

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 2, 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

[2019COA61](#)

Court of Appeals No. [16CA0400](#)
City and County of Denver District Court No. 14CR6552
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel A. Tresco,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE FOX
Furman, J., concurs
Ashby, J., dissents

[2019COA62](#)

Court of Appeals No. [16CA0446](#)
Adams County District Court No. 12CR1963
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rafael Perez,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TOW
Berger, J., concurs
Taubman, J., specially concurs

[2019COA63](#)

Court of Appeals No. [17CA1372](#)
Jefferson County District Court No. 16CR3708
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brittany Page Harrison,

Defendant-Appellant.

JUDGMENT VACATED

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

[2019COA64](#)

Court of Appeals No. [18CA0407](#)
Weld County District Court No. 16CR1113
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sandra Archuleta,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE MILLER*
Dunn, J., concurs
Ashby, J., specially concurs

[2019COA65](#)

Court of Appeals No. [18CA0418](#)
City and County of Denver District Court No. 17CV33923
Honorable Robert L. McGahey, Jr., Judge

Kevin O'Connell, Paul Hudgens, Carol Purdy, and Dee Hayes,

Plaintiffs-Appellants,

v.

City Council of Denver and City and County of Denver, Colorado,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE ASHBY
Dailey and Vogt*, JJ., concur

Prior Opinion Announced December 13, 2018, WITHDRAWN
Petition for Rehearing GRANTED

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA1307
Adams County District Court No. 13CR2738
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joey Michael Foehl,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1761
Lake County District Court No. 13CR70
Honorable D. Wayne Patton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick Ryan Irwin,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED IN PART,
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)

Court of Appeals No. 16CA0345
Boulder County District Court No. 15CR258
Honorable Judith L. Labuda, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Ryerson,

Defendant-Appellant.

JUDGMENT AND SENTENCE 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. 16CA0645
Arapahoe County District Court No. 14CR1688
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Asamoah Agyemang,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals Nos. 16CA0647 & 16CA1172
Garfield County District Court No. 12CR240
Honorable Denise K. Lynch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Erin Pressler,

Defendant-Appellant.

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

Division II
Opinion by JUDGE FURMAN
Lipinsky, J., concurs
Dailey, J., concurs in part and dissents in part

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

Court of Appeals No. 16CA2064
Jefferson County District Court No. 15CR2447
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Russell M. Boles,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0055
Larimer County District Court No. 04CR1567
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Virgil Frank Reinhart Rice,

Defendant-Appellant.

ORDER 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. 17CA0700
El Paso County District Court No. 11CR835
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daryl Keener,

Defendant-Appellant.

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. 17CA0727
City and County of Denver District Court No. 13CR2807
Honorable Kandace Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony N. Tafoya,

Defendant-Appellant.

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

Division VI
Opinion by JUDGE WELLING
Richman and Navarro, JJ., concur

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

Court of Appeals No. 17CA1119
Larimer County District Court No. 08CR784
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Levi Moore,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE WEBB
Román, J., concurs
Freyre, J., concurs in part and dissents in part

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

Court of Appeals No. 17CA1235
Teller County District Court No. 16CR209
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Lester Weber,

Defendant-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. 17CA1518
El Paso County District Court No. 17CV31292
Honorable Larry E. Schwartz, Judge

Anastasia Vercos,

Plaintiff-Appellee,

v.

Jim Reid, R.C. Smith, and Jerry Cordova,

Defendants-Appellants.

ORDER AFFIRMED

Division VII
Opinion by JUDGE HARRIS
J. Jones and Ashby, JJ., concur

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

Court of Appeals No. 17CA1769
City and County of Denver District Court No. 11CR3203
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Oscar Mauricio Amaya-Melendez,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

Court of Appeals No. 17CA1933
El Paso County District Court No. 13CR1528
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Dean Butcher,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA2121
Adams County District Court No. 14CR1072
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachary Keith Swisher,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE NIETO*
Bernard, C.J., and Pawar, J., concur

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

Court of Appeals No. 17CA2256
City and County of Denver Juvenile Court No. 15JV1761
Honorable Carol Glowinsky, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning K.J.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA2287
Weld County District Court No. 17JV12
Honorable Elizabeth Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.M.W. and M.N.,

Respondents-Appellants.

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. 18CA0046
Boulder County District Court No. 16CV30714
Honorable Judith L. Labuda, Judge

Robert T. Deland,

Plaintiff-Appellant,

v.

