

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
December 21, 2017*

“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UNPUBLISHED OPINIONS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. 13CA1713
El Paso County District Court No. 11CR3880
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darryl Lewis Lynch,

Defendant-Appellant.

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

Division II
Opinion by JUDGE DAILEY
Harris and Márquez*, JJ., concur

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

Court of Appeals No. 13CA1918
Weld County District Court Nos. 12CR1184, 12CR1314 & 12CR1351
Honorable Todd L. Taylor, Judge
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathan Shane Stenger,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE LICHTENSTEIN
Ashby and Plank*, JJ., concur

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

Court of Appeals No. 14CA1923
El Paso County District Court No. 13CR3050
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Richard Ney, Jr.,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA0745
City and County of Denver District Court No. 13CR5727
Honorable Elizabeth A. Starrs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lawrence M. Hart,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE ROTHENBERG*
Webb and Berger, JJ., concur

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

Court of Appeals No. 15CA0950
City and County of Denver District Court No. 13CR10366
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tony Dotson,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1358
Mesa County District Court No. 14JD293
Honorable Thomas M. Deister, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of I.A.M.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1759
Mesa County District Court No. 14CR680
Honorable David A. Bottger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Israel Chavez,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE RICHMAN
Taubman and Furman, JJ., concur

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

Court of Appeals No. 16CA0040
City and County of Denver District Court No. 14CR2418
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Caleb Bowers,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE FOX
J. Jones and Freyre, JJ., concur

Prior Opinion Announced October 26, 2017, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 16CA0042
Pueblo County District Court No. 14CR645
Honorable David W. Crockenberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Taria Jantail Wilhite,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA0178
Jefferson County District Court No. 02CR3390
Honorable Kim H. Goldberger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alexander Noel Garcia,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Navarro and Ashby, JJ., concur

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

Court of Appeals No. 16CA0540
Adams County District Court No. 15CR1808
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Desmond Devon Jones,

Defendant-Appellant.

JUDGMENT REVERSED

Division VII
Opinion by JUDGE J. JONES
Fox and Freyre, JJ., concur

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

Court of Appeals No. 16CA0829
Douglas County District Court No. 04CR383
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Todd Ricks,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA1129
City and County of Denver District Court No. 14CR84
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carne M. Mwangi,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMAND WITH DIRECTIONS

Division III
Opinion by JUDGE LICHTENSTEIN
Webb and Berger, JJ., concur

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

Court of Appeals No. 16CA1254
Boulder County District Court No. 14CR1464
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tim Wind,

Defendant-Appellant.

SENTENCES AFFIRMED

Division V
Opinion by JUDGE NAVARRO
Román and Ashby, JJ., concur

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

Court of Appeals No. 16CA1261
El Paso County District Court No. 15CR3732
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dashawn Hardie Lipscomb,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE RICHMAN
Taubman and Furman, JJ., concur

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

Court of Appeals No. 16CA1273
City and County of Broomfield District Court No. 12CR260
Honorable Edward C. Moss, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ali Majd,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE ASHBY
Román and Navarro, JJ., concur

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

Court of Appeals No. 16CA1635
Arapahoe County District Court No. 14DR30096
Honorable Elizabeth Beebe Volz, Judge

In re the Marriage of

Caroline Dubuke, n/k/a Caroline Sitcov,

Appellee,

and

Katzan Dubuke,

Appellant.

ORDER REVERSED

Division VII
Opinion by JUDGE J. JONES
Fox and Freyre, JJ., concur

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

Court of Appeals No. 16CA1705
Boulder County District Court No. 14CV30822
Honorable Patrick D. Butler, Judge

Marco All Season Construction, LLC, a Colorado limited liability company,

Plaintiff-Appellant,

and

Becker General Contractors, Inc.,

Third-Party Defendant-Appellant,

v.

R.G. Brinkmann Company, d/b/a Brinkmann Constructors,

Defendant and Third-Party Plaintiff-Appellee.

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

Division III
Opinion by JUDGE WEBB
Lichtenstein and Berger, JJ., concur

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

Court of Appeals No. 16CA1976
Douglas County District Court No. 15CR437
Honorable David J. Stevens, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tiasheca Necole Brown,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA2116
Adams County District Court No. 01CR430
Honorable Robert W. Kiesnowski Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael W. Bingham,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FREYRE
J. Jones and Fox, JJ., concur

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

Court of Appeals No. 16CA2131
Pitkin County District Court No. 16CV30002
Honorable Christopher G. Seldin, Judge

Gerard P. Szatkowski,

Plaintiff-Appellant,

v.

