

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
January 25, 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

[2018COA4](#)

Court of Appeals No. [14CA1181](#)
Jefferson County District Court No. 12CR2874
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eswin Ariel Figueroa-Lemus,

Defendant-Appellant.

ORDER AFFIRMED

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

[2018COA5](#)

Court of Appeals No. [14CA2479](#)
Jefferson County District Court No. 12CR1091
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon Deshawn Campbell,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Furman and Richman, JJ., concur

[2018COA6](#)

Court of Appeals No. [15CA1395](#)
Jefferson County District Court No. 13CR2977
Honorable Todd L. Vriesman, Judge
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Luis Palacios,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Terry and Plank*, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
January 25, 2018

[2018COA7](#)

Court of Appeals No. [16CA0198](#)

City and County of Denver Probate Court No. 12PR1772

Honorable Elizabeth D. Leith, Judge

In the Interest of Joanne Black, Protected Person,

Appellee and Cross-Appellant,

v.

Bernard Black, in his Capacity as Trustee for the Supplemental Needs Trust for
the Benefit of Joanne Black,

Appellant and Cross-Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE HARRIS
Furman and Berger, JJ., concur

[2018COA8](#)

Court of Appeals No. [16CA1901](#)
Summit County District Court No. 11CV420
Honorable Karen A. Romeo, Judge

Town of Breckenridge, Colorado,

Plaintiff-Appellant,

v.

Egencia, LLC; Expedia, Inc.; Hotels.com, L.P.; Hotels.com, GP, LLC; Hotwire, Inc.; Internetwork Publishing Corporation, d/b/a Lodging.com; Lowestfare.com, Inc.; Orbitz, Inc.; Orbitz, LLC; Priceline.com, Incorporated; Site59.com, LLC; TravelNow.com, LP; Travelport, Inc., f/k/a Cendant Travel Distribution Services Group, Inc.; Travelscape, LLC; Travelweb, LLC; Trip Network, Inc., d/b/a Cheaptickets.com,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GRAHAM
Webb, J., concurs
Terry, J., specially concurs

[2018COA9](#)

Court of Appeals No. [16CA2104](#)
City and County of Denver District Court No. 16CV30510
Honorable Jay S. Grant, Judge

Rickey Airth,

Plaintiff-Appellant,

v.

Zurich American Insurance Company, an Illinois corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
Hawthorne and Welling, JJ., concur

[2018COA10](#)

Court of Appeals No. [17CA0255](#)
Garfield County District Court No. 16JV21
Honorable Denise K. Lynch, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.R.M., M.M.M., and M.M.M., Children,

and Concerning M.M.A.,

Respondent-Appellant.

APPEAL DISMISSED

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

[2018COA11](#)

Court of Appeals No. [17CA0339](#)
Alamosa County District Court No. 15JV114
Honorable Martin A. Gonzalez, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.L. and S.M., Children,

and Concerning J.C.,

Respondent-Appellant.

ORDER OF LIMITED REMAND

Division A
Furman, Ashby, and Welling, JJ.
PER CURIAM

UNPUBLISHED OPINIONS

Court of Appeals No. 13CA0826
Arapahoe County District Court No. 11CR2314
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carol Lee Hawley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
J. Jones and Richman, JJ., concur

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

Court of Appeals No. 14CA1444
City and County of Denver District Court No. 09CR5979
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Paul Valdez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE BERGER
Bernard and Freyre, JJ., concur

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

Court of Appeals No. 14CA2016
Larimer County District Court No. 13CR1602
Honorable Stephen J. Schapanski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Casey Lee Albee,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE DAILEY
Lichtenstein and Navarro, JJ., concur

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

Court of Appeals No. 15CA0562
Weld County District Court No. 13CR1553
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Coy Deming,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Hawthorne and Richman, JJ., concur

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

Court of Appeals No. 15CA1160
Morgan County District Court No. 14CR129
Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Velazquez-Loredo,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DUNN
Román and Welling, JJ., concur

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

Court of Appeals No. 15CA1393
Arapahoe County District Court Nos. 14CR589 & 14CR1919
Honorable James F. Macrum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scot Alan Copher,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE BERNARD
Berger and Freyre, JJ., concur

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

Court of Appeals No. 15CA1818
Adams County District Court No. 05CR2053
Honorable Kathy R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Alexander Brackeen,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE
J. Jones and Richman, JJ., concur

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

Court of Appeals No. 16CA0625
City and County of Denver Probate Court No. 12PR1772
Honorable Elizabeth D. Leith, Judge

In the Interest of Joanne Black, Protected Person,

Appellee,

v.

