

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 1, 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

[2019COA116](#)

Court of Appeals No. [16CA1709](#)
Arapahoe County District Court No. 93CR1584
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chester L. Huggins,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE LIPINSKY
Román, J., concurs
J. Jones, J., specially concurs

[2019COA117](#)

Court of Appeals No. [17CA0959](#)
Arapahoe County District Court No. 15CR3031
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Theodore Yakas,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Fox and Welling, JJ., concur

[2019COA118](#)

Court of Appeals No. [18CA0865](#)
El Paso County District Court No. 16CV45
Honorable Eric Bentley, Judge

Robert D. Gandy,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director, Colorado Department of Corrections; and
Travis Trani, Director of Prisons, Colorado Department of Corrections,

Defendants-Appellees.

ORDER AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Dunn and Berger, JJ., concur

[2019COA119](#)

Court of Appeals No. [18CA1047](#)

City and County of Denver District Court No. 14CV31144

Honorable Elizabeth A. Starrs, Judge

Richard Blakesley,

Plaintiff-Appellant,

v.

BNSF Railway Company,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2019COA120](#)

Court of Appeals No. [18CA1200](#)

Eagle County District Court No. 16CV30439

Honorable Frederick W. Gannett, Judge

Anna Filatov,

Plaintiff-Appellant,

v.

Mark F. Turnage and Natalie F. Boccock Turnage,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE GROVE
Hawthorne, J., concurs
Taubman, J., specially concurs

[2019COA121](#)

Court of Appeals No. [18CA1201](#)

City and County of Denver District Court No. 16CV33608

Honorable J. Eric Elliff, Judge

Bolt Factory Lofts Owners Association Inc., a Colorado nonprofit corporation,

Plaintiff-Appellee,

v.

Auto-Owners Insurance Company,

Intervenor-Appellant.

ORDER AFFIRMED

Division VI

Opinion by JUDGE FOX

Freyre and Welling, JJ., concur

[2019COA122](#)

Court of Appeals No. [18CA1655](#)

Arapahoe County District Court No. 17CV32137

Honorable John L. Wheeler, Judge

Actarus, LLC,

Plaintiff-Appellant,

v.

Larnitta Darlene Johnson, by and through Bret Johnson, as next friend,

Defendant-Appellee.

ORDER AFFIRMED

Division I

Opinion by JUDGE GROVE

Taubman and Hawthorne, JJ., concur

[2019COA123](#)

Court of Appeals No. [18CA1770](#)

Arapahoe County District Court No. 17CV32889

Honorable Elizabeth Beebe Volz, Judge

John Ferraro and Sandra Ferraro,

Plaintiffs-Appellants,

v.

Frias Drywall, LLC,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI

Opinion by JUDGE FREYRE
Fox and Welling, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA0008
Jefferson County District Court No. 16CR814
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Dean Turner,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE BROWN
Webb and Furman, JJ., concur

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

Court of Appeals No. 17CA0101
El Paso County District Court No. 16CR37
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William David Mathews,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Berger and Miller*, JJ., concur

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

Court of Appeals No. 17CA0149
Arapahoe County District Court No. 06CR1214
Honorable Charles M. Pratt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Paul Brannon,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Fox and Welling, JJ., concur

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

Court of Appeals Nos. 17CA0848 & 18CA1400
Larimer County District Court Nos. 15DR567 & 15JV46
Honorable Julie Kunce Field, Judge

In re the Parental Responsibilities Concerning K.J.N.W., a Child,

and Concerning Anthony Robert Walter,

Appellee,

and

Jiying Wei,

Appellant.

ORDERS AFFIRMED IN PART AND REVERSED IN PART

Division I
Opinion by JUDGE TAUBMAN
Bernard, C.J., and Welling, J., concur

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

Court of Appeals No. 17CA1174
City and County of Denver Juvenile Court No. 15JD155
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.L-C.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE BERNARD
Davidson* and Casebolt*, JJ., concur

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

Court of Appeals No. 17CA1245
City and County of Denver District Court No. 08CR2720
Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Saul Roldan,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE HARRIS
Tow and Márquez*, JJ., concur

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

Court of Appeals No. 17CA1544
Pueblo County District Court No. 15CR2333
Honorable Kimberly Jo Karn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Arturo Dedmon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Hawthorne and Grove, JJ., concur

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

Court of Appeals No. 17CA1561
City and County of Denver District Court No. 13CR419
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth A. Smith,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FOX
Welling and Casebolt*, JJ., concur

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

Court of Appeals No. 17CA1714
El Paso County District Court No. 16CR4060
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brent Steven Horton,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE TERRY
Dailey and Pawar, JJ., concur

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

Court of Appeals No. 17CA2111
Boulder County District Court No. 10CR1402
Honorable Bruce Langer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Gurule,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE WELLING
Fox and Freyre, JJ., concur

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

Court of Appeals No. 18CA0610
Douglas County District Court No. 17CR668
Honorable David J. Stevens, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Lowell Mason, II,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE TOW
Harris and Davidson*, JJ., concur

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

Court of Appeals No. 18CA0887
City and County of Denver District Court No. 15CV733
Honorable Robert L. McGahey, Jr., Judge

Jacob Bryce Record,

Plaintiff-Appellant,

v.

