

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 14, 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.

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA1801
El Paso County District Court No. 14CR1114
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlton Wayne Hackett,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE 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)

Court of Appeals No. 15CA1903
Adams County District Court No. 14CR2366
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nancy Jo Arias,

Defendant-Appellant.

JUDGMENT 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. 15CA1913
El Paso County District Court No. 04CR2219
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Lee Schaal,

Defendant-Appellant.

ORDERS 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. 15CA1914
El Paso County District Court No. 05CR4970
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Lee Schaal,

Defendant-Appellant.

ORDERS 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. 15CA1992
El Paso County District Court No. 15CR361
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Edward Lorenz,

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. 16CA0601
Weld County District Court No. 15CR487
Honorable Marcello A. Kopcow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adrian Ramirez,

Defendant-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. 16CA0805
Larimer County District Court No. 14CR1341
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gerald Wayne Moore,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA0868
Arapahoe County District Court No. 98CR1850
Honorable Frederick T. Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Albert Peter Grenier,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0978
Adams County District Court No. 14CR2641
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Julio Cesar Herrera-Aguilar,

Defendant-Appellant.

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. 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

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

Court of Appeals No. 16CA1347
Arapahoe County District Court No. 13CR1577
Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Bernard Hicks,

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. 16CA1364
Arapahoe County District Court No. 14CR2190
Honorable Frederick T. Martinez, Judge
Honorable Elizabeth Beebe Volz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clarence Eugene Howard,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART,
VACATED 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)

Court of Appeals No. 16CA1683
Mesa County District Court No. 15CR291
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon Taylor,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA2042
Adams County District Court No. 07CR480
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Omar Anthony King,

Defendant-Appellant.

JUDGMENT 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. 17CA0175
El Paso County District Court No. 16CR3819
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Nyko Edward Claybaugh,

Defendant-Appellee.

JUDGMENT 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. 17CA2022
Arapahoe County District Court Nos. 15M3188 & 17CV30542
Honorable Elisabeth A. Weishaupl, Judge

Thomas M. Horiagon,

Plaintiff-Appellant,

v.

County Court of Arapahoe County, Colorado; and Honorable Darren Vahle,
Defendants-Appellees.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA2173
Boulder County District Court No. 16JV147
Honorable Bruce Langer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning B.L.D.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0003
City and County of Denver District Court No. 15CR7144
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremy Maniscalco,

Defendant-Appellant.

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. 18CA0096
Jefferson County District Court No. 16JV797
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.S. and D.H., Children,

and Concerning J.S.,

Respondent-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. 18CA0145
El Paso County District Court No. 15JV1741
Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.B., a/k/a A.H., a Child,

and Concerning R.B.,

Respondent-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. 18CA0212
Jefferson County District Court No. 16JV883
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.W., B.W., E.W., M.W., Jr., and P.W., Children,

and Concerning A.W.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0395
Arapahoe County District Court No. 17JV173
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.A.,

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. 18CA0400
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-000-017

Veronica Kehler,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Labor Etc., Inc.; and
Pinnacol Assurance,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA0563
Arapahoe County District Court No. 17JV586
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning P.W.,

Respondent-Appellant.

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. 18CA0588
Adams County District Court No. 16JV322
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of P.O.T., a Child,

and Concerning B.T.,

Respondent-Appellant.

JUDGMENT 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. 18CA0703
Jefferson County District Court No. 17CV30784
Honorable Jeffrey R. Pilkington, Judge

Benjamin Whitney,
Petitioner-Appellant,

v.

Colorado Department of Revenue, Division of Motor Vehicles,
Respondent-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. 18CA0747
Fremont County District Court No. 18CV23
Honorable Lynette M. Wenner, Judge

Victor Santiago Rodriguez,
Plaintiff-Appellant,

v.

Executive Director of Colorado Department of Corrections,
Defendant-Appellee.

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. 18CA0751
Douglas County District Court No. 11CV3003
Honorable Shay K. Whitaker, Judge

Power Partners MasTec, LLC, a North Carolina limited liability company,
Plaintiff-Appellant,

v.

Seminole Financial Services, LLC, a Delaware limited liability company; and
SAS Cayman Holding I, LTD, a Cayman Islands exempted company,
Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA0823
Jefferson County District Court No. 17JV727
Honorable Ann Gail Meinster, Judge

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

In the Interest of Z.W.H., a Child,
and Concerning A.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. 18CA0881
Montezuma County District Court No. 13DR117
Honorable Douglas S. Walker, Judge

In re the Parental Responsibilities Concerning K.J.J.J., a Child,
and Concerning John Michael Jones,

Appellant,

and

Tara Lea Montgomery, a/k/a Tara Walker,

Appellee.

JUDGMENT VACATED

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

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

Court of Appeals No. 18CA0924
Logan County District Court No. 17JV11
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of B.P.F. and Z.D.F., Children,

and Concerning A.F.,

Respondent-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. 18CA0925
Douglas County District Court No. 16CV31273
Honorable David J. Stevens, Judge

Keith H. Nielsen,
Plaintiff-Appellant,

v.

Robert M. Singer Trust,
Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA0968
Mesa County District Court No. 17JV119
Honorable Lance Phillip Timbreza, Judge

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

In the Interest of J.W., C.W., and S.G., Children,
and Concerning A.G.,

Respondent-Appellant.

JUDGMENT 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. 18CA1016
El Paso County District Court No. 18CV114
Honorable Thomas K. Kane, Judge

Gary W. McGregor,

Petitioner-Appellant,

v.

Philip J. Weiser, in his official capacity as Attorney General of the State of Colorado; Joe Morales, in his official capacity as Chairman of the Colorado Board of Parole; Rick Raemisch, in his official capacity as Executive Director of the Colorado Department of Corrections,

Respondents-Appellees.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Furman and Lipinsky, 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. 16CA0025

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas William Asche,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0230

Marci Hanshue,

Plaintiff-Appellant,

v.

U.S. Bank National Association, as Trustee under Pooling and Servicing Agreement Dated as of September 1, 2006 MASTR Asset-Backed Securities Trust 2006-NC2 Mortgage Pass-Through Certificates, Series 2006-NC2; and Ocwen Loan Servicing, LLC, a Delaware foreign LLC,

Defendants-Appellees.

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.