

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
February 16, 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**UNPUBLISHED OPINIONS**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. 11CA1851  
City and County of Denver District Court No. 09CV4962  
Honorable Brian R. Whitney, Judge

T. Lawton Roberts,

Plaintiff-Appellant,

v.

L&H, LLC; Laura A. Newman, LLC, d/b/a Herb’s and Herb’s Jazz and Blues;  
Holly Morrison, individually; and Laura A. Newman, individually,

Defendants-Appellees.

JUDGMENT AFFIRMED IN PART AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE WEBB  
Lichtenstein and Fox, JJ., concur

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

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Court of Appeals No. 13CA1413  
Douglas County District Court No. 11CR217  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Curtis Thompson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE BERNARD  
Dunn, J., concurs  
Webb, 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. 13CA1434  
Chaffee County District Court No. 12CR135  
Honorable Charles M. Barton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Johanna Colleen Daley,

Defendant-Appellant.

JUDGMENTS AND SENTENCE AFFIRMED IN PART,  
VACATED IN PART, AND CASE REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE J. JONES  
Dailey and Berger, JJ., concur

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

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Court of Appeals No. 13CA1601  
City and County of Denver District Court No. 12CR4100  
Honorable Catherine A. Lemon, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Luis Vasquez,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division V  
Opinion by JUDGE FOX  
Román and Booras, JJ., concur

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

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Court of Appeals No. 13CA1824  
Jefferson County District Court No. 12CR2035  
Honorable Stephen M. Munsinger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Steven Arreola,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division IV  
Opinion by JUDGE HAWTHORNE  
Ashby and Freyre, JJ., concur

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

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Court of Appeals No. 13CA2384  
Mesa County District Court No. 07CR577  
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Paul Beeson,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE CASEBOLT\*  
Furman and Terry, JJ., concur

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

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Court of Appeals No. 14CA0086  
Arapahoe County District Court Nos. 09CR104 & 09CR278  
Honorable Larry J. Naves, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Louis Larkins,

Defendant-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE WEBB  
Bernard and Dunn, JJ., concur

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

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Court of Appeals No. 14CA0701  
City and County of Denver District Court No. 12CR137  
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Danny R. Martinez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE BOORAS  
Román and Fox, JJ., concur

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

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Court of Appeals No. 14CA0962  
El Paso County District Court No. 13CR3021  
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Shawn Mize,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE NAVARRO  
Taubman and Graham, JJ., concur

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

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Court of Appeals No. 14CA1425  
El Paso County District Court Nos. 08CR3279, 11CR1257 & 11CR1361  
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Douglas William Eberhardt,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Graham and Navarro, JJ., concur

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

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Court of Appeals No. 14CA1551  
Weld County District Court Nos. 13CR851, 13CR878, 13CR972, 14CR107,  
14M134, 14M138 & 14M139  
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dorin Tod McGee,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE FOX  
Román and Booras, JJ., concur

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

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Court of Appeals No. 14CA1706  
Jefferson County District Court No. 13CR237  
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Albert Gonzales,

Defendant-Appellant.

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

Division II  
Opinion by CHIEF JUDGE LOEB  
Plank\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 14CA2413  
Fremont County District Court No. 12CR240  
Honorable David M. Thorson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Robert Sardakowski,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN  
Graham and Navarro, JJ., concur

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

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Court of Appeals No. 14CA2432  
Adams County District Court Nos. 12CR3798 & 13CR183  
Honorable Robert W. Kiesnowski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Martin Montgomery,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN  
Graham and Navarro, JJ., concur

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

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Court of Appeals No. 15CA0014  
City and County of Denver Juvenile Court No. 14JD59  
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.N.,

Juvenile-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by CHIEF JUDGE LOEB  
Terry, 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. 15CA0192  
El Paso County District Court No. 14CR793  
Honorable Larry Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Teddy Allen Runyon, Jr.,

Defendant-Appellant.

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

Division V  
Opinion by JUDGE ROMÁN  
Booras and Fox, JJ., concur

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

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Court of Appeals No. 15CA0305  
Jefferson County District Court No. 99CR348  
Honorable Lilly W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Sean Siemsen,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN  
Graham and Navarro, JJ., concur

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

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Court of Appeals No. 15CA0378  
Adams County District Court No. 95CR130  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Troy D. Martinez,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE GRAHAM  
Taubman and Navarro, JJ., concur

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

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Court of Appeals No. 15CA0565  
Mesa County District Court No. 00CR543  
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn P. Mullinex,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE TERRY  
Furman and Casebolt\*, JJ., concur

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

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Court of Appeals No. 15CA0746  
El Paso County District Court No. 14CR1137  
Honorable David A. Gilbert, Judge  
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin James Bauserman,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE DAILEY  
J. Jones and Berger, JJ., concur

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

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Court of Appeals No. 15CA1099  
Arapahoe County District Court No. 03CR2876  
Honorable Carol Glowinsky, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul Harland,

Defendant-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE PLANK\*  
Loeb, C.J., and Vogt\*, J., concur

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

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Court of Appeals No. 15CA1442  
City and County of Denver District Court No. 13CR6320  
Honorable Martin F. Egelhoff, Judge  
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn P. Domenech,

Defendant-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE BERNARD  
Webb and Dunn, JJ., concur

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

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Court of Appeals No. 15CA1455  
El Paso County District Court No. 14CR882  
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cordero Tramon Collins,

Defendant-Appellant.

