

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 24, 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

[2017COA113](#)

Court of Appeals No. [16CA1473](#)

Las Animas County District Court No. 13CV30013

Honorable Ronald G. Crowder, Judge

Francisco “Frank” Ruybalid IV,

Plaintiff-Appellant,

v.

Board of County Commissioners of the County of Las Animas County, Colorado; Anthony Abeyta, member of the Las Animas Board of County Commissioners; Gary D. Hill, member of the Las Animas Board of County Commissioners; Mack Loudon, member of the Las Animas Board of County Commissioners; Board of County Commissioners of the County of Huerfano County, Colorado; Gerald Cisneros, member of the Huerfano Board of County Commissioners; Ray Garcia, member of the Huerfano Board of County Commissioners; and Max Vezanni, member of the Huerfano Board of County Commissioners,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DUNN
Hawthorne and Navarro, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
August 24, 2017

[2017COA114](#)

Court of Appeals No. [16CA1598](#)

Logan County District Court No. 11PR17

Honorable Carl S. McGuire, III, Judge

In the Interest of Kylee Becker, Protected Person,

and

Aaron Becker, Conservator for Kylee Becker,

Petitioner-Appellee,

v.

Wells Fargo Bank, N.A.,

Appellant.

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

Division I
Opinion by JUDGE TAUBMAN
Román and Lichtenstein, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 13CA2383
Weld County District Court No. 13CR618
Honorable Todd L. Taylor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lorenzo Ordonez-Alvarez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE BERGER
Furman and Harris, JJ., concur

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

Court of Appeals No. 14CA1294
Jefferson County District Court Nos. 05CR3075, 08CR818, 09CR3128,
10CR646 & 10CR1023
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Paul Gonzales,

Defendant-Appellant.

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

Division I
Opinion by JUDGE ROMÁN
Taubman and Lichtenstein, JJ., concur

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

Court of Appeals No. 14CA1654
El Paso County District Court No. 13CR4744
Honorable Thomas K. Kane, Judge
Honorable Peter W. Booth, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Philip Christopher Butler,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DUNN
Hawthorne and Navarro, JJ., concur

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

Court of Appeals No. 14CA2041
Douglas County District Court No. 13CR235
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Laroy Lewis,

Defendant-Appellant.

SENTENCE AFFIRMED

Division VII
Opinion by CHIEF JUDGE LOEB
Davidson* and Vogt*, JJ., concur

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

Court of Appeals No. 15CA0104
Larimer County District Court No. 04CR292
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward J. Platzer,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Furman and Berger, JJ., concur

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

Court of Appeals No. 15CA0647
El Paso County District Court No. 14CR2450
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Arques Dovon Robinson,

Defendant-Appellant.

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

Division II
Opinion by JUDGE FOX
Dailey and Plank*, JJ., concur

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

Court of Appeals Nos. 15CA2006 & 16CA0310
El Paso County District Court No. 14CV34529
Honorable William B. Bain, Judge

Marie M. Richard,

Plaintiff-Appellee and Cross-Appellant,

v.

Rodney O. Beers; All Flash & No Cash, Inc., d/b/a/ Copperhead Road, a
Colorado corporation; Build It & They Will Drink, Inc., d/b/a Eden Nightclub, a
Colorado corporation; Rod Beers, Inc., d/b/a Natural Lites, d/b/a Ashley's, a
Colorado corporation,

Defendants-Appellants and Cross-Appellees.

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

Division IV
Opinion by JUDGE GRAHAM
J. Jones and Welling, JJ., concur

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

Court of Appeals No. 16CA0058
Douglas County District Court No. 15DR30181
Honorable Natalie T. Chase, Judge

In re the Marriage of

R.V. Bailey,

Appellee,

and

Mieko Bailey, n/k/a Mieko Nakamura,

Appellant.

