

*ANNOUNCEMENTS*  
*COLORADO COURT OF APPEALS*  
*September 20, 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**

[2018COA131](#)

Court of Appeals No. [15CA0210](#)  
Chaffee County District Court No. 13CR113  
Honorable Charles M. Barton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Joseph Aldridge,

Defendant-Appellant.

JUDGMENT AND SENTENCE REVERSED  
AND CASE REMANDED WITH DIRECTIONS

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

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[2018COA137](#)

Court of Appeals No. [15CA1912](#)

City and County of Denver District Court No. 14CR6405

Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Michael Koper,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE CASEBOLT\*  
Bernard and Welling, JJ., concur

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[2018COA138](#)

Court of Appeals No. [17CA0130](#)

Weld County District Court Nos. 16JD123, 16JD124 & 16JD141

Honorable Randall C. Lococo, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.V.,

Juvenile-Appellant.

ORDERS AFFIRMED

Division VI  
Opinion by JUDGE FREYRE  
Terry and Navarro, JJ., concur

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[2018COA139](#)

Court of Appeals No. [17CA0782](#)  
Pueblo County District Court No. 04CR2139  
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Loren A. Chavez,

Defendant-Appellant.

ORDER VACATED

Division IV  
Opinion by JUDGE BERGER  
Loeb, C.J., and Hawthorne, J., concur

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[2018COA140](#)

Court of Appeals No. [17CA0851](#)  
Kit Carson County District Court No. 16CV30032  
Honorable Kevin L. Hoyer, Judge

Matthew Schulte,

Petitioner-Appellant,

v.

Colorado Department of Revenue, Division of Motor Vehicles,

Respondent-Appellee.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE BERNARD  
Welling and Casebolt\*, JJ., concur

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[2018COA141](#)

Court of Appeals No. [17CA0991](#)  
Mesa County District Court No. 15CV30729  
Honorable Lance P. Timbreza, Judge

Maria Herrera,

Plaintiff-Appellant,

v.

Leo Lerma,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE HAWTHORNE  
Berger and Miller\*, JJ., concur

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[2018COA142](#)

Court of Appeals No. [17CA1111](#)  
City and County of Denver District Court No. 14CV33937  
Honorable A. Bruce Jones, Judge

Digital Landscape Inc.,

Plaintiff-Appellant,

v.

Media Kings LLC,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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[2018COA143](#)

Court of Appeals No. [17CA1295](#)  
Douglas County District Court No. 14DR30238  
Honorable Michael Spear, Judge

In re the Marriage of

Steven R. Durie,

Appellee,

and

Kelly J. Durie, n/k/a Kelly J. Simmerman,

Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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[2018COA144](#)

Court of Appeals No. [17CA1672](#)  
Routt County District Court No. 16CV30055  
Honorable Shelley A. Hill, Judge

Andres Trucking Company,

Plaintiff-Appellant,

v.

United Fire and Casualty Company,

Defendant-Appellee.

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

Division VII  
Opinion by JUDGE HARRIS  
Jones and Ashby, JJ., concur

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[2018COA145](#)

Court of Appeals No. [17CA2147](#)

Industrial Claim Appeals Office of the State of Colorado  
DD No. 16040-2017

Dos Almas LLC,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division IV  
Opinion by CHIEF JUDGE LOEB  
Hawthorne and Berger, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 15CA0412  
City and County of Denver District Court No. 14CR1727  
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hamdi D. Neamah,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE FURMAN  
Román and Lichtenstein, JJ., concur

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

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Court of Appeals No. 15CA1543  
Jefferson County District Court No. 14CR1464  
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maksim Khamov,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART  
AND VACATED IN PART

Division IV  
Opinion by JUDGE HAWTHORNE  
Bernard and Tow, JJ., concur

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

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Court of Appeals No. 15CA2080  
Douglas County District Court No. 98CR242  
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Russell Smith,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE BERNARD  
Hawthorne and Tow, JJ., concur

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

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Court of Appeals No. 16CA0005  
Jefferson County District Court No. 15CR1053  
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rosario Ramiro Jacobo-Villegas,

Defendant-Appellant.

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

Division IV  
Opinion by JUDGE TOW  
Hawthorne and Bernard, JJ., concur

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

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Court of Appeals No. 16CA0909  
Mesa County District Court No. 15CR387  
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jon Michael Gerber,

Defendant-Appellant.

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

Division IV  
Opinion by JUDGE BERGER  
Loeb, C.J., and Hawthorne, J., concur

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

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Court of Appeals No. 16CA1264  
Arapahoe County District Court No. 09CR2947  
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jennifer Erin Roth,

Defendant-Appellant.

APPEAL DISMISSED

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

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

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Court of Appeals No. 16CA1538  
City and County of Denver District Court No. 06CR10482  
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Orlando Rollie,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA1831  
Mesa County District Court No. 06CR1028  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff Appellee,

v.

Jerod Lance Wade,

Defendant Appellant.

APPEAL DISMISSED

Division I  
Opinion by CHIEF JUDGE LOEB  
Márquez\* and Casebolt\*, JJ., concur

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

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Court of Appeals No. 16CA1997  
El Paso County District Court No. 05CR3776  
Honorable G. David Miller, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Nicholls,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 16CA2099  
City and County of Denver District Court Nos. 08CR3686, 09CR3687 &  
08CR3688  
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Acree,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0124  
El Paso County District Court No. 15DR31687  
Honorable Marla R. Prudek, Judge

In re the Marriage of

Dawn A. Bornitz,

Appellee,

and

Nathan A. Bornitz,

Appellant.

