

**UNPUBLISHED OPINIONS**

Court of Appeals No. 13CA1788  
Morgan County District Court No. 12CR106  
Honorable Douglas R. Vannoy, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Pedro Miguel Sebastian,  
  
Defendant-Appellant.

JUDGMENT REVERSED, SENTENCE VACATED,  
AND CASE REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE BOORAS  
Terry and Berger, JJ., concur

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

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Court of Appeals No. 13CA2373  
Adams County District Court No. 12CR2771  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Bobby Ray Dempsey,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE TERRY  
Booras, J., concurs  
Berger, J., specially concurs

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

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Court of Appeals No. 14CA0435  
Adams County District Court No. 12CR3160  
Honorable John E. Popovich, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Annette Gonzalez,

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. 14CA0565  
Weld County District Court No. 12CR1920  
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul Acuna,

Defendant-Appellant.

JUDGMENT 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. 14CA1169  
El Paso County District Court No. 13CR2151  
Honorable Thomas L. Kennedy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reginald Warren Hawthorne,

Defendant-Appellant.

JUDGMENT 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. 14CA1451  
Teller County District Court No. 13CR193  
Honorable Edward S. Colt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Susan Carol Rechtwig,

Defendant-Appellant.

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. 14CA1599  
City and County of Denver District Court No. 11CR2706  
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Xavier Sanchez,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI  
Opinion by JUDGE FURMAN  
Loeb, C.J., and Terry, J., concur

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

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Court of Appeals No. 14CA1754  
Rio Grande County District Court No. 11CR100  
Honorable M. Jon Kolomitz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Pinon-Arambula,

Defendant-Appellant.

JUDGMENT REVERSED 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. 14CA1950  
Eagle County District Court No. 93CR119  
Honorable Frederick W. Gannett, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David J. Crosby,

Defendant-Appellant.

ORDERS 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. 14CA2154  
Jefferson County District Court No. 08CR3545  
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chris Darren Mackey,

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. 14CA2290  
Eagle County District Court Nos. 11CV1133 & 12CV551  
Honorable Mark D. Thompson, Judge

Vail Gateway Plaza Condominium Association, Inc., a Colorado non-profit  
corporation,

Plaintiff-Appellant,

v.

Town of Vail, Colorado, a Colorado home-rule municipality; and Town Council  
for Town of Vail, Colorado,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE WEBB  
Hawthorne and Nieto\*, JJ., concur

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

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Court of Appeals No. 14CA2360  
City and County of Denver District Court No. 13CR6165  
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Henry A. Portillo,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE AFFIRMED IN PART,  
VACATED IN PART, RESTITUTION ORDER AFFIRMED IN PART,  
VACATED IN PART, AND CASE REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE DUNN  
Webb, J., concurs  
Bernard, 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. 14CA2465  
Adams County District Court No. 14JD285  
Honorable Edward C. Moss, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.M-A.,

Juvenile-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. 14CA2495  
Boulder County District Court No. 60CV15022  
Honorable Bruce Langer, Judge

Town of Firestone, a statutory town and political subdivision of the State of Colorado; Town of Frederick, a statutory town and political subdivision of the State of Colorado; and Frederick-Firestone Fire Protection District, a quasi-municipal corporation and political subdivision of the State of Colorado.,

Petitioners-Appellees,

v.

Mountain View Fire Protection District, a quasi-municipal corporation and political subdivision of the State of Colorado,

Respondent-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA0297  
El Paso County District Court No. 13CR2756  
Honorable Peter W. Booth, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jacob Lashun Lewis,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE HARRIS  
Furman and Márquez\*, JJ., concur

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

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Court of Appeals No. 15CA0686  
Weld County District Court No. 13DR0646  
Honorable Julie C. Hoskins, Judge

In re the Marriage of

Jacob John Simmons, III,

Appellant and Cross-Appellee,

and

Wendy Simmons, n/k/a Wendy Gaddis,

Appellee and Cross-Appellant.

JUDGMENT REVERSED 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. 15CA1031  
Boulder County District Court No. 60CV15022  
Honorable Judith L. LaBuda, Judge

Town of Firestone, a statutory town and political subdivision of the State of Colorado; Town of Frederick, a statutory town and political subdivision of the State of Colorado; and Frederick-Firestone Fire Protection District, a quasi-municipal corporation and political subdivision of the State of Colorado.,

Petitioners-Appellees,

v.

Mountain View Fire Protection District, a quasi-municipal corporation and political subdivision of the State of Colorado,

Respondent-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA1054  
Pueblo County District Court No. 13PR30287  
Honorable Kimberly Karn, Judge

Jenna Janssen,

Plaintiff-Appellant,

v.

