

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
January 24, 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

[2019COA6](#)

Court of Appeals No. [15CA1147](#)
El Paso County District Court No. 14CR5013
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

April Jo Coahran,

Defendant-Appellant.

JUDGMENT REVERSED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE HAWTHORNE
Tow and Nieto*, JJ., concur

[2019COA7](#)

Court of Appeals No. [17CA1423](#)
El Paso County District Court No. 10CV5060
Honorable Eric Bentley, Judge

Security Credit Services, LLC,

Plaintiff-Appellant,

v.

Winifried Hulterstrom,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BERGER
Román and Richman, JJ., concur

[2019COA8](#)

Court of Appeals No. [17CA1662](#)
City and County of Denver District Court No. 16CV33995
Honorable Edward D. Bronfin, Judge

Robert Roybal,

Plaintiff-Appellant,

v.

City and County of Denver, a Colorado municipal corporation; and Department
of Safety for the City and County of Denver,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TERRY
Taubman and Fox, JJ., concur

[2019COA9](#)

Court of Appeals No. [17CA1955](#)

Adams County District Court Nos. 10CR3742 & 11CR247

Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Joseph Terry,

Defendant-Appellant.

ORDER AFFIRMED

Division I

Opinion by JUDGE TAUBMAN
Bernard, C.J. and Fox, J., concur

[2019COA10](#)

Court of Appeals No. [17CA1992](#)

State Personnel Board Case No. 2016B034

Mathew Mark Stiles,

Petitioner-Appellee,

v.

Department of Corrections, Denver Reception & Diagnostic Center,

Respondent-Appellant,

and

State Personnel Board,

Appellee.

ORDER AFFIRMED

Division VI

Opinion by JUDGE FREYRE
Furman and Dunn, JJ., concur

OPINION PREVIOUSLY ANNOUNCED AS “NOT PUBLISHED PURSUANT TO
C.A.R. 35(e)” ON December 6, 2018, IS NOW DESIGNATED FOR PUBLICATION

[2019COA11](#)

Court of Appeals No. [17CA2089](#)

City and County of Denver District Court No. 17CV30099

Honorable Michael A. Martinez, Judge

Michael D. Brown,

Plaintiff-Appellant,

v.

American Standard Insurance Company of Wisconsin,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BERGER
Román and Richman, JJ., concur

[2019COA12](#)

Court of Appeals No. [17CA2254](#)

Jefferson County District Court No. 96CV1028

Honorable Randall C. Arp, Judge

Michael Eugene Tallman,

Plaintiff-Appellant,

v.

Richard Aune,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE DUNN
Martinez* and Márquez*, JJ., concur

[2019COA13](#)

Court of Appeals No. [17CA2293](#)
Jefferson County District Court No. 01DR2710
Honorable Dennis J. Hall, Judge

In re the Marriage of

Ronald L. Thorstad,

Appellee,

and

Randie J. Thorstad, n/k/a Randie J. Randell,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by CHIEF JUDGE BERNARD
Hawthorne and Tow, JJ., concur

[2019COA14](#)

Court of Appeals No. [18CA1506](#)
Mesa County District Court No. 18CR298
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Justin Walter Rieger,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE DAILEY
Ashby and Vogt*, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
January 24, 2019

[2019COA15](#)

Court of Appeals No. [18CA1772](#)
Chaffee County District Court No. 16CV30040
Honorable Amanda Hunter, Judge

John L. Garrou and Denice Garrou,

Plaintiffs-Appellees,

v.

Lawrence A. Shovelton,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE FREYRE
Bernard, C.J., and Welling, J., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA0368
Jefferson County District Court No. 13CR2614
Honorable Lilly W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Efrain Carrera,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1305
Jefferson County District Court No. 14CR832
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Luis Martinez,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED 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. 15CA1441
Jefferson County District Court No. 13CR2913
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luis Fernando Carrion,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE NIETO*
Terry and J. Jones, JJ., concur

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

Court of Appeals No. 15CA1782
Jefferson County District Court No. 14CR2513
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Lee Cody,

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. 15CA1814
Jefferson County District Court No. 13CR135
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dennis Patrick Lawson,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 16CA0326
City and County of Denver District Court No. 13CR1947
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Hernandez,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division V
Opinion by JUDGE J. JONES
Terry and Nieto*, JJ., concur

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

Court of Appeals No. 16CA0980
El Paso County District Court No. 14CR5167
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick James Orozco, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1237
City and County of Denver District Court No. 03CR2984
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William A. Cox,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TAUBMAN
Rothenberg* and Casebolt*, JJ., concur

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

Court of Appeals No. 16CA1459
El Paso County District Court No. 15CR2945
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jamie Alan Blickenderfer,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1895
City and County of Denver District Court No. 15CR5723
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffrey A. Rattray,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

Court of Appeals No. 16CA2225
City and County of Denver District Court No. 12CR729
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lavern G. McKoy,

Defendant-Appellant.

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

Division I
Opinion by JUDGE WELLING
Taubman and Casebolt*, JJ., concur

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

Court of Appeals No. 17CA0300
Prowers County District Court No. 15CR36
Honorable Stanley A. Brinkley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William A. Gregor,

Defendant-Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 17CA0908
Boulder County District Court No. 16CR1454
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kyle Kenneth Couch,

Defendant-Appellant.

APPEAL DISMISSED

Division IV
Opinion by JUDGE FOX
Hawthorne and Harris, JJ., concur

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

Court of Appeals No. 17CA1062
Pueblo County District Court No. 13CR2066
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan Agustin,

Defendant-Appellant.

