

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
January 11, 2018*

“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**

[2018COA1](#)

Court of Appeals No. [15CA0171](#)  
El Paso County District Court No. 13CR3655  
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Allen Michael Sparks,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE HAWTHORNE  
Dailey and Welling, JJ., concur

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[2018COA2](#)

Court of Appeals No. [16CA2159](#)  
City and County of Denver District Court No. 16CV31561  
Honorable A. Bruce Jones, Judge

Steven Romero,

Plaintiff-Appellee,

v.

Colorado Department of Human Services,

Defendant-Appellant.

JUDGMENT REVERSED

Division VI  
Opinion by CHIEF JUDGE LOEB  
Nieto\*, J. concurs  
Davidson\*, J. dissents

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[2018COA3](#)

Court of Appeals No. [17CA0097](#)  
El Paso County District Court No. 15CV33722  
Honorable Robin Chittum, Judge

L.J., individually and as surviving parent of D.J.M., deceased,

Plaintiff-Appellee,

v.

Justin Carricato, individually and in his capacity as an officer with the City of Colorado Springs Police Department; and the City of Colorado Springs, Colorado,

Defendants-Appellants.

JUDGMENT REVERSED IN PART  
AND CASE REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE FOX  
Freyre and Kapelke\*, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 14CA0800  
El Paso County District Court No. 10CR2496  
Honorable Victor I. Reyes, Judge

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

v.

Bruce Joseph Nozolino,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE WELLING  
Dailey and Hawthorne, JJ., concur

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

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Court of Appeals No. 14CA1132  
Arapahoe County District Court No. 13CR56  
Honorable F. Stephen Collins, Judge

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

v.

Herman Leon Hallman, Jr.,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE TERRY  
Harris and Plank\*, JJ., concur

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

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Court of Appeals No. 14CA1170  
Adams County District Court No. 13CR1222  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Sanchez,

Defendant-Appellant.

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

Division III  
Opinion by JUDGE BERGER  
Webb and Casebolt\*, JJ., concur

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

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Court of Appeals No. 14CA2186  
City and County of Broomfield District Court No. 13CR69  
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keena Monae Levy,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,  
AND CASE REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN  
Richman, J., concurs  
Furman, J., concurs in part and dissents in part

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

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Court of Appeals No. 14CA2229  
El Paso County District Court No. 10CR2496  
Honorable Victor I. Reyes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bruce Joseph Nozolino,

Defendant-Appellant.

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

Division II  
Opinion by JUDGE WELLING  
Dailey and Hawthorne, JJ., concur

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

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Court of Appeals No. 15CA1547  
Boulder County District Court No. 14CR1210  
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Mingchiu Ching,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE HAWTHORNE  
Dailey and Welling, JJ., concur

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

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Court of Appeals No. 15CA1698  
Clear Creek County District Court No. 14JV8  
Honorable D. Wayne Patton, Judge  
Honorable Ruthanne Polidori, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.W. and N.W., Children,

and Concerning C.O.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 16CA0525  
City and County of Denver District Court No. 15CR67  
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roland H. Solomon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A  
Opinion by JUDGE NIETO\*  
Loeb, C.J., and Casebolt\*, J., concur

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

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Court of Appeals No. 16CA0797  
City and County of Denver District Court No. 13CR6607  
Honorable Ann B. Frick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Johnny C. Gilbert,

Defendant-Appellant.

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

Division VI  
Opinion by JUDGE HARRIS  
Rothenberg\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 16CA1949  
Clear Creek County District Court No. 09CV4  
Honorable D. Wayne Patton, Judge

Keven Buckley and Brooke Buckley,

Plaintiffs-Appellants,

v.

Robert D. Ostermiller, Jr. and Laurie M. Ostermiller,

Defendants-Appellees.

JUDGMENT AND ORDER AFFIRMED

Division III  
Opinion by JUDGE DAVIDSON\*  
Webb and Lichtenstein, JJ., concur

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

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Court of Appeals No. 16CA2075  
Arapahoe County District Court No. 15DR30762  
Honorable Fredrick T. Martinez, Judge

In re the Parental Responsibilities Concerning B.C.C., a Child,  
and Concerning Thomas Bennett Closset,

Appellee,

and

Joanna Kay Rhodes,

Appellant.

JUDGMENT VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE HAWTHORNE  
Dailey and Welling, JJ., concur

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

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Court of Appeals No. 17CA0195  
Weld County District Court No. 11DR1261  
Honorable Elizabeth B. Strobel, Judge

In re the Marriage of

Amanda Olsen, n/k/a Amanda MacMillian,

Appellee,

and

Christopher J. Olsen,

Appellant.

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

Division VI  
Opinion by JUDGE VOGT\*  
Harris and Rothenberg\*, JJ., concur

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

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Court of Appeals No. 17CA0208  
Summit County District Court No. 09CV63  
Honorable Karen Ann Romeo, Judge

Rainbows, Inc.,

Plaintiff-Appellee,

v.

Timothy W. Gardner,

Defendant-Appellant.

ORDERS AFFIRMED IN PART  
AND VACATED IN PART

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

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

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Court of Appeals No. 17CA0234  
Jefferson County District Court No. 16JV365  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.N., a Child,

and Concerning D.N.,

Respondent-Appellant.

JUDGMENT REVERSED

Division VI  
Opinion by JUDGE TERRY  
Harris and Plank\*, JJ., concur

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

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Court of Appeals No. 17CA2008  
City and County of Denver Probate Court No. 17MH839  
Honorable Ruben M. Hernandez, Magistrate

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Martha Clark,

Respondent-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE NAVARRO  
Dailey and Lichtenstein, 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. 14CA0474

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Blair Roderick,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 14CA1545

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Laroy Lewis,

Defendant-Appellant.

Petition for Rehearing DENIED

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Court of Appeals No. 15CA1398

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Alvin Breaux,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA0133

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Lee Mitchell,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 16CA2236

Denise Heinz,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, State Farm Mutual  
Automobile Insurance Company, and Indemnity Insurance Company of North  
America,

Respondents.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA0474

Theresa R. Salazar,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Huerfano County  
Hospital District and Spanish Peaks Regional Health Center,

Respondents.

Petition for Rehearing DENIED

J. Jones, J., would GRANT

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

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Court of Appeals No. 17CA1537

Renee J. Ruiz,

Petitioner,

v.

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

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. 2017.