

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 12, 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

[2022COA51](#)

Court of Appeals No. [20CA2091](#)
Fremont County District Court No. 17CV30126
Honorable Lynette M. Wenner, Judge

Charles F. Overton and Janet Overton,

Plaintiffs-Appellants and Cross-Appellees,

v.

Clarence Chess and James Erickson,

Defendants-Appellees and Cross-Appellants.

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

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

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA0619
Boulder County District Court No. 05CR467
Honorable Judith L. LaBuda, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Mark Lamar,

Defendant-Appellant.

ORDERS AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Navarro and Casebolt*, JJ., concur

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

Court of Appeals No. 18CA1881
Jefferson County District Court No. 82CR1065
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Allen Tanner,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE BROWN
Berger and Johnson, JJ., concur

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

Court of Appeals No. 19CA0140
City and County of Denver District Court No. 16CR3318
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald B. Griffin,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE TOW
Richman and Grove, JJ., concur

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

Court of Appeals No. 19CA0582
Elbert County District Court No. 16DR30003
Honorable Gary M. Kramer, Judge

In re the Marriage of

Mariah Dylla, f/k/a Mariah Dawson,

Appellee,

and

Clive Edward Dawson,

Appellant.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

Division VII
Opinion by JUDGE JOHNSON
Brown and Casebolt*, JJ., concur

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

Court of Appeals No. 19CA1266
Jefferson County District Court No. 18CR2770
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Delos Allen Bates, Jr.,

Defendant-Appellant.

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

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 19CA1705
Mesa County District Court No. 18CR146
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Gerