

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 14, 2019*

“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UNPUBLISHED OPINIONS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. 14CA2358
El Paso County District Court No. 13CR312
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Macyo Joelle January,

Defendant-Appellant.

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

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

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

Court of Appeals No. 15CA0507
City and County of Denver District Court No. 14CR3102
Honorable Elizabeth A. Starrs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcus A. Perez,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TOW
Taubman and Berger, JJ., concur

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

Court of Appeals No. 15CA1413
Adams County District Court No. 13CR248
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Seth Erin Wilkinson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE HARRIS
Hawthorne and Fox, JJ., concur

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

Court of Appeals No. 16CA0401
El Paso County District Court No. 15CR224
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Earnest Peaslee,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE TERRY
J. Jones and Davidson*, JJ., concur

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

Court of Appeals No. 16CA1107
City and County of Denver District Court Nos. 14CR6434, 15CR80 &
15CR1599
Honorable William D. Robbins, Judge
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Ricardo Sarabia-Martinez,

Defendant-Appellant.

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

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

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

Court of Appeals No. 16CA1460
Adams County District Court Nos. 15CR2868 & 15CR2953
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Danny R. Lujan,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DUNN
Ashby and Vogt*, JJ., concur

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

Court of Appeals No. 16CA1707
City and County of Denver District Court No. 15DR2763
Honorable Robert L. McGahey, Jr., Judge

In re the Parental Responsibilities Concerning A.F.S.M., a Child,

and Concerning Vincent J. Martinez,

Appellant,

and

Gabriela N. Carlston,

Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA1804
Jefferson County District Court No. 01CR1678
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Aaron Jean Garcia,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE DUNN
Ashby and Márquez*, JJ., concur

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

Court of Appeals No. 17CA0447
Arapahoe County District Court No. 93CR1338
Honorable Frederick T. Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cullin Barnes,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE ASHBY
Dunn and Vogt*, JJ., concur

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

Court of Appeals No. 17CA0471
Jefferson County District Court No. 06CR1797
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Billy Edwin Reid,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE MÁRQUEZ*
Dunn and Ashby, JJ., concur

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

Court of Appeals No. 17CA0598
Chaffee County District Court No. 16CV35
Honorable Amanda Hunter, Magistrate

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not
individually but as Trustee for Carlsbad Funding Mortgage Trust,

Plaintiff-Appellee,

v.

Chemyne M. Michalski, as personal representative of the Estate of Nancy
Haney,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE BERGER
Taubman and Tow, JJ., concur

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

Court of Appeals No. 17CA0718
Pueblo County District Court No. 15CR1987
Honorable Kimberly J. Karn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bonnie Fay Pier-Danzey,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE ASHBY
Dunn and Márquez*, JJ., concur

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

Court of Appeals No. 17CA0739
Adams County District Court No. 02CR2231
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jimmy Joseph Vasquez,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE LIPINSKY
Dailey and Furman, JJ., concur

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

Court of Appeals No. 17CA1187
City and County of Denver District Court No. 16CV140
Honorable J. Eric Elliff, Judge

Jose Ricardo Sarabia-Martinez,

Plaintiff-Appellant,

v.

Pablo Sarabia-Martinez and Martha C. Slomiany,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
Furman and Lipinsky, JJ., concur

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

Court of Appeals No. 17CA1330
Garfield County District Court Nos. 16CR249 & 16CR302
Honorable John F. Neiley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Leo Lutz,

Defendant-Appellant.

JUDGMENTS AND ORDER AFFIRMED

Division V
Opinion by JUDGE TERRY
J. Jones and Grove, JJ., concur

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

Court of Appeals No. 17CA1576
El Paso County District Court No. 10CR797
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne Francis Dalrymple,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE NAVARRO
Richman and Welling, JJ., concur

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

Court of Appeals No. 17CA1741
City and County of Denver District Court No. 16CV33436
Honorable David H. Goldberg, Judge
Honorable A. Bruce Jones, Judge

David Weibel,

Plaintiff-Appellant,

v.

Nickolas Fogel and Burg, Simpson, Eldredge, Hersh, & Jardine, P.C.,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

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

Court of Appeals No. 17CA1809
Montezuma County District Court No. 16CV30083
Honorable Douglas S. Walker, Judge

RCS Recovery Services, LLC,

Plaintiff-Appellee,

v.

Gerald Whited and Kristie Whited,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE BERGER
Taubman and Tow, JJ., concur

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

Court of Appeals No. 17CA1824
Weld County District Court No. 16DR30099
Honorable Elizabeth B. Strobel, Judge

In re the Marriage of

Kaylea A. Kesterson,

Appellee,

and

Gregory Kesterson,

Appellant.

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

Division VII
Opinion by JUDGE MÁRQUEZ*
Dunn and Ashby, JJ., concur

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

Court of Appeals No. 17CA1925
Pitkin County District Court No. 16CV30094
Honorable John F. Neiley, Judge

Jackson 43 Investments LLC, a Colorado limited liability company,
Plaintiff-Appellee,

v.

