

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
December 22, 2022*

“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**

[2022COA144](#)

Court of Appeals No. [20CA1697](#)

City and County of Denver District Court No. 19CR5690

Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth L. Garcia,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by JUDGE NAVARRO  
Welling and Johnson, JJ., concur

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[2022COA145](#)

Court of Appeals No. [21CA1615](#)

Saguache County District Court No. 20CV30024

Honorable Crista Newmyer-Olsen, Judge

Creekside Endodontics, LLC, and Andrew Stubbs,

Plaintiffs-Appellees,

v.

Kathryn Sullivan,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE FOX  
Tow, J., concurs  
Yun, J., specially concurs

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[2022COA146](#)

Court of Appeals No. [22CA0723](#)

Weld County District Court No. 19JV704

Honorable Meghan Saleebey, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.S.L., a Child,

and Concerning A.S.V., a/k/a A.S.V.B.,

Appellant,

and

M.B. and J.B.,

Intervenors.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE TOW  
Fox and Yun, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 18CA2297  
Arapahoe County District Court No. 17CR1570  
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lamont Danell Ford,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE HARRIS  
Gomez and Hawthorne\*, JJ., concur

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

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Court of Appeals No. 18CA2335  
Arapahoe County District Court No. 17CR2958  
Honorable Andrew C. Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jaleel Xavier Minter,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE J. JONES  
Brown and Kuhn, JJ., concur

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

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Court of Appeals No. 19CA1310  
Weld County District Court No. 17CR2223  
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Kelly Lynn Baker,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE HAWTHORNE\*  
Harris and Gomez, JJ., concur

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

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Court of Appeals No. 19CA1355  
Arapahoe County District Court No. 17CR118  
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Sterling Dwayne Austin,  
  
Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE WELLING  
Navarro and Martinez\*, JJ., concur

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

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Court of Appeals No. 19CA2044  
Mesa County District Court No. 18CR1588  
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Torres-Vazquez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A  
Opinion by CHIEF JUDGE ROMÁN  
Davidson\* and Vogt\*, JJ., concur

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

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Court of Appeals No. 19CA2115  
Rio Blanco County District Court No. 16CR60  
Honorable Anne K. Norrdin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edwin Richard Gereaux,

Defendant-Appellant.

JUDGMENT VACATED

Division II  
Opinion by JUDGE J. JONES  
Brown and Kuhn, JJ., concur

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

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Court of Appeals No. 20CA0600  
El Paso County District Court No. 07CR317  
Honorable Jann P. DuBois, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Derrick Nicholas Johnson,  
  
Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE FOX  
Lipinsky and Schock, JJ., concur

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

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Court of Appeals No. 20CA0906  
Jefferson County District Court No. 19CR765  
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Jared Ray Whalen,  
  
Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III  
Opinion by JUDGE YUN  
Fox and Tow, JJ., concur

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

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Court of Appeals No. 20CA1256  
Rio Blanco County District Court No. 18CR10  
Honorable W. Terry Ruckriegle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Carson Henson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE SCHUTZ  
Dunn and Grove, JJ., concur

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

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Court of Appeals No. 21CA0207  
Mesa County District Court No. 95CR547  
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Alexander Cain,

Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE GOMEZ  
Harris and Hawthorne\*, JJ., concur

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

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Court of Appeals No. 21CA0615  
Pueblo County District Court No. 19CV30084  
Honorable Gregory Joseph Styduhar, Judge

Truman H. Weaver,  
Plaintiff-Appellant,

v.

Brett Holland,  
Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE SCHUTZ  
Dunn and Grove, JJ., concur

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

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Court of Appeals No. 21CA0836  
City and County of Denver District Court No. 18CR5414  
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,  
Plaintiff-Appellee,

v.

Gregorio S. Benavides,  
Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE FOX  
Lipinsky and Schock, JJ., concur

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

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Court of Appeals No. 21CA0873  
Arapahoe County District Court No. 14CV32159  
City and County of Denver District Court No. 16CV33943  
Honorable Frederick T. Martinez, Judge

Chuck O. Egbune,

Plaintiff-Appellant,

v.

Monique Robinson-Hines, Iyona Walton, Evans Case, LLP, f/k/a Benson &  
Case, LLP, Aaron Evans, and Kari Jones,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE FREYRE  
Lipinsky and Lum, JJ., concur

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

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Court of Appeals No. 21CA0968  
Mesa County District Court No. 19CV30116  
Honorable Brian J. Flynn, Judge

Teresa Christine Neptune-Otto, individually and as Personal Representative of  
the Estate of Melvin Nord Atwood; Jeannie Lyons; and Dax Atwood;

Plaintiffs-Appellants,

v.