Steven Feiner,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE RICHMAN
Taubman and Furman, JJ., concur

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

Court of Appeals No. 16CA2148
City and County of Denver Juvenile Court No. 14JV1570
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.J.P-G. and L.A.P-G., Children,

and Concerning J.L.P. and R.R.G.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE VOGT*
Taubman and Richman, JJ., concur

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

Court of Appeals No. 16CA2184
City and County of Denver District Court No. 15CV33343
Honorable Morris B. Hoffman, Judge

Rick Nixon,

Plaintiff-Appellee,

v.

Denver Civil Service Commission, an agency of the City and County of Denver,

Defendant,

and

Stephanie O'Malley, Executive Director of the Denver Department of Public
Safety,

Defendant-Appellant.

ORDER VACATED

Division IV
Opinion by JUDGE BOORAS
Graham and Dunn, JJ., concur

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

Court of Appeals No. 16CA2231
City and County of Broomfield District Court No. 14JV47
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of I.R.D. a Child,

and Concerning M.L.D.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Navarro and Ashby, JJ., concur

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

Court of Appeals No. 17CA0107
Larimer County District Court No. 13DR30081
Honorable Stephen J. Schapanski, Judge

In re the Marriage of

Katerina Maria Neuhauser,

Appellee,

and

Thomas Stephen Neuhauser,

Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FOX
J. Jones and Freyre, JJ., concur

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

Court of Appeals No. 17CA0211
Adams County District Court No. 16JV352
Honorable R. Crowder, Judge
Honorable Katherine Rose Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of H.P.M., a Child,

and Concerning A.J.B. and J.B.D.,

Respondents-Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE FREYRE
J. Jones and Fox, JJ., concur

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

Court of Appeals No. 17CA0282
El Paso County District Court No. 10CR2483
Honorable Marla R. Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tnias Dimitri Pike,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0377
City and County of Denver Juvenile Court No. 16JV806
Honorable David B. Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.L.R.L.G., a Child,

and Concerning J.H.G.,

Respondent-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0652
Pueblo County District Court No. 16JV42
Honorable Deborah R. Eyler, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of B.C., a Child,

and Concerning L.T.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE RICHMAN
Taubman and Furman, JJ., concur

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

Court of Appeals No. 17CA0914
Adams County District Court No. 15JV122
Honorable John E. Popovich, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Y.A.M.M. and U.I.G., Children,

and Concerning F.A.G.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Lichtenstein and Berger, JJ., concur

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

Court of Appeals No. 17CA0930
El Paso County District Court No. 16JV947
Honorable G. David Miller, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.M.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE LICHTENSTEIN
Webb and Berger, JJ., concur

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

Court of Appeals No. 17CA1222
Industrial Claim Appeals Office of the State of Colorado
DD No. 21509-2010

Tammala M. Gockley,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance Benefit Payment Control,

Respondents.

ORDER AFFIRMED

Division I
Opinion by CHIEF JUDGE LOEB
Kapelke* and Rothenberg*, JJ., concur

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

Court of Appeals No. 17CA1351
Industrial Claim Appeals Office of the State of Colorado
DD No. 13991-2017

Sariana J. Monsivais,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE BERGER
Webb and Lichtenstein, JJ., concur

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

Court of Appeals No. 17CA1513
Industrial Claim Appeals Office of the State of Colorado
DD No. 12522-2017

Melaine R. Marsa,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Advanced Surface
Technologies,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE KAPELKE*
Loeb, C.J., and Rothenberg*, J., concur

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

Court of Appeals No. 17CA1620
Industrial Claim Appeals Office of the State of Colorado
DD No. 16512-2017

Erica K. Kirk,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE ROTHENBERG*
Loeb, C.J., and Kapelke*, J., concur

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

Court of Appeals No. 17CA1722
Boulder County District Court No. 16MH143
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.G.,

Respondent-Appellant.

ORDER AFFIRMED IN PART AND REVERSED IN PART

Division I
Opinion by JUDGE RICHMAN
Taubman and Furman, JJ., concur

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

Court of Appeals No. 17CA1811
Pueblo County District Court No. 17MH226
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Steven Dale Swank,

Respondent-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FOX
J. Jones and Freyre, 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. 14CA1841

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lucas M. Watts,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 14CA1920

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Julian Anastacio Deleon,

Defendant-Appellant.

Petition for Rehearing DENIED
Welling, J., would GRANT

Court of Appeals No. 16CA0040

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Caleb Bowers,

Defendant-Appellant.

Prior Opinion Announce October 26, 2017, WITHDRAWN
Petition for Rehearing GRANTED

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.