USA Services, Inc., and Jamin Pollack,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Fox and Welling, JJ., concur

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

Court of Appeals No. 18CA0995
Arapahoe County District Court No. 10DR894
Honorable Peter F. Michaelson, Judge

In re the Marriage of

Kristen J. Aleksa,

Appellee,

and

Orrick G. Nepomuceno,

Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Berger and Davidson*, JJ., concur

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

Court of Appeals No. 18CA1004
Alamosa County District Court No. 17CV6
Honorable Martin A. Gonzales, Judge

Brett Marino,

Plaintiff-Appellant,

v.

Alamosa County Department of Human Services, Colorado Department of
Health Care Policy and Financing, and Red Willows, Inc., d/b/a SLV
Transportation,

Defendants-Appellees.

ORDER AFFIRMED

Division IV
Opinion by JUDGE ROMÁN
J. Jones and Rothenberg*, JJ., concur

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

Court of Appeals No. 18CA1086
City and County of Broomfield District Court No. 17CV30026
Honorable Emily E. Anderson, Judge

Jerald M. Whisenton,

Plaintiff-Appellant,

v.

Leslie J. Candelaria,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE ROTHENBERG*
Román and J. Jones, JJ., concur

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

Court of Appeals No. 18CA1163
Huerfano County District Court No. 17CV30030
Honorable Claude W. Appel, Judge

Betty Williams,

Plaintiff-Appellee,

v.

Timothy Williams,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Dunn and Berger, JJ., concur

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

Court of Appeals No. 18CA1233
City and County of Denver District Court No. 16CV34085
Honorable Ross B. Buchanan, Judge

Orange Collar, Inc.,

Plaintiff-Appellee,

v.

Andrew Mowery,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE BERGER
Navarro and Miller*, JJ., concur

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

Court of Appeals No. 18CA1461
Arapahoe County District Court No. 05CR2270
Honorable Carlos A. Samour, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Santos A. Perez,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE BROWN
Webb and Furman, JJ., concur

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

Court of Appeals No. 18CA1564
Arapahoe County District Court No. 17CV31984
Honorable John L. Wheeler, Judge

Rocky Mountain Signing Company, Inc.,

Petitioner-Appellee,

v.

City of Aurora,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE TOW
Harris and Márquez*, JJ., concur

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

Court of Appeals No. 18CA1566
Arapahoe County District Court No. 18CV30072
Honorable Frederick T. Martinez, Judge

Mary Tapps,

Plaintiff-Appellant,

v.

Greyhound Lines, Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE TERRY
Dailey and Pawar, JJ., concur

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

Court of Appeals No. 18CA1586
Moffat County District Court No. 17CV4
Honorable Michael A. O'Hara III, Judge

Harley K. Guess,

Plaintiff-Appellee,

v.

Yampa Valley Bison, LLC,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE BERNARD
Davidson* and Casebolt*, JJ., concur

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

Court of Appeals No. 18CA1675
Weld County District Court No. 16DR113
Honorable Elizabeth B. Strobel, Judge

In re the Marriage of

Lynette Treese Groh,

Appellant,

and

Steven Clay Groh,

Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE CASEBOLT*
Taubman and Grove, JJ., concur

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

Court of Appeals No. 19CA0363
Jefferson County District Court No. 18CR1539
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Melvin Guillard,

Defendant-Appellee.

ORDER AFFIRMED

Division III
Opinion by JUDGE FURMAN
Webb and Brown, JJ., concur

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

Court of Appeals No. 19CA0981
Pueblo County District Court No. 19MH127
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Duane Lee Schissler,

Respondent-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE FURMAN
Webb and Brown, 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. 18CA1138

John Andrew Pastore and New Age Alternative, LLC,

Plaintiffs-Appellants,

v.

City and County of Denver through its Department of Excise and Licenses and
Ashley Kilroy, in her official capacity as director of Denver Department of
Excise and Licenses,

Defendants-Appellees.

Petition for Rehearing DENIED

Court of Appeals No. 18CA1560

In re the Marriage of

Kenneth M. Schulter,

Appellant,

and

Janis Gail Schulter,

Appellee.

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.