

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 25, 2004

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P U B L I S H E D

O P I N I O N S

[Court of Appeals No. 00CA2379](#)

City and County of Denver District Court No. 99CR4486
Honorable Frank Martinez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony E. McAfee, a/k/a McAfee E. Anthony, James Edwards, Anthony V. Johnson, Anthony E. MacFee, Anthony McAfee, Anthony E. McAfee, and Anthony Vance,

Defendant-Appellant.

JUDGMENT AND SENTENCES AFFIRMED

Division I

Opinion by JUDGE TAUBMAN

Marquez and Webb, JJ., concur

[Court of Appeals No. 02CA0503](#)

Boulder County District Court No. 00CV335
Honorable Frank N. Dubofsky, Judge

Rocky Mountain Animal Defense,
Plaintiff-Appellant and Cross-Appellee,
v.
Colorado Division of Wildlife; et al.
Defendants-Appellees and Cross-Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE WEBB
Marquez and Taubman, JJ., concur

[Court of Appeals No. 02CA0527](#)

La Plata County District Court No. 00CR0188
Honorable Gregory G. Lyman, Judge

The People of the State of Colorado,
Plaintiff-Appellee,
v.
William Merlin Rawson,
Defendant-Appellant.

JUDGMENT AND SENTENCE REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE GRAHAM
Casebolt and Loeb, JJ., concur

[Court of Appeals No. 02CA0830](#)

Jefferson County District Court No. 00CR992
Honorable Stephen M. Munsinger, Judge
Honorable James D. Zimmerman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nancy Aloha Alengi,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE ROY
Piccone, J., concurs
Casebolt, J., dissents

[Court of Appeals No. 02CA0832](#)

Jefferson County District Court No. 00CR0990

Honorable Stephen M. Munsinger, Judge

Honorable James D. Zimmerman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul Alengi,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by CHIEF JUDGE DAVIDSON
Loeb, J., concurs
Dailey, J., dissents

[Court of Appeals No. 02CA0995](#)

El Paso County District Court No. 01CR2852

Honorable Theresa M. Cisneros, Judge

Petition for Certiorari granted. See Supreme Court Case No. 04SC436, announced on September 12, 2005.

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Peter Karl Weinreich,

Defendant-Appellant.

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

Division III
Opinion by JUDGE ROY
Kapelke and Carparelli, JJ., concur

[Court of Appeals No. 02CA1059](#)

City and County of Denver District Court Nos. 97CR3440 & 97CR4386

Honorable Paul A. Markson, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Belvin M. Harper,

Defendant-Appellant.

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

Division V
Opinion by CHIEF JUDGE DAVIDSON
Vogt and Dailey, JJ., concur

[Court of Appeals No. 02CA2162](#)

Teller County District Court No. 01CV0222
Honorable Thomas K. Kane, Judge

James English and Linda English,

Plaintiffs-Appellants,

v.

Tiffany Griffith,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE PICCONE

Nieto and Erickson*, JJ., concur

[Court of Appeals No. 02CA2314](#)

City and County of Denver Juvenile Court No. 02JD1427
Honorable Dana U. Wakefield, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.A.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by JUDGE PICCONE

Casebolt and Roy, JJ., concur

[Court of Appeals No. 02CA2335](#)

City and County of Denver District Court No. 01CV6454
Honorable William D. Robbins, Judge

Victor Ciccarelli and Barbara Ciccarelli,

Plaintiffs-Appellees,

v.

Guaranty Bank,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE RUSSEL
Vogt and Dailey, JJ., concur

[Court of Appeals No. 02CA2368](#)

City and County of Denver District Court No. 01CV6514

Honorable William D. Robbins, Judge

**Petition for Certiorari granted. See Supreme Court Case No. 04SC455,
announced on November 21, 2005.**

Archangel Diamond Corporation,

Plaintiff-Appellant and Cross-Appellee,

v.

Arkhangelskgeoldobycha,

Defendant-Appellee and Cross-Appellant,

and

Lukoil,

Defendant-Appellee.

JUDGMENT AND ORDER AFFIRMED

Division II
Opinion by JUDGE ROTHENBERG
Nieto and Piccone, JJ., concur

[Court of Appeals No. 02CA2535](#)

Jefferson County District Court No. 02CV2189
Honorable Brian D. Boatright, Judge

Yingman Lin, Shen Lin, and Bajin Zhang,

Plaintiffs-Appellees,

v.

