

*ANNOUNCEMENTS*  
*COLORADO COURT OF APPEALS*  
*December 6, 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**UNPUBLISHED OPINIONS**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. 15CA1423  
City and County of Denver District Court No. 04CR3521  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Tyrone Walker,

Defendant-Appellee.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TERRY  
Taubman and Fox, JJ., concur

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

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Court of Appeals No. 15CA1758  
Grand County District Court No. 13CR95  
Honorable Mary C. Hoak, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emmanuel G. Robles,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division II  
Opinion by JUDGE LICHTENSTEIN  
Dailey and Vogt\*, JJ., concur

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

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Court of Appeals No. 16CA0315  
Jefferson County District Court No. 05CR4495  
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James William DeHaven,

Defendant-Appellant.

ORDER AFFIRMED IN PART  
AND VACATED IN PART

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

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

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Court of Appeals No. 16CA0559  
Adams County District Court No. 96CR12  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Albert Cano,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Terry and Fox, JJ., concur

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

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Court of Appeals No. 16CA1009  
Pueblo County District Court No. 15CR1682  
Honorable David W. Crockenberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Diane Romero,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE HARRIS  
Webb and Welling, JJ., concur

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

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Court of Appeals No. 16CA1106  
City and County of Denver District Court Nos. 14CR4358 & 14CR4751  
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andres F. Gaspar,

Defendant-Appellant.

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

Division II  
Opinion by JUDGE LICHTENSTEIN  
Dailey and Vogt\*, JJ., concur

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

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Court of Appeals No. 16CA1325  
Jefferson County District Court No. 15CR3115  
Honorable Christopher C. Zenisek, Judge  
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samuel Knox Nolte,

Defendant-Appellant.

JUDGMENT AND SENTENCE REVERSED  
AND CASE REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 17CA0559  
Boulder County District Court No. 16CR700  
Honorable Judith L. Labuda, Judge  
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas A. Downs,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0564  
City and County of Denver District Court No. 07CR4062  
Honorable Andrew P. McCallin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Alston Smith,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 17CA1224  
Arapahoe County District Court No. 10CR1390  
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Migel C. Wise,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA1621  
Jefferson County District Court No. 98CR3147  
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leroy Edward Valdez,

Defendant-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE HARRIS  
Webb and Welling, JJ., concur

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

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Court of Appeals No. 17CA1626  
City and County of Denver District Court No. 16CV31070  
Honorable John W. Madden, IV, Judge

Mark LeValley,

Plaintiff-Appellant,

v.

Todd Morin,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**  
Announced December 6, 2018

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Court of Appeals No. 17CA1654

Fremont County District Court No. 16JV65  
Honorable Stephen A. Groome, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.M.D. and D.R.D., Jr., children,

and Concerning D.D.,

Respondent-Appellant.

APPEAL DISMISSED IN PART  
AND JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE WELLING  
Webb, J., concurs  
Harris, J., specially concurs

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

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Court of Appeals No. 17CA1656  
City and County of Denver District Court No. 16CV30633  
Honorable Jay S. Grant, Judge

Myrtle Hill Homeowners Association,  
Plaintiff-Appellant and Cross-Appellee,

v.

Washington Park United Methodist Church,  
Defendant-Appellee and Cross-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 17CA1712  
Fremont County District Court No. 16JV159  
Honorable Ramsey Lama, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of B.A.J.W., a Child,

and Concerning R.W.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Terry and Fox, JJ., concur

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

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Court of Appeals No. 17CA1801  
Boulder County District Court No. 16CV30149  
Honorable Norma A. Sierra, Judge

Popjoy, LLC, a Colorado limited liability company,

Plaintiff-Appellee and Cross-Appellant,

v.

Tensentric 2900, LLC, a Colorado limited liability company,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AND ORDER AFFIRMED

Division III  
Opinion by JUDGE HARRIS  
Webb and Welling, JJ., concur

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

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Court of Appeals No. 17CA1857  
Fremont County District Court No. 13CV89  
Honorable Robert Freeman, Magistrate

Cody Joseph Finch,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of  
the Colorado State Penitentiary,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1954  
City and County of Broomfield District Court 17PR30040  
Weld County District Court No. 16PR30437  
Honorable Todd L. Taylor, Judge

In re the Estate of Eleen Cisneros, deceased.

