

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 28, 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UNPUBLISHED OPINIONS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. 15CA1800
Douglas County District Court No. 12CR509
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Todd Lancaster,

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. 15CA1902
City and County of Broomfield District Court No. 14CR35
Honorable Edward C. Moss, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Magallan,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE BERGER
Tow, J., concurs
Taubman, J., concurs in part and dissents in part

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

Court of Appeals No. 16CA0611
Adams County District Court No. 09CR1527
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Douglas Junior Taylor,

Defendant-Appellant.

ORDERS 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. 16CA1633
City and County of Denver District Court No. 11CR4841
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Morarie,

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. 16CA1681
Arapahoe County District Court No. 14CR2907
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Gutierrez-Dicochea,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0144
City and County of Denver District Court Nos. 13CR5926 & 14CR1010
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Meeks,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by CHIEF JUDGE BERNARD
Davidson* and Nieto*, JJ., concur

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

Court of Appeals No. 17CA0721
Jefferson County District Court No. 16CR1637
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Caleb Dwayne Levi Williams,

Defendant-Appellant.

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

Division II
Opinion by JUDGE DAVIDSON*
Bernard, C.J., and Nieto*, J., concur

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

Court of Appeals No. 17CA0909
Arapahoe County District Court No. 16CR831
Honorable Ben L. Leutwyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Leroy Austine,

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. 17CA0921
State Personnel Board Case No. 2014B061

Doris McCauley,

Petitioner-Appellant and Cross-Appellee,

v.

Colorado Department of Revenue, Division of Motor Vehicles, Driver's License
Section,

Respondent-Appellee and Cross-Appellant,

and

State Personnel Board,

Appellee.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE CARPARELLI*
Dailey and Tow, JJ., concur

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

Court of Appeals No. 17CA1691
City and County of Denver District Court No. 09CR3921
Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Genaro Lozano-Salazar,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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. 17CA1790
El Paso County District Court No. 11CR2889
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chad Eric Castrejon,

Defendant-Appellant.

ORDER 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. 17CA2044
Adams County District Court No. 06CR3387
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William K. Shipp, III,

Defendant-Appellant.

ORDER AFFIRMED 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. 17CA2096
Lincoln County District Court No. 16CV14
Honorable Gary M. Kramer, Judge

David Pigford,

Plaintiff-Appellant,

v.

Rick Raemisch, Executive Director of the Colorado Department of Corrections;
and James Falk, Warden of the Limon Correctional Facility,

Defendants-Appellees.

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. 17CA2117
City and County of Denver District Court No. 14CR2701
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Peter Andrew Johnson,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA2195
El Paso County District Court No. 12DR2531
Honorable William B. Bain, Judge

In re the Parental Responsibilities Concerning B.B., a Child,

and Concerning William Muhr,

Appellant,

and

Dawna Braswell,

Appellee.

ORDER 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. 17CA2324
El Paso County District Court No. 13DR1357
Honorable Robert L. Lowrey, Judge

In re the Marriage of

Robert Ray Byrd,

Appellant,

and

Zelda Faythe Aaron-Byrd,

Appellee.

ORDER 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 No. 18CA0063
Larimer County District Court No. 15JV107
Honorable Thomas R. French, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.M.; D.F., Jr.; and S.F., Children,

and Concerning D.F. and S.M.,

Respondents-Appellants.

JUDGMENT AFFIRMED IN PART
AND DISMISSED IN PART

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

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

Court of Appeals No. 18CA0135
El Paso County District Court No. 16CV33451
Honorable Erin L. Sokol, Judge

Robert E. Grossman,

Plaintiff-Appellant,

v.

League Mechanical, LLC; and League Commercial Refrigeration & HVAC, LLC,
Defendants-Appellees.

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. 18CA0141
Adams County District Court No. 01CR430
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Wayne Bingham,

Defendant-Appellant.

ORDER 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. 18CA0157
State Board of Licensure for Architects, Professional Engineers, and
Professional Land Surveyors Case No. 2017-4781

Gregory S. Bradford,

Petitioner-Appellant,

v.

Colorado Oil and Gas Conservation Commission,

Respondent-Appellee,

and

State Board of Licensure for Architects, Professional Engineers, and
Professional Land Surveyors,

Appellee.

ORDER 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. 18CA0176
El Paso County District Court No. 12DR2531
Honorable William B. Bain, Judge

In re the Parental Responsibilities Concerning B.B., a Child,
and Concerning William Muhr,

Appellant,

and

Dawna L. Braswell,

Appellee.

