

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 2, 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

[2022COA59](#)

Court of Appeals No. [18CA1697](#)
Jefferson County District Court No. 16CR2019
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Erik Jamal Newton,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE GROVE
Yun and Graham*, JJ., concur

[2022COA60](#)

Court of Appeals No. [21CA0574](#)
Arapahoe County District Court No. 19JV158
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.P., L.P., and M.P., Children,

and Concerning C.P., a/k/a K.A.,

Appellant,

and C.P.,

Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE YUN
Grove and Graham*, JJ., concur

[2022COA61](#)

Court of Appeals No. [21CA0760](#)
Arapahoe County District Court No. 20JV191
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.M. and E.M., Children,

and Concerning M.M. and T.M.,

Appellants.

ORDER OF LIMITED REMAND

Division I
Opinion by JUDGE DAILEY
Fox and Schutz, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA0267
Mesa County District Court No. 14CR1432
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lester Ralph Jones,

Defendant-Appellant.

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

Division V
Opinion by JUDGE WELLING
J. Jones and Gomez, JJ., concur

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

Court of Appeals No. 18CA1406
Jefferson County District Court No. 17CR815
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alfonso McGregor,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

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

Court of Appeals No. 18CA1947
Jefferson County District Court No. 17CR4098
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Larry Todd Andrews,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GOMEZ
Fox and Freyre, JJ., concur

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

Court of Appeals No. 18CA2147
El Paso County District Court No. 17CR4061
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Derrick Davis,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE LIPINSKY
Kuhn and Graham*, JJ., concur

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

Court of Appeals No. 19CA0013
Conejos County District Court No. 18CR5
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terry Joseph Lloyd,

Defendant-Appellant.

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

Division VI
Opinion by JUDGE DUNN
Harris and Johnson, JJ., concur

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

Court of Appeals No. 19CA0576
Summit County District Court No. 15CR137
Honorable Mark D. Thompson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Scott Casey,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Dunn and Johnson, JJ., concur

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

Court of Appeals No. 19CA0767
Jefferson County District Court No. 17CR2407
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keevin Bell II,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division V
Opinion by JUDGE WELLING
Yun and Rothenberg*, JJ., concur

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

Court of Appeals No. 19CA1059
Pueblo County District Court No. 17CR385
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Davenport,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE BERGER
Brown and Johnson, JJ., concur

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

Court of Appeals No. 19CA2339
Larimer County District Court No. 19CR566
Honorable Susan Blanco, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher David Self,

Defendant-Appellant.

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

Division II
Opinion by JUDGE YUN
Grove and Graham*, JJ., concur

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

Court of Appeals No. 20CA0036
City and County of Denver District Court No. 18CR1568
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor J. Hernandez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE FREYRE
Fox and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA0713
Douglas County District Court No. 17CR351
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Paul Haag,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE PAWAR
Brown, J., concurs
Richman, J., concurs in part and dissents in part

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

Court of Appeals No. 20CA1857
City and County of Denver District Court No. 19CV34699
Honorable Robert L. McGahey, Jr., Judge

John Kuney and Christy Sebastian,
Plaintiffs-Appellees,

v.

Orlando Franklin and Kiaana Franklin,
Defendants-Appellants.

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

Division VI
Opinion by JUDGE HARRIS
Dunn and Johnson, JJ., concur

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

Court of Appeals No. 20CA2044
City and County of Denver District Court No. 20CV31612
Honorable Robert L. McGahey, Jr., Judge

Randall Taylor and David A. Ponto,
Plaintiffs-Appellees,

v.

B-Mex, LLC, a Colorado limited liability company and B-Mex II, LLC, a
Colorado limited liability company,
Defendants-Appellants.

JUDGMENT AND ORDERS VACATED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE GROVE
Yun and Taubman*, JJ., concur

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

Court of Appeals Nos. 20CA2066, 21CA0504 & 21CA0793
El Paso County District Court No. 16DR30155
Honorable Chad Miller, Judge

In re the Parental Responsibilities Concerning M.M., a Child,
and Concerning Kristin Lee,

Appellee,

and

William Muhr,

Appellant.

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

Division A
Opinion by CHIEF JUDGE ROMÁN
Casebolt* and Hawthorne*, JJ., concur

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

Court of Appeals No. 20CA2156
City and County of Denver District Court No. 18CV34631
Honorable Brian R. Whitney, Judge

Richard Correa,

Plaintiff-Appellee,

v.

Rashid Elmrini, Hussam Kayali, and Purple Martini LLC, a Colorado limited liability company,

Defendants-Appellants.

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

Division VII
Opinion by JUDGE JOHNSON
Brown, J., concurs
Berger, J., specially concurs

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

Court of Appeals No. 21CA0049
El Paso County District Court No. 19DR31117
Honorable Robert L. Lowrey, Judge

In re the Marriage of

James William Baker, Jr.,

Appellant,

and

Andrea Bridget Baker,

Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE GROVE
Yun and Taubman*, JJ., concur

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

Court of Appeals No. 21CA0149
Pueblo County District Court No. 17CR1101
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Reyes Sierra,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Dunn and Johnson, JJ., concur

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

Court of Appeals No. 21CA0349
Boulder County District Court No. 16CV137
Honorable Thomas F. Mulvahill, Judge

Abraham Hagos,

Plaintiff-Appellant,

v.