Triumph Properties, L.L.C.,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE LIPINSKY  
Freyre and Bernard\*, JJ., concur

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

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Court of Appeals No. 21CA1419  
Pitkin County District Court No. 20CV30041  
Honorable Christopher G. Seldin, Judge

Muy Bonita, LLC, a Colorado limited liability company,

Plaintiff-Appellee and Cross-Appellant,

v.

Kathleen Kriebel,

Defendant-Appellant and Cross-Appellee.

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

Division I  
Opinion by JUDGE FURMAN  
Dailey and Davidson\*, JJ., concur

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

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Court of Appeals No. 21CA1569  
Chaffee County District Court No. 20JV9  
Honorable Patrick W. Murphy, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Ha.F. and He.F., Children,

and Concerning L.D.,

Appellant,

and M.F.,

Appellee.

ORDER AFFIRMED

Division III  
Opinion by JUDGE LIPINSKY  
Gomez and Davidson\*, JJ., concur

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

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Court of Appeals No. 21CA1650  
Mesa County District Court No. 20DR30189  
Honorable Valerie J. Robison, Judge

In re the Marriage of,

Cassandra Randall, n/k/a Cassandra Dawn Funk,

Appellee,

and

Stephen Randall,

Appellant.

JUDGMENT AND ORDER AFFIRMED

Division II  
Opinion by JUDGE BROWN  
J. Jones and Kuhn, JJ., concur

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

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Court of Appeals No. 21CA1746  
Arapahoe County District Court No. 21CV31011  
Honorable Peter F. Michaelson, Judge

Cedar Cove Condominium Association, Inc.,

Plaintiff-Appellant,

v.

Country Mutual Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE J. JONES  
Brown and Kuhn, JJ., concur

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

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Court of Appeals No. 22CA0007  
Jefferson County District Court No. 21CV30281  
Honorable Lindsay L. VanGilder, Judge

Tennessee Pass Café, Inc., a Colorado corporation,  
Plaintiff-Appellant,

v.

Lukas Cameron Rentch,  
Defendant-Appellee.

JUDGMENT AFFIRMED IN PART, APPEAL DISMISSED IN PART,  
AND CASE REMANDED WITH DIRECTIONS

Division B  
Opinion by JUDGE SCHUTZ  
Tow and Grove, JJ., concur

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

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Court of Appeals No. 22CA0732  
Adams County District Court No. 20JV100  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,  
Appellee,

In the Interest of M.G. and N.G., Children,  
and Concerning S.A.G.,  
Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE KUHN  
J. Jones and Brown, JJ., concur

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

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Court of Appeals No. 22CA0994  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 73298-2021

Perri Mandelbaum,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Simply Delicious  
LLC,

Respondents.

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

Division A  
Opinion by JUDGE VOGT\*  
Román, C.J., and Davidson\*, J., 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. 16CA0263

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Carbajal,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA0172

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sheldon M. Ryan,

Defendant-Appellant.

Petition for Rehearing DENIED

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[2022COA134M](#)

Court of Appeals No. [19CA0180](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Abdullahi Salah,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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Court of Appeals No. 21CA0821

Paul M. Zimmerman and West Hallam, LLC

Plaintiffs-Appellants,

v.

Sherman & Howard, L.L.C., Charlotte Wiessner, and B. Joseph Krabacher

Defendants-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 21CA0850

Craig S. Robledo,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director of the Colorado Department of Corrections;  
and Jeff Long, Warden of the Sterling Correctional Facility,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 21CA0851

In re the Marriage of

Steven R. Durie,

Appellant,

and

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

Appellee.

Petition for Rehearing DENIED

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

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Court of Appeals No. 21CA1299

Mother Doe and Jane Doe,

Plaintiffs-Appellants,

v.

Wellbridge Club Management LLC, d/b/a Colorado Athletic Club-Monaco  
a/k/a Club Monaco,

Defendant-Appellee.

Petition for Rehearing DENIED

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Court of Appeals No. 21CA1354

Jonathan J. Rotella, and Center For Wound Healing & Hyperbaric Medicine,  
LLC, of Burlington, Colorado,

Plaintiffs-Appellees and Cross-Appellants,

v.

Kelly Duke,

Defendant-Appellant and Cross-Appellee.

Petition for Rehearing DENIED

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

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2022.