

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 8, 2023

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PUBLISHED OPINIONS

[2023COA49](#)

Court of Appeals No. [20CA1678](#)
Adams County District Court No. 19CR2947
Honorable Kristan K. Wheeler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachary Eugene Babcock,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE TOW
Taubman* and Berger*, JJ., concur

[2023COA50](#)

Court of Appeals No. [21CA1645](#)
Gilpin County District Court No. 17CR12
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michelle Re Nae Bialas,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE TOW
Furman and Johnson, JJ., concur

[2023COA51](#)

Court of Appeals No. [22CA0232](#)
Arapahoe County District Court No. 20DR31968
Honorable Cynthia D. Mares, Judge

In re the Marriage of

Tahlia Denee James,

Appellee,

and

David James,

Appellant.

APPEAL DISMISSED

Division II
Opinion by JUDGE FURMAN
Tow and Johnson, JJ., concur

[2023COA52](#)

Court of Appeals No. [22CA0988](#)

Arapahoe County District Court No. 21CV32026

Honorable Elizabeth Beebe Volz, Judge

State of Colorado, ex rel. Philip J. Weiser, Attorney General,

Plaintiff-Appellee,

v.

City of Aurora, Colorado,

Defendant-Appellee,

and

International Association of Firefighters, Local 1290,

Intervenor-Appellant.

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

Division V
Opinion by JUDGE YUN
Navarro and Richman*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 20CA0176
Arapahoe County District Court No. 18CR702
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Qashelby M. Frazier-Moore,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE PAWAR
Freyre and Schock, JJ., concur

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

Court of Appeals No. 20CA0343
Arapahoe County District Court No. 19CR21
Honorable Darren Louis Vahle, Judge
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcos Casillas,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE J. JONES
Yun, J., concurs
Pawar, J., dissents

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

Court of Appeals No. 20CA0428
El Paso County District Court No. 18CR6198
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Lee Wheeler,

Defendant-Appellant.

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

Division V
Opinion by JUDGE YUN
Navarro and Brown, JJ., concur

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

Court of Appeals No. 20CA2122
Adams County District Court No. 11CR859
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Thomas Mainock,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Harris and Schutz, JJ., concur

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

Court of Appeals No. 21CA0025
Adams County District Court No. 16CR1680
Honorable Sean Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maria Guadalupe Morado,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FREYRE
Pawar and Schock, JJ., concur

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

Court of Appeals No. 21CA0040
Jefferson County District Court No. 19CR3846
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Lloyd Young,

Defendant-Appellant.

ORDERS AFFIRMED

Division V
Opinion by JUDGE BROWN
Navarro and Yun, JJ., concur

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

Court of Appeals No. 21CA1432
Boulder County District Court No. 19CV30310
Honorable Andrew Hartman, Judge

Graham Miller,

Plaintiff-Appellant,

v.

Sherrill Verplank,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Freyre and Schock, JJ., concur

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

Court of Appeals Nos. 21CA1825 & 22CA0741
Weld County District Court No. 19CV31080
Honorable Todd L. Taylor, Judge

Phillip Willis and Marsha Willis,

Plaintiffs-Appellees,

v.

Top Operating Company, Shoreline Energy Holdings II Inc., Rodney K. Herring,
and Murray J. Herring,

Defendants-Appellants.

JUDGMENT AND ORDER AFFIRMED

Division III
Opinion by JUDGE GRAHAM*
Lum and Bernard*, JJ., concur

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

Court of Appeals No. 21CA1968
Pitkin County District Court No. 19CV30060
Honorable John F. Neiley, Judge

Frontier, LLC, a Colorado limited liability company,

Plaintiff-Appellant,

v.

City of Aspen, a Colorado home rule municipality,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division C
Opinion by JUDGE J. JONES
Dunn and Kuhn, JJ., concur

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

Court of Appeals No. 22CA0096
City and County of Denver District Court No. 20CV32052
Honorable Ross B.H. Buchanan, Judge

Wayne Jochem,

Plaintiff-Appellant,

v.

City and County of Denver, a Colorado municipal corporation, and Career
Service Authority Board of the City and County of Denver,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Harris and Schutz, JJ., concur

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

Court of Appeals No. 22CA0282
Larimer County District Court No. 21CV30633
Honorable Stephen J. Jouard, Judge

Peter Kuppinger,

Plaintiff-Appellee,

v.

Larimer County District Attorney,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BROWN
Navarro and Yun, JJ., concur

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

Court of Appeals No. 22CA0420
Mesa County District Court No. 17CV30328
Honorable Dinsmore Tuttle, Judge

Jerry Gunderson,

Plaintiff-Appellant,

v.

Weidner Holdings, LLC, William Weidner, and Kim Gunderson,

Defendants-Appellees.

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

Division I
Opinion by JUDGE DAILEY
Grove and Gomez, JJ., concur

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

Court of Appeals Nos. 22CA0624 & 22CA1286
City and County of Denver District Court No. 20CV33352
Honorable Darryl F. Shockley, Judge

Irene B. Pittman,

Plaintiff-Appellant,

v.

Restoration Services, Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division B
Opinion by JUDGE VOGT*
Tow and Richman*, JJ., concur

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

Court of Appeals No. 22CA0803
Larimer County District Court No. 22CV30110
Honorable Juan G. Villaseñor, Judge

City of Loveland, Colorado,

Petitioner-Appellant,

v.

Jacki Marsh, Mayor of the City of Loveland,

Respondent-Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE KUHN
Harris and Grove, JJ., concur

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

Court of Appeals No. 22CA0888
Jefferson County District Court No. 21CV112
Honorable Lily W. Oeffler, Judge

Leslie Robin Stevens, as Trustee of Hunter's Living Trust,

Plaintiff-Appellant,

v.

BrandyChase II Homeowners Association, Inc.; and Antares Property Services
Inc., d/b/a Associa Colorado Association Services,

Defendants-Appellees.

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

Division VI
Opinion by JUDGE SCHUTZ
Harris and Lipinsky, JJ., concur

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

Court of Appeals No. 22CA0934
Colorado State Personnel Board Case No. 2021G043

Marcus Maes,

Complainant-Appellee,

v.

Department of Transportation,

Respondent-Appellant

and

State Personnel Board,

Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE FOX
Welling and Kuhn, JJ., concur

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

Court of Appeals No. 22CA1643
Adams County District Court No. 21JV8
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of T.M.D. and C.W.D., Children,

and Concerning J.K.J.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Harris and Schutz, 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. 20CA1749

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott William Wyban,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0999

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Lynn Edwards,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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ANNOUNCEMENTS
Colorado Court of Appeals
June 8, 2023

Court of Appeals No. 21CA1421
City and County of Denver District Court No. 20CV32226
Honorable Marie Avery Moses, Judge

Cecilia Macasero,

Plaintiff-Appellee,

v.

ENT Credit Union,

Defendant-Appellant.

Petition for Rehearing DENIED

MODIFIED OPINIONS

Court of Appeals No. 20CA0290
El Paso County District Court No. 08CR4450
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Antonio Jose Vargas,

Defendant-Appellant.

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

Division II
Opinion by JUDGE WELLING
Furman and Freyre, JJ., concur

Opinion Modified
on a motion to Amend the Caption Page

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

[2023COA43M](#)

Court of Appeals No. [21CA0669](#)

El Paso County District Court No. 20CR508

Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darryl Cornelius Johnson,

Defendant-Appellant.

ORDER AFFIRMED

Division II

Opinion by JUDGE FREYRE
Welling, J., specially concurs
Furman, J., dissents

Opinion Modified
On the Court's Own Motion

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