

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 21, 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.

PUBLISHED OPINIONS

[2019COA38](#)

Court of Appeals No. [15CA0982](#)
Boulder County District Court No. 14CR437
Honorable Andrew Hartman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emily Elizabeth Cohen,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2019COA39](#)

Court of Appeals No. [17CA0397](#)
Mesa County District Court No. 16CR92
Honorable Lance Phillip Timbreza, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justine Lynn Murphy,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TAUBMAN
Tow, J., concurs
Berger, J., specially concurs

[2019COA40](#)

Court of Appeals No. [17CA0956](#)
Grand County District Court No. 16JA1
Honorable Mary C. Hoak, Judge

In re the Petition of E.R.S.,

Petitioner-Appellee,

for the Adoption of I.E.H., a Child,

and Concerning J.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by CHIEF JUDGE BERNARD
Terry and J. Jones, JJ., concur

[2019COA41](#)

Court of Appeals No. [17CA1591](#)
Jefferson County District Court No. 16CV30697
Honorable Laura A. Tighe, Judge
Honorable Stephen M. Munsinger, Judge

Daniel E. Tisch and Eva R. Tisch,
Plaintiffs-Appellees and Cross-Appellants,

v.

Gary D. Tisch and The Liquor Barn, Ltd.,
Defendants-Appellants and Cross-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

[2019COA42](#)

Court of Appeals No. [17CA2036](#)
Larimer County District Court No. 12CV56
Honorable Devin R. Odell, Judge

Richard Gagne,
Plaintiff-Appellee,

v.

Paula Gagne,
Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

[2019COA43](#)

Court of Appeals No. [17CA2105](#)
El Paso County District Court No. 16DR30207
Honorable Eric Bentley, Judge

In re the Parental Responsibilities of A.C.H. and A.F., Children,
and Concerning Anastasia C. Magana,
Appellant,
and
Justin Lee Hill,
Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE RICHMAN
Román and Berger, JJ., concur

[2019COA44](#)

Court of Appeals No. [17CA2160](#)
City and County of Denver District Court No. 14CV34166
Honorable Andrew P. McCallin, Judge

Whiting-Turner Contracting Company,
Third-Party Plaintiff-Appellee,
v.
Guarantee Company of North America USA,
Third-Party Defendant-Appellant.

JUDGMENT AFFIRMED

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

[2019COA45](#)

Court of Appeals No. [17CA2260](#)
Larimer County District Court No. 15CV30862
Honorable Stephen J. Jouard, Judge

George Rinker,

Plaintiff-Appellant,

v.

Lori Rose Colina-Lee,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

[2019COA46](#)

Court of Appeals No. [18CA0417](#)
Jefferson County District Court No. 17JV31
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.N-B., I.N-B., I.N-B., and A.N-B., Children,

and Concerning D.B. and R.N.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

[2019COA47](#)

Court of Appeals No. [18CA0888](#)

Industrial Claim Appeals Office of the State of Colorado
WC No. 4-935-211

Jennifer Bolton,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Cherry Creek School
District, and Joint School District C/O CCMSI,

Respondents.

ORDER AFFIRMED

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

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA0064
Arapahoe County District Court No. 12CR1986
Honorable Elizabeth A. Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Codell William Loats,

Defendant-Appellant.

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. 15CA0122
Douglas County District Court No. 12CR256
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Lamont Williams,

Defendant-Appellant.

JUDGMENT REVERSED 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. 15CA1849
Adams County District Court No. 13CR3303
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Amit Kapoor

Defendant-Appellant.

JUDGMENT 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. 15CA2028
Boulder County District Court No. 07CR388
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Franklin Elmarr, Sr.,

Defendant-Appellant.

JUDGMENT 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. 16CA1049
City and County of Denver District Court No. 14CR1032
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bronson Terrance McDowell,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE WELLING
Richman and Casebolt*, JJ., concur

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

Court of Appeals No. 16CA1158
Weld County District Court No. 08CR67
Honorable Marcelo A. Kopcow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rene Perez,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA1567
Adams County District Court No. 15CR2817
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Jason Tobias Lee,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
SENTENCE AFFIRMED, 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)

Court of Appeals No. 17CA0163
City and County of Denver District Court No. 15CR2500
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Derek Shane Webb,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0251
Adams County District Court No. 06CR3659
Honorable Steven E. Shinn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Aragon Yanaga,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA1061
Jefferson County District Court No. 11CR87
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Thomas Orton,

Defendant-Appellant.

