

*ANNOUNCEMENTS*  
*COLORADO COURT OF APPEALS*  
*May 23, 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**

[2019COA78](#)

Court of Appeals No. [15CA1178](#)  
Jefferson County District Court No. 14CR1695  
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Anthony Dominguez,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VII  
Opinion by JUDGE DUNN  
Márquez\* and Miller\*, JJ., concur

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[2019COA79](#)

Court of Appeals No. [17CA0204](#)  
City and County of Denver District Court No. 15CR5842  
Honorable Andrew P. McCallin, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Phillip L. Ross,

Defendant-Appellee.

RULINGS APPROVED

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

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[2019COA80](#)

Court of Appeals No. [17CA2318](#)  
El Paso County District Court No. 12DR5458  
Honorable Timothy Schutz, Judge

In re the Marriage of

Jamie R. Fabos, f/k/a Jamie R. Olsen,

Appellee,

and

Justin R. Olsen,

Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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[2019COA81](#)

Court of Appeals Nos. [18CA0049](#) & [18CA0760](#)

City and County of Denver District Court Nos. 14CV32213 & 14CV32268

Honorable Robert L. McGahey, Judge

Honorable Karen L. Brody, Judge

William Scholle,

Plaintiff-Appellee and Cross-Appellant,

v.

Delta Air Lines, Inc.,

Defendant-Appellant and Cross-Appellee.

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

Division VI

Opinion by JUDGE NAVARRO

Welling, J., concurs

Richman, J., concurs in part and dissents in part

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[2019COA82](#)

Court of Appeals No. [18CA0541](#)

Arapahoe County District Court No. 16PR30695

Honorable H. Clay Hurst, Magistrate

In re the Estate of Mark M. King, deceased.

Julie M. King,

Appellant,

v.

Carylyn K. Bell, as Personal Representative of the Estate of Mark M. King;  
Michael McCandish King; and Colton McCandish King,

Appellees.

ORDER AFFIRMED

Division III

Opinion by JUDGE ROMÁN  
Webb and Freyre, JJ., concur

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[2019COA83](#)

Court of Appeals No. [18CA0589](#)

El Paso County District Court No. 14DR3131

Honorable Erin Sokol, Judge

In re the Marriage of

Jennifer Ann Tooker,

Appellant,

and

Mark Glen Tooker,

Appellee,

and Concerning

El Paso County Child Support Services,

Intervenor.

ORDER AFFIRMED

Division VII

Opinion by JUDGE DUNN

Ashby and Martinez\*, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 15CA1681  
Jefferson County District Court No. 14CR3044  
Honorable Randall C. Arp, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Delano Marco Medina,  
  
Defendant-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. 15CA1922  
El Paso County District Court No. 14CR4351  
Honorable Jann P. Dubois, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Dylan Thomas Coons,  
  
Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 16CA0330  
El Paso County District Court No. 13CR3950  
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edgar Eleazar Gonzalez,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VII  
Opinion by JUDGE DUNN  
Navarro and Martinez\*, JJ., concur

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

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Court of Appeals No. 16CA1403  
El Paso County District Court No. 15CR3398  
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Moses Leo Vargas,

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. 16CA1774  
Jefferson County District Court No. 04CR3243  
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keason Burell Cox,

Defendant-Appellant.

ORDER 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. 17CA0531  
Jefferson County District Court No. 07CR3078  
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victoria Oreskovich,

Defendant-Appellant.

APPEAL DISMISSED IN PART  
AND ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA0898  
Adams County District Court No. 16CR3647  
Honorable Thomas Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Merlyon Blackburn,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

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Court of Appeals No. 17CA1041  
Mesa County District Court No. 08CR119  
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Joseph Jones,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA1220  
City and County of Denver District Court No. 05CR644  
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Melvin Keith Williams,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA1298  
Lincoln County District Court No. 15CR98  
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Douglas Charles Edwards,

Defendant-Appellant.

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

Division III  
Opinion by JUDGE WEBB  
Furman and Vogt\*, JJ., concur

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

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Court of Appeals No. 17CA1384  
Boulder County District Court No. 10PR8  
Honorable Bruce Langer, Judge

In re the Estate of Phyllis Lee Umbaugh, deceased.

Katherine Jo Motto,

Appellant,

v.

Theresa Elaine Keiser,

Appellee.

ORDER AFFIRMED

Division VII  
Opinion by JUSTICE MARTINEZ\*  
Navarro and Miller\*, JJ., concur

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

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Court of Appeals No. 17CA2000  
El Paso County District Court No. 16CR5403  
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Janice Victoria Lewis,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE PAWAR  
Dailey and Márquez\*, JJ., concur

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

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Court of Appeals No. 17CA2002  
El Paso County District Court No. 16CR6340  
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Oliver Noel Cook,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE NIETO\*  
Bernard, C.J., and Davidson\*, J., concur

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

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Court of Appeals No. 17CA2209  
Adams County District Court No. 03CR2009  
Honorable Robert W. Kiesnowski Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William F. Wagner, Jr.,

Defendant-Appellant.

ORDER 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. 17CA2409  
City and County of Denver Probate Court No. 17PR30772  
Honorable Elizabeth D. Leith, Judge

In the Interest of Sharon Wells, a/k/a Sharon Marie Wells, a/k/a Sharon M. Wells, Protected Person.

Gregory V. Wells and David L. Wells,

Appellants,

v.

Marcie R. McMinimee, in her official capacity as Alternate Conservator for Sharon Wells,

Appellee.