City of Golden,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE MARQUEZ
Taubman and Webb, JJ., concur

[Court of Appeals No. 02CA2540](#)

La Plata County District Court No. 01CV0257
Honorable David L. Dickinson, Judge

Citizens Progressive Alliance and Steve Cone,

Plaintiffs-Appellants,

v.

Southwestern Water Conservation District, Lynn Herkenhoff, and John Porter,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V

Opinion by JUDGE VOGT
Dailey and Russel, JJ., concur

[Court of Appeals No. 03CA0010](#)

City and County of Denver District Court No. 01CV746
Honorable Herbert L. Stern, III, Judge

First Financial Insurance Company,

Plaintiff-Appellee,

v.

Albertson's, Inc.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE LOEB
Casebolt and Graham, JJ., concur

[Court of Appeals No. 03CA0124](#)

City and County of Denver District Court No. 02CV5294
Honorable John N. McMullen, Judge

Robert L. Wenz, Francois Matheson Holdings, Ltd., and Bishops BTC,
Limited,

Plaintiffs-Appellants,

v.

National Westminster Bank, PLC,

Defendant-Appellee.

ORDER AFFIRMED

Division II
Opinion by JUDGE NIETO

Rothenberg and Piccone, JJ., concur

[Court of Appeals No. 03CA0235](#)

City and County of Denver District Court No. 90DR1098
Honorable Joseph E. Meyer, III, Judge

In re the Marriage of

Salvador A. Rivera,

Appellant,

and

Benita R. Quintana, n/k/a Benita R. Thompson,

Appellee.

ORDER AFFIRMED

Division A

Opinion by CHIEF JUDGE DAVIDSON
Criswell* and Plank*, JJ., concur

[Court of Appeals No. 03CA0365](#)

Jefferson County District Court No. 01CV1841
Honorable Frank Plaut, Judge

Linda Svendsen,

Plaintiff-Appellant,

v.

Walter G. Robinson, M.D., and Woodridge Orthopaedic and Spine Center, P.
C.,

Defendants-Appellees.

JUDGMENT AND ORDER AFFIRMED

Division IV

Opinion by JUDGE GRAHAM
Casebolt and Loeb, JJ., concur

[Court of Appeals No. 03CA1374](#)

Larimer County District Court No. 02JD0672

Honorable James H. Hiatt, Judge

The People of the State of Colorado,

Petitioner-Appellant,

In the Interest of J.G., a Juvenile,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TAUBMAN
Marquez and Webb, JJ., concur

U N P U B L I S H E D

O P I N I O N S

Court of Appeals No. 01CA2194

City and County of Denver District Court No. 99CR4911

Honorable H. Jeffrey Bayless, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darrick Love,

Defendant-Appellant.

JUDGMENT REVERSED, SENTENCE VACATED,

AND CASE REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE MARQUEZ
Taubman and Webb, JJ., concur

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

Court of Appeals No. 01CA2360
Arapahoe County District Court No. 00CR2012
Honorable C. Vincent Phelps, Judge
Honorable John E. Popovich, Judge
Honorable Donald W. Marshall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leslye Betts,

Defendant-Appellant.

JUDGMENT REVERSED AND
CASE REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE ROTHENBERG
Nieto and Piccone, JJ., concur

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

Court of Appeals No. 01CA2383
Jefferson County District Court No. 00CR1728
Honorable Frank Plaut, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stephen Ziegler,
Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE ROTHENBERG
Nieto and Piccone, JJ., concur

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

Court of Appeals No. 02CA0337
Boulder County District Court No. 96CR0902
Honorable Roxanne Bailin, Judge
Honorable Frank N. Dubofsky, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Benjamin White,
Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE ROTHENBERG
Nieto and Piccone, JJ., concur

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

Court of Appeals No. 02CA0562
La Plata County District Court No. 99CV350
Honorable David L. Dickinson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose C. Atencio, a/k/a Joseph C. Atencio, and a piece of property at 8420 County Road 321, Ignacio, La Plata County, Colorado, along with all buildings, improvements, fixtures, and contents thereof; 1992 Chrysler New Yorker, Vin #1C3XV66R7ND738178, with Colorado temporary tag, 31099H; and a Colt Python revolver, serial #K73679, caliber .357,

Defendant-Appellant.