SENTENCES AFFIRMED

Division II
Opinion by JUDGE NIETO*
Bernard, C.J., and Davidson*, J., concur

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

Court of Appeals No. 17CA1139
Adams County District Court No. 16CR249
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Joseph Hocker,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA2011
Jefferson County District Court No. 99CR2419
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Louis A. Maestas,

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. 17CA2149
Larimer County District Court No. 13DR788
Honorable Stephen J. Jouard, Judge

In re the Marriage of

Lynn Shadow Schneider,

Appellee and Cross-Appellant,

and

Karl James Black,

Appellant and Cross-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA2291
City and County of Denver District Court No. 15CV32907
Honorable Edward D. Bronfin, Judge

Atrium Condominiums Association, Inc., a Colorado nonprofit corporation,

Plaintiff-Appellee,

v.

NHK Investments, LLC, a Colorado limited liability company, and Nina H.
Kazazian,

Defendants-Appellants.

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. 17CA2385
El Paso County District Court No. 13CV30988
Honorable Thomas K. Kane, Judge

Active Release Techniques, LLC, a Colorado limited liability company; ART Corporate Solutions, Inc., a Colorado corporation; and ART Business Solutions, LLC, a Colorado limited liability company,

Plaintiffs-Appellees and Cross-Appellants,

v.

Xtomic, LLC, a Colorado limited liability company; Select Seminar Services, LLC, a Colorado limited liability company; and Jay Ferguson,

Defendants-Appellants and Cross-Appellees.

ORDER AFFIRMED, ORDER REVERSED, ORDER VACATED,
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)

Court of Appeals No. 18CA0147
City and County of Denver District Court No. 15DR2446
Honorable Kenneth M. Laff, Judge

In re the Marriage of

Ricardo Ramirez Martinez,

Appellant,

and

Norma Ramirez,

Appellee.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA0178
City and County of Denver District Court No. 17DR30081
Honorable Andrew P. McCallin, Judge

In re the Marriage of

Asma Gull Hasan,

Appellant,

and

Tahir Ali,

Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA0252
Mesa County District Court No. 16JV362
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.R. and V.R., Children,

and Concerning D.C.R., a/k/a D.R-D.,

Respondent-Appellant.

JUDGMENT 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. 18CA0262
Adams County District Court No. 14CV32164
Honorable F. Michael Goodbee, Judge
Honorable Edward C. Moss, Judge

Visaj Unity, LLC, d/b/a Metro Cannabis, a Colorado limited liability company,
Plaintiff-Appellant,

v.

City of Aurora, Colorado and Aurora Marijuana Enforcement Division,
Defendants-Appellees.

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. 18CA0429
El Paso County District Court No. 17CV149
Honorable Eric Bentley, Judge

Joseph A. Camp,
Plaintiff-Appellant,

v.

Rick Raemisch, in his official capacity as Executive Director of the Colorado
Department of Corrections,

Defendant-Appellee.

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. 18CA0465
Larimer County District Court No. 17DR48
Honorable Thomas R. French, Judge

In re the Parental Responsibilities Concerning G.S. and M.S., Children,
and Concerning Kimberly Grace Chambers,

Appellant,

and

Kary Elizabeth Sterling,

Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0564
Mesa County District Court No. 15JV196
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.B.,

Respondent-Appellant.

APPEAL DISMISSED IN PART, JUDGMENT REVERSED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA0717
Mesa County District Court No. 17JV43
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning S.A.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0800
Routt County District Court No. 16CV30144
Honorable Michael A. O'Hara, Judge

Michelle Parra and Michael Parra,

Plaintiffs-Appellants,

v.

Gillaspie Construction, Inc., a dissolved Colorado corporation; and Johnson
Excavation, Inc., a Colorado corporation,

Defendants-Appellees.

JUDGMENT 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. 18CA0833
El Paso County District Court No. 16DR31641
Honorable Jann P. DuBois, Judge

In re the Marriage of

Lori B. Patsis,

Appellant,

and

Daniel N. Patsis,

Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA1223
Arapahoe County District Court No. 14CV33087
Honorable Elizabeth Beebe Volz, Judge

Aurora Alliance, LLC, d/b/a Metro Cannabis, a Colorado limited liability
company,

Plaintiff-Appellant,

v.

City of Aurora, Colorado and Aurora Marijuana Enforcement Division,

Defendants-Appellees.

APPEAL DISMISSED

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

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

Court of Appeals No. 18CA1431
Alamosa County District Court No. 17JV72
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.W. and T.W., Children,

and Concerning F.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA0113
Boulder County District Court No. 18MH525
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of

William Schultz

Respondent-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE FOX
Hawthorne and Harris, 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. 14CA0864

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Boyd Hicks,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 16CA1970

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Lucas Mendoza,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA0718

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bonnie Fay Pier-Danzey,

Defendant-Appellant.

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.