

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
January 17, 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UNPUBLISHED OPINIONS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. 15CA0811
Douglas County District Court No. 10CR403
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Phil Merchant,

Defendant-Appellant.

SENTENCE VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by CHIEF JUDGE BERNARD
Richman and Nieto*, JJ., concur

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

Court of Appeals No. 15CA1529
Arapahoe County District Court No. 13CR2208
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Barrientos-Hernan,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE CASEBOLT*
Dunn and Davidson*, JJ., concur

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

Court of Appeals No. 16CA1252
Adams County District Court No. 15CR1854
Honorable Craig Richard Welling, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Teresa Marie Dean,

Defendant-Appellant.

SENTENCE 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. 16CA1312
Jefferson County District Court No. 15CR1981
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Aaron Padilla,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1326
Mesa County District Court No. 15CR1117
Honorable Valerie Jo Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rider Jordan Leppin,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE FOX
Hawthorne and Harris, JJ., concur

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

Court of Appeals No. 16CA1404
Arapahoe County District Court No. 15CR1563
Honorable Donald W. Marshall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Melissa Knomese Hollaway,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DUNN
Davidson* and Casebolt*, JJ., concur

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

Court of Appeals No. 16CA1410
Jefferson County District Court No. 13CR2921
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Thomas Lujan,

Defendant-Appellant.

ORDER 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. 16CA1580
Jefferson County District Court No. 15CR617
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Lucero,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DAVIDSON*
Dunn and Casebolt*, JJ., concur

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

Court of Appeals No. 16CA1697
City and County of Denver District Court No. 15CR4458
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Pedro Davalos,

Defendant-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. 16CA2060
City and County of Denver District Court No. 08CR241
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brett Candelaria,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE J. JONES
Terry and Nieto*, JJ., concur

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

Court of Appeals No. 17CA0109
Douglas County District Court No. 08CR109
Honorable Stephen M. Munsinger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bryan Roberson,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0472
City and County of Denver Juvenile Court No. 16JD657
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.M-S.,

Juvenile-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals Nos. 17CA0492 & 17CA0584
El Paso County District Court No. 15JV1544
Honorable Tim J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning I.V. and T.V.,

Respondents-Appellants.

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. 17CA0783
Mesa County District Court No. 95CR782
Honorable Valerie Jo Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William James Goble,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
Fox and Harris, JJ., concur

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

Court of Appeals No. 17CA1039
City and County of Denver District Court No. 14CR4201
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rigoberto E. Fernandez,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA1203
City and County of Denver District Court No. 15CR20007
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas A. McKinney,

Defendant-Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 17CA1556
City and County of Denver Juvenile Court No. 16JV524
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.E.G., Child,

and Concerning C.M.Z.,

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. 17CA1758
Adams County District Court No. 00CR857
Honorable Ted C. Tow, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

George Lo,

Defendant-Appellee.

ORDER REVERSED

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

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

Court of Appeals No. 17CA1804
Adams County District Court No. 14JV250
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.G., T.J.G. and G.O.G., Children,

and Concerning T.G. and B.Q.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
Márquez* and Martinez*, JJ., concur

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

Court of Appeals No. 17CA1805
Adams County District Court No. 15JV140
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.T.G., a Child,

and Concerning T.G. and B.Q.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1813
Morgan County District Court No. 16CV8
Honorable Kevin L. Hoyer, Judge

Arthur C. Emison,

Plaintiff-Appellant,

v.

Old Hand Creations, LLC; Jonas Andrades; and Randy Grindel,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DUNN
Davidson* and Casebolt*, JJ., concur

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

Court of Appeals No. 17CA1853
Adams County District Court No. 16DR30633
Honorable Tomee Crespín, Judge

In re the Marriage of

Alica Balegian,

Appellant,

and

Agop Balegian,

Appellee.

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

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

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

Court of Appeals No. 17CA2005
Larimer County District Court No. 16DR30310
Honorable Stephen E. Howard, Judge
Honorable Daniel J. Kaup, Judge

In re the Marriage of

Rodney Mayo,

Appellant,

and

Izolda Mayo,

Appellee.