Richard Fox, M.D.,

Defendant-Appellee.

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. 18CA0249
El Paso County District Court No. 17DR30435
Honorable Erin Sokol, Judge

In re the Marriage of

Christine D. Stettler,

Appellee,

and

C. Richard Stettler,

Appellant.

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

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

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

Court of Appeals No. 18CA0653
El Paso County District Court No. 18CV30
Honorable David A. Gilbert, Judge

Dennis Sladek and Diana Sladek,

Plaintiffs-Appellants,

v.

Nancy Hood and Colorado Realty & Investment Company, a sole
proprietorship,

Defendants-Appellees.

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

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. 18CA0771
Arapahoe County District Court No. 17DR299
Honorable Don Jesse Toussaint, Magistrate

In re the Marriage of

Gina Renee Holub,

Appellant,

and

Leslie Michael Cole,

Appellee.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
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. 18CA1088
Arapahoe County District Court No. 93DR2726
Honorable Peter F. Michaelson, Judge

In re the Marriage of

Susette J. Ikeler, n/k/a Susette J. Cline,

Appellee,

and

Douglas E. Ikeler,

Appellant.

ORDER AFFIRMED IN PART, REVERSED IN PART,
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. 18CA1091
Larimer County District Court No. 17JV249
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Petitioner-Appellant,

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

and Concerning M.G. and T.M.,

Respondents-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA1208
Pueblo County District Court No. 16JV0483
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of O.S.R. and A.E.R., Children,

and Concerning S.E.R.,

Respondent-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)

Court of Appeals No. 18CA1210
City and County of Denver District Court No. 17CV696
Honorable J. Eric Elliff, Judge

T'Chaka King,

Plaintiff-Appellant,

v.

Dan Turner and Midas, a Colorado corporation,

Defendants-Appellees.

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. 18CA1377
Lincoln County District Court No. 17CV14
Honorable Gary M. Kramer, Judge

Edward Allen, a/k/a Edward Clutts,

Plaintiff-Appellant,

v.

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

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA1389
Mesa County District Court No. 17JV168
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.A.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE PAWAR
Bernard, C.J. and Nieto*, J., concur

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

Court of Appeals No. 18CA1652
Arapahoe County District Court No. 16JV1152
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.W-R. and E.W-R., Children,

and Concerning H.W.,

Respondent-Appellant.

JUDGMENT 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. 18CA1767
Jefferson County District Court No. 17JV701
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning E.T.,

Respondent-Appellant.

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. 18CA1839
City and County of Denver Juvenile Court No. 17JV1129
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.K.O., a Child,

and Concerning A.M.G.,

Respondent-Appellant,

and N.H. and J.H.,

Intervenors.

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. 18CA2350
Industrial Claim Appeals Office of the State of Colorado
DD No. 37599-2018

Nicole M. Fanning,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Ulta3 Cosmetics &
Salon Inc.,

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE ROMÁN
Webb and Freyre, 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. 16CA0442
City and County of Denver District Court No. 14CR5701
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose G. King,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE LIPINSKY
Dailey and Furman, JJ., concur

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 17CA0868

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terrell Paris Marion,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0606

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victoria Dawn Wright,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0643

Colorado Department of Public Health and Environment,

Plaintiff-Appellee,

v.

Nicholas Brian Kurz,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0696

State Board of Optometry; Kerry Jarvis, O.D., in his official capacity as Member of State Board of Optometry; Donna Chen Ellinger, O.D., in her official capacity as Member of State Board of Optometry; William Waldman, O.D., in his official capacity as Member of State Board of Optometry; Heather Zambrano, in her official capacity as Member of State Board of Optometry; Benjamin M. Collins, O.D., in his official capacity as Member of State Board of Optometry; and Penny Lonegran, in her official capacity as Member of State Board of Optometry,

Petitioners-Appellees,

v.

Paul Michel,

Respondent-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA2037

Milan Barovic,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and G4S Secure Solutions USA, Inc.,

Respondents.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

2019COA50M

Court of Appeals No. 17CA2046

Brent M. Houchin

Plaintiff-Appellee,

v.

Denver Health and Hospital Authority,

Defendant-Appellant.

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

Division V
Opinion by JUDGE RICHMAN
Román, J., concurs
Berger, J., concurs in part and dissents in part

Opinion Modified
On the Court's Own Motion

Announced April 4, 2019

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