

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
October 18, 2018*

“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

[2018COA149](#)

Court of Appeals No. [17CA1502](#)
City and County of Denver District Court No. 13CV33879
Honorable John W. Madden, IV, Judge

Rocky Mountain Gun Owners, a Colorado nonprofit corporation; National Association for Gun Rights, Inc., a Virginia nonprofit corporation; and John A. Sternberg,

Plaintiffs-Appellants,

v.

John A. Hickenlooper, in his official capacity as Governor of the State of Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE RICHMAN
Román and Berger, JJ., concur

[2018COA150](#)

Court of Appeals No. [17CA1504](#)
Arapahoe County District Court No. 16CV32132
Honorable John L. Wheeler, Judge

Deborah Garrett,

Plaintiff-Appellant,

v.

Credit Bureau of Carbon County, d/b/a Collection Center, Inc.,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE DAILEY
Lichtenstein and Ashby, JJ., concur

[2018COA151](#)

Court of Appeals No. [17CA2064](#)
City and County of Denver District Court No. 17CV30467
Honorable A. Bruce Jones, Judge

Stella J. Hernandez,

Plaintiff-Appellant,

v.

City and County of Denver, Colorado; and Tracey Dodson,

Defendants-Appellees.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE NAVARRO
J. Jones and Miller*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA0448
Jefferson County District Court No. 14CR1163
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alton Edward Kirkland,

Defendant-Appellant.

SENTENCE AFFIRMED

Division VII
Opinion by JUDGE J. JONES
Navarro and Martinez*, JJ., concur

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

Court of Appeals No. 15CA1386
City and County of Broomfield District Court No. 14CR15
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin W. Stites,

Defendant-Appellant.

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

Division II
Opinion by JUDGE DAILEY
Lichtenstein and Ashby, JJ., concur

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

Court of Appeals No. 15CA1995
Mesa County District Court No. 14CR540
Honorable David A. Bottger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Edward Thomas,

Defendant-Appellant.

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

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

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

Court of Appeals No. 16CA0344
Jefferson County District Court No. 14CR2547
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lawrence Allen White,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Furman and Dunn, JJ., concur

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

Court of Appeals No. 16CA1265
Arapahoe County District Court No. 15CR1093
Honorable Marilyn Leonard Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Devante Lajuan Hall,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE DUNN
Furman and Freyre, JJ., concur

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

Court of Appeals No. 16CA1584
El Paso County District Court No. 15CR1173
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kyle David Atkinson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE HARRIS
Webb and Welling, JJ., concur

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

Court of Appeals No. 16CA2214
Boulder County District Court No. 98CR2163
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jorge Luis Martinez-Mares,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FREYRE
Furman and Dunn, JJ., concur

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

Court of Appeals No. 17CA0067
Jefferson County District Court No. 15CV31826
Honorable Christopher C. Zenisek, Judge

Bell Advisors, LLC, a Delaware limited liability company,

Plaintiff-Appellant and Cross-Appellee,

v.

American Family Mutual Insurance Company,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART

Division VII
Opinion by JUDGE CARPARELLI*
Ashby and Harris, JJ., concur

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

Court of Appeals No. 17CA0201
Douglas County District Court No. 06CR677
Honorable David J. Stevens, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Uribe,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

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

Court of Appeals No. 17CA0241
Adams County District Court No. 16CR1046
Honorable Katherine DelGado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ajueal Fleeks,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE ROMÁN
Richman and Berger, JJ., concur

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

Court of Appeals No. 17CA0708
City and County of Denver District Court No. 17CV17
Honorable Michael A. Martinez, Judge

Samuel Ralph Allen,

Plaintiff-Appellant,

v.

Beth McCann, as District Attorney for the Second Judicial District of the State
of Colorado,

Defendant-Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE J. JONES
Navarro and Martinez*, JJ., concur

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

Court of Appeals No. 17CA0989
Pueblo County District Court No. 16CV30376
Honorable Jill S. Mattoon, Judge

GrowCo Partners 1, LLC,

Plaintiff-Appellant,

v.

Suncanna, LLC,

Defendant-Appellee.

JUDGMENT VACATED

Division VI
Opinion by JUDGE FREYRE
Furman and Vogt*, JJ., concur

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

Court of Appeals No. 17CA1240
Montezuma County District Court No. 16JV16
Honorable Douglas S. Walker, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.A.Q.H., a Child,

and Concerning A.T.,

Respondent-Appellant,

and

M.D. and A.D.,

Intervenors-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE DUNN
Furman and Freyre, JJ., concur

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

Court of Appeals No. 17CA1288
Mesa County District Court No. 10CR1075
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Albina Haining,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE MÁRQUEZ*
Dunn and Freyre, JJ., concur

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

Court of Appeals No. 17CA1410
Larimer County District Court No. 16PR30270
Honorable Devin R. Odell, Judge

In re the Estate of Gerry D. Strom, deceased.

Fritzi Strom,

Appellant,

v.

Kurt L. Venekamp, Successor Trustee of the Gerry D. Strom Revocable Trust
dated May 28, 2008,

Appellee.

