

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
November 29, 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

[2018COA167](#)

Court of Appeals No. [16CA0749](#)
Arapahoe County District Court No. 15CR581
Honorable Ruthanne Polidori, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Santos Sanchez Johnston,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Furman and Lichtenstein, JJ., concur

[2018COA168](#)

Court of Appeals No. [16CA1165](#)
Jefferson County District Court No. 06CR1949
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Larry Gene Lancaster,

Defendant-Appellant.

ORDER REVERSED

Division I
Opinion by JUDGE WELLING
Taubman and Bernard, JJ., concur

[2018COA169](#)

Court of Appeals No. [17CA0864](#)
Custer County District Court No. 15PR30006
Honorable Ramsey Lama, Judge

In re the Estate of Caroline Little, deceased.

Jeffrey Lynn Curry,

Petitioner-Appellant,

v.

Humane Society of Colorado, American Cancer Society, and American Society
for the Prevention of Cruelty to Animals

Respondents-Appellees.

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

Division V
Opinion by JUDGE WELLING
Román and Dunn, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 14CA2088
Prowers County District Court No. 13CR71
Honorable Stanley A. Brinkley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Pilar Altamirano Zavala,

Defendant-Appellant.

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. 15CA1499
Grand County District Court No. 14CR53
Honorable Mary C. Hoak, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chrissy O'Hotto,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE HARRIS
Webb and Welling, JJ., concur

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

Court of Appeals No. 15CA1810
Adams County District Court No. 13CR2095
Honorable Craig R. Welling, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Abraham Garcia,

Defendant-Appellant.

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. 15CA2029
Jefferson County District Court No. 14CR2958
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Miguel Pedro Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BERGER
Román and Richman, JJ., concur

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

Court of Appeals No. 16CA0269
Pueblo County District Court No. 14CR351
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rosario Verdugo-Chong,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE LICHTENSTEIN
Román, J., concurs
Furman, J., concurs in part and dissents in part

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

Court of Appeals No. 16CA0552
City and County of Denver District Court No. 86CR1707
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fred K. Loftin,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 17CA0132
El Paso County District Court No. 15CR4043
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Brad Fisher,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE RICHMAN
Román, J., concurs
Berger, J., dissents

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

Court of Appeals No. 17CA0445
Weld County District Court No. 15CR1519
Honorable Marcelo A. Kopcow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Phillip Douglas Knight,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE TOW
Hawthorne and Bernard, JJ., concur

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

Court of Appeals No. 17CA1010
Pitkin County District Court No. 12CV97
Honorable Christopher G. Seldin, Judge

Edward Lee Mulcahy, Jr.,

Plaintiff-Appellant,

v.

Aspen Skiing Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TERRY
Taubman and Fox, JJ., concur

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

Court of Appeals No. 17CA1103
City and County of Denver Juvenile Court No. 08JV141
Honorable D. Brett Woods, Judge

In re the Parental Responsibilities Concerning K.A.B., a Child,
and R.M.,

Petitioner-Appellant,

and

C.T., n/k/a, C.M.

Respondent-Appellant,

and Concerning S.B. and J.B.,

Intervenors-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WELLING
Webb and Nieto*, JJ., concur

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

Court of Appeals No. 17CA1345
Alamosa County District Court No. 14JV43
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.R. and S.R., Children,

and Concerning F.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Richman and Berger, JJ., concur

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

Court of Appeals Nos. 17CA1718 & 17CA2308
Boulder County District Court No. 16CV30545
Honorable Norma A. Sierra, Judge
Honorable Patrick D. Butler, Judge

Clean Energy Collective, LLC, a Colorado limited liability company,

Plaintiff-Appellant,

v.

Borrego Solar Systems, Inc., a California corporation; and 1115 Solar
Development, LLC, a Delaware limited liability company,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BERGER
Román and Richman, JJ., concur

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

Court of Appeals No. 17CA1973
Eagle County District Court Nos. 16CV30361 & 16CV30363
Honorable Paul R. Dunkelman, Judge

Barbara Benson; Jack Benson; Craig Foley; Greg Johnson; and Cordillera
Property Owners Association, Inc.,

Plaintiffs-Appellants,

v.

