

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 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

[2019COA21](#)

Court of Appeals No. [15CA0576](#)
El Paso County District Court No. 13CR2453
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kerry Lee Cooper,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2019COA22](#)

Court of Appeals No. [16CA0236](#)
Mesa County District Court No. 15JD243
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.C.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

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

[2019COA23](#)

Court of Appeals No. [16CA0737](#)
El Paso County District Court No. 15CR1196
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Leonard Denhartog,

Defendant-Appellant.

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

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

[2019COA24](#)

Court of Appeals No. [17CA1623](#)

City and County of Denver Probate Court No. 15MH110

Honorable Elizabeth D. Leith, Judge

In the Interest of Joshua J. Ray, Sr.,

Petitioner-Appellant,

v.

People of the State of Colorado, Colorado Bureau of Investigation for the State
of Colorado, and Office of State Court Administrator for the State of Colorado,

Respondents-Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BERGER
Bernard, C.J., and Freyre, J., concur

[2019COA25](#)

Court of Appeals No. [17CA1996](#)

Arapahoe County District Court No. 16PR30546

Honorable H. Clay Hurst, Magistrate

In re the Estate of Viacheslav Yudkin, deceased.

Tatsiana Dareuskaya,

Appellant,

v.

Svetlana Shtutman,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2019COA26](#)

Court of Appeals No. [17CA2304](#)

City and County of Denver District Court No. 16CV31798

Honorable Elizabeth A. Starrs, Judge

Samantha Wagner; Ashley Stewart; A.S., a child acting through her mother and next best friend, Ashley Stewart; Mandy Davis; and Ammar Laskarwala,

Plaintiffs-Appellants,

v.

Planned Parenthood Federation of America, Inc.; and Rocky Mountain Planned Parenthood, Inc., a/k/a Planned Parenthood of the Rocky Mountains, Inc.,

Defendants-Appellees.

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

Division III

Opinion by JUDGE ROTHENBERG*

Harris, J., concurs

Webb, J., concurs in part and dissents in part

[2019COA27](#)

Court of Appeals No. [18CA0842](#)

Arapahoe County District Court No. 16CR2045

Honorable Andrew C. Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Darius Javonmarquise Slaughter,

Defendant-Appellee.

ORDER AFFIRMED

Division I

Opinion by JUDGE TERRY

Taubman and Fox, JJ., concur

[2019COA28](#)

Court of Appeals No. [18CA0930](#)
Douglas County District Court No. 05CR426
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hunter Adam Melnick,

Defendant-Appellant.

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

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

[2019COA29](#)

Court of Appeals No. [18CA1230](#)
Weld County District Court No. 18CV30116
Honorable Marcelo A. Kopcow, Judge

Daniel Earl Neppl,

Plaintiff-Appellant,

v.

Colorado Department of Revenue,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA1453
Jefferson County District Court No. 14CR2244
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Dewayne Henkel,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED IN PART,
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. 15CA1675
Jefferson County District Court No. 14CR2573
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Lee Michael Bozarth,

Defendant-Appellant.

JUDGMENT 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. 15CA1764
Jefferson County District Court No. 12CR2941
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathan Michael Maes,

Defendant-Appellant.

ORDER 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. 16CA0358
El Paso County District Court No. 15CR1394
Honorable Scott A. Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Clifford Carey,

Defendant-Appellant.

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. 16CA1743
El Paso County District Court No. 15CR5038
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Byron Tyrome Todd,

Defendant-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. 16CA1970
Adams County District Court No. 15CR2725
Honorable Craig R. Welling, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Lucas Mendoza,

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. 16CA2138
Mesa County District Court No. 11CR666
Honorable Valerie J. Robison, Judge
Honorable W. Terry Ruckriegle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerod Lance Wade,

Defendant-Appellant.

JUDGMENT AND SENTENCE 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. 17CA0583
Douglas County District Court No. 07CR408
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Leslie Walters,

Defendant-Appellant.

ORDER 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. 17CA0639
Arapahoe County District Court No. 15CR1073
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tory Robert Nelson,

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. 17CA0839
Boulder County District Court No. 12CR687
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cody Joseph Finch,

Defendant-Appellant.

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. 17CA1144
Arapahoe County District Court No. 14CR2632
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joel Mary Felix,

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. 17CA1190
City and County of Denver District Court No. 14CV33587
Honorable Michael J. Vallejos, Judge

Edward O. Byrne 2005 Irrevocable Trust,

Plaintiff-Appellant and Cross-Appellee,

v.

DCP Midstream, LP, a Delaware limited partnership,

Defendant-Appellee and Cross-Appellant.

JUDGMENTS AFFIRMED

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

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

Court of Appeals No. 17CA1329
El Paso County District Court No. 15CR4594
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Vince Daniel Brainerd,

Defendant-Appellant.

ORDER AFFIRMED

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. 17CA1534
Weld County District Court No. 16JV231
Honorable Elizabeth Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.S.R., C.M.H., f/k/a C.M.R., and S.B-R.,

Respondents-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. 17CA1671
Adams County District Court No. 17CV16
Honorable Edward C. Moss, Judge

Linda Faye Donna,

Plaintiff-Appellant,

v.

Countrywide Mortgage, a/k/a BOFA, BOFA, N.A., a nationally chartered bank,
Defendant-Appellee.

