

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
August 17, 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.

**U N P U B L I S H E D O P I N I O N S**

Court of Appeals No. 13CA1156  
Jefferson County District Court No. 12CR2053  
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan Del-Palacio,

Defendant-Appellant.

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

Division VI  
Opinion by JUDGE FURMAN  
Berger and Harris, JJ., concur

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

---

Court of Appeals No. 13CA1774  
Adams County District Court No. 11CR296  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Lujan,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE VOGT\*  
Richman and Ashby, JJ., concur

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

---

Court of Appeals No. 14CA0587  
Larimer County District Court No. 13CR654  
Honorable Derek A. Samuelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Mikeal Franks,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE HAWTHORNE  
Dunn and Navarro, JJ., concur

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

---

Court of Appeals No. 14CA1229  
Adams County District Court No. 02CR1419  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Miguel Loya-Quezada,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN  
Román and Lichtenstein, JJ., concur

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

---

Court of Appeals No. 14CA2275  
City and County of Denver District Court No. 13CR4348  
Honorable Ann B. Frick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rocky L. Ankney,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE VOGT\*  
Richman and Ashby, JJ., concur

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

---

Court of Appeals No. 15CA0173  
Adams County District Court No. 13CR3333  
Honorable Robert W. Kiesnowski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Woodrow Pickard,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE PLANK\*  
Dailey and Fox, JJ., concur

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

---

Court of Appeals No. 15CA0471  
Adams County District Court No. 13CR3066  
Honorable Katharine Delgado, Judge  
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terri Sue Potter,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,  
AND CASE REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE ROTHENBERG\*  
Vogt\*, J., concurs  
Loeb, C.J., concurs in part and dissents in part

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

---

Court of Appeals No. 15CA0973  
City and County of Denver Juvenile Court No. 12JD674  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

In the Interest of J.R.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE DAILEY  
Bernard, J., concurs  
Fox, J., dissents

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

---

Court of Appeals No. 15CA1077  
El Paso County District Court No. 14CR3316  
Honorable Barney Iuppa, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Linda Gail Wood,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE PLANK\*  
Dailey and Fox, JJ., concur

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

---

Court of Appeals No. 15CA1694  
Pueblo County District Court No. 04CR880  
Honorable David W. Crockenberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christian M. Garcia-Amaro,

Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE ASHBY  
Richman and Vogt\*, JJ., concur

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

---

Court of Appeals No. 15CA1828  
Larimer County District Court No. 12CV56  
Honorable Devin R. Odell, Judge

Richard Gagne,

Plaintiff-Appellee,

v.

Paula Gagne,

Defendant-Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE LICHTENSTEIN  
Taubman and Román, JJ., concur

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

---

Court of Appeals No. 16CA0265  
Larimer County District Court No. 15CR69  
Honorable Stephen J. Schapanski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Evert Wells,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE NAVARRO  
Hawthorne and Dunn, JJ., concur

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

---

Court of Appeals No. 16CA0479  
Las Animas County District Court No. 14CV30009  
Honorable Leslie J. Gerbracht, Judge

Greg Pepper, Jessica Pepper, and iRock Incorporated, a Colorado non-profit corporation,

Plaintiffs-Appellants,

v.

Myron Scott, Kathie Scott, Randy Dalrick, and Jessica Dalrick,

Defendants-Appellees.

ORDER AFFIRMED

Division II  
Opinion by JUDGE BERGER  
Dailey and J. Jones, JJ., concur

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

---

Court of Appeals No. 16CA0661  
Arapahoe County District Court No. 13CR1124  
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stanislav Raysh,

Defendant-Appellant.

ORDERS AFFIRMED

Division I  
Opinion by JUDGE LICHTENSTEIN  
Taubman and Román, JJ., concur

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

---

Court of Appeals No. 16CA0716  
Jefferson County District Court No. 15DR30447  
Honorable Laura A. Tighe, Judge

In re the Marriage of

Jennifer E. Davenport,

Appellee,

and

Robert E. Davenport,

Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE ROMÁN  
Lichtenstein and Taubman, JJ., concur

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

---



Court of Appeals No. 16CA0762  
El Paso County District Court No. 12DR2395  
Honorable Jill M. Brady, Judge  
Honorable Larry E. Schwartz, Judge

In re the Marriage of

Christine C. Irelan,

Appellant,

and

William R. Irelan,

Appellee.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE ROTHENBERG\*  
Loeb, C.J., and Vogt\*, J., concur

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

---

Court of Appeals No. 16CA0828  
City and County of Denver District Court No. 11CV2667  
Honorable Elizabeth A. Starrs, Judge

E B H, LLC, individually and on behalf of AccessU2 Mobile Solutions, LLC,

Plaintiff-Appellee,

v.

Kenneth O'Hanlon,

Defendant-Appellant.

APPEAL DISMISSED IN PART  
AND ORDER AFFIRMED

Division VI  
Opinion by JUDGE FURMAN  
Berger and Harris, JJ., concur

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

---

Court of Appeals No. 16CA0914  
City and County of Denver District Court No. 01CR3059  
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Vaughn,

Defendant-Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE LICHTENSTEIN  
Taubman and Román, JJ., concur

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

---

Court of Appeals No. 16CA1086  
Jefferson County District Court No. 11CR1319  
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Theodore Yakas,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE BERGER  
Furman and Harris, JJ., concur

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

---

Court of Appeals No. 16CA1157  
City and County of Denver District Court No. 12CR465  
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn Paul Spomer,

Defendant-Appellant.

ORDER VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE LICHTENSTEIN  
Taubman and Román, JJ., concur

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

---

Court of Appeals No. 16CA1203  
Adams County District Court No. 15CR192  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Josue Avila-Cabrales,

Defendant,

and Concerning Frank B. Ficarra and Bankers Insurance Company,

Sureties-Appellants.