Eagle County, Colorado, acting by and through the Board of County
Commissioners of Eagle County,

Defendant-Appellee,

and

Behringer Harvard Cordillera, LLC,

Intervenor-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE MÁRQUEZ*
Furman and Dunn, JJ., concur

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

Court of Appeals No. 17CA2244
Adams County District Court No. 17PR30002
Honorable Patrick T. Murphy, Judge

In re the Estate of Donald Petersen, Sr., deceased.

Donald Petersen, Jr.,

Appellant,

v.

Jessie R. Petersen,

Appellee.

ORDER AFFIRMED

Division IV
Opinion by JUDGE BERNARD
Hawthorne and Tow, JJ., concur

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

Court of Appeals No. 18CA0177
Adams County District Court No. 16JV388
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of P.A.A.J., a Child,

and Concerning B.L.B.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TERRY
Taubman and Fox, JJ., concur

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

Court of Appeals No. 18CA0221
Douglas County District Court No. 16DR164
Honorable Stephen M. Munsinger, Judge

In re the Marriage of

William Taylor Vandecar,

Appellee,

and

Angela Dee Vandecar,

Appellant.

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

Division V
Opinion by JUDGE RICHMAN
Román and Berger, JJ., concur

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

Court of Appeals No. 18CA0277
Weld County District Court No. 17JV13
Honorable Elizabeth B. Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning I.J. and P.B.,

Respondent-Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TERRY
Taubman and Fox, JJ., concur

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

Court of Appeals No. 18CA0392
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-893-631

Leah Turner,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Chipotle Mexican Grill;
and Zurich Insurance Company,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Terry and Fox, JJ., concur

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

Court of Appeals No. 18CA0787
Weld County District Court No. 16JV596
Honorable Elizabeth B. Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning K.P.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BERGER
Román and Richman, JJ., concur

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

Court of Appeals No. 18CA0855
Boulder County District Court No. 17JV106
Honorable Nancy W. Salomone, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning T.Y.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
Ashby and Vogt*, JJ., concur

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

Court of Appeals No. 18CA0967
Industrial Claim Appeals Office of the State of Colorado
DD No. 22782-2016

JJL Process Colorado Corporation,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; and Division of
Unemployment Benefits, Employer Services, Employer Audits,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE TERRY
Taubman and Fox, JJ., concur

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

Court of Appeals No. 18CA1134
Adams County District Court No. 16JV331
Honorable Priscilla Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning L.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE VOGT*
Dailey and Ashby, JJ., concur

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

Court of Appeals No. 18CA1280
Adams County District Court No. 15JV156
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.L.A., a Child,

and Concerning A.L.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Furman and Dunn, JJ., concur

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

Court of Appeals No. 18CA1330
Mesa County District Court No. 18CR937
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Serenity Watson,

Defendant-Appellant.

ORDER REVERSED

Division I
Opinion by JUDGE TAUBMAN
Terry and Fox, JJ., concurs

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

Court of Appeals No. 18CA1379
Industrial Claim Appeals Office of the State of Colorado
DD No. 6964-2018

Temps on Demand, Inc.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance, Employer Services Audits,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE FOX
Taubman and Terry, JJ., concur

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

Court of Appeals No. 18CA1383
Industrial Claim Appeals Office of the State of Colorado
DD No. 8196-2018

John J. Fukon,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Roaring Fork
Transportation Authority,

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE HARRIS
Webb and Welling, JJ., concur

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

Court of Appeals No. 18CA1713
Industrial Claim Appeals Office of the State of Colorado
DD No. 32056-2018

Maria D. Kostadinova,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance Legal Presence,

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

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

Court of Appeals No. 18CA1730
Pueblo County District Court No. 18MH231
Honorable Jill S. Mattoon, Judge

People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Preston Scott Powell,

Respondent-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE BERGER
Román and Richman, JJ., concur

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

Court of Appeals No. 18CA1731
Pueblo County District Court No. 18MH227
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.J.,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE HARRIS
Webb and Welling, JJ., concur

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

Court of Appeals No. 18CA1835
Pueblo County District Court No. 14MH114
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Adrian Cisneros,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE WELLING
Webb and Harris, 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. 16CA2099

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Acree,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA0259

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maksim V. Timoshchuk,

Defendant-Appellant.

Petition for Rehearing DENIED

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2018.