

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 9, 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

[2017COA27](#)

Court of Appeals No. [15CA1306](#)
Arapahoe County District Court No. 14CR2503
Honorable John R. Lowenbach, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Robert Newell,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2017COA28](#)

Court of Appeals No. [15CA1372](#)
Arapahoe County District Court No. 13CV72
Honorable Kurt A. Horton, Judge

Naomi Pressey, by and through her conservator, Jennifer Pressey,
Plaintiff-Appellee,

v.

Children's Hospital Colorado,
Defendant-Appellant.

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

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

[2017COA29](#)

Court of Appeals No. [15CA2039](#)
Jefferson County District Court No. 14CV32279
Honorable Christopher J. Munch, Judge

City of Lakewood, Colorado,
Plaintiff-Appellant and Cross-Appellee,

v.

Safety National Casualty Corporation,
Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED

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

-3-
ANNOUNCEMENTS
Colorado Court of Appeals
March 9, 2017

[2017COA30](#)

Court of Appeals No. [16CA0066](#)

Colorado State Board of Assessment Appeals Case Nos. 65665 & 65666

James E. O'Neil, Mary Ellen O'Neil, Shay Patrick O'Neil, and Shaun Michael O'Neil,

Petitioners-Appellees,

v.

Conejos County Board of Commissioners,

Respondent-Appellant,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

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

[2017COA31](#)

Court of Appeals No. [16CA0101](#)

City and County of Broomfield District Court No. 14CV30139

Honorable C. Scott Crabtree, Judge

Broomfield Senior Living Owner, LLC a Delaware limited liability company; and
Sunrise Development, Inc., LLC, a Virginia corporation,

Plaintiffs-Appellants,

v.

R.G. Brinkmann Company, d/b/a Brinkmann Constructors, a Missouri
corporation,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FREYRE
Ashby, J., concurs
Davidson*, J., specially concurs

[2017COA32](#)

Court of Appeals No. [16CA0140](#)

Office of Administrative Courts Case No. OS 2015-0020

Campaign Integrity Watchdog LLC,

Petitioner-Appellant,

v.

Colorado Republican Party Independent Expenditure Committee,

Respondent-Appellee,

and

Colorado Secretary of State,

Intervenor-Appellee,

and

Office of Administrative Courts,

Appellee.

ORDER AFFIRMED

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

[2017COA33](#)

Court of Appeals No. [16CA0588](#)

Arapahoe County District Court No. 15CV30140

Honorable Elizabeth A. Weishaupl, Judge

In the Matter of Douglas Roy Stanley,

Petitioner-Appellant,

v.

District Attorney for the 18th Judicial District, State of Colorado,

Respondent-Appellee.

ORDER AFFIRMED

Division A

Opinion by CHIEF JUDGE LOEB

Rothenberg* and Casebolt*, J.J., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 13CA0525
Adams County District Court No. 10CR2589
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus J. Sanchez Bernal,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE CASEBOLT*
J. Jones, J., concurs
Lichtenstein, J., concurs in part and dissents in part

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

Court of Appeals No. 14CA0905
Gunnison County District Court No. 93CR10
Honorable Charles R. Greenacre, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roy A. Melanson,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 14CA1068
Jefferson County District Court No. 04CR4042
Honorable Stephen M. Munsinger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Steve Rodriguez,

Defendant-Appellant.

ORDER AFFIRMED IN PART, REVERSED IN PART,
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. 14CA1705
Boulder County District Court No. 13CR1593
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Troy Wayne Sennet,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0125
Morgan County District Court No. 14CR24
Honorable Michael K. Singer, Judge
Honorable Douglas R. Vannoy, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emerson Blaze Rossman,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by CHIEF JUDGE LOEB
Davidson* and Kapelke*, JJ., concur

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

Court of Appeals No. 15CA0162
Boulder County District Court No. 04CR257
Honorable Patrick D. Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dustin E. McDaniel,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA0232
Arapahoe County District Court No. 13CR1101
Honorable Natalie T. Chase, Judge
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Mercedes Fennell,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0658
City and County of Denver District Court No. 13CR4201
Honorable Ann B. Frick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alexander Z. Medina,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA0847
Boulder County District Court No. 10CR532
Honorable M. Gwyneth Whalen, Judge
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bernd Hoefel,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA0900
Adams County District Court No. 13JD59
Honorable Craig R. Welling, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.A.M.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE DAVIDSON*
Loeb, C.J., and Kapelke*, J., concur

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

Court of Appeals No. 15CA1014
Douglas County District Court No. 08JV140
Honorable Theresa M. Slade, Judge

In re the Parental Responsibilities Concerning B.B.V., a Child,
and Concerning John Eldon Turnidge III,

Appellant,

and

Valeria J. McPheeters, f/k/a Valerie J. Nash,

Appellee.

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)

Court of Appeals No. 15CA1062
Jefferson County District Court No. 13CR2660
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chiffon Ruth de Schausten,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 15CA1321
City and County of Denver District Court No. 15CV30371
Honorable Karen L. Brody, Judge

Frank Navarro, David Casias-Navarro, Rueben Casias-Navarro, Vernlinn Dixon,
and Higdon Armstrong,

Plaintiffs-Appellants,

v.

