

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 22, 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

[2019COA127](#)

Court of Appeals No. [18CA0647](#)
Arapahoe County District Court No. 17CV31948
Honorable Elizabeth Beebe Volz, Judge

Burger Investments Family Limited Partnership; A & S Burger Investments, LLC; 1241 LLC; 1221 LLC; and 1201 LLC,

Plaintiffs-Appellants,

v.

City of Littleton; Littleton City Council; and Stone Creek Real Estate Partners, LLC,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE TAUBMAN
Bernard, C.J., and Davidson*, J., concur

[2019COA128](#)

Court of Appeals No. [18CA1275](#)
Boulder County District Court No. 17CV30652
Honorable Patrick Butler, Judge

The Pro's Closet, Inc., a Delaware corporation,

Plaintiff-Appellant,

v.

City of Boulder, Colorado, and Michael Dougherty, in his official capacity as the
District Attorney for the 20th Judicial District of Colorado,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

[2019COA129](#)

Court of Appeals No. [18CA1331](#)
Pitkin County District Court No. 17CV30089
Honorable Christopher G. Seldin, Judge

Avicanna Inc.,

Plaintiff-Appellant,

v.

Timothy Mewhinney, Steven Garcia, and The Laughing Dog Group, LLC, a
Colorado limited liability company,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

-3-
ANNOUNCEMENTS
Colorado Court of Appeals
August 22, 2019

[2019COA130](#)

Court of Appeals No. [19CA0482](#)

Arapahoe County District Court No. 18CR1431

Honorable Ben L. Leutwyler, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Dearies Deshonne Austin Lee,

Defendant-Appellee.

ORDER AFFIRMED

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

UNPUBLISHED OPINIONS

Court of Appeals No. 16CA0802
Arapahoe County District Court No. 12CR268
Honorable Marilyn L. Antrim Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dariouch Sadeghi,

Defendant-Appellant.

ORDER REVERSED 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 Nos. 16CA1052 & 16CA1053
City and County of Denver District Court Nos. 13CR5353 & 14CR703
Honorable Karen L. Brody, Judge
Honorable Kandace C. Gerdes, Judge
Honorable Elizabeth A. Starrs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zackariah M. Jones,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND VACATED IN PART
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. 16CA1311
Jefferson County District Court No. 14CR572
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathan Daniel Knuth,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 16CA1402
Arapahoe County District Court No. 14CR2996
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samuel Lee Morrison,

Defendant-Appellant.

JUDGMENT 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. 16CA1530
City and County of Denver District Court No. 15CR6151
Honorable Martin F. Egelhoff, Judge
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcos Franco,

Defendant-Appellant.

JUDGMENT AND SENTENCE 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. 17CA0973
Adams County District Court No. 18CR82
Honorable Roberto Ramírez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lamonte Terrance Burgette,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA1991
Morgan County District Court No. 13CV30081
Honorable Charles M. Hobbs, Judge

Wai Tong, Yi L. Zhu, and Little Bamboo Restaurant, Inc.,

Plaintiffs-Appellees and Cross-Appellants,

v.

Eugene V. Doty,

Defendant-Appellant and Cross-Appellee.

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

Division III
Opinion by JUDGE HARRIS
Webb and Welling, JJ., concur

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

Court of Appeals No. 17CA2056
City and County of Denver District Court No. 16CR2359
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Earl T. Harris,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED IN PART AND VACATED
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. 17CA2305
Arapahoe County District Court No. 16PR30159
Honorable H. Clay Hurst, Magistrate

In re the Estate of William A. Powers, a/k/a William Arthur Powers, a/k/a
William Powers, a/k/a Bill Powers, deceased.

Lora J. Powers,

Appellant,

v.

William Martin Powers,

Appellee.

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

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

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

Court of Appeals No. 18CA0069
City and County of Denver District Court No. 14CR10385
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathan R. Johnson,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA0071
Mesa County District Court No. 11CR1108
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David A. Relaford,

Defendant-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. 18CA0836
City and County of Denver District Court No. 15DR30810
Honorable Catherine A. Lemon, Judge

In re the Marriage of

Amy Keesee,

Appellee,

and

Peter Barnes,

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. 18CA1030
Garfield County District Court No. 13CV30062
Honorable Anne K. Norrdin, Judge

Valley Investment Properties Partnership, LLC,

Plaintiff-Appellant,

v.