ORDER REVERSED 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. 18CA0336
Weld County District Court No. 09CR959
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Trevor Brooks,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA0385
Jefferson County District Court No. 11CR1390
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald A. Davis,

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. 18CA0411
Larimer County District Court No. 11CR772
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terance Dejuan Wilson,

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. 18CA0475
El Paso County District Court No. 17PR30696
Honorable Frances R. Johnson, Magistrate

In re the Estate of Delmar Kobilan, deceased.

Leonard Volosin,

Appellant,

v.

Ann Arlene Parks, as Personal Representative of the Estate of Delmar Kobilan,
Appellee.

ORDERS 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. 18CA0606
Arapahoe County District Court No. 08CR2762
Honorable Frederick T. Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victoria Dawn Wright,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA0651
Adams County District Court No. 16JV387
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning P.A.G. III,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0674
Weld County District Court No. 17CR1019
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan Frausto-Fonseca,

Defendant-Appellant.

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. 18CA0749
Alamosa County District Court No. 17JV37
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.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. 18CA0754
El Paso County District Court No. 17CV32924
Honorable David A. Gilbert, Judge

Roofcraft, Inc.,

Plaintiff-Appellant,

v.

Nanette Peeters,

Defendant-Appellee.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA0824
Larimer County District Court No. 14JV431
Honorable Stephen J. Jouard, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.A., Child,

and Concerning C.B.,

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. 18CA0838
Boulder County District Court No. 15DR648
Honorable Andrew Hartman, Judge

In re the Parental Responsibilities Concerning B.D., a Child,

and Concerning Elizabeth Mills,

Appellant,

and

Joshua Dorff,

Appellee.

ORDER AFFIRMED

Division III
Opinion by CHIEF JUDGE BERNARD
Márquez* and Vogt*, JJ., concur

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

Court of Appeals No. 18CA0839
Mesa County District Court No. 17DR161
Honorable Kevin R. Kennedy, Magistrate

In re the Marriage of

Melissa Marie Kissick,

Appellee,

and

Steven Eugene Odom, Jr.,

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. 18CA0877
El Paso County District Court No. 15DR31668
Honorable Deborah J. Grohs, Judge

In re the Marriage of

Rose M. Rogers,

Appellee,

and

Timothy B. Rogers,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE MÁRQUEZ*
Bernard, C.J., and Vogt*, J., concur

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

Court of Appeals No. 18CA1231
Douglas County District Court No. 12DR860
Honorable Michael J. Spear, Judge

In re the Marriage of

Jennifer A. Hunsinger,

Appellee,

and

Wade A. Hunsinger,

Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE VOGT*
Bernard, C.J., and Márquez*, J., concur

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

Court of Appeals No. 18CA1282
City and County of Denver Juvenile Court No. 17JV172
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of V.G.I., a Child,

and Concerning V.G.I.,

Respondent-Appellant.

JUDGMENT 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. 18CA1450
Jefferson County District Court No. 17JV173
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.M-M., a Child,

and Concerning J.M.,

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. 18CA1524
El Paso County District Court No. 17JV522
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.L. and G.L., Children,

and Concerning D.M.,

Respondent-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. 18CA1571
Industrial Claim Appeals Office of the State of Colorado
DD No. 27058-2018

Scott L. Carlson,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and RMR Colorado,
LLC,

Respondents.

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. 18CA1623
El Paso County District Court No. 16JV1535
Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.S.,

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. 18CA1792
La Plata County District Court No. 18CR92
Honorable Todd Norvell, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Mark Andrew Cutchen,

Defendant-Appellee.

-----AND-----

Court of Appeals No. 18CA1793
La Plata County District Court No. 18CR136
Honorable Todd Norvell, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Mark Andrew Cutchen,

Defendant-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA2263
Industrial Claim Appeals Office of the State of Colorado
DD No. 37523-2018

Almita Godbolt,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and 22nd Century
Staffing Inc.,

Respondents.

ORDER 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. 18CA2303
Industrial Claim Appeals Office of the State of Colorado
DD No. 42634-2018

Irene Melendez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Loves Country
Stores Inc., d/b/a UC Express,

Respondents.

ORDER AFFIRMED

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. 17CA1162

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas M. Stewart,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1566

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Elliot Wingfield,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1190

Edward O. Byrne 2005 Irrevocable Trust,

Plaintiff-Appellant and Cross-Appellee,

v.

DCP Midstream, LP, a Delaware limited partnership,

Defendant-Appellee and Cross-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 17CA2079

City and County of Denver, a home rule city and municipal corporation,

Petitioner-Appellee,

v.

Thomas R. Anthony,

Respondent-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0930

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hunter Adam Melnick,

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.