

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
September 6, 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

[2018COA127](#)

Court of Appeals No. [14CA2242](#)
Larimer County District Court No. 13CR1167
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Wesley Welborne,

Defendant-Appellant.

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

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

[2018COA128](#)

Court of Appeals No. [15CA0868](#)
Mesa County District Court No. 13CR1336
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Allen Jompp,

Defendant-Appellant.

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

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

[2018COA129](#)

Court of Appeals No. [16CA1298](#)
Adams County District Court No. 15CR794
Honorable Francis C. Wasserman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Senon Louis Ramirez,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND VACATED IN PART

Division IV
Opinion by JUDGE BERGER
Kapelke*, J., concurs
Davidson*, J., dissents

[2018COA130](#)

Court of Appeals No. [16CA1884](#)
Jefferson County District Court No. 16CR341
Honorable Tamara S. Russel, Judge
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Can Gwinn,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

[2018COA132](#)

Court of Appeals No. [17CA1109](#)
Adams County District Court No. 16CV31446
Honorable Emily E. Anderson, Judge

Arik Hansen, as the surviving parent of Wendy Ulmer, deceased,

Plaintiff-Appellant,

v.

Barron's Oilfield Service, Inc., a Colorado corporation; and Victor Hierro,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by CHIEF JUDGE LOEB
Vogt* and Carparelli*, JJ., concur

[2018COA133](#)

Court of Appeals No. [17CA1200](#)

Boulder County District Court No. 15CV31239

Honorable Judith L. Labuda, Judge

Bruce Bailey,

Plaintiff-Appellant,

v.

State Farm Mutual Automobile Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I

Opinion by JUSTICE MARTINEZ*
Taubman and Welling, JJ., concur

[2018COA134](#)

Court of Appeals No. [17CA1616](#)

Adams County District Court No. 17CV68

Honorable Jaclyn C. Brown, Judge

Bill Barrett Corporation and Bonanza Creek Energy, Inc.,

Plaintiffs-Appellants,

and

Noble Energy, Inc.,

Intervenor-Appellant,

v.

Robert Lembke; 70 Ranch L.L.C.; South Beebe Draw Metropolitan District,
f/k/a Bromley Park Metropolitan District No. 1; and United Water and
Sanitation District,

Defendants-Appellees.

JUDGMENT AFFIRMED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE WEBB
Berger and Nieto*, JJ., concur

[2018COA135](#)

Court of Appeals No. [17CA1644](#)

City and County of Denver District Court No. 16CV32618

Honorable Ross B.H. Buchanan, Judge

Colorado Health Consultants, d/b/a Starbuds,

Plaintiff-Appellant,

v.

City and County of Denver, through its Department of Excise and Licenses;
and Ashley Kilroy, in her official capacity as Director of Denver Department of
Excise and Licenses,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI

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

[2018COA136](#)

Court of Appeals No. [18CA0499](#)

Arapahoe County District Court No. 16CV32444

Honorable Kenneth M. Plotz, Judge

Michael Cummings,

Plaintiff-Appellee,

v.

Arapahoe County Sheriff's Department and David C. Walcher, individually and
in his capacity as Arapahoe County Sheriff,

Defendants-Appellants.

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

Division A

Opinion by JUDGE BERGER
Freyre, J., concurs
Bernard, J., specially concurs

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA0978
Douglas County District Court No. 14CR272
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Wayne Lamb,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 15CA1724
Moffat County District Court No. 14CR129
Honorable Shelley A. Hill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael A. Camilletti,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 16CA0243
Adams County District Court No. 14CR2790
Honorable Craig R. Welling, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raul Edgardo Febo,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WEBB
Richman and Fox, JJ., concur

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

Court of Appeals No. 16CA0437
El Paso County District Court No. 14CR4164
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremie Paul Boling,

Defendant-Appellant.

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

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

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

Court of Appeals No. 16CA0648
Jefferson County District Court No. 14CR2581
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Michael Lynn,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE ASHBY
J. Jones and Harris, JJ., concur

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

Court of Appeals No. 17CA0364
Weld County District Court No. 15CV30786
Honorable Todd L. Taylor, Judge

Nikolas Brown,

Plaintiff-Appellee,

v.