APPEAL DISMISSED

Division I
Opinion by JUDGE MARQUEZ
Taubman and Webb, JJ., concur

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

Court of Appeals No. 02CA1050
Eagle County District Court No. 01CR107
Honorable Richard H. Hart, Judge
Honorable Terri Diem, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lando Elado Rios,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE WEBB
Marquez and Taubman, JJ., concur

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

Court of Appeals No. 02CA1077
Jefferson County District Court No. 99CV2838
Honorable Stephen M. Munsinger, Judge

David A. Skerda,

Plaintiff-Appellee,

v.

ZC Sterling Insurance Agency, Inc., a California corporation,

Defendant-Appellant.

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

Division III
Opinion by JUDGE KAPELKE
Roy and Carparelli, JJ., concur

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

Court of Appeals No. 02CA1146
El Paso County District Court No. 01CR1594
Honorable D. Richard Toth, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffery Michael Winfrey,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE KAPELKE
Roy and Carparelli, JJ., concur

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

Court of Appeals No. 02CA1314
Adams County District Court No. 01CR970
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Troy Van Meer,

Defendant-Appellant.

SENTENCE AFFIRMED

Division II
Opinion by JUDGE NIETO
Rothenberg and Piccone, JJ., concur

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

Court of Appeals No. 02CA1350
City and County of Denver District Court No. 01CR3150
Honorable Gloria A. Rivera, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ahmad Safieh,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE TAUBMAN
Marquez and Webb, JJ., concur

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

Court of Appeals No. 02CA1567
Adams County District Court No. 01CR1557
Honorable John J. Vigil, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth P. Poggensee,

Defendant-Appellant.

JUDGMENT AFFIRMED
Division I
Opinion by JUDGE WEBB
Marquez and Taubman, JJ., concur

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

Court of Appeals No. 02CA1602
Fremont County District Court No. 02CV0213
Honorable Robert Freeman, Magistrate

William Garcia,

Plaintiff-Appellant,

v.

Lieutenant Rod Gaunt and Lieutenant Chris Barr,

Defendants-Appellees.

APPEAL DISMISSED

Division V
Opinion by JUDGE RUSSEL
Vogt and Dailey, JJ., concur

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

Court of Appeals No. 02CA1933
Pueblo County District Court No. 01CR1004
Honorable James H. Frasher, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Joseph Ocana,

Defendant-Appellant.

SENTENCE AFFIRMED

Division III
Opinion by JUDGE CARPARELLI
Kapelke and Roy, JJ., concur

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

Court of Appeals No. 02CA2007
El Paso County District Court No. 81CR0904
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roger Cullen,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE ROTHENBERG
Nieto and Piccone, JJ., concur

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

Court of Appeals No. 02CA2102
Jefferson County District Court No. 01DR2016
Honorable Ruthanne N. Polidori, Judge

In re the Marriage of

Rebecca John Wyatt,

Appellee,

and

Richard Austin Wyatt, Jr.,

Appellant.

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

Division V
Opinion by JUDGE VOGT
Dailey and Russel, JJ., concur

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

Court of Appeals No. 02CA2300
Boulder County District Court No. 01CV60
Honorable Frank N. Dubofsky, Judge

Royal GPS, LLC,

Plaintiff-Appellee and Cross-Appellant,

and

Brown & Associates, LTD,
Counterclaim Defendant and Defendant-Appellee and Cross-Appellant,
v.
SPCI-Events, LLC, and Stephen Forsey,
Defendants-Appellants and Cross-Appellees.

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

Division I
Opinion by JUDGE WEBB
Marquez and Taubman, JJ., concur

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

Court of Appeals No. 02CA2456
El Paso County District Court No. 02CV841
Honorable Richard V. Hall, Judge

Tri-City Drywall, Inc.,
Plaintiff-Appellant,

v.
Steel City Agencies, Inc., d/b/a SCA Insurance,
Defendant-Appellee.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE STERNBERG*
Davidson, C.J., and Ney*, J., concur

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

Court of Appeals No. 02CA2536
El Paso County District Court No. 00CV0590
Honorable Kirk S. Samelson, Judge

Faye L. Hunter,

Plaintiff-Appellant,

v.

General Growth Management, Inc., d/b/a Chapel Hills Mall, and Valor
Security Services, Inc.,

Defendants-Appellees.

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

Division IV
Opinion by JUDGE KAPELKE
Vogt and Webb, JJ., concur

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

Court of Appeals No. 02CA2552
Colorado State Board of Assessment Appeals No. 39211

Teller County Board of Equalization,

Petitioner-Appellant,

v.