City of Aspen; Community Development Department of the City of Aspen;
Jessica Garrow, in her official capacity only as the Community Development
Director for the City of Aspen; Jennifer Phelan, in her official capacity only as
the Deputy Planning Director for the City of Aspen; and Brooke Peterson, in his
official capacity only as an Administrative Hearing Officer for the City of Aspen,
Defendants-Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Berger and Tow, JJ., concur

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

Court of Appeals No. 17CA2106
Douglas County District Court No. 16CV30435
Honorable Paul A. King, Judge

Amaresh Chukkapalli,
Plaintiff-Appellant and Cross-Appellee,

v.

American Family Mutual Insurance Company,
Defendant-Appellee and Cross-Appellant.

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

Division V
Opinion by JUDGE J. JONES
Davidson* and Miller*, JJ., concur

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

Court of Appeals No. 17CA2369
Arapahoe County District Court No. 15CV32945
Honorable Charles M. Pratt, Judge

Louisiana Purchase Condominium Association, Inc., and Louisiana Purchase II
Homeowners Association,

Plaintiffs-Appellants,

v.

American Family Mutual Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE VOGT*
Taubman and Tow, JJ., concur

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

Court of Appeals No. 18CA0072
Douglas County District Court No. 17CV91
Honorable Paul A. King, Judge

Palmer Joseph Hoyt,

Plaintiff-Appellant,

v.

Daily Camera, Kevin Kaufman, Sarah Kuta, Denver Post, and Kris Schoech,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DUNN
Ashby and Márquez*, JJ., concur

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

Court of Appeals No. 18CA0136
Office of Administrative Courts
Case No. OS No. 2017-0015

Campaign Integrity Watchdog LLC,

Petitioner-Appellant,

v.

Kevin Leung, for Douglas County Schools,

Respondent,

Colorado Office of Administrative Courts,

Appellee,

and

Wayne Williams, in his official capacity as Colorado Secretary of State,

Intervenor-Appellee.

APPEAL DISMISSED

Division I
Opinion by JUDGE TAUBMAN
Berger and Tow, JJ., concur

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

Court of Appeals No. 18CA0371
El Paso County District Court No. 16JV308
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning L.L.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Román and Freyre, JJ., concur

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

Court of Appeals No. 18CA0393
City and County of Denver Juvenile Court No. 15JV2010
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

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

Court of Appeals No. 18CA0394
City and County of Denver District Court No. 17CV34754
Honorable Elizabeth A. Starrs, Judge

Empire West Title Agency, LLC; and ET Investments, LLC,

Plaintiffs-Appellants,

v.

Joanna Jones,

Defendant-Appellee.

APPEAL DISMISSED

Division IV
Opinion by JUDGE HARRIS
Hawthorne and Fox, JJ., concur

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

Court of Appeals No. 18CA0427
Adams County District Court No. 09CR2565
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Alonzo Hood,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE VOGT*
Dunn and Ashby, JJ., concur

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

Court of Appeals No. 18CA0714
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-009-761

Larry Webster,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Czarnowski Display
Service, Inc., and Trumbull Insurance Company,

Respondents.

APPEAL DISMISSED

Division V
Opinion by JUDGE TERRY
J. Jones and Grove, JJ., concur

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

Court of Appeals No. 18CA0727
Pueblo County District Court No. 16JV710
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning V.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE WELLING
Richman and Navarro, JJ., concur

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

Court of Appeals No. 18CA0859
Adams County District Court No. 17JV33
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.R., N.R., and A.G., Children,

and Concerning J.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE HARRIS
Hawthorne and Fox, JJ., concur

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

Court of Appeals No. 18CA1421
Jefferson County District Court No. 17JV455
Honorable Chris Bachmeyer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.H., Child,

and Concerning J.G.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE ROMÁN
Webb and Freyre, JJ., concur

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

Court of Appeals No. 18CA1523
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-054-125

Alex Willhoit,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Maggie's Farm, and
Pinnacol Assurance,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE LIPINSKY
Dailey and Furman, JJ., concur

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

Court of Appeals No. 18CA1568
City and County of Denver Juvenile Court No. 17JV27
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.S.N., a/k/a J.S.W.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FREYRE
Webb and Román, JJ., concur

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

Court of Appeals No. 18CA1726
Industrial Claim Appeals Office of the State of Colorado
DD No. 28410-2018

Kacem M. Andalib,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Swift Beef
Company,

Respondents.

ORDER SET ASIDE AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE GROVE
Terry and J. Jones, 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. 17CA0774

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Larson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA2293

In re the Marriage of

Ronald L. Thorstad,

Appellee,

and

Randie J. Thorstad, n/k/a Randie J. Randell,

Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA2343

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

and Concerning L.U.,

Appellee,

and

N.C.,

Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0496

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.J., A.J., R.J., and V.J., Children,

and Concerning L.B-J. and L.J.,

Respondents-Appellants.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0559

Blaine A. Rutenbeck,

Plaintiff-Appellant,

v.

Chateau Chaparral Owners Association,

Defendant-Appellee.

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. 2018.