ORDERS AFFIRMED

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

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

Court of Appeals No. 17CA1479
El Paso County District Court No. 09DR4950
Honorable Robin L. Chittum, Judge

In re the Marriage of

Jason Thompson,

Appellee,

and

Laure Thompson,

Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE ROMÁN
Richman and Berger, JJ., concur

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

Court of Appeals No. 17CA1485
Adams County District Court No. 16CV31321
Honorable Emily E. Anderson, Judge

Anthony Horn,

Plaintiff-Appellant,

v.

Colorado Department of Revenue, Division of Motor Vehicles,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE J. JONES
Navarro and Martinez*, JJ., concur

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

Court of Appeals No. 17CA1645
Boulder County District Court No. 12CV30303
Honorable Norma A. Sierra, Judge

James E. Ray and Catherine J. Ray,

Plaintiffs-Appellants,

v.

Sylvia R. Lovisone, Donald R. Cage, and Peggy P. Cage,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BERGER
Román and Richman, JJ., concur

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

Court of Appeals No. 17CA1680
Garfield County District Court No. 17CV30123
Honorable Denise K. Lynch, Judge

Lands West Ventures, Inc., d/b/a Bear Wallow Ranch, a Georgia corporation,
Plaintiff-Appellee,

v.

Zane Farris; Charla M. Farris; Dusty Farris; Tyler Farris, individually and
d/b/a the trade names Outcast Productions, d/b/a Outcast Cattle Company &
Tyler Farris Bucking Bulls; Complete Accounting Services, LLC, a Colorado
limited liability company; Oakbrush Enterprises, a Colorado general
partnership; and Meeker Summer Rodeo Series, LLC, a Colorado limited
liability company,

Defendants-Appellants.

ORDERS REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE DUNN
Furman and Freyre, JJ., concur

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

Court of Appeals No. 17CA1764
Adams County District Court No. 16JV228
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.O., A.O., and J.M.X.V., Children,

and Concerning H.L.J., C.V., and P.O.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Furman and Dunn, JJ., concur

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

Court of Appeals No. 17CA1839
Boulder County District Court No. 16JV177
Honorable Patrick Butler, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning L.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE HARRIS
Webb and Welling, JJ., concur

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

Court of Appeals No. 17CA1852
Douglas County District Court No. 16CV30834
Honorable Paul A. King, Judge

Sharon Nelson,

Plaintiff-Appellee,

v.

Kristin Lanier; and County of Douglas, Colorado,

Defendants-Appellants.

ORDER AFFIRMED

Division II
Opinion by JUDGE LICHTENSTEIN
Dailey and Ashby, JJ., concur

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

Court of Appeals No. 17CA1982
Adams County District Court No. 17CV30313
Honorable Emily E. Anderson, Judge

North Range Village Metropolitan District, a quasi-municipal corporation and
political subdivision of the State of Colorado,

Plaintiff-Appellant,

v.

Commerce City Leased Housing Associates I, LLLP, a Colorado limited liability
limited partnership,

Defendant-Appellee.

JUDGMENT AFFIRMED IN PART
AND REVERSED IN PART

Division I
Opinion by JUDGE TERRY
Fox, J., concurs
Taubman, J., specially concurs

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

Court of Appeals No. 18CA0019
Jefferson County District Court No. 16JV722
Honorable Ann G. Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning B.R. and J.C.L.,

Respondents-Appellants.

APPEAL DISMISSED IN PART
AND JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0055
Moffat County District Court No. 16JV31
Honorable Sandra H. Gardner, Judge
Honorable Michael A. O'Hara, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning J.V.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0667
Jefferson County District Court No. 17CR4560
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Mario Argenis Acosta-Ruiz,

Defendant-Appellee.

ORDER AFFIRMED

Division III
Opinion by JUDGE WELLING
Webb and Harris, JJ., concur

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

Court of Appeals No. 18CA1015
Garfield County District Court No. 17CR157
Honorable Denise K. Lynch, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Michael Francis Montgomery,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE NAVARRO
J. Jones and Martinez*, 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. 16CA2111

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Lee Wilkinson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA0784

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raul Moreno Chavez,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1002

Hank Brier and Lindsey Brier,

Plaintiffs-Appellants and Cross-Appellees,

v.

Vail Corporation,

Defendant-Appellee and Cross-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1619

Allen Villegas,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado; Denver Water, and
Travelers Indemnity Company,

Respondents.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA2147

Dos Almas LLC,

Petitioner,

v.

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

Respondents.

Petition for Rehearing DENIED

Court of Appeals No. 18CA0061

In re the Marriage of

Heidi Marie Fay,

Appellee,

and

Benjamin D. Fay,

Appellant.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

[2018COA126M](#)

Court of Appeals No. [17CA0741](#)

Jean Marchant, as guardian of Krista Marchant,

Plaintiff-Appellant,

v.

Boulder Community Health, Inc.; and Cardon Outreach, LLC, a foreign
corporation,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE MÁRQUEZ*
Webb and Fox, JJ., concur

Opinion Modified
On the Court's Own Motion

Announced August 23, 2018

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2018.