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

Division IV
Opinion by JUDGE WELLING
Graham and J. Jones, JJ., concur

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

Court of Appeals No. 16CA0321
Elbert County District Court No. 13DR30032
Honorable Jeffrey K. Holmes, Judge

In re the Marriage of

Joshua E. Slack,

Appellant,

and

Trudy M. Slack,

Appellee.

JUDGMENT REVERSED

Division IV
Opinion by JUDGE GRAHAM
J. Jones and Welling, JJ., concur

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

Court of Appeals No. 16CA0340
Jefferson County District Court Nos. 94CR1671 & 94CR1970
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesse Lee Wilkinson,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE WELLING
Graham and J. Jones, JJ., concur

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

Court of Appeals No. 16CA0450
Mesa County District Court No. 12CR16
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan E. Mitchell,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAILEY
Bernard and Fox, JJ., concur

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

Court of Appeals No. 16CA0926
Arapahoe County District Court No. 15DR30318
Honorable Bonnie H. McLean, Judge

In re the Marriage of

Hashim W. Khan,

Appellee,

and

Shazia Javed,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WEBB
Booras and Freyre, JJ., concur

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

Court of Appeals No. 16CA1045
Arapahoe County District Court No. 15CV316
Honorable John L. Wheeler, Judge

Rod Brown,

Plaintiff-Appellant,

v.

Craig Wagner,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE WELLING
Graham and J. Jones, JJ., concur

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

Court of Appeals No. 16CA1144
Adams County District Court No. 12DR1309
Honorable Emily E. Anderson, Judge

In re the Marriage of

Elizabeth Shahid, n/k/a Elizabeth Lyles,

Appellant,

and

Taimoor Shahid,

Appellee.

ORDER AFFIRMED

Division II
Opinion by JUDGE BERNARD
Dailey and Fox, JJ., concur

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

Court of Appeals No. 16CA1321
Pueblo County District Court No. 11CR1257
Honorable David W. Crockenberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Norman Deion Whitaker,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE FOX
Dailey and Bernard, JJ., concur

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

Court of Appeals No. 16CA1387
Alamosa County District Court No. 15JA12
Honorable Martin A. Gonzales, Judge

In re the Petition of W.D.W.,

Petitioner-Appellant,

for the Adoption of A.M.A., a Child,

and Concerning S.P.A.,

Respondent-Appellee.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
Hawthorne and Dunn, JJ., concur

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

Court of Appeals No. 16CA1389
Boulder County District Court No. 16CV30538
Honorable Patrick D. Butler, Judge

Zachary Powell Greening,

Petitioner-Appellant,

v.

Colorado Department of Revenue, Division of Motor Vehicles,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE KAPELKE*
Taubman and Lichtenstein, JJ., concur

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

Court of Appeals No. 16CA1412
Pueblo County District Court No. 15JV169
Honorable Deborah R. Eyler, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.E.J.R., A.A.R., and M.V.R., Children,

and Concerning R.R. and J.V.,

Respondents-Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE ROMÁN
Lichtenstein, J. concurs
Taubman, J. dissents

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

Court of Appeals No. 16CA1539
Colorado Department of Regulatory Agencies
Case No. 2015-4777

Bethany Coop,

Petitioner-Appellant,

v.

Colorado State Board of Registered Psychotherapists,

Respondent-Appellee.

APPEAL DISMISSED

Division IV
Opinion by JUDGE J. JONES
Graham and Welling, JJ., concur

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

Court of Appeals No. 16CA1563
City and County of Denver District Court No. 16CV79
Honorable Catherine A. Lemon, Judge

Jaleh Kaveh-Ahangari,

Plaintiff-Appellant,

v.

Charg Resource Center,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Lichtenstein and Kapelke*, JJ., concur

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

Court of Appeals No. 16CA1655
Boulder County District Court Nos. 14CV30297 & 15CV30288
Honorable Norma A. Sierra, Judge

Becky Hubbell,

Plaintiff-Appellant,

v.

Levi Stamps and State Farm Mutual Automobile Insurance Company,

Defendants-Appellees.