SENTENCE AFFIRMED

Division V  
Opinion by JUDGE ROMÁN  
Booras and Fox, JJ., concur

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

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Court of Appeals No. 15CA1565  
Larimer County District Court No. 15JV102  
Honorable Stephen J. Schapanski, Judge

Larimer County Department of Human Services,

Petitioner-Appellee,

In the Interest of S.H.H.-R., a Child,

and Concerning S.A.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE PLANK\*  
Furman and Terry, JJ., concur

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

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Court of Appeals No. 15CA1598  
El Paso County District Court No. 12CR3235  
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawne Alexander Toney,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE NAVARRO  
Taubman and Graham, JJ., concur

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

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Court of Appeals No. 15CA1998  
El Paso County District Court No. 15PR144  
Honorable Barbara L. Hughes, Judge

In the Matter of the Estate of Deborah McIntosh, deceased.

Saritta Robinson,

Petitioner-Appellant,

v.

Carl McIntosh,

Appellee.

ORDER AFFIRMED

Division II  
Opinion by CHIEF JUDGE LOEB  
Plank\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 16CA0150  
City and County of Broomfield District Court No. 15CV30002  
Honorable C. Scott Crabtree, Judge

Shannon Duncan,

Plaintiff-Appellant,

v.

Edwin E. Kobneck,

Defendant-Appellee.

ORDER AND JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE HAWTHORNE  
Ashby and Freyre, JJ., concur

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

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Court of Appeals No. 16CA0184  
City and County of Denver District Court No. 15CV30147  
Honorable John W. Madden, IV, Judge

Hendricks Communities, LLC; and Allison Campus I L.P.,

Plaintiffs-Appellants,

v.

Red Stone Agency Lending, LLC,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE TERRY  
Furman and Casebolt\*, JJ., concur

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

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Court of Appeals No. 16CA0227  
Jefferson County District Court No. 92DR880  
Honorable Christopher J. Munch, Judge

In re the Marriage of

Sharon Ann Johnson, n/k/a Sharon Ann Kirkland,

Appellee,

and

Robert Charles Johnson,

Appellant.

ORDERS AFFIRMED

Division IV  
Opinion by JUDGE ASHBY  
Hawthorne and Freyre, JJ., concur

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

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Court of Appeals No. 16CA0397  
Pueblo County District Court No. 13CV248  
Honorable Kimberly Jo Karn, Judge

Anthony Lucero,

Plaintiff-Appellant,

v.

Paul Gordon and Paul Gordon, LLC,

Defendants-Appellees.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE TERRY  
Furman and Nieto\*, JJ., concur

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

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Court of Appeals No. 16CA0582  
Larimer County District Court No. 15CV134  
Honorable Devin R. Odell, Judge

Sylvia Alicia Sepulveda,

Plaintiff-Appellant,

v.

Lars Widdel, MD, and Medical Center of the Rockies,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE BOORAS  
Román and Fox, JJ., concur

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

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Court of Appeals No. 16CA0667  
City and County of Denver District Court No. 14CV31745  
Honorable John W. Madden IV, Judge

Paul Horn,

Plaintiff-Appellant,

v.

AT&T Mobility LLC; New Cingular Wireless PCS, LLC; New Cingular Wireless  
Services, Inc.,

Defendants-Appellees.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 16CA0781  
Montrose County District Court No. 14JV48  
Honorable David S. Westfall, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning T.K.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE CASEBOLT\*  
Furman and Terry, JJ., concur

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

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Court of Appeals No. 16CA0851  
Douglas County District Court No. 15DR358  
Honorable Michael Spear, Judge

In re the Marriage of

Zelda Ann Hazy,

Appellant,

and

Robert Lee Hazy,

Appellee.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE NIETO\*  
Furman and Terry, JJ., concur

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

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Court of Appeals No. 16CA0944  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 4-950-301

Hajoca Corporation and Hartford/Trumbull Insurance Company,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Jesse M. Ramos,

Respondents.

ORDER AFFIRMED

Division V  
Opinion by JUDGE BOORAS  
Román and Fox, JJ., concur

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

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Court of Appeals No. 16CA1037  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 4-962-974

Evergreen Caissons, Inc.; Jose E. Balquier, decedent; and Travelers Indemnity Company,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado; Jennifer M. Munoz Botello; and Jose E. Balquier Munoz,

Respondents.

APPEAL DISMISSED

Division VI  
Opinion by JUDGE FOX  
Román and Booras, JJ., concur

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

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Court of Appeals No. 16CA1150  
Larimer County District Court No. 13JV528  
Honorable Stephen E. Howard, Judge

People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning K.C.,

Respondent-Appellant.

APPEAL DISMISSED IN PART  
AND JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE J. JONES  
Dailey and Berger, JJ., concur

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

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Court of Appeals No. 16CA1179  
City and County of Denver Juvenile Court No. 15JV508  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning D.M.M.,

Respondent-Appellant,

and S.S. and K.S.,

Intervenors.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE LICHTENSTEIN  
Richman and Harris, JJ., concur

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

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Court of Appeals No. 16CA1953  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 12573-2016

Marco A. Wu,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Cogitic  
Corporation,

Respondents.

ORDER AFFIRMED

Division II  
Opinion by JUDGE VOGT\*  
Loeb, C.J., and Plank\*, J., 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. 12CA2331

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dale Charles Bruner,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 13CA2117

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juvenal Onel Garcia,

Defendant-Appellant.

Petition for Rehearing DENIED

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Court of Appeals No. 15CA0772

Lamar Guthrie and Gail Guthrie,

Plaintiffs-Appellants,

v.

Highline Court Homeowners' Association and Western States Property Services,  
Inc.,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA0811

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Phil Merchant,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED  
Richman, J., would GRANT in part

**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. 2016.