

*ANNOUNCEMENTS*  
*COLORADO COURT OF APPEALS*  
*January 10, 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**

[2019COA1](#)

Court of Appeals No. [14CA1384](#)  
Arapahoe County District Court No. 11CR1958  
Honorable Elizabeth Beebe Volz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

De'Twan Clayton Irving,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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[2019COA2](#)

Court of Appeals No. [17CA0772](#)  
Mesa County District Court No. 16CR706  
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kim Maurice Fuerst,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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[2019COA3](#)

Court of Appeals No. [17CA1381](#)  
City and County of Denver District Court No. 16CV30746  
Honorable A. Bruce Jones, Judge

Jose Garcia,

Plaintiff-Appellee,

v.

Colorado Cab Company LLC, a Colorado limited liability company, d/b/a  
Denver Yellow Cab,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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[2019COA4](#)

Court of Appeals No. [17CA1678](#)  
La Plata County District Court No. 17JD15  
Honorable Todd P. Norvell, Judge

The People of the State of Colorado,

Petitioner-Appellant,

In the Interest of G.S.S.,

Juvenile-Appellee.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE ASHBY  
Harris, J., concurs  
J. Jones, J., dissents

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[2019COA5](#)

Court of Appeals No. [18CA0885](#)  
Jefferson County District Court No. 17CR4491  
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Jasmine Eloisa Salgado,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE TOW  
Hawthorne and Miller\*, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 14CA2474  
City and County of Denver District Court No. 13CR308  
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chuck Montoya,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE TOW  
Webb and Terry, JJ., concur

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

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Court of Appeals No. 16CA0190  
El Paso County District Court No. 13CR3630  
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fidel Eugene Garcia,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 16CA0983  
El Paso County District Court No. 11CR1137  
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leonard Fredrick Claud Downen,

Defendant-Appellant.

ORDER VACATED AND APPEAL DISMISSED

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

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

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Court of Appeals No. 16CA1746  
El Paso County District Court No. 15CR386  
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marquese Antonio White,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE CARPARELLI\*  
Hawthorne and Berger, JJ., concur

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

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Court of Appeals No. 16CA1789  
Weld County District Court No. 15CR1738  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mercedes Ambriz-Serrano,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0131  
Boulder County District Court No. 15CR1343  
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn Riley,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE CARPARELLI\*  
Hawthorne and Berger, JJ., concur

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

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Court of Appeals No. 17CA0835  
City and County of Denver District Court No. 14CR5688  
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wallace G. Garrett,

Defendant-Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 17CA1135  
Weld County District Court No. 04CR385  
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Robert Faulkner,

Defendant-Appellant.

SENTENCE AFFIRMED

Division IV  
Opinion by JUDGE CARPARELLI\*  
Bernard, C.J., and Nieto\*, J., concur

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

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Court of Appeals No. 17CA1289  
City and County of Denver District Court No. 16CR3784  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marvin O. Holloman,

Defendant-Appellant.

APPEAL DISMISSED

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

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

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Court of Appeals No. 17CA1386  
Boulder County District Court No. 09CR1312  
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sergio Macias,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE DUNN  
Furman and Freyre, JJ., concur

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

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Court of Appeals No. 17CA1639  
Jefferson County District Court Nos. 97CR1545 & 97CR1546  
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samuel Merced Quintana, Jr.,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE CASEBOLT\*  
J. Jones and Navarro, JJ., concur

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

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Court of Appeals No. 17CA1785  
Arapahoe County District Court No. 15CV32005  
Honorable Elizabeth A. Weishaupl, Judge

Newcastle Properties, Inc.,

Plaintiff-Appellee,

v.

Kinnickinnic Realty Company,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 18CA0169  
Boulder County District Court No. 15CV31383  
Honorable Norma A. Sierra, Judge

Srdjan Basta,

Plaintiff-Appellant,

v.

Tamara Basta,

Defendant-Appellee.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE MÁRQUEZ\*  
Dunn and Freyre, JJ., concur

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

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Court of Appeals No. 18CA0378  
City and County of Denver District Court No. 16DR30128  
Honorable Andrew P. McCallin, Judge

In re the Marriage of

Reema Sager,

Appellant,

and

Mohammad Ahmad,

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)**

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Court of Appeals No. 18CA0590  
Douglas County District Court No. 16JV26  
Honorable Natalie Chase, Judge  
Honorable Shay Whitaker, Judge  
Honorable Robert Lung, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of AI.S, AN.S., and I.S, Children,

and Concerning S.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0612  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 1511-2018

Melissa A. Cooper,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and BOKF NA,

Respondents.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE CARPARELLI\*  
Terry and Navarro, JJ., concur

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

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Court of Appeals No. 18CA1673  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 28995-2018

Scott L. Carlson,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Charter  
Communications LLC,

Respondents.

ORDER AFFIRMED

Division V  
Opinion by JUDGE BERGER  
Román and Richman, 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. 16CA0269

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rosario Verdugo-Chong,

Defendant-Appellant.

Petition for Rehearing DENIED  
Furman, J., would GRANT

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

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[2018COA174M](#)

Court of Appeals No. [17CA0156](#)

Bank of New York Mellon, f/k/a Bank of New York, as Trustee, on behalf of the  
Holders of the Alternative Loan Trust 2007-16CB Mortgage Pass Through  
Certificates, Series 2007-16-CB, its Successors and Assigns,

Plaintiff-Appellee,

v.

Timothy Peterson and Dyan Frances Parker,

Defendants-Appellants.

Opinion Modified and  
Petition for Rehearing DENIED

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Court of Appeals No. 17CA1008

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Wilson Lewis,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA1224

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Migel C. Wise,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA2066

Lori Madden-Grammer,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Poudre Valley  
Hospital; and Colorado Hospital Association Trust,

Respondents.

Petition for Rehearing DENIED

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

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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.