Bernard Black, in his Capacity as Trustee for the Supplemental Needs Trust for the Benefit of Joanne Black; Anthony J. Dain, in his capacity as Trustee for the Supplemental Needs Trust for the Benefit of Joanne Black,

Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE HARRIS
Furman and Berger, JJ., concur

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

Court of Appeals No. 16CA0788
City and County of Denver District Court Nos. 05CR400 & 05CR5751
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reynaldo Villa,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Hawthorne and Richman, JJ., concur

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

Court of Appeals No. 16CA0952
Jefferson County District Court No. 97CR802
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gene E. Aviles,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FURMAN
Fox and Ashby, JJ., concur

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

Court of Appeals No. 16CA1182
City and County of Denver District Court No. 15CR3692
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dante Walker,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III
Opinion by CHIEF JUDGE LOEB
Nieto* and Vogt*, JJ., concur

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

Court of Appeals No. 16CA1422
Elbert County District Court No. 15CV30080
Honorable Michael J. Spear, Judge

Spring Valley Ranch Master Owners Association,

Plaintiff-Appellee,

v.

Graeme D. Lang and Shelly L. Lang,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by CHIEF JUDGE LOEB
Nieto* and Vogt*, JJ., concur

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

Court of Appeals No. 16CA1464
El Paso County District Court No. 11CR3489
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Wayne Sorden,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE DUNN
Román and Welling, JJ., concur

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

Court of Appeals No. 16CA1550
Custer County District Court No. 16DR5
Honorable Robert Freeman, Magistrate

In re the Marriage of

Teri A. Lehman,

Appellee,

and

Bradley S. Lehman,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE BERNARD
Berger and Freyre, JJ., concur

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

Court of Appeals No. 16CA1649
Douglas County District Court No. 12DR197
Honorable Michael J. Spear, Judge

In re the Marriage of

Justin Arthur Rogers,

Appellant,

and

Brianna M. Woodruff, f/k/a Brianna M. Rogers,

Appellee.

ORDER AFFIRMED

Division I
Opinion by JUDGE FURMAN
Taubman and Richman, JJ., concur

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

Court of Appeals No. 16CA1690
City and County of Denver District Court No. 09CR801
Honorable William D. Robbins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony L. Garcia,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Hawthorne and Welling, JJ., concur

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

Court of Appeals No. 16CA1708
El Paso County District Court No. 14CR4773
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shandra Rathke,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE NIETO*
Loeb, C.J., and Vogt*, J., concur

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

Court of Appeals No. 16CA2023
Moffat County District Court No. 15JV2
Honorable Sandra H. Gardner, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.J., S.J., and E.J., Children,

and Concerning D.J.,

Respondent-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Booras and Harris, JJ., concur

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

Court of Appeals No. 16CA2081
Jefferson County District Court No. 15CV30992
Honorable Todd L. Vriesman, Judge

Bell Advisors, LLC, a Delaware limited liability company,

Plaintiff-Appellant,

v.

American Family Mutual Insurance Company, a Wisconsin corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FOX
Furman and Ashby, JJ., concur

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

Court of Appeals No. 17CA0063
City and County of Denver District Court No. 16DR655
Honorable Robert L. McGahey, Jr., Judge

In re the Marriage of

Rodrigo Flores Molina,

Appellant,

and

Ingrid Yadira Orellana Orellana,

Appellee.

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

Division II
Opinion by JUDGE DAILEY
Lichtenstein and Navarro, JJ., concur

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

Court of Appeals No. 17CA0111
El Paso County District Court No. 14CR782
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Lee Campen,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE VOGT*
Loeb, C.J., and Nieto*, J., concur

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

Court of Appeals No. 17CA0133
City and County of Denver District Court No. 16CV30409
Honorable Michael J. Vallejos, Judge

Louise Pryor, as sister and next of kin of the deceased, Paul Carney; Caleb Gordon, as son and next of kin of the deceased, Paul Carney; and Kyle Gordon, as son and next of kin of the deceased, Paul Carney,

Plaintiffs-Appellants,

v.

