

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
April 4, 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**

[2019COA48](#)

Court of Appeals No. [15CA0546](#)  
City and County of Denver District Court No. 14CR781  
Honorable Ann B. Frick, Judge  
Honorable Elizabeth A. Starrs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcus Perez,

Defendant-Appellant.

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

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

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[2019COA49](#)

Court of Appeals No. [17CA0923](#)

City and County of Denver District Court No. 14CV32763

Honorable Morris B. Hoffman, Judge

State of Colorado ex rel. Philip J. Weiser, Attorney General; and Jan M. Zavislan, Administrator, Uniform Consumer Credit Code,

Plaintiffs-Appellants and Cross-Appellees,

v.

Castle Law Group, LLC; Lawrence E. Castle; and Caren A. Castle,

Defendants-Appellees and Cross-Appellants,

and

Absolute Posting & Process Services, LLC; Ryan J. O'Connell; Kathleen A. Benton; and RE Records Research, LLC,

Defendants-Appellees.

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

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

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[2019COA50](#)

Court of Appeals No. [17CA2046](#)

City and County of Denver District Court No. 17CV32286

Honorable David H. Goldberg, Judge

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

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[2019COA51](#)

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

City and County of Denver District Court No. 14CV30044

Honorable Ross B.H. Buchanan, Judge

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.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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[2019COA52](#)

Court of Appeals No. [18CA0474](#)

Boulder County District Court No. 17CV30818

Honorable Nancy W. Salomone, Judge

David Rechberger; Nicolette Munson; Rolf Munson; Laurel Hyde Boni; Dinah McKay; Donald Sherwood; William Swafford, Jr.; Marilyn Kepes; Donald Wrege; and Douglas Johnson,

Plaintiffs-Appellants,

v.

Boulder County Board of County Commissioners and Boulder County Housing Authority,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 15CA1823  
Boulder County District Court No. 14CR1622  
Honorable Judith L. Labuda, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Esteban Ceballos-Rios,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 15CA2113  
City and County of Denver District Court No. 14CR3760  
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose C. Guardado-Rivas,

Defendant-Appellant.

JUDGMENT REVERSED 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)**

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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

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

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Court of Appeals No. 16CA0494  
Larimer County District Court No. 14CR1343  
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darren Everett Heimann,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE REVERSED,  
AND CASE REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 16CA0569  
Jefferson County District Court No. 15CR2045  
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Monroe Taylor,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE BERGER  
Taubman and Tow, JJ., concur

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

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Court of Appeals No. 16CA1133  
Adams County District Court No. 14CR2903  
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Temmell Kieytte King,

Defendant-Appellant.

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

Division IV  
Opinion by JUDGE HAWTHORNE  
Fox and Harris, JJ., concur

Prior Opinion Announced March 14, 2019, WITHDRAWN  
Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA1807  
Jefferson County District Court No. 15CR2031  
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kaila Marie Leitch,

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. 16CA2202  
Jefferson County District Court No. 16CR48  
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Edward Gonzales,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0036  
City and County of Denver District Court No. 08CR10425  
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willie Clark,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA0806  
City and County of Denver District Court No. 15CR6656  
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Nash,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

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Court of Appeals No. 17CA0910  
Adams County District Court No. 16CR2559  
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sedrick Kyle Tafoya,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE HAWTHORNE  
Fox and Harris, JJ., concur

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

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Court of Appeals No. 17CA1569  
Garfield County District Court No. 15DR30078  
Honorable Anne K. Norrdin, Judge

In re the Marriage of

Julia Simpson,

Appellant and Cross-Appellee,

and

Stephen Patrick Simpson,

Appellee and Cross-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE MILLER\*  
Ashby and Davidson\*, JJ., concur

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

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Court of Appeals No. 17CA1771  
Fremont County District Court No. 16CV85  
Honorable Robert Freeman, Magistrate

Adolph Q. Sherrod,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of  
Colorado Territorial Correctional Facility,

Defendants-Appellees.

APPEAL DISMISSED

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

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

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Court of Appeals No. 18CA0225  
El Paso County District Court No. 17DR30037  
Honorable Marla R. Prudek, Judge

In re the Marriage of

Michael Wayne Russell,

Appellee,

and

Shelby Eileen Russell,

Appellant.

JUDGMENT 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)**

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Court of Appeals No. 18CA0618  
City and County of Denver District Court No. 17CV30158  
Honorable Jay S. Grant, Judge

Atlas Law P.C. and DebtBusters P.C.,

Plaintiffs-Appellees,

v.