Cheyenne Hall,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE VOGT*
Navarro and Freyre, JJ., concur

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

Court of Appeals No. 17CA0674
El Paso County District Court No. 16JD135
Honorable G. David Miller, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of L.F.A.G.,

Juvenile-Appellant.

JUDGMENT REVERSED

Division VII
Opinion by JUDGE ASHBY
J. Jones and Harris, JJ., concur

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

Court of Appeals No. 17CA0784
Adams County District Court No. 03CR949
Honorable Ted C. Tow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raul Moreno Chavez,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE ROTHENBERG*
Loeb, C.J., and Nieto*, J., concur

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

Court of Appeals No. 17CA0917
Pueblo County District Court No. 09CR463
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul Wayne Cruz,

Defendant-Appellant.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

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

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

Court of Appeals No. 17CA0941
Arapahoe County District Court No. 16CV179
Honorable Elizabeth B. Volz, Judge

Tesla Global Solutions, Inc., a Colorado corporation,

Plaintiff-Appellee,

v.

Yasir Gabani,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE ASHBY
J. Jones and Harris, JJ., concur

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

Court of Appeals No. 17CA1366
Fremont County District Court No. 12CR240
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Sardakowski,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 17CA1459
City and County of Denver Juvenile Court No. 15JV2013
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.C.R., a Child,

and Concerning N.W.R.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1555
Adams County District Court No. 16JV153
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.S. and N.S., Children,

and Concerning J.S.,

Respondent-Appellant,

and L.G.,

Respondent-Appellee

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1834
Montrose County District Court No. 16JV101
Honorable Thomas W. Ossola, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.C. and D.C., Children,

and Concerning R.C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1969
Arapahoe County District Court No. 16CV380
Honorable Elizabeth A. Weishaupl, Judge

Askia Abdul-Amin,

Plaintiff-Appellant,

v.

Rick Raemisch, in his official capacity as Executive Director of Colorado Department of Corrections; Michael Romero, in his official capacity as Warden of Colorado State Penitentiary; and Cynthia Coffman, in her official capacity as Attorney General,

Defendants-Appellees.

ORDERS AFFIRMED

Division VII
Opinion by JUDGE ASHBY
J. Jones and Harris, JJ., concur

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

Court of Appeals No. 18CA0015
Pueblo County District Court No. 15JV160
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.G., F.G.J., S.G.J., and P.S., Children,

and Concerning C.J.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE WEBB
Richman and Fox, JJ., concur

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

Court of Appeals No. 18CA0303
Industrial Claim Appeals Office of the State of Colorado
DD No. 24627-2017

Francis T. Wakabayashi,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and United Launch
Alliance, LLC,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 18CA0493
Industrial Claim Appeals Office of the State of Colorado
DD No. 19829-2017

Floor Craft, LLC,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and the Division of
Unemployment Insurance Employer Services — Integrity/Employer Audits,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE TOW
Dunn and Márquez, JJ., concur

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

Court of Appeals No. 18CA1104
Pueblo County District Court No. 18MH112
Honorable Jill S. Mattoon, Judge

People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Steven Eric Curtis,

Respondent-Appellant.

ORDER 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. 18CA1167
Adams County District Court No. 08MH314
Honorable Patrick T. Murphy, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.M.R.,

Respondent-Appellant.

ORDERS AFFIRMED

Division IV
Opinion by JUDGE BERNARD
Hawthorne and Tow, 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. 15CA0079

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin David Conner,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 15CA0633

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Laron Antonio Donald,

Defendant-Appellant.

Petition for Rehearing DENIED

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

[2018COA116M](#)

Court of Appeals No. [16CA1951](#)

In re the Marriage of

Carol Crosley Morgan,

Appellant,

and

Carter Edward Morgan,

Appellee.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 17CA0523

Douglas L. Micco,

Plaintiff-Appellant,

v.

Dennis W. Hartley,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA0958

Mark David Baertschy,

Plaintiff-Appellant,

v.

Executive Director, Colorado Department of Corrections; Warden, Bent County
Correctional Facility,

Defendants-Appellees.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 17CA1635

L. R. Moore,

Plaintiff-Appellant,

v.

Executive Director of Colorado Department of Corrections; and Warden of
Sterling Correctional Facility,

Defendants-Appellees.

Petition for Rehearing DENIED

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art.
VI, § 5(3), and § 24-51-1105, C.R.S. 2017.