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

Division IV  
Opinion by JUDGE BERGER  
Hawthorne and Miller\*, JJ., concur

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

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Court of Appeals No. 17CA0326  
Douglas County District Court No. 13CR633  
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Andrew Manjarrez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE HAWTHORNE  
Loeb, C.J., concurs  
Berger, J., specially concurs

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

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Court of Appeals No. 17CA0376  
Arapahoe County District Court No. 15JV849  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of B.J.T., a Child,

and Concerning M.E.L. and M.J.T.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE WEBB  
Harris and Welling, JJ., concur

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

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Court of Appeals No. 17CA0946  
El Paso County District Court No. 15DR30186  
Honorable Eric Bentley, Judge

In re the Marriage of

Teresa A. Maxon, a/k/a Teresa A. Fitts,

Appellant,

and

John M. Fitts,

Appellee.

ORDER AFFIRMED 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)**

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Court of Appeals No. 17CA1098  
Adams County District Court No. 15CR3894  
Honorable Thomas Richard Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos Daniel Candelaria II,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED IN PART,  
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)**

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Court of Appeals No. 17CA1336  
Boulder County District Court No. 16CV30126  
Honorable Norma A. Sierra, Judge

Boulder and White Rock Ditch and Reservoir Company,

Plaintiff-Appellee and Cross-Appellant,

v.

Niall O'Toole; Mary Anne Carroll; Renala Condominium Association, Inc.; and  
Thomas J. McWilliams,

Defendants-Appellants and Cross-Appellees.

JUDGMENT VACATED 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)**

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Court of Appeals No. 17CA1501  
El Paso County District Court No. 13DR374  
Honorable Marla Prudek, Judge

In re the Marriage of

Dawn E. Carlson,

Appellant,

and

Charles Richard Gray,

Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1619  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 4-889-298

Allen Villegas,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division II  
Opinion by JUDGE CARPARELLI\*  
Dunn and Tow, JJ., concur

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

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Court of Appeals No. 17CA1684  
Eagle County District Court No. 11DR120  
Honorable Russell H. Granger, Judge

In re the Marriage of

Mary Vlaar,

Appellee,

and

Hans Vlaar,

Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA1692  
El Paso County District Court No. 12CR4396  
Honorable David S. Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan VanLue,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

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Court of Appeals No. 17CA1881  
City and County of Denver Probate Court No. 11PR2201  
Honorable Elizabeth D. Leith, Judge

In the Matter of Charles Craft Trust,

and

Ronald Craft,

Appellant,

v.

Melissa R. Schwartz, in her capacity as Successor Trustee of the Charles Craft Trust,

Appellee.

ORDER AFFIRMED

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

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

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Court of Appeals No. 17CA2404  
Arapahoe County District Court Nos. 16JV336 & 16JV1169  
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of H.S. and Z.S., Children,

and Concerning N.T-S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0061  
Mesa County District Court No. 10DR1019  
Honorable Gretchen B. Larson, Judge

In re the Marriage of

Heidi Marie Fay,

Appellee,

and

Benjamin D. Fay,

Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE HAWTHORNE  
Bernard and Tow, JJ., concur

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

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Court of Appeals No. 18CA0093  
Adams County District Court Nos. 92CR716 & 92CR718  
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wesley James Marymee,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE MÁRQUEZ\*  
Loeb, C.J., and Casebolt\*, J., concur

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

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Court of Appeals No. 18CA0111  
Douglas County District Court No. 17DR673  
Honorable Gary M. Kramer, Judge

In re the Marriage of

Stephen D. Chamberlain,

Appellant,

and

Judith C. Chamberlain,

Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 18CA0305  
Mesa County District Court No. 16JV379  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of K.J.H., a Child,

and Concerning J.L.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE CASEBOLT\*  
Loeb, C.J., and Márquez\*, J., concur

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

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Court of Appeals No. 18CA0451  
City and County of Denver Juvenile Court No. 16JV190  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.E.M. and J.A.M-C., Children,

and Concerning M.R.M-J., a/k/a M.R.M.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE TOW  
Hawthorne and Bernard, JJ., concur

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

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Court of Appeals No. 18CA0611  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 13963-2017

Michael M. Kiley,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Jefferson County  
School District No. R-1,

Respondents.

ORDER AFFIRMED

Division II  
Opinion by JUDGE MÁRQUEZ\*  
Dunn and Tow, JJ., concur

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

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Court of Appeals No. 18CA1356  
City and County of Denver Probate Court No. 18MH132  
Honorable Beth A. Tomerlin, Magistrate

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of

Jessica A. Kawanabe,

Respondent-Appellant.

ORDER AFFIRMED

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

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

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**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. 16CA1467

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daud Ali Mohamed,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA1099

Jeannene Marlice Page,

Plaintiff-Appellee,

v.

Brett Lang Abernathy,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA1604

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Adam Wells,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA1634

James M. Bertolo,

Plaintiff-Appellant,

v.

Rick Raemisch, Executive Director of the Colorado Department of Corrections,  
Mike Romero, Warden of the Colorado Territorial Correctional Facility, Joe  
Morales, Colorado State Board of Parole, and Sex Offender Management Board,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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**MODIFIED OPINIONS**

Court of Appeals No. 17CA1604

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Adam Wells,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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