Frances Jane Moorner Scott and Galen LeMar Amerson,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 18CA0643  
Archuleta County District Court No. 13CV30078  
Honorable Jeffrey R. Wilson, Judge

Colorado Department of Public Health and Environment,  
Plaintiff-Appellee,

v.

Nicholas Brian Kurz,  
Defendant-Appellant.

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

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

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

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Court of Appeals No. 18CA0670  
Larimer County District Court No. 16CV30471  
Honorable Stephen J. Jouard, Judge

Darrell L. Beck, III,  
Plaintiff-Appellant,

v.

Craig Brainard Van Cleve, Leslie Larson, James L. Wineberg, Shilow D.  
Lindsey, John Banker, and Kim Lankford Banker,

Defendants-Appellees.

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. 18CA0696  
Colorado State Board of Optometric Examiners  
Case No. 2016-1791

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.

ORDER AFFIRMED

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

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

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Court of Appeals No. 18CA0728  
City and County of Denver District Court No. 17CV31403  
Honorable David H. Goldberg, Judge

Estate of Daniel Buschkoetter, individually and through its personal representative, Althea Webster; Preston Buschkoetter, a minor, through his next friend, guardian, and mother, Althea Webster; and Althea Webster,

Plaintiffs-Appellants,

v.

Gary C. Winn; A Step Ahead Office Installers, LLC; and FlatRate Moving Colorado, LLC;

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0757  
City and County of Denver Juvenile Court No. 17JV387  
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.N-G. a Child,

and Concerning K.D.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0758  
El Paso County District Court No. 16JV391  
Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning P.O. and M.O.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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. 18CA0768  
El Paso County District Court No. 17CV32105  
Honorable Eric Bentley, Judge

Mary Annette Seagraves,

Plaintiff-Appellant,

v.

Colorado Department of Revenue,

Defendant-Appellee.

JUDGMENT AFFIRMED

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. 18CA0803  
Mesa County District Court No. 16DR30058  
Honorable Richard T. Gurley, Judge

In re the Marriage of

Anna Fay Schroedel,

Appellant,

and

Daniel Gordon Oest,

Appellee.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,  
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)**

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Court of Appeals No. 18CA0810  
Mesa County District Court No. 16JV325  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.C. and M.G., Children,

and Concerning T.G. and D.C.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0840  
Pueblo County District Court No. 17CV30543  
Honorable Jill S. Mattoon, Judge

Joseph Sposato,

Plaintiff-Appellant,

v.

American Family Mutual Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0846  
El Paso County District Court No. 17CV367  
Honorable Larry E. Schwartz, Judge

Edward Allen, a/k/a Edward Clutts,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections,

Defendant-Appellee.

ORDER AFFIRMED

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. 18CA0975  
Arapahoe County District Court No. 18CV28  
Honorable John L. Wheeler, Judge

Kent Vu Phan,

Plaintiff-Appellant,

v.

American Family Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 18CA1064  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 5-042-673

Dennis Dowd,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Amazon.Com DEN5,  
and Zurich American Insurance Company,

Respondents.

ORDER 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. 18CA1264  
Adams County District Court No. 16JV337  
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE HARRIS  
Hawthorne and Fox, JJ., concur

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

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Court of Appeals No. 18CA1867  
Arapahoe County District Court No. 17JV171  
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.E. and H.T., Children,

and Concerning E.T.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA1998  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 27025-2018

Rose Ann Alirez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Tatterdemalion  
Inc.,

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 18CA2409  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 40318-2018

J and J Enterprises, Inc.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Joe B. Folsom,

Respondents.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Richman and Navarro, 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. 16CA1133

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Temmell Kieytte King,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA0041

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Billy Joe Knoeppchen,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA0565

Susan Burren,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Destination Maternity,  
and Liberty Mutual Insurance Company,

Respondents.

Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA1173

James Cuddie,

Plaintiff-Appellant,

v.

Executive Director, Colorado Department of Corrections; and Warden, Bent  
County Correctional Facility,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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**MODIFIED OPINIONS**

Court of Appeals No. 17CA0644

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Jaylen Fasean Noble,

Defendant-Appellee.

SENTENCES AFFIRMED

Division IV  
Opinion by JUDGE BERGER  
Hawthorne, J., concurs  
Carparelli\*, J., concurs in part and dissents in part

Opinion Modified  
On the Court's Own Motion

**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.