

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 28, 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

[2018COA88](#)

Court of Appeals No. [15CA0352](#)
Elbert County District Court No. 13CR66
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Lee Wambolt,

Defendant-Appellant.

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

Division I
Opinion by JUDGE TAUBMAN
Bernard and Welling, JJ., concur

[2018COA89](#)

Court of Appeals No. [16CA1010](#)
El Paso County District Court No. 15CR4710
Honorable Marla R. Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

De Etta Wester-Gravelle,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE FREYRE
Berger, J., concurs
Bernard, J., dissents

[2018COA90](#)

Court of Appeals No. [16CA1787](#)
Larimer County District Court No. 00CR185
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Keith McCulley,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE WELLING
Taubman and Bernard, JJ., concur

[2018COA91](#)

Court of Appeals No. [17CA0341](#)

Colorado State Board of Assessment Appeals No. 68840

Children's Hospital Colorado,

Petitioner-Appellant,

v.

Property Tax Administrator,

Respondent-Appellee,

and

Colorado State Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

Division I

Opinion by CHIEF JUDGE LOEB
Vogt* and Casebolt*, JJ., concur

[2018COA92](#)

Court of Appeals No. [17CA0793](#)
El Paso County District Court No. 16CV30823
Honorable Thomas K. Kane, Judge

Falcon Broadband, Inc., a Colorado corporation,

Plaintiff-Appellant and Cross-Appellee,

v.

Banning Lewis Ranch Metropolitan District No. 1; Oakwood Homes, LLC; Chad M. Ellington; Charles P. Leder; Jeffrey P. Carlson; Mike Tinlin; William Ritchie; Bruce Rau; MREC Oakwood Colorado Ranch, LLC; MREC Oakwood Colorado Investments, LLC; MREC Colorado Land Investments, LLC; MREC Oakwood Colorado IV-VI, LLC; and MREC Oakwood Colorado, LLC,

Defendants-Appellees and Cross-Appellants.

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

Division VII
Opinion by JUDGE J. JONES
Ashby and Harris, JJ., concur

[2018COA93](#)

Court of Appeals No. [17CA1936](#)
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-990-597

City of Boulder Fire Department and CCMSI,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Dean Pacello,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE BERNARD
Taubman and Welling, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 13CA0783
El Paso County District Court No. 11CR4439
Honorable Ronald G. Crowder, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roderick Laron Elam, Jr.,

Defendant-Appellant.

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

Division III
Opinion by JUDGE WEBB
Davidson*, J., concurs
J. Jones, J., specially concurs

Prior Opinion Announced March 10, 2016, WITHDRAWN

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

Court of Appeals No. 16CA1951
Weld County District Court No. 14DR30427
Honorable Ryan L. Kamada, Judge

In re the Marriage of

Carol Crosley Morgan,

Appellant,

and

Carter Edward Morgan,

Appellee.

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

Division III
Opinion by JUDGE FOX
Webb and Richman, JJ., concur

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

Court of Appeals No. 16CA2195
Boulder County District Court No. 15CR281
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Gene Zhu,

Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE DAILEY
Plank* and Nieto*, JJ., concur

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

Court of Appeals No. 17CA0157
City and County of Denver District Court No. 14CV30938
Honorable Catherine A. Lemon, Judge

Mile High Cab, Inc., Tilahun M. Gebremariam, Walelegne Bekele Sahle, Woldu Mehari Tesfaslassie, Yehdego W. Beyene, Yishak Hailu Haileyesus, Yohannes Simur Alemayhue, Yoseph Demissie, Yusuf Cige, Zeleke Muratu, Abdi Haji Shire, Abdi Hussein, Abdulalim Said Maeruf, Abdullahi Jara, Abdurahim Doyo, Abebe Megersa, Abera G. Gebrehana, Adam Faris, Ahemed Falama, Ahmed Hamu Nuri, Alem Abadi Beyene, Amin Kelil Said, Adane K. Alemu, Asrat Benti, Bantgza S. Lulseged, Biniam T. Weldegeorgis, Birhane Damena, Daud Ali, Dawit M. Adal, Fasil Hebrwork Wondemu, Fethulrahman A. Muhamed, Gebremedhin T. Gebregziabher, Gezehagne G. Yohannes, Gizachew B. Zenebe, Habtamu A. Woldeyes, Hailu Guremessa, Hassan Aga, Henok H. Reda, Hermon Okbamicael Araaya, Hussein Osman Ayub, Kenno H. Bame, Lisan Habtemichael, Lencho Abdi, Mahamed Sufi, Mehari Berhane Kahsu, Melisew W. Tarekegne, Mengesha Molla, Milkias G. Araya, Mikiyas Girma, Moe J. Amen, Mohamed Hussein, Molla M. Robso, Muluneh Assefa Woldeyes, Naim Abdalla Negawo, Nazif Abdalla Negawo, Nuur Hassan Ali, Nuru H. Nuri, Omar Woshe, Omar Abdusalem, Said Haji Deko, Samson Workneh Tefera, Samuel A. Alemayehu, Samuel Woldemichael, Samuel Z. Shumeye, Seyum Tekle Melkamu, Shanbu W. Geleta, Tadesse Woldeyes, Tafere A. Ambaw, Taha A. Alhaj, Tarekegne T. Negash, Tekleberhan S. Gebrehiwot, Tesfaye Gerbremariam, Thomas T. Tsige, Umer Kemal Aliy, Warsame Susow Adan, Wondwosen Robi, Yohanes Dugassa, Yusuf Lencha, Zelalem G. Feleke,

Plaintiffs-Appellants,

v.

Ali O. Crowther, Sunday Fadeyi, and John A. Fadeyi,

Defendants-Appellees,

and

Rowland Nwankwo and Edem Archibong,

Intervenors-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA0966
Jefferson County District Court No. 15CR978
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Robert Gray, II,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE BERNARD
Taubman and Welling, JJ., concur

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

Court of Appeals No. 17CA1752
El Paso County District Court No. 15JV986
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.L. and J.V., Children,

and Concerning D.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE LICHTENSTEIN
Román and Furman, JJ., concur

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

Court of Appeals No. 18CA0084
Arapahoe County District Court No. 16JV859
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.R.W.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FOX
Webb and Richman, 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. 17CA0263

In re the Parental Responsibilities Concerning M.M., a Child,

and Concerning Kristin Lee,

Appellee,

and

William Muhr,

Appellant.

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. 2017.