Elizabeth Yeager, Former Trustee, Beneficiary,

Appellant,

v.

Evelyn Newton, Current Trustee, Beneficiary,

Appellee.

ORDERS AFFIRMED

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

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

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Court of Appeals No. 17CA1992  
State Personnel Board Case No. 2016B034

Mathew Mark Stiles,

Petitioner-Appellee,

v.

Department of Corrections, Denver Reception & Diagnostic Center,

Respondent-Appellant,

and

State Personnel Board,

Appellee.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA2387  
Adams County District Court No. 16JV208  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.B.G., a Child,

and Concerning C.L.G. and K.B.S.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA2398  
City and County of Denver District Court No. 17CV30106  
Honorable Robert L. McGahey, Jr., Judge

Samuel Welsh,

Plaintiff-Appellant,

v.

Black & Decker (U.S.) Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0110  
Jefferson County District Court No. 17JA7  
Honorable Ann Gail Meinster, Judge

In re the Petition of A.N.M.,

Petitioner-Appellee,

for the Adoption of L.M., a Child,

and Concerning E.R.,

Respondent-Appellant.

JUDGMENT REVERSED

Division V  
Opinion by JUDGE BERGER  
Román, J., concurs  
Richman, J., dissents

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

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Court of Appeals No. 18CA0130  
Clear Creek County District Court No. 17JV1  
Honorable Wayne Patton, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.C.B., a Child,

and Concerning M.W. and G.C.B.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0170  
El Paso County District Court No. 16DR2189  
Honorable Erin L. Sokol, Judge

In re the Marriage of

Dana M. Mehl, n/k/a Dana Minelle Reed,

Appellant,

and

Shawn C. Mehl,

Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 18CA0220  
City and County of Denver Juvenile Court No. 10JV1586  
Honorable Donna J. Schmalberger, Judge

In re the Support of J.M.J., a Child,

and Concerning M.G.,

Appellee,

and

F.J.,

Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 18CA0253  
Weld County District Court No. 17CV30604  
Honorable Marcelo A. Kopcow, Judge

NBH Bank and Jason Legg,

Appellees,

v.

John E. Notary,

Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE FOX  
Taubman and Kapelke\*, JJ., concur

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

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Court of Appeals No. 18CA0630  
City and County of Denver Juvenile Court No. 10JV2220  
Honorable D. Brett Woods, Judge

In re the Parental Responsibilities Concerning J.O., a Child,  
and Concerning S.V.,

Appellee,

and

M.O.,

Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 18CA0685  
Weld County District Court No. 16JV567  
Honorable Warren T. Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.S., a Child,

and Concerning A.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE HARRIS  
Webb and Welling, JJ., concur

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

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Court of Appeals No. 18CA0879  
Larimer County District Court No. 16JV39  
Honorable Stephen J. Jouard, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.S. and M.S., Children,

and Concerning M.G.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE ASHBY  
Dailey and Vogt\*, JJ., concur

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

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Court of Appeals No. 18CA0923  
Arapahoe County District Court No. 17JV372  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.A. and L.A.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0992  
Adams County District Court No. 17JV94  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA1082  
Arapahoe County District Court No. 17JV224  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.W. and L.G., Children,

and Concerning R.G., Sr.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA1378  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 23322-2018

Jessica Chavez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and US Bank National  
Association,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 18CA1826  
Pueblo County District Court No. 18MH229  
Honorable Jill Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.G.,

Respondent-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Terry and Fox, 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. 14CA2136

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Allan Nelson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA1599

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Hunter Rost,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA1924

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Warren Dale Watson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0570

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Scott Waddell,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA0058

In re the Marriage of

Danielle Alfaro,

Appellant,

and

Matthew Duerksen,

Appellee.

Petition for Rehearing DENIED

**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. 2018.