The Board of County Commissioners of the County of Garfield,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA1039
Montrose County District Court No. 16JV63
Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.T. and A.T. Jr.,

Respondents-Appellants.

JUDGMENT 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. 18CA1370
Douglas County District Court No. 16DR699
Honorable Michael Spear, Judge

In re the Marriage of

Husayn Abdullah-Aziz,

Appellant,

and

Fatemeh Osforri-Fard,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by CHIEF JUDGE BERNARD
Martinez* and Carparelli*, JJ., concur

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

Court of Appeals No. 18CA1572
Jefferson County District Court No. 07DR397
Honorable Judith M. Goeke, Judge

In re the Marriage of

Marcia Freeman, f/k/a Marcia Loomas,

Appellee,

and

Robert N. Loomas, Jr.,

Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA1703
Adams County District Court No. 11DR2219
Honorable Sean Finn, Judge

In re the Parental Responsibilities Concerning A.V., Jr., a Child,
and Concerning Agnes Marie Martinez and Juan Martinez,

Appellees,

and

Desiree Nicole Mendez,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA1734
Park County District Court No. 05DR77
Honorable Stephen A. Groome, Judge

In re the Marriage of

Karen Leighton Woodward,

Appellee,

and

Donald Hal Woodward,

Appellant.

JUDGMENT VACATED

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

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

Court of Appeals No. 18CA1781
City and County of Denver District Court No. 17CV732
Honorable J. Eric Elliff, Judge

Deborah Quintana-Hegtvedt, a/k/a Deborah A. Quintana,

Plaintiff-Appellant,

v.

Country Mutual Insurance Company,

Defendant-Appellee.

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. 18CA1868
El Paso County District Court No. 18DR245
Honorable Timothy Schutz, Judge

In re the Marriage of

Ziba Taherlou,

Appellee,

and

Hamed Niknafs,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA1870
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-985-669

Jorge Ontiveros Moreno,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Sysco Corporation,
and American Zurich Insurance Company,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA1894
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-001-904

Stanzi Miller,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Recob &
Associates,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA2097
Weld County District Court No. 17JV441
Honorable Elizabeth Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning T.E.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA2137
Weld County District Court No. 15JV883
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.I.H., J.L.H., J.M.H., and J.N.H., Children,

and Concerning J.A. and J.H.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE FURMAN
Bernard, C.J., and Casebolt*, J., concur

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

Court of Appeals No. 18CA2162
El Paso County District Court No. 17JV678
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.M., L.M., and J.M., Jr., Children,

and Concerning C.M. and J.M.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE VOGT*
Bernard, C.J., and Graham*, J., concur

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

Court of Appeals No. 18CA2180
Jefferson County District Court No. 18JA87
Honorable Ann Gail Meinster, Judge

In re the Petition of C.J.C. and S.M.C.,

Appellees,

for the Adoption of V.L.D., a Child,

and Concerning S.T.D.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA2181
Jefferson County District Court No. 17JV477
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Sy.C., a Child,

and Concerning S.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA2221
Adams County District Court No. 17JV225
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.B. and K.B., Children,

and Concerning J.B-C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE GRAHAM*
Bernard, C.J., and Vogt*, J., concur

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

Court of Appeals No. 18CA2231
Mesa County District Court No. 16JV106
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning N.R. and S.R.,

Respondents-Appellants.

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. 18CA2323
Garfield County District Court No. 17JV29
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.J.L.B. a Child,

and Concerning J.B., a/k/a J.A.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA2341
Industrial Claim Appeals Office of the State of Colorado
WC Nos. 4-849-952 & 4-865-048

Victor Barrera,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, ABM Industries, Inc.,
and Indemnity Insurance Company of North America,

Respondents.

ORDER 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. 18CA2466
Mesa County District Court No. 17JV294
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE GROVE
Taubman and Hawthorne, 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. 15CA1681

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Delano Marco Medina,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0076

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Douglas Thames,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 16CA1709

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chester L. Huggins,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 17CA0008

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Dean Turner,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 17CA0775

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joey Ray Hernandez,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 17CA1500

In re the Petition of N.J.C.,

Petitioner-Appellee,

for the Adoption of E.D.A., a Child,

and Concerning D.C. and Vi.C.,

Respondents-Appellants.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA1201

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

v.

Auto-Owners Insurance Company.,

Intervenor-Appellant.

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.