Betty J. Maley,

Respondent-Appellee,

and

Colorado State Board of Assessment Appeals,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE NEY*
Davidson, C.J., and Sternberg*, J., concur

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

Court of Appeals No. 03CA0004
Arapahoe County District Court No. 01CV1464
Honorable Thomas C. Levi, Judge

Michael Graham,

Plaintiff-Appellee,

v.

White River Resort, Inc., d/b/a Budge's White River Resort,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE ROY
Kapelke and Carparelli, JJ., concur

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

Court of Appeals No. 03CA0050
Broomfield County District Court No. 02CR0034
Honorable Chris Melonakis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Spinden,

Defendant-Appellant.

SENTENCE AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE PICCONE
Rothenberg and Nieto, JJ., concur

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

Court of Appeals No. 03CA0080
El Paso County District Court No. 00CV2455
Honorable Rebecca S. Bromley, Judge

Mojeed Agunblade and Sheri Agunblade, a/k/a Sheri Yusuf,
Plaintiffs-Appellants,

v.

Jack L. McAuley,
Defendant-Appellee.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE DAVIDSON
Sternberg* and Ney*, JJ., concur

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

Court of Appeals No. 03CA0087
Jefferson County District Court No. 02JD951
Honorable Brian D. Boatright, Judge

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

In the Interest of J.L.L.,

Juvenile-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division I
Opinion by JUDGE WEBB
Marquez and Taubman, JJ., concur

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

Court of Appeals No. 03CA0136
Larimer County District Court No. 01DR1058
Honorable Robert A. Behrman, Judge

In re the Marriage of

Thomas J. Stewart,

Appellant and Cross-Appellee,

and

Sherilyn Stewart,

Appellee and Cross-Appellant.

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

Division V
Opinion by JUDGE RUSSEL
Vogt and Dailey, JJ., concur

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

Court of Appeals No. 03CA0138
El Paso County District Court No. 02CV716
Honorable David A. Gilbert, Judge

David Huerta,

Plaintiff-Appellant,

v.

Rick B. Levinson, Esq.,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division A

Opinion by JUDGE NEY*

Davidson, C.J., and Sternberg*, J., concur

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

Court of Appeals No. 03CA0317

Fremont County District Court No. 00CV0097

Honorable John E. Anderson, III, Judge

Leonard Baldauf,

Plaintiff-Appellant,

v.

David Roberts, Gary Neet, Whitman West, Richard Martinez, and Nard
Claar,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V

Opinion by JUDGE VOGT

Dailey and Russel, JJ., concur

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

Court of Appeals No. 03CA0473

Pueblo County District Court No. 01CV1041

Honorable James H. Frasher, Jr., Judge

Deborah C. DiNero,

Plaintiff-Appellant,

v.

Anthony B. Guerrero,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE MARQUEZ

Taubman and Webb, JJ., concur

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

Court of Appeals No. 03CA0476

Larimer County District Court No. 02CV457

Honorable Arnaud Newton, Judge

Fender Menders of Fort Collins, Inc., a Colorado corporation; Kenneth E. Doile; and Marilyn S. Doile,

Plaintiffs-Appellees,

v.

John David Weeks,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A

Opinion by CHIEF JUDGE DAVIDSON

Sternberg* and Ney*, JJ., concur

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

Court of Appeals No. 03CA0666
City and County of Denver District Court No. 01CR0902
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cedric Alston,

Defendant-Appellant.

ORDER AFFIRMED

Division B
Davidson, C.J., Rothenberg and Vogt, JJ.
PER CURIAM

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

Court of Appeals No. 03CA0682
Routt County District Court No. 02CV207
Honorable Phillip F. Roan, Judge

Ray White Group, Inc.,

Plaintiff-Appellee,

v.

Blevins Properties, Inc., Park Blevins, and Susan McGlone,

Defendants-Appellants.

ORDER REVERSED

Division II
Opinion by JUDGE NIETO
Rothenberg and Piccone, JJ., concur

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

Court of Appeals No. 03CA0904
El Paso County District Court No. 98DR820
Honorable Peter W. Booth, Judge

In re the Marriage of

James D. Nielsen,

Appellant,

and

Kim E. Nielsen,

Appellee.

ORDER AFFIRMED

Division V
Opinion by JUDGE RUSSEL
Vogt and Dailey, JJ., concur

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

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. 02CA1063

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Trevor S. Bridge,

Defendant-Appellant.

Petition for Rehearing DENIED
NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 02CA1589

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne J. Van Meter,

Defendant-Appellant.

Petition for Rehearing DENIED
NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2003.