Alison Ruttenberg,

Defendant-Appellee.

ORDER AFFIRMED

Division II
Opinion by JUDGE GRAHAM*
Grove and Yun, JJ., concur

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

Court of Appeals No. 21CA0401
El Paso County District Court No. 17DR3092
Honorable Marcus S. Henson, Judge

In re the Parental Responsibilities Concerning S.H., a Child,
and Concerning Kandi Huppert,

Appellee,

and

Alondra Horne,

Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE BERGER
Brown and Johnson, JJ., concur

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

Court of Appeals No. 21CA0478
City and County of Denver Probate Court No. 20PR510
Honorable Elizabeth D. Leith, Judge

In the Interest of James O. Mullinax,

Respondent-Appellant,

and Concerning

Belita Gail Bennett,

Appellee.

ORDER AFFIRMED

Division IV
Opinion by JUDGE PAWAR
Richman and Martinez*, JJ., concur

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

Court of Appeals No. 21CA0563
El Paso County District Court No. 15CR1188
Honorable Jann P. DuBois, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rodney Douglas Eaves,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE RICHMAN
Pawar and Martinez*, JJ., concur

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

Court of Appeals No. 21CA0699
El Paso County District Court No. 19CV31533
Honorable Gregory R. Werner, Judge

PPE Gregg County #4-H, L.P.,

Plaintiff-Appellant,

v.

Dan Cook,

Defendant-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0812
Adams County District Court No. 19JV38
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.M., a Child,

and Concerning L.M.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FOX
Freyre and Gomez, JJ., concur

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

Court of Appeals No. 21CA1057
El Paso County District Court No. 18DR30754
Honorable Marla Prudek, Judge

In re the Marriage of

Amy Lee Wuestneck,

Appellee,

and

Timothy Wuestneck,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

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

Court of Appeals No. 21CA1084
Jefferson County District Court No. 19DR956
Honorable Robert Lochary, Judge

In re the Parental Responsibilities Concerning E.R.M., a Child,
and Concerning Scott Nicholas Maier,

Appellee,

and

Tonya Jade Adams,

Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE KUHN
Navarro and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA1141
Arapahoe County District Court No. 15DR436
Honorable Don J. Toussaint, Judge

In re the Marriage of

Kim Anh Bradley,

Appellant,

and

Dana Bradley,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE LIPINSKY
Navarro and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1520
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-937-396

Barbara McGlothlen,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Karman Inc., and
Pinnacol Assurance,

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE CASEBOLT*
Román, C.J., and Hawthorne*, J., concur

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

Court of Appeals No. 21CA1549
Adams County District Court No. 20JV216
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.A.C., a Child,

and Concerning G.A.C. and S.A.,

Appellants.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE HAWTHORNE*
Román, C.J., and Casebolt*, J., concur

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

Court of Appeals No. 21CA1689
Adams County District Court No. 19JV66
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.E.E. Jr., a Child,

and Concerning L.L.E.,

Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

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

Court of Appeals No. 21CA1797
Montrose County District Court No. 21JV32
Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.G.O., a Child,

and Concerning M.O.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Dunn and Johnson, JJ., concur

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

Court of Appeals No. 21CA1869
El Paso County District Court No. 11JV389
Honorable Catherine Mitchell Helton, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.O.S.-El, a Child,

and Concerning S.S.-El,

Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE GOMEZ
Fox and Freyre, JJ., concur

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

Court of Appeals No. 21CA1892
Adams County District Court No. 20JV58
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.V., a Child,

and Concerning C.V.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE JOHNSON
Dunn and Harris, JJ., concur

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

Court of Appeals No. 22CA0521
Pueblo County District Court No. 22MH91
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Joshua Edmund Martin,

Respondent-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, 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. 18CA0619

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Mark Lamar,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA1635

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kirk Anthony Jones,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1200

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeromie James Rose,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1491

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremiah Anthony Tomaske,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 19CA2091

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James A. Avalos,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0475

150 Tejon Street, LLC and KGBI Colorado, LLC,

Plaintiffs-Appellees,

v.

John Pastore,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0673

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kallie Lynn Pittman,

Defendant-Appellant.

Petition for Rehearing DENIED

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

[2022COA40M](#)

Court of Appeals No. [21CA0288](#)

Dr. Hugh Macaulay,

Petitioner-Appellant and Cross-Appellee,

v.

Allen Villegas,

Respondent-Appellee and Cross-Appellant,

and

Industrial Claim Appeals Office of the State of Colorado, Denver Water, and
Travelers Indemnity Co.,

Respondents.

Opinion Modified;

Petition for Rehearing as to Petitioner-Appellant and Cross-Appellee DENIED;

and

Petition for Rehearing as to Respondent-Appellee and Cross-Appellant DENIED,
Taubman, J., would PARTIALLY GRANT

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2021.