

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
June 6, 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**

[2019COA86](#)

Court of Appeals No. [18CA1147](#)

City and County of Denver District Court No. 17CV31315

Honorable Kenneth M. Laff, Judge

Weld Air & Water, Sierra Club, NAACP Colorado State Conference, and Wall of Women,

Plaintiffs-Appellants and Cross-Appellees,

v.

Colorado Oil and Gas Conservation Commission,

Defendant-Appellee and Cross-Appellant,

and

Extraction Oil and Gas, Inc.,

Defendant-Appellee and Intervenor.

JUDGMENT AFFIRMED

Division VI

Opinion by JUDGE FOX

Freyre and Welling, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 16CA0304  
Eagle County District Court No. 06CR153  
Honorable Paul R. Dunkelman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jorge Daniel Valdez,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1940  
El Paso County District Court No. 16CR1103  
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Javarray Charles January,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1273  
Adams County District Court No. 14CR2861  
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jahmal Rasha Bynum,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE RICHMAN  
Harris and Tow, JJ., concur

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

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Court of Appeals No. 17CA1302  
Montrose County District Court No. 15CR97  
Honorable Keri A. Yoder, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Stewart,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1413  
Rio Grande County District Court No. 16CR178  
Honorable Patrick Hayes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Diego Alejandro Luna,

Defendant-Appellant.

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

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

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

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Court of Appeals No. 17CA1894  
Weld County District Court No. 12CR332  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul Anthony Rios,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA2197  
Adams County District Court No. 16CV95  
Honorable Edward C. Moss, Judge

Paul Martinez,

Plaintiff-Appellant,

v.

Altitude Marketing Inc., d/b/a 1-800SolarUSA,

Defendant-Appellee.

ORDERS AFFIRMED

Division V  
Opinion by JUDGE RICHMAN  
Harris and Tow, JJ., concur

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

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Court of Appeals No. 18CA0094  
City and County of Denver District Court No. 16CV33113  
Honorable Jennifer Torrington, Judge

Orion Air Group Holdings, LLC,

Plaintiff-Appellee,

v.

Arapahoe Airport Joint Venture #1 and Arapahoe Airplaza JV #1,

Defendants-Appellants.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 18CA0155  
Adams County District Court No. 15CR722  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffrey Allen Barela,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

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Court of Appeals No. 18CA0215  
El Paso County District Court No. 14CV34013  
Honorable David A. Gilbert, Judge

Francis Rudnicki, as parent, guardian, and next friend of Alexander Rudnicki,  
a minor child; and Pamela Rudnicki, as parent, guardian, and next friend of  
Alexander Rudnicki, a minor child,

Plaintiffs-Appellants,

v.

Peter Bianco, D.O.,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0635  
Arapahoe County District Court No. 17CV101  
Honorable Charles M. Pratt, Judge

14201 East Fourth, LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Atlantic Freight Systems, Inc., and Ty W. Allen,

Defendants-Appellants.

ORDERS AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE PAWAR  
Dailey and Terry, JJ., concur

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

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Court of Appeals No. 18CA0692  
Colorado State Board of Pharmacy Case No. PH 2016-0003

Colorado State Board of Pharmacy,

Petitioner-Appellee,

v.

College Pharmacy, Inc. PDO No. 240000038 and Jerry S. Gillick, R.Ph. PHA  
16960,

Respondents-Appellants.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TOW  
Taubman, J., concurs  
Berger, J., concurs in part and dissents in part

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

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Court of Appeals No. 18CA0739  
Logan County District Court No. 17CR248  
Honorable Douglas R. Vannoy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Gary Hutchings,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE LIPINSKY  
J. Jones and Davidson\*, JJ., concur

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

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Court of Appeals No. 18CA0798  
Arapahoe County District Court No. 17CV32680  
Honorable John L. Wheeler, Judge

Rachel Bribiesca,

Plaintiff-Appellee,

v.

Marvin W. Foote Youth Services Center and Department of Human Services  
Division of Facility Maintenance,

Defendants-Appellants.

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

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

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

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Court of Appeals No. 18CA0834  
Las Animas County District Court No. 12CV168  
Honorable Christopher J. Munch, Judge

Justin Rueb,

Plaintiff-Appellee,

v.

Patrick McCarville,

Defendant-Appellant.

JUDGMENT REVERSED

Division I  
Opinion by JUDGE TAUBMAN  
Hawthorne and Nieto\*, JJ., concur

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

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Court of Appeals No. 18CA0868  
State Personnel Board Case No. 2018G026

William Miederhoff,

Petitioner-Appellant,

v.

Colorado Department of Transportation,

Respondent-Appellee.

ORDER AFFIRMED

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

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

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Court of Appeals No. 18CA1020  
Adams County District Court No. 16JV183  
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning K.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA1153  
City and County of Denver Juvenile Court No. 17JV798  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.W.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA1202  
Park County District Court No. 15JV14  
Honorable Stephen A. Groome, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.P.,

Respondent-Appellant,

and J.C.F.,

Respondent-Appellee.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE CASEBOLT\*  
Webb and Furman, JJ., concur

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

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Court of Appeals No. 18CA1270  
City and County of Denver District Court Nos. 99CR135, 99CR136 & 99CR138  
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Jennings Fogle,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE DAVIDSON\*  
J. Jones and Lipinsky, JJ., concur

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

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Court of Appeals No. 19CA0302  
Pueblo County District Court No. 19MH17  
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Jaheem Hilts,

Respondent-Appellant.

ORDER AFFIRMED

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

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

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**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. 17CA0279

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric Alexis Neckel,

Defendant-Appellant.

Petition for Rehearing DENIED

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Court of Appeals No. 17CA0806

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Nash,

Defendant-Appellant.

Petition for Rehearing DENIED

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Court of Appeals No. 17CA1758

The People of the State of Colorado,

Plaintiff-Appellant,

v.

George Lo,

Defendant-Appellee.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA2096

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.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA2223

In re the Matter of Edna Herbert Henderson,

Appellee,

and

Maurice Rennemeyer,

Appellant,

v.

Teresa Bradfield,

Appellee.

Petition for Rehearing DENIED

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

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