City and County of Denver, Colorado,

Defendant-Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 15CA1779
Weld County District Court No. 12CV727
Honorable Julie C. Hoskins, Judge

Helen Hawkins, Howard Pelling, Regina Pelling, Edward Mason, Laura Mason, John Shattuck, Janice Shattuck, Jeffrey Pronto, Rebecca Pronto, Lisa Bailey, Jeff Bailey, Diane Sherman, Trent Sherman, Steven Geubelle, Kathleen Geubelle, Bryce W. Unruh, Elizabeth A. Unruh, Patricia Lee Begnaud, Clifford Begnaud, James Klein, David Bratton, Michelle Bratton, Mark Russo, and Kim M. Edlin,

Plaintiffs-Appellants,

v.

Vista Ridge Development Corporation; Vista Ridge Golf Club Venture, LLC; and In Play Membership Golf Incorporated,

Defendants-Appellees.

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

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

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

Court of Appeals No. 15CA1967
Fremont County District Court No. 14CR211
Honorable David M. Thorson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Kevin Goode,

Defendant-Appellant.

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

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

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

Court of Appeals No. 15CA2066
Park County District Court No. 14DR30004
Honorable Stephen A. Groome, Judge

In re the Marriage of

Brittany Lynn Kallash,

Appellee,

and

Jacob Robert Kallash,

Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE KAPELKE*
Loeb, C.J., and Davidson*, J., concur

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

Court of Appeals No. 15CA2087
Arapahoe County District Court No. 11DR2442
Honorable Bonnie H. McLean, Judge

In re the Marriage of

Wyndie Kathryn Mitchell, n/k/a Erickson,

Appellant,

and

Charles Henry Mitchell, IV,

Appellee.

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

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

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

Court of Appeals No. 16CA0017
Jefferson County District Court No. 08CR1377
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Lee Weber,

Defendant-Appellant.

ORDER AND JUDGMENT 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. 16CA0075
Industrial Claim Appeals Office of the State of Colorado
DD No. 13187-2014

Colorado Custom Maid, LLC,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA0314
Fremont County District Court No. 2015CV86
Honorable Robert Freeman, Magistrate

Timothy Smith,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections, and Warden of
Fremont Correctional Facility,

Defendants-Appellees.

JUDGMENT REVERSED 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. 16CA0433
El Paso County District Court No. 04CR2316
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Paul Hawkins,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE WELLING
Furman and Terry, JJ., concur

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

Court of Appeals No. 16CA0455
Arapahoe County District Court No. 00CR1681
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rudolfo Martinez,

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)

Court of Appeals No. 16CA0511
Boulder County District Court No. 15PR262
Honorable Thomas F. Mulvahill, Judge

In the Matter of Shirin Muriel Frances Tuck, Protected Person,

and

Ramona Tuck, Limited Conservator,

Appellant,

v.

Maurice Lynn Tuck,

Appellee.

ORDER AFFIRMED

Division III
Opinion by CHIEF JUDGE LOEB
Davidson* and Kapelke*, JJ., concur

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

Court of Appeals No. 16CA0680
San Miguel County District Court No. 14CV30058
Honorable Mary E. Deganhart, Judge

Telluride Housing Authority, a political subdivision of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Trimble,

Defendant-Appellant.

JUDGMENT AFFIRMED 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. 16CA1232
City and County of Denver Juvenile Court No. 15JV1341
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning P.J.L.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA1327
Weld County District Court No. 13JV1161
Honorable Elizabeth B. Strobel, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning S.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 16CA2017
Industrial Claim Appeals Office of the State of Colorado
DD No. 8108-2016

Peter G. Kelly,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and High Country
Coatings, Inc.,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA2074
Industrial Claim Appeals Office of the State of Colorado
DD No. 14419-2016

Joseph H. Chinn,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Department of
Treasury,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 16CA2098
Industrial Claim Appeals Office of the State of Colorado
DD No. 12554-2016

William L. Ranney,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Master Rooter
Plumbing & Drain Company,

Respondents.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE FREYRE
Hawthorne and Ashby, 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. 13CA0239

C. Randel Lewis, solely in his capacity as Receiver,

Plaintiff-Appellee and Cross-Appellant,

v.

Steve Taylor,

Defendant-Appellant and Cross-Appellee.

Petition for Rehearing DENIED

Court of Appeals No. 13CA2373

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bobby Ray Dempsey,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 14CA1798

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Phillip Jan O'Shea,

Defendant-Appellant.

Petition for Rehearing DENIED

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

[2016COA190M](#)

Court of Appeals No. [15CA0813](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randy Scott Phipps,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 15CA1753

Active Release Techniques, LLC, a Colorado limited liability company; ART Corporate Solutions, Inc., a Colorado corporation; and ART Business Solutions, LLC, a Colorado limited liability company,

Plaintiffs-Appellants,

v.

Xtomic, LLC, a Colorado limited liability company; Select Seminar Services, LLC, a Colorado limited liability company; and Jay Ferguson,

Defendants-Appellees.

Petition for Rehearing DENIED

Court of Appeals No. 15CA1907

Clymers' Ranch & Livestock Co.,

Plaintiff-Appellee,

v.

Redlands Water & Power Company,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0262

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sergio Macias,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0405

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angelo Benzor,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0877

David Alan York,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Manpower
International, Inc.; and American Insurance Group Plan,

Respondents.

Opinion Modified and
Petition for Rehearing DENIED

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

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