

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
March 2, 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**UNPUBLISHED OPINIONS**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. 13CA2071  
Weld County District Court No. 12CR541  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Gene Rockwell,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCED 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. 14CA0326  
Adams County District Court No. 12CR1963  
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Rafael Perez,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE RICHMAN  
Harris and Plank\*, JJ., concur

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

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Court of Appeals No. 14CA1992  
Jefferson County District Court No. 99CR895  
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ezequiel Dominguez,

Defendant-Appellant.

ORDER AFFIRMED

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. 14CA2241  
Arapahoe County District Court No. 13CR1198  
Honorable Christopher C. Cross, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alejandrino Pascual-Marquez,

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. 14CA2248  
Boulder County District Court No. 11CR209  
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Calvin Christopher Nagy,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE DUNN  
WEBB and BERNARD, JJ., concur

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

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Court of Appeals No. 14CA2355  
Weld County District Court No. 13CR2009  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Miguel Antonio Rios,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED 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. 15CA0048  
City and County of Denver District Court No. 12CR5034  
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marvin Joel Rosario-Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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. 15CA0107  
Pitkin County District Court No. 10CR76  
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jan B. Hamilton,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA0108  
Pitkin County District Court No. 11CR38  
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jan B. Hamilton,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA0135  
Weld County District Court No. 13JD429  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

In the Interest of O.M., Jr.,

Juvenile-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. 15CA0172  
Adams County District Court No. 14CR1072  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachary Keith Swisher,

Defendant-Appellant.

JUDGMENT VACATED AND CASE  
REMANDED WITH DIRECTIONS

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. 15CA0509  
Mesa County District Court No. 11CR528  
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Scott Engel,

Defendant-Appellant.

ORDERS 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. 15CA0560  
El Paso County District Court No. 14CR1199  
Honorable Jann P. Dubois, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William A. Budde,

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. 15CA1089  
El Paso County District Court No. 11CR2718  
Honorable Scott A. Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Corey Lee Handy,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 15CA1242  
Weld County District Court No. 13CR1722  
Honorable Thomas Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Franklin Anpsonsah Addo,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Dunn, J., concurs  
Ashby, J., specially concurs

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

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Court of Appeals No. 15CA1450  
Mesa County District Court No. 14CR770  
Honorable Larry J. Naves, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Dean Pfifer,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE DUNN  
Webb and Bernard, JJ., concur

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

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Court of Appeals No. 15CA1812  
Adams County District Court No. 15CR1228  
Honorable Robert W. Kiesnowski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randel Lee Cunningham,

Defendant-Appellant.

APPEAL DISMISSED IN PART,  
AND 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. 15CA2017  
City and County of Denver District Court No. 14CV34803  
Honorable A. Bruce Jones, Judge

National Federation of Independent Business,

Plaintiff-Appellant,

v.

Wayne W. Williams, in his official capacity as the Colorado Secretary of State;  
Colorado Department of State; and the State of Colorado,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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. 15CA2062  
El Paso County District Court No. 13DR1329  
Honorable David S. Prince, Judge

In re the Marriage of

Jack McQuitty,

Appellant,

and

Marina McQuitty,

Appellee.

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

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. 16CA0021  
City and County of Denver District Court No. 14CV546  
Honorable A. Bruce Jones, Judge

Jason Uecker,

Plaintiff-Appellant,

v.

Division of Reclamation, Mining and Safety; and Mined Land Reclamation  
Board,

Defendants-Appellees.

JUDGMENT 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. 16CA0278  
City and County of Denver Juvenile Court No. 15JD937  
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

In the Interest of J.C.,

Juvenile-Appellant.

JUDGMENT AFFIRMED IN PART  
AND VACATED IN PART

Division I  
Opinion by JUDGE NAVARRO  
Graham, J., concurs  
Taubman, J., specially concurs

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

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Court of Appeals No. 16CA0591  
City and County of Denver District Court No. 14CV34810  
Honorable Michael A. Martinez, Judge

Denver Classroom Teachers Association,

Plaintiff-Appellant,

v.

School District No. 1 in the City and County of Denver, State of Colorado; and  
Board of Education of School District No. 1 in the City and County of Denver,  
State of Colorado,

Defendants-Appellees.

JUDGMENT 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. 16CA0699  
City and County of Denver District Court No. 15CV451  
Honorable Karen L. Brody, Judge

Courtney Gordon,

Plaintiff-Appellant,

v.

Bimbo Bakeries USA, Inc.,

Defendant-Appellee.

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. 16CA0786  
Boulder County District Court No. 16CV507  
Honorable Patrick D. Butler, Judge

Andrea R. Thompson,

Plaintiff-Appellant,

v.

Boulder County Housing Authority,

Defendant-Appellee.

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. 16CA1036  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 495-427-104

Brian Josue,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Anheuser-Busch, Inc.,  
and ACE American Insurance Company,

Respondents.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE FREYRE  
Hawthorne and Ashby, JJ., concur

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

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Court of Appeals No. 16CA1365  
Adams County District Court No. 15JV103  
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE RICHMAN  
Lichtenstein and Harris, JJ., concur

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

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Court of Appeals No. 16CA2151  
Pueblo County District Court No. 16MH323  
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Russell James,

Respondent-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE BERGER  
Dailey and J. Jones, 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. 15CA0686

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.

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.