ORDER AFFIRMED

Division A  
Opinion by CHIEF JUDGE LOEB  
Nieto\* and Rothenberg\*, JJ., concur

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

---

Court of Appeals No. 16CA1275  
Douglas County District Court No. 11DR1676  
Honorable Michael J. Spear, Judge

In re the Marriage of

Rick N. Kjerstad,

Appellee,

and

Gianna R. Kjerstad,

Appellant.

ORDER AFFIRMED

Division A  
Opinion by JUDGE LOEB  
Nieto\* and Rothenberg\*, JJ., concur

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

---

Court of Appeals No. 16CA1395  
Larimer County District Court No. 08CV1170  
Honorable C. Michelle Brinegar, Judge

Ray W. Hein Family Trust and Ray W. Hein Family Investment Company,

Plaintiffs-Appellants,

v.

KB Home Colorado, Inc.,

Defendant-Appellee.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE RICHMAN  
Ashby and Vogt\*, JJ., concur

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

---

Court of Appeals No. 16CA1433  
Arapahoe County District Court No. 07CV1527  
Honorable Elizabeth A. Weishaupl, Judge

AC Excavating, Inc., a Colorado corporation,

Plaintiff-Appellant,

and

Craig D. Johnson & Associates, P.C., a Colorado professional corporation,

Appellant,

v.

Donald A. Yale,

Defendant-Appellee.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

---

Court of Appeals No. 16CA1560  
City and County of Denver District Court No. 14CV33981  
Honorable Ross B.H. Buchanan, Judge

BioCare, Inc., d/b/a Pink House Tamarac,

Plaintiff-Appellee,

v.

City and County of Denver, Colorado,

Defendant-Appellant.

APPEAL DISMISSED

Division II  
Opinion by JUDGE DAILEY  
Fox and Plank\*, JJ., concur

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

---

Court of Appeals No. 16CA1660  
Adams County District Court No. 15CV31035  
Honorable Ted C. Tow III, Judge

Jose Riccardo Sarabia-Martinez,

Plaintiff-Appellant,

v.

Pablo Sarabia-Martinez,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE NAVARRO  
Hawthorne and Dunn, JJ., concur

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

---

Court of Appeals No. 16CA1677  
City and County of Broomfield District Court No. 16JV21  
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.L.S. and L.S.S., Children,

and Concerning C.S.S.,

Respondent-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE FOX  
Dailey and Plank\*, JJ., concur

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

---

Court of Appeals No. 16CA1921  
Eagle County District Court Nos. 15JV17 & 16JV16  
Honorable Russell H. Granger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.W-T., P.J.W., and J.L.W., Children,

and Concerning L.T. and P.W.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE ROMÁN  
Taubman and Lichtenstein, JJ., concur

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

---

Court of Appeals No. 16CA1966  
Adams County District Court No. 15JV304  
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning K.B.,

Intervenor-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE PLANK\*  
Dailey and Fox, JJ., concur

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

---

Court of Appeals No. 16CA2076  
El Paso County District Court No. 07DR3986  
Honorable David S. Prince, Judge

In re the Marriage of

John Benjamin Leyba,

Appellee,

and

Chandra Leyba,

Appellant.

APPEAL DISMISSED IN PART  
AND ORDER AFFIRMED

Division III  
Opinion by JUDGE BOORAS  
Webb and Freyre, JJ., concur

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

---



Court of Appeals No. 16CA2211  
Jefferson County District Court No. 15JV1156  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Z.E.B. and A.R., Children,

and Concerning R.K., T.B., and J.R.,

Respondents-Appellants.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE NAVARRO  
Hawthorne and Dunn, JJ., concur

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

---

Court of Appeals No. 17CA0046  
Weld County District Court No. 15JV959  
Honorable Elizabeth B. Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.H., III, a Child,

and Concerning S.S. and R.H., II,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

---

Court of Appeals No. 17CA0388  
Arapahoe County District Court No. 16JV16  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE GRAHAM  
J. Jones and Welling, JJ., concur

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

---

Court of Appeals No. 17CA0394  
City and County of Denver Juvenile Court No. 16JV382  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.S.R., a Child,

and Concerning S.R.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE J. JONES  
Graham and Welling, JJ., concur

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

---

Court of Appeals No. 17CA0552  
El Paso County District Court No. 15JV913  
Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.C., II, a Child,

and Concerning J.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE WELLING  
Graham and J. Jones, 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. 14CA2480

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edigberto Saez,

Defendant-Appellant.

Petition for Rehearing DENIED

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

---

Court of Appeals No. 16CA0865

Mikal Trace Taylor,

Plaintiff-Appellant,

v.

ARC Greenwood Village, Inc., d/b/a Brookdale Greenwood Village,

Defendant-Appellee.

Petition for Rehearing DENIED  
Berger, J., would GRANT

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

---

Court of Appeals No. 16CA0682

Buddy Baker, as Trustee of the Buddy Wayne Baker Revocable Trust, on behalf of the Trust and a class of similarly situated royalty owners,

Plaintiff-Appellant,

v.

Merit Energy Company, LLC; DCP Midstream, LP; and PDC Energy, Inc.,

Defendants-Appellees.

-----AND-----

Court of Appeals No. 16CA0702

Buddy Baker, as Trustee of the Buddy Wayne Baker Revocable Trust, on behalf of the Trust and a class of similarly situated royalty owners,

Plaintiff-Appellant,

v.

PDC Energy, Inc., and DCP Midstream, LP,

Defendants-Appellees.

Petitions 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. 2016.