APPEAL DISMISSED

Division III
Opinion by JUDGE WEBB
Booras and Freyre, JJ., concur

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

Court of Appeals No. 16CA1847
Saguache County District Court No. 14JV23
Honorable Patrick Hayes, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.P.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BOORAS
Webb and Freyre, JJ., concur

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

Court of Appeals No. 16CA1914
Arapahoe County District Court No. 15JA29
Honorable Theresa M. Slade, Judge

In re the Petition of R.M.J.,

Petitioner-Appellee,

for the Adoption of B.L.J., a Child,

and Concerning T.L.M.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE HAWTHORNE
Dunn and Navarro, JJ., concur

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

Court of Appeals No. 16CA1915
Arapahoe County District Court No. 15JA28
Honorable Theresa M. Slade, Judge

In re the Petition of R.M.J.,

Petitioner-Appellee,

for the Adoption of B.R.J., a Child,

and Concerning T.L.M.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE DUNN
Hawthorne and Navarro, JJ., concur

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

Court of Appeals No. 16CA1952
Jefferson County District Court No. 14JV755
Honorable Kolony Loren Fields, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning B.B.,

Respondent-Appellant,

and M.G.,

Respondent-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FREYRE
Webb and Booras, JJ., concur

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

Court of Appeals No. 17CA0095
Mesa County District Court No. 16JV79
Honorable Thomas W. Ossola, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning S.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE BOORAS
Webb and Freyre, JJ., concur

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

Court of Appeals No. 17CA0257
Adams County District Court No. 15JV325
Honorable Jill-Ellyn Straus, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FREYRE
Webb and Booras, JJ., concur

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

Court of Appeals No. 17CA0272
Pitkin County District Court No. 16CR52
Honorable Christopher G. Seldin, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Brolin John McConnell,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BOORAS
Webb and Freyre, JJ., concur

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

Court of Appeals No. 17CA0412
Pueblo County District Court No. 16CR2541
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Tevin Reinstein,

Defendant-Appellee.

ORDER AFFIRMED

Division IV
Opinion by JUDGE GRAHAM
J. Jones and Welling, JJ., concur

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

Court of Appeals No. 17CA0449
Industrial Claim Appeals Office of the State of Colorado
DD No. 25068-2016

Andresita T. Gonzales,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division VII
Opinion by CHIEF JUDGE LOEB
Davidson* and Vogt*, JJ., concur

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

Court of Appeals No. 17CA0888
Industrial Claim Appeals Office of the State of Colorado
DD No. 5883-2017

Josiah I. Piña,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Goodyear Tire &
Rubber Company,

Respondents.

ORDER AFFIRMED

Division VII
Opinion by JUDGE DAVIDSON*
Loeb, C.J., and Vogt*, J., concur

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

Court of Appeals No. 17CA0889
Industrial Claim Appeals Office of the State of Colorado
DD No. 5882-2017

Josiah I. Piña,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Leeds West Tire
Group,

Respondents.

ORDER AFFIRMED

Division VII
Opinion by JUDGE VOGT*
Loeb, C.J., and Davidson*, J., concur

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

Court of Appeals No. 17CA0890
Industrial Claim Appeals Office of the State of Colorado
DD No. 5881-2017

Josiah I. Piña,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Nebraskaland Tire
Company, Inc.,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA1047
Pueblo County District Court No. 17MH114
Honorable Jill S. Mattoon, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Thomas David Mattern,

Respondent-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE GRAHAM
J. Jones and Welling, 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. 15CA1250

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jacob Nicholas Garcia,

Defendant-Appellant.

Opinion Modified and
Petitions for Rehearing DENIED

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

Court of Appeals No. 16CA0937

BRE DDR Flatacres Marketplace LLC, a Delaware limited liability company,

Plaintiff-Appellee,

v.

Delta Quad Holdings LLC, a Colorado limited liability company, and Peninsula Holdings LLC, a Colorado limited liability company,

Defendants-Appellants.

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.