

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 23, 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.

PUBLISHED OPINIONS

[2017COA34](#)

Court of Appeals No. [15CA0050](#)
El Paso County District Court No. 13CR123
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randall Eric Leverton,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

[2017COA35](#)

Court of Appeals No. [15CA0724](#)
El Paso County District Court No. 13CV32156
Honorable Robin L. Chittum, Judge

Della Gallegos,

Plaintiff-Appellee and Cross-Appellant,

v.

Patric J. LeHouillier and LeHouillier & Associates, P.C.,

Defendants-Appellants and Cross-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BERNARD
Dunn, J., concurs
Webb, J., concurs in part and dissents in part

[2017COA36](#)

Court of Appeals No. [16CA0224](#)
City and County of Denver District Court No. 14CV34778
Honorable Morris B. Hoffman, Judge

Faith Leah Tancrede,

Plaintiff-Appellant,

v.

Duane Freund and Denver East Machinery Company,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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ANNOUNCEMENTS
Colorado Court of Appeals
March 23, 2017

[2017COA37](#)

Court of Appeals No. [16CA0564](#)

City and County of Denver District Court No. 14CV32637

Honorable J. Eric Elliff, Judge

Xiuhtezcatl Martinez, Itzcuahtli Roske-Martinez, Sonora Brinkley, Aerielle Deering, Trinity Carter, and Emma Bray, minors appearing by and through their legal guardians Tamara Roske, Bindi Brinkley, Eleni Deering, Jasmine Jones, Robin Ruston, and Diana Bray,

Plaintiffs-Appellants,

v.

Colorado Oil and Gas Conservation Commission,

Defendant-Appellee,

and

American Petroleum Institute and Colorado Petroleum Association,

Intervenors-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FOX
Vogt*, J., concurs
Booras, J., dissents

[2017COA38](#)

Court of Appeals No. [16CA1222](#)

City and County of Denver Juvenile Court No. 16JV510

Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning A.T.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 13CA0646
Jefferson County District Court No. 12CR677
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Lee Shelby,

Defendant-Appellant.

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

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

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

Court of Appeals No. 13CA1960
City and County of Denver District Court No. 12CR4017
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Scott,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE J. JONES
Berger, J., concurs
Dailey, J., specially concurs

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

Court of Appeals No. 14CA1055
Pueblo County District Court No. 12CR494
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Angel Torres,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 14CA1524
El Paso County District Court No. 14CR1016
Honorable Barney Iuppa, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

N.M.L.,

Defendant-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 14CA1918
Weld County District Court No. 13CR1990
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Damian Blase Nuckles,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 14CA1952
Arapahoe County District Court No. 13CR2157
Honorable Gerald J. Rafferty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos Alberto Cespedes,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE LOEB
Plank* and Márquez*, JJ., concur

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

Court of Appeals No. 15CA0830
Jefferson County District Court No. 13DR2548
Honorable Philip J. McNulty, Judge

In re the Marriage of

Byron Lopez,

Appellant,

and

Sofia T. Lopez,

Appellee.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
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)

Court of Appeals No. 15CA1857
Weld County District Court No. 14JD440
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of B.C.,

Juvenile-Appellant.

JUDGMENT AND SENTENCE AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals Nos. 15CA1895 & 16CA0343
City and County of Denver District Court No. 15CV30126
Honorable Elizabeth A. Starrs, Judge

Joshua G. Hurlock,

Plaintiff-Appellee,

v.

A and A Quality Appliance, Inc., d/b/a Appliance Factory Outlet and
Mattresses, a Colorado corporation,

Defendant-Appellant.

JUDGMENT AND ORDER VACATED
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)

Court of Appeals No. 15CA1985
City and County of Denver District Court No. 13CR722
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Vincent Huff,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0067
Pitkin County District Court No. 11DR47
Honorable Gail H. Nichols, Judge

In re the Marriage of

Jean-Pierre Remy Pedinielli,

Appellant and Cross-Appellee,

and

Diana Duffey Pedinielli,

Appellee and Cross-Appellant.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
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)

Court of Appeals No. 16CA0135
Pueblo County District Court No. 13CR891
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rochelle Fox Enriquez,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA0316
Jackson County District Court No. 07CR11
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kennith Reid Meadows,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FURMAN
Terry and Welling, JJ., concur

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

Court of Appeals No. 16CA0418
El Paso County District Court No. 09CR1276
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kynan Scott Arnold,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE TERRY
Furman and Welling, JJ., concur

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

Court of Appeals No. 16CA0430
City and County of Denver District Court No. 15CV31749
Honorable Elizabeth A. Starrs, Judge

Mission Yogurt, Inc., a Colorado corporation,

Plaintiff-Appellant,

v.

City and County of Denver, a Colorado municipal corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Lichtenstein and Richman, JJ., concur

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

Court of Appeals No. 16CA0490
Douglas County District Court No. 14PR30349
Honorable Michael Spear, Judge

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

Heckenbach Suazo, LLP,

Appellant,

v.

Olsen Traeger & Ursery, LLP,

Appellee.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PLANK*
Lichtenstein and Richman, JJ., concur

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

Court of Appeals No. 16CA0538
Summit County District Court No. 15CV30184
Honorable Karen Ann Romeo, Judge

Madelyn Ridenhour,

Plaintiff-Appellee,

v.

Colorado Department of Revenue and Jason Bachlet,

Defendants-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA0950
Pueblo County District Court No. 15CV21
Honorable Jill S. Mattoon, Judge

Larry C. Miller,

Plaintiff-Appellant,

v.

Kirk M. Taylor, Sheriff,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE NIETO*
Webb and Márquez*, JJ., concur

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

Court of Appeals No. 16CA1219
El Paso County District Court No. 15JV24
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.K., a Child,

and Concerning B.O.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE LOEB
Plank* and Márquez*, JJ., concur

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

Court of Appeals No. 16CA1225
Huerfano County District Court No. 14JV22
City and County of Denver Juvenile Court No. 15JV56
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.Z.C. and T.D.C., Children,

and Concerning D.R.C.,

Respondent-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA1432
Lincoln County District Court No. 14JV21
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.V.N., S.A.N., A.G.N., and J.R.N., Children,

and Concerning B.L.N.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE HARRIS
Lichtenstein and Richman, JJ., concur

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

Court of Appeals No. 16CA1434
Adams County District Court No. 15JV287
Honorable John E. Popovich, Jr., Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of W.D., a Child,

and Concerning A.D. and D.E.S.,

Respondents-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1595
Arapahoe County District Court No. 15JV633
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of G.G.-C., a Child,

and Concerning L.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by CHIEF JUDGE LOEB
Nieto* and Vogt*, JJ., concur

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

Court of Appeals No. 16CA1615
El Paso County District Court No. 15JV476
Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.J.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE MÁRQUEZ*
Loeb, C.J., and Plank*, J., 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. 16CA0267

Campaign Integrity Watchdog, LLC,

Plaintiff-Appellant,

v.

Alliance for a Safe and Independent Woodmen Hills and Sarah Brittain Jack,

Defendants-Appellees.

Petition for Rehearing DENIED
Kapelke, J., would GRANT

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2016.