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

Division VI
Opinion by JUDGE RICHMAN
Navarro and Welling, JJ., concur

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

Court of Appeals No. 17CA2268
Arapahoe County District Court No. 14DR31061
Honorable Bonnie H. McLean, Judge

In re the Marriage of

Ashley F. Kreh,

Appellee,

and

Patrick B. Kreh,

Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE NIETO*
Terry and J. Jones, JJ., concur

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

Court of Appeals No. 17CA2309
City and County of Denver District Court No. 04CR446
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John D. Wise,

Defendant-Appellant.

ORDER REVERSED 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. 17CA2314
Larimer County District Court No. 12CR233
Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chester Lee Reneau,

Defendant-Appellant.

ORDER 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. 17CA2408
El Paso County District Court No. 16CV33244
Honorable David S. Prince, Judge

Gaston Rives,

Plaintiff-Appellee,

v.

Ivan Rios and Mister Body Shop, Inc.,

Defendants-Appellants.

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

Division VII
Opinion by JUDGE DAVIDSON*
Dunn and Casebolt*, JJ., concur

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

Court of Appeals No. 18CA0195
Adams County District Court No. 15CR3252
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Michael Krause,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

Court of Appeals No. 18CA0339
El Paso County District Court No. 17CV32947
Honorable David L. Shakes, Judge

DreamHome Restoration LLC,

Plaintiff-Appellant,

v.

Mary Kay Carlson,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE HAWTHORNE
Fox and Harris, JJ., concur

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

Court of Appeals No. 18CA0419
Fremont County District Court No. 17CV33
Honorable Robert Freeman, Magistrate

Charles J. McMillian,

Plaintiff-Appellant,

v.

Rick Raemisch, Executive Director of the Colorado Department of Corrections;
Mike Romero, Warden of the Colorado Territorial Correctional Facility; Mary
Carlson, Colorado Department of Corrections Time Computations; and Philip J.
Weiser, Attorney General for the State of Colorado,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE CASEBOLT*
Dunn and Davidson*, JJ., concur

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

Court of Appeals No. 18CA0452
Weld County District Court No. 16JV585
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.C.,

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. 18CA0496
Mesa County District Court No. 16JV258
Honorable Charles R. Greenacre, Judge

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.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0551
City and County of Denver Juvenile Court No. 15JV1506
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of X.P.G, A.N.G.G., A.L.M.G., A.L.G. and A.G.P., Children,

and Concerning A.J.P.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0591
Adams County District Court No. 17JV319
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning N.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0644
City and County of Denver District Court No. 16CV575
Honorable Edward D. Bronfin, Judge

Glenn Raleigh and Jana Raleigh,

Plaintiffs-Appellants,

v.

Biodentist P.C., a Colorado corporation, and John Augsperger, D.D.S.,

Defendants-Appellees.

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. 18CA0648
La Plata County District Court No. 16JV88
Honorable William L. Herringer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.B-A., P.B-A., and J.B-A., Children,

and Concerning K.B.,

Respondent-Appellant.

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. 18CA0713
Fremont County District Court Nos. 03CR159 & 03CR253
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Allen, a/k/a Edward Clutts,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA0817
City and County of Denver Juvenile Court No. 16JV1680
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.H.G., Jr., a Child,

and Concerning J.M.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DUNN
Davidson* and Casebolt*, JJ., concur

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

Court of Appeals No. 18CA0917
El Paso County District Court No. 17DR30818
Honorable David S. Prince, Judge

In re the Marriage of

Cassandra L. Thomas,

Appellee,

and

Samuel Stephen Naticchia,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE CASEBOLT*
Dunn and Davidson*, JJ., concur

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

Court of Appeals No. 18CA0934
Adams County District Court No. 17JV128
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.L.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DAVIDSON*
Dunn and Casebolt*, JJ., concur

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

Court of Appeals No. 18CA1011
Adams County District Court No. 17JV305
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.G. and J.G., Children,

and Concerning J.M.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE CASEBOLT*
Dunn and Davidson*, JJ., concur

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

Court of Appeals No. 18CA1995
Pueblo County District Court No. 18MH262
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of David James,

Respondent-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Furman and Lipinsky, 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. 17CA0132

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Brad Fisher,

Defendant-Appellant.

Petition for Rehearing DENIED
Berger, J., would GRANT

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

Court of Appeals No. 17CA1481

Stroh Ranch Development, LLC,

Petitioner-Appellee,

v.

Stroh Ranch Business Circle, Inc.,

Respondent-Appellant.

Opinion Modified and
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.