Rick Raemisch, in his official capacity as Executive Director of the Colorado Department of Corrections, and in his individual capacity; Kellie Wasko, in her official capacity as Deputy Executive Director of the Colorado Department of Corrections, and in her individual capacity; Steve Hagar, in his official capacity as Director of Prisons of the Colorado Department of Corrections, and in his individual capacity; Renae Jordan, in his official capacity as Director of Clinical and Correctional Services of the Colorado Department of Corrections, and in his individual capacity; Jay Kirby, in his official capacity as Inspector General of the Colorado Department of Corrections, and in his individual capacity; Rick Thompkiks, in his official capacity as Chief Human Resources Officer of the Colorado Department of Corrections, and in his individual capacity; John Hickenlooper, in his official capacity as Governor of the State of Colorado, and in his individual capacity; Dave Johnson, in his official capacity as Warden of the Denver Reception Diagnostic Center of the Colorado Department of Corrections, and in his individual capacity; Sean Foster, in his official capacity as Warden of the Arkansas Valley Correctional Facility of the Colorado Department of Corrections, and in his individual capacity; and Theodore L. Laurence, Physician's Assistant at the Arkansas Valley Correctional Facility, in his official and individual capacity,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE RICHMAN
Hawthorne and J. Jones, JJ., concur

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

Court of Appeals No. 17CA0135
El Paso County District Court No. 16CV100
Honorable Jill M. Brady, Judge

Sylvia McRae,

Plaintiff-Appellant,

v.

JPMorgan Chase Bank, N.A. and Affiliates,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FURMAN
Fox and Ashby, JJ., concur

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

Court of Appeals No. 17CA0240
Adams County District Court No. 09CR822
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcos Timothy Giron,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE BERGER
Bernard and Freyre, JJ., concur

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

Court of Appeals No. 17CA0392
Weld County District Court No. 15JV232
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.S., T.S., M.S., and H.S., Children,

and Concerning R.A. and N.S.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE RICHMAN
Hawthorne and J. Jones, JJ., concur

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

Court of Appeals No. 17CA0393
Weld County District Court No. 16JV535
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning R.A. and N.S.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE RICHMAN
Hawthorne and J. Jones, JJ., concur

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

Court of Appeals No. 17CA0418
Adams County District Court No. 15CR3477
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Artem Daniyelyan,

Defendant-Appellant.

APPEAL DISMISSED

Division VII
Opinion by JUDGE FREYRE
Bernard and Berger, JJ., concur

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

Court of Appeals No. 17CA0578
City and County of Denver District Court No. 15DR1717
Honorable Douglas R. Vannoy, Judge

In re the Marriage of

Lori A. Siler Restaino,

Petitioner,

and

John M. Restaino, Jr.,

Appellee,

and

Court-Appointed Receiver of the Restaino Law Firm, P.C.,

v.

Ferrer & Poirot, GP, d/b/a Ferrer, Poirot & Wansbrough,

Intervenor-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE FREYRE
Bernard, J., concurs
Berger, J., dissents

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

Court of Appeals No. 17CA0585
Park County District Court No. 15JV12
Honorable Stephen A. Groome, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of G.A.M., a Child,

and Concerning K.C.P.,

Respondent-Appellant,

and K.L.M.,

Respondent-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE LICHTENSTEIN
Dailey and Navarro, JJ., concur

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

Court of Appeals No. 17CA0597
Pueblo County District Court No. 16CV30999
Honorable Jill S. Mattoon, Judge

Andrews Produce Inc., d/b/a/ Andrews FoodService Systems, Inc.,

Plaintiff-Appellee,

v.

Ben E. Keith Company, a Texas company, and Candy Daniel,

Defendants-Appellants.

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

Division IV
Opinion by JUDGE RICHMAN
Hawthorne and J. Jones, JJ., concur

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

Court of Appeals No. 17CA0695
Weld County District Court No. 15JV172
Honorable Warren T. Hause, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.D. a Child,

and Concerning J.D.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE HARRIS
Taubman and Booras, JJ., concur

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

Court of Appeals No. 17CA0732
Jefferson County District Court No. 16JV308
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.W-J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Hawthorne and Richman, JJ., concur

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

Court of Appeals No. 17CA1660
Industrial Claim Appeals Office of the State of Colorado
DD No. 19002-2017

Tabitha K. Campbell,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and CGI Technologies
and Solutions, Inc.,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE NAVARRO
Dailey and Lichtenstein, JJ., concur

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

Court of Appeals No. 17CA2034
City and County of Denver Probate Court No. 17MH1052
Honorable Ruben M. Hernandez, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.L.,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE HARRIS
Taubman and Booras, 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. 16CA1129

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carne M. Mwangi,

Defendant-Appellant.

Opinion Modified and
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. 2017.