JUDGMENT 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. 17CA1901
Douglas County District Court No. 16JV140
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.C. a Child,

and Concerning S.C.,

Respondent-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. 17CA2039
Adams County District Court No. 16JV233
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning T.O.,

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. 17CA2191
Arapahoe County District Court No. 15CV32201
Honorable Elizabeth A. Weishaupl, Judge

The Odd Fellows Building and Investment Company of Englewood, Colorado, a
Delaware corporation,

Plaintiff-Appellant and Cross-Appellee,

v.

Lee H. DeMary and Barbara L. DeMary,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA0199
Adams County District Court No. 16JV173
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.K. and G.D.,

Respondents-Appellants.

JUDGMENT 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. 18CA0204
Jefferson County District Court No. 16JV841
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.S. a Child,

and Concerning C.R.,

Respondent-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. 18CA0330
Arapahoe County District Court No. 16DR30548
Honorable Peter F. Michaelson, Judge

In re the Marriage of

Colin Miller,

Appellee,

and

Lydia Zinkhan,

Appellant.

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

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

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

Court of Appeals No. 18CA0477
City and County of Denver District Court No. 17DR30680
Honorable Andrew P. McCallin, Judge

In re the Parental Responsibilities Concerning J.M-L., a Child,

and Concerning Nathan Mark Lester,

Appellant,

and

Dorothy McPeters,

Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0479
City and County of Denver District Court No. 17CR4738
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel J. Santiago,

Defendant-Appellant.

SENTENCES AFFIRMED

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. 18CA0520
Boulder County District Court No. 16JV366
Honorable Patrick Butler, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.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)

Court of Appeals No. 18CA0605
San Miguel County District Court No. 13CR52
Honorable Mary E. Deganhart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Julie Jean Carlson,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE FOX
Hawthorne, J., concurs
Harris, J., specially concurs

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

Court of Appeals No. 18CA0729
City and County of Denver District Court No. 17DR30574
Honorable Catherine A. Lemon, Judge

In re the Marriage of

Kristen R. Moussalli, f/k/a Kristen Seddiqui,

Appellant,

and

Daniel A. Seddiqui,

Appellee.

ORDER AFFIRMED

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. 18CA0750
Adams County District Court No. 17JV149
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning E.T. and B.S.,

Respondents-Appellants.

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. 18CA0801
Douglas County District Court No. 17CV30431
Honorable Shay K. Whitaker, Judge

Town of Parker, Colorado, a Colorado home-rule municipality,

Plaintiff-Appellant,

v.

Joseph T. Oltmann and Erika A. Oltmann, a/k/a Erika A. Osland,

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. 18CA0815
Jefferson County District Court No. 14DR2244
Honorable Randall C. Arp, Judge

In re the Parental Responsibilities Concerning N.C.H., a Child,
and Concerning Holly Debelle,

Appellee,

and

Tommy Wayne Holloman,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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. 18CA0821
Larimer County District Court No. 16JV367
Honorable Stephen Jouard, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning K.L.,

Respondent-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. 18CA0843
Arapahoe County District Court No. 17CR3336
Honorable Phillip L. Douglass, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Phillip Max Pollard,

Defendant-Appellee.

ORDER 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. 18CA0931
Weld County District Court No. 17JV14
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.O. and J.O.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA1337
Adams County District Court No. 15JD297
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.R.C.,

Juvenile-Appellant.

SENTENCE 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. 18CA1501
City and County of Denver Juvenile Court No. 17JV284
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.A.A-F., a/k/a M.A.A-S.; M.A.A-S.; M.A.A-S.; and M.A.A-S.,
Children,

and Concerning E.A.S., Jr., and D.D.A-S.,

Respondents-Appellants.

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. 18CA1942
Industrial Claim Appeals Office of the State of Colorado
DD No. 25921-2018

Travis W. Rosen,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Denver Health &
Hospital Authority,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA2089
Industrial Claim Appeals Office of the State of Colorado
DD No. 35431-2018

Briana T. Folkerts,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Denver Public
Schools, d/b/a UC Express,

Respondents.

ORDER AFFIRMED

Division VII
Opinion by JUSTICE MARTINEZ*
Dunn and Ashby, 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

[2018COA170M](#)

Court of Appeals No. [14CA0505](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Omar Ricardo Godinez,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED
Freyre, J., would GRANT for the reasons stated in the partial dissent

Announced December 13, 2018

Court of Appeals No. 17CA1599

Holly L. MacIntyre,

Plaintiff-Appellant,

v.

Supreme Court of Colorado, and JP Morgan Chase Bank, National Association,

Defendants-Appellees.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 17CA2254

Michael Eugene Tallman,

Plaintiff-Appellant,

v.

Richard Aune,

Defendant-Appellee.

Petition for Rehearing DENIED

Court of Appeals No. 18CA0713

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Allen, a/k/a Edward Clutts,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

MODIFIED OPINIONS

[19COA20M](#)

Court of Appeals No. [18CA0548](#)
Pueblo County District Court No. 16PR215
Honorable Allison P. Ernst, Judge

In re the Interest of Louis “Barney” Arguello, protected person, and the Arc of Pueblo,

Respondents-Appellees,

v.

Fe Ana Balsick and Colorado Bluesky Enterprises, Inc.,

Petitioners-Appellants.

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

Division III
Opinion by JUDGE FREYRE
Román, J., concurs
Webb, J., concurs in part and dissents in part

Opinion Modified
on the Court’s Own Motion

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2018.