ORDERS AFFIRMED

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

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

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Court of Appeals No. 18CA0119  
Larimer County District Court No. 16CV30281  
Honorable Gregory M. Lammons, Judge

Rocky Mountain Hydro-Seeding, LLC, d/b/a Rocky Mountain Hydro Seed,  
Plaintiff-Appellant,

v.

Walsh Construction, Inc.,  
Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV  
Opinion by CHIEF JUDGE BERNARD  
Román and Lipinsky, JJ., concur

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

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Court of Appeals No. 18CA0458  
City and County of Denver District Court No. 16CR7969  
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,  
Plaintiff-Appellee,

v.

Menelaus Canody,  
Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE DAILEY  
Furman and Lipinsky, JJ., concur

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

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Court of Appeals No. 18CA0654  
Logan County District Court No. 17CV24  
Honorable Carl S. McGuire III, Judge

Thomas Rush,

Plaintiff-Appellant,

v.

Rick Raemisch, in his official capacity as Executive Director of the Colorado Department of Corrections; Matthew Hansen, in his official capacity as Warden of the Sterling Correctional Facility; and Philip J. Weiser, in his official capacity as the Colorado Attorney General,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 18CA0676  
Jefferson County District Court No. 07CR2494  
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marshall D. James,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 18CA0972  
El Paso County District Court No. 16CV31205  
Honorable Eric Bentley, Judge

Sandra Feezor,

Plaintiff-Appellant,

v.

Sevene Agency,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0973  
El Paso County District Court No. 16CV31205  
Honorable Eric Bentley, Judge

Sandra Feezor,

Plaintiff-Appellant,

v.

Zachery Crum,

Defendant-Appellee.

JUDGMENT 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)**

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Court of Appeals No. 18CA0974  
El Paso County District Court No. 16CV31205  
Honorable Eric Bentley, Judge

Sandra Feezor,

Plaintiff-Appellant,

v.

Charles Collins,

Defendant-Appellee.

JUDGMENT 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)**

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Court of Appeals No. 18CA1138  
City and County of Denver District Court No. 18CV135  
Honorable Brian R. Whitney, Judge

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.

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. 18CA1185  
City and County of Denver District Court No. 17CV468  
Honorable Edward D. Bronfin, Judge

Christopher J. Arenal,

Plaintiff-Appellant,

v.

Robert D. Arenal,

Defendant-Appellee.

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. 18CA1225  
El Paso County District Court No. 17CV448  
Honorable Michael P. McHenry, Judge

Exzavior R. McCulley,

Plaintiff-Appellant,

v.

Matt Golla,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE DUNN  
Navarro and Martinez\*, JJ., concur

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

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Court of Appeals No. 18CA1246  
Adams County District Court No. 92CR552  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cory James Zorn,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 18CA1444  
Arapahoe County District Court No. 15DR30961  
Honorable Bonnie H. McLean, Judge

In re the Marriage of

Danielle Alfaro,

Appellant,

and

Matthew Duerksen,

Appellee.

ORDER 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. 18CA1650  
Jefferson County District Court No. 17JV346  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.A. and S.R.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE DUNN  
Navarro and Márquez\*, JJ., concur

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

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Court of Appeals No. 18CA1680  
El Paso County District Court No. 11CR2386  
Honorable G. David Miller, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rodel Miranda,

Defendant-Appellant.

ORDER REVERSED 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. 18CA1785  
Arapahoe County District Court No. 16JV930  
Honorable Natalie T. Chase, Judge  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.L., Ma.L., J.L., and Mi.L., Children,

and Concerning D.T. and D.L.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA1907  
Arapahoe County District Court No. 17JV731  
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.M. a/k/a M.M.-J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE MÁRQUEZ\*  
Dunn and Navarro, JJ., concur

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

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Court of Appeals No. 18CA1928  
Garfield County District Court No. 17JV81  
Honorable John F. Neiley, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.A.,

Respondent-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. 18CA1963  
Adams County District Court No. 17JV169  
Honorable Priscilla Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of I.C., S.C., and O.C., Children,

and Concerning M.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA2038  
La Plata County District Court No. 18CR462  
Honorable William Laurence Herringer, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Thomas Jacob McPherson,

Defendant-Appellee.

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)**

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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. 15CA1823

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Esteban Ceballos-Rios,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0752

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ralph Leroy Candelario,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA1097

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffrey E. Rodocker,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA1569

In re the Marriage of

Julia Simpson,

Appellant and Cross-Appellee,

and

Stephen Patrick Simpson,

Appellee and Cross-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA2123

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ponciano Verduzco-Cervantes,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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[2019COA51M](#)

Court of Appeals No. [17CA2375](#)

Randy Murr and Devin Sparks,

Plaintiffs-Appellants,

v.

Civil Service Commission of the City and County of Denver and  
City and County of Denver, a municipal corporation,

Defendants-Appellees.

Opinion Modified and  
Petition for Rehearing DENIED

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Court of Appeals No. 18CA0689

Bellco Credit Union,

Plaintiff-Appellee,

v.

R. Kirk McDonald,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA0763

Barbara McGlothlen,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Karman, Inc. and  
Pinnacol Assurance,

Respondents.

Petition for Rehearing DENIED

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

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**MODIFIED OPINIONS**

[2019COA56M](#)

Court of Appeals No. [17CA0159](#)

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.M.,

Juvenile-Appellant.

ORDER AFFIRMED

Division V

Opinion by JUDGE J. JONES  
Terry and Grove, JJ., concur

Opinion Modified  
On the Court's Own Motion

Announced April 18, 2019

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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.