a K.A.T.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE BERNARD  
Berger and Kapelke\*, JJ., concur

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

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Court of Appeals No. 17CA1321  
Jefferson County District Court No. 17JV314  
Honorable Ann G. Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.G., Child,

and Concerning E.E.E.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1349  
Arapahoe County District Court No. 90CR171  
Honorable Elizabeth A. Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Anderson,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA1438  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 4-993-361

Holly LaGasse,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Xtreme Drilling and  
Coil Service; and New Hampshire Insurance Company,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA1753  
Adams County District Court No. 15JV95  
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of I.C., B.C., and D.C., Children,

and Concerning A.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1947  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 18134-2017

Jeffrey J. Zangari,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; and Homer's Pizza  
Inc., d/b/a Little Caesars of Pueblo,

Respondents.

ORDER AFFIRMED

Division II  
Opinion by CHIEF JUDGE LOEB  
Davidson\* and Márquez\*, JJ., concur

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

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Court of Appeals No. 17CA2080  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 19284-2017

Alfred A. Martinez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and FRPHI Personnel  
Inc.,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA2083  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 22081-2017

Tiffany Edmonds,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Special Kids  
Special Families, Inc.,

Respondents.

ORDER AFFIRMED

Division II  
Opinion by JUDGE DAVIDSON\*  
Loeb, C.J., and Márquez\*, J., concur

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

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Court of Appeals No. 17CA2171  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 16883-2017

John Storey,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of  
Unemployment Insurance Customer Service/Benefits,

Respondents.

ORDER AFFIRMED

Division II  
Opinion by JUDGE MÁRQUEZ\*  
Loeb, C.J., and Davidson\*, J., concur

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

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Court of Appeals No. 17CA2226  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 29190-2017

Lance E. Mellem,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of  
Unemployment Insurance, Benefit Payment Control,

Respondents.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE CASEBOLT\*  
J. Jones and Richman, JJ., concur

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

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Court of Appeals No. 17CA2342  
City and County of Denver Probate Court No. 14MH1162  
Honorable Ruben M. Hernandez, Magistrate

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Taraneh Hajirdoust, a/k/a Natasha Karges,

Respondent-Appellant.

ORDER AFFIRMED

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

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

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**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. 14CA2183

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Lee Rice,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA0743

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicole Danielle Watkins,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA2224

James M. Bertolo,

Plaintiff-Appellant,

v.

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

Defendants-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA0080

In re the Marriage of

Lisa Marie Wagner,

Appellee,

and

Jerold L. Wagner,

Appellant.

Petition for Rehearing DENIED

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

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**MODIFIED OPINIONS**

Court of Appeals No. 17CA0062  
Adams County District Court No. 16DR30086  
Honorable Donald S. Quick, Judge

In re the Marriage of

Erica Lyn Berryman,

Appellee,

and

William Peter Berryman,

Appellant.

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

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

Opinion Modified  
On the Court's Own Motion

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

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2017.