

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
July 25, 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

[2019COA111](#)

Court of Appeals No. [17CA0775](#)
Weld County District Court No. 14CR2052
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joey Ray Hernandez,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WEBB
Furman and Brown, JJ., concur

[2019COA112](#)

Court of Appeals No. [17CA1665](#)
Mesa County District Court No. 17JA70
Honorable Gretchen B. Larson, Judge

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

Appellant,

for the Adoption of S.S.A.R., a Child,

and Concerning K.L.R., Sr., and S.M.R.,

Appellees.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

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

[2019COA113](#)

Court of Appeals No. [18CA0950](#)
City and County of Denver District Court No. 14CV34518
Honorable J. Eric Elliff, Judge

23 LTD, d/b/a Bradsby Group, a Colorado corporation,

Plaintiff-Appellant and Cross-Appellee,

v.

Tracy Herman,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED, ORDER REVERSED,
AND CASE REMANDED WITH DIRECTIONS

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

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ANNOUNCEMENTS
Colorado Court of Appeals
July 25, 2019

[2019COA114](#)

Court of Appeals No. [18CA1148](#)

City and County of Denver District Court No. 17CV33475

Honorable Michael A. Martinez, Judge

Information Network for Responsible Mining, Earthworks, and Sheep Mountain Alliance,

Plaintiffs-Appellants,

v.

Colorado Mined Land Reclamation Board,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2019COA115](#)

Court of Appeals No. [18CA1316](#)

Delta County District Court No. 17CV30026

Honorable Steven L. Schultz, Judge

SG Interests I, Ltd., a Texas limited partnership, and SG Interests VII, Ltd., a Texas limited partnership,

Plaintiffs-Appellants,

v.

Peter T. Kolbenschlag, a/k/a Pete Kolbenschlag,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

Prior Opinion Announced June 27, 2019, WITHDRAWN

OPINION PREVIOUSLY ANNOUNCED AS “NOT PUBLISHED PURSUANT TO C.A.R. 35(e)” ON June 27, 2019, IS NOW DESIGNATED FOR PUBLICATION

UNPUBLISHED OPINIONS

Court of Appeals No. 16CA1344
Douglas County District Court No. 14CR95
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Mikalpaul Swietlicki,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division I
Opinion by JUDGE GROVE
Taubman and Carparelli*, JJ., concur

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

Court of Appeals No. 17CA0313
Adams County District Court No. 15CR3647
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Duane Schlager,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Furman and Brown, JJ., concur

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

Court of Appeals No. 17CA0479
El Paso County District Court No. 10CR2900
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rene Martinez-Mesa,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1074
City and County of Denver District Court No. 08CR10479
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Hicks,

Defendant-Appellant.

ORDERS VACATED IN PART

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

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

Court of Appeals No. 17CA1107
Kiowa County District Court No. 02CR4
Honorable Stanley A. Brinkley, Judge

The People of the State of Colorado,

Plaintiff-Appellant and Cross-Appellee,

v.

Kenneth Daryl Broussard,

Defendant-Appellee and Cross-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE ROMÁN
Lipinsky, J., concurs
J. Jones, J., specially concurs

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

Court of Appeals No. 17CA1772
City and County of Denver District Court No. 06CR4898
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luther C. Hill,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA0203
Alamosa County District Court No. 16CR51
Honorable Michael A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sixto H. Montanez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DUNN
Navarro and Berger, JJ., concur

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

Court of Appeals No. 18CA0340
El Paso County District Court No. 16CV30002
Honorable Thomas K. Kane, Judge

William H. Peetz,

Plaintiff-Appellee,

v.

Judy R. Timm,

Defendant-Appellant.

JUDGMENT 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. 18CA0661
Larimer County District Court No. 16CV31115
Honorable C. Michelle Brinegar, Judge

Joe Orr and Front Range Meats, LLC,

Plaintiffs-Appellees,

v.

Brenda Mutchler, individually; and Brenda S. Mutchler, as Trustee of the
Robert R. Mutchler Testamentary Trust Under Will dated April 11, 1996 and
Codicil dated September 30, 1996,

Defendants-Appellants.

APPEAL DISMISSED

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

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

Court of Appeals No. 18CA0769
Huerfano County District Court No. 16CV30036
Honorable Claude W. Appel, Judge

RevGen Holdings LLC,

Plaintiff-Appellant,

and

Philip Flanders,

Counterclaim-Defendant,

v.

DDS Limited, LLC,

Defendant-Appellee,

and

Samuel Jones,

Counterclaim-Plaintiff.

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

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

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

Court of Appeals No. 18CA0818
Adams County District Court No. 11PR482
Honorable Patrick T. Murphy, Judge

In re the Estate of Clayton F. Smith, a/k/a Clay Smith, a/k/a Clayton
Sutherland Smith, deceased.

Todd B. Smith,

Appellant,

v.

Susan Smith Weller, Devin Weller, and Monica Weller,

Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WEBB
Furman and Brown, JJ., concur

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

Court of Appeals No. 18CA1023
City and County of Denver District Court No. 17CV33122
Honorable David H. Goldberg, Judge

Edward O. Byrne 2005 Irrevocable Trust,

Plaintiff-Appellant,

v.

DCP Midstream, LP, a Delaware limited partnership; DCP Midstream LP; and
DCP Midstream, LLC,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA1228
Adams County District Court No. 16CR4011
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Claud Louis Kasiah II,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Román and Lipinsky, JJ., concur

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

Court of Appeals No. 18CA1663
Larimer County District Court No. 17CV121
Honorable Devin R. Odell, Judge

Adidas Group, LLC, d/b/a Sports Licensed Division,

Plaintiff-Appellee,

v.

Jeffery Neal, individually,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE GROVE
Taubman and Carparelli*, JJ., concur

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

Court of Appeals No. 18CA1892
Arapahoe County District Court No. 17JV440
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning N.M.,

Respondent-Appellant.

JUDGMENT 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. 18CA2043
Douglas County District Court No. 17JV24
Honorable Rebecca J. Moss, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.L.B. and A.D.B., Children,

and Concerning T.B.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE WELLING
Bernard, C.J., and Furman, J., concur

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

Court of Appeals No. 18CA2248
Jefferson County District Court No. 17JV793
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.K.R., a Child,

and Concerning R.W.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA0670
City and County of Denver Probate Court No. 19MH339
Honorable Beth A. Tomerlin, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Helen Parker,

Respondent-Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 19CA0706
Boulder County District Court No. 16MH143
Honorable Norma A. Sierra, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Annette Geister,

Respondent-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Terry and Pawar, JJ., concur

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

Court of Appeals No. 19CA0877
City and County of Denver Probate Court No. 18MH472
Honorable Beth A. Tomerlin, Magistrate

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.O.,

Respondent-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE ROMÁN
J. Jones and Lipinsky, 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. 16CA1400

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dustin Travis Harmon,

Defendant-Appellant.

Petitions for Rehearing DENIED

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

Court of Appeals No. 18CA0215

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.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA1316

SG Interests I, Ltd., a Texas limited partnership, and SG Interests VII, Ltd., a
Texas limited partnership,

Plaintiffs-Appellants,

v.

Peter T. Kolbenschlag, a/k/a Pete Kolbenschlag,

Defendant-Appellee.

Petition for Rehearing DENIED

[2019COA99M](#)

Court of Appeals No. [19CA0647](#)

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.C.,

Respondent-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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