ORDER 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. 17CA1251
City and County of Denver District Court No. 07CR2496
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darren Keith Chandler, a/k/a Alim Al-Hamim,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA1590
Arapahoe County District Court No. 92CR2038
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ruben G. Aragon,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA1618
City and County of Denver District Court No. 16CR793
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Lee Gonzales,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE ASHBY
Dunn and Nieto*, JJ., concur

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

Court of Appeals No. 17CA2206
Archuleta County District Court No. 16CV4
Honorable Jeffrey R. Wilson, Judge

Dave Brackhahn, Wayne Bryant, Gregory Giehl, Cole Graham, Vernon D. Greenamyre, Bill Gottschalk, Sue Gottschalk, Stephen Keno, Tom Kramer, Jeffrey Maehr, Sharon Parker, and Dennis Spencer,

Plaintiffs-Appellants,

v.

Archuleta County Board of County Commissioner Clifford Lucero; Steve Wadley, Commissioner; Michael Whiting, Commissioner; and Todd Starr, previous Archuleta County Attorney,

Defendants-Appellees.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE J. JONES
Terry and Nieto*, JJ., concur

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

Court of Appeals No. 18CA0112
Jefferson County District Court No. 15CR2261
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Onesia A. Najera,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA0213
Mesa County District Court No. 16JV323
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Ba.O., Be.O., and L.O., Children,

and Concerning M.O. and B.A., a/k/a B.G.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE DUNN
Freyre, J., concurs
Furman, J., specially concurs

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

Court of Appeals No. 18CA0241
Weld County District Court Nos. 12CR1789 & 13CR1153
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Mendoza,

Defendant-Appellant.

SENTENCES AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE NAVARRO
Richman and Welling, JJ., concur

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

Court of Appeals No. 18CA0300
El Paso County District Court No. 17CV423
Honorable Thomas K. Kane, Judge

Marcus Whaley,

Plaintiff-Appellant,

v.

Colorado Springs Police Department,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE NAVARRO
Richman and Welling, JJ., concur

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

Court of Appeals No. 18CA0360
Denver County District Court No. 17CV32981
Honorable J. Eric Elliff, Judge

GKK Works/KLIPP, Inc., a Colorado corporation, d/b/a gkkworks,
Petitioner-Appellee,

v.

3330 Brighton Blvd., LLC, a Colorado limited liability corporation,
Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE NAVARRO
Richman and Welling, JJ., concur

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

Court of Appeals No. 18CA0405
Weld County District Court No. 17DR30139
Honorable Elizabeth B. Strobel, Judge

In re the Marriage of

Steve Cooper,

Appellant,

and

Michelle Cooper,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE NAVARRO
Richman and Welling, JJ., concur

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

Court of Appeals No. 18CA0412
Boulder County District Court No. 17CV327
Honorable Patrick D. Butler, Judge

William F. Chinnock,

Plaintiff-Appellant,

v.

Cynthia Braddock, as Boulder County Assessor; and Boulder Board of
Equalization,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FREYRE
Webb and Román, JJ., concur

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

Court of Appeals No. 18CA0510
Jefferson County District Court No. 97CR1718
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alejandro Diego Ornelas,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA0543
Adams County District Court No. 17JV95
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FREYRE
Webb and Román, JJ., concur

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

Court of Appeals No. 18CA0559
Chaffee County District Court No. 16CV19
Honorable Patrick W. Murphy, Judge

Blaine A. Rutenbeck,

Plaintiff-Appellant,

v.

Chateau Chaparral Owners Association,

Defendant-Appellee.

ORDER AFFIRMED 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. 18CA0893
Boulder County District Court No. 03DR493
Honorable Bruce Langer, Judge

In re the Marriage of

Christina Delores Kittinger,

Appellee,

and

Adam Jacob Kittinger,

Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TOW
Taubman and Berger, JJ., concur

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

Court of Appeals No. 18CA1079
Weld County District Court No. 17DR30139
Honorable Elizabeth Strobel, Judge

In re the Marriage of

Steve Cooper,

Appellee,

and

Michelle Cooper,

Appellant.

APPEAL DISMISSED IN PART, ORDER AFFIRMED,
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. 18CA1789
Industrial Claim Appeals Office of the State of Colorado
DD No. 21947-2018

Belia Rivera,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Eastern Colorado
Services for the Developmentally Disabled, Inc.,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA2216
City and County of Denver Probate Court No. 18MH1228
Honorable Beth A. Tomerlin, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Kaylyn Jakubczak,

Respondent-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
Fox and Harris, 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. 16CA0263

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Carbajal,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0559

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Albert Cano,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 16CA1250

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Oliver Ray Carbutt,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 16CA1503

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.J.S.,

Juvenile-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1242

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas J. Howell,

Defendant-Appellant.

Petition for Rehearing DENIED

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

[2019COA10](#)

Court of Appeals No. [17CA1992](#)

Mathew Mark Stiles,

Petitioner-Appellee,

v.

Department of Corrections, Denver Reception & Diagnostic Center,

Respondent-Appellant,

and

State Personnel Board,

Appellee.

Petition for Rehearing DENIED

OPINION PREVIOUSLY ANNOUNCED AS “NOT PUBLISHED PURSUANT TO C.A.R. 35(e)” ON December 6, 2018, IS NOW DESIGNATED FOR PUBLICATION

Court of Appeals No. 17CA2289

Nancy J. Martinez,

Plaintiff-Appellant,

v.

Donald D. Hernandez,

Defendant-Appellee.

Petition for Rehearing DENIED

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

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