John Musso,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE FURMAN  
Dailey and Harris, JJ., concur

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

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Court of Appeals No. 15CA1162  
Routt County District Court No. 88CR28  
Honorable Michael A. O'Hara, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stanley Paul Jurgevich,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE FURMAN  
Loeb, C.J., and Terry, J., concur

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

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Court of Appeals No. 15CA1212  
Denver County District Court No. 13CV31343  
Honorable Catherine A. Lemon, Judge

BGood Ventures LLC,

Plaintiff-Appellee,

v.

Cheri Hackett and Robin Hackett,

Defendant-Appellants.

JUDGMENT AFFIRMED IN PART,  
REVERSED IN PART, AND VACATED IN PART

Division VI  
Opinion by JUDGE FURMAN  
Loeb, C.J., and Terry, J., concur

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

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Court of Appeals No. 15CA1650  
City and County of Denver District Court No. 14CV31957  
Honorable Andrew P. McCallin, Judge

Ha Manh Do, individually and as owner/equitable shareholder/successor and/or lawful assign of Nature's Choice, Inc., formerly d/b/a Earth's Medicine, Inc.; Hai Do, individually and as owner/equitable shareholder/successor and/or lawful assign of Nature's Choice, Inc., formerly d/b/a Earth's Medicine, Inc.; Hoa Do, individually and as owner/equitable shareholder/successor and/or lawful assign of Nature's Choice, Inc., formerly d/b/a Earth's Medicine, Inc.; and Nature's Choice, Inc.,

Plaintiffs-Appellants,

v.

Harvey Steinberg and Springer & Steinberg, P.C.,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE FOX  
Bernard and Richman, JJ., concur

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

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Court of Appeals No. 16CA0069  
Pueblo County District Court No. 05CR458  
Honorable David W. Crockenberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Turk Alan Fleischacker,

Defendant-Appellant.

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

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. 16CA0226  
Boulder County District Court No. 60CV15022  
Honorable Judith L. LaBuda, Judge

Mountain View Fire Protection District, a quasi-municipal corporation and  
political subdivision of the State of Colorado,

Petitioner-Appellant,

v.

Town of Firestone, a statutory town and political subdivision of the State of  
Colorado; and Frederick-Firestone Fire Protection District, a quasi-municipal  
corporation and political subdivision of the State of Colorado,

Respondents-Appellees.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA0238  
City and County of Denver District Court No. 14CV31957  
Honorable Andrew P. McCallin, Judge

Ha Manh Do, individually and as owner/equitable shareholder/successor and/or lawful assign of Nature's Choice, Inc., formerly d/b/a Earth's Medicine, Inc.; Hai Do, individually and as owner/equitable shareholder/successor and/or lawful assign of Nature's Choice, Inc., formerly d/b/a Earth's Medicine, Inc.; Hoa Do, individually and as owner/equitable shareholder/successor and/or lawful assign of Nature's Choice, Inc., formerly d/b/a Earth's Medicine, Inc.; and Nature's Choice, Inc.,

Plaintiffs-Appellees,

v.

Harvey Steinberg and Springer & Steinberg, P.C.,

Defendants-Appellants.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE FOX  
Bernard and Richman, JJ., concur

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

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Court of Appeals No. 16CA0377  
Delta County District Court No. 10CV220  
Honorable Jeff B. Herron, Judge

Gordon MacAlpine and Rosemary Bilchak,

Plaintiffs-Appellees,

v.

James Hopper,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE TERRY  
Loeb, C.J., and Furman, J., concur

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

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Court of Appeals No. 16CA0668  
Jefferson County District Court No. 15JA196  
Honorable Judith M. Goeke, Magistrate

In re the Petition of N.A.C.,

Petitioner-Appellant,

for the Adoption of W.B.C., a Child.

JUDGMENT VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE J. JONES  
Graham and Plank\*, JJ., 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. 13CA2152

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Albert Denman, Jr.,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 14CA2018

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bernd Hoefel,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA1159

Citizens for Quiet Skies, Kimberly Gibbs, Timothy Lim, Suzanne Webel, John Behrens, Carla Behrens, and Richard Dauer,

Plaintiffs-Appellants,

v.

Mile-Hi Skydiving Center, Inc.,

Defendant-Appellee.

Petition for Rehearing DENIED

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

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Court of Appeals No. 15CA2106

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dwayne A. Jones,

Defendant-Appellant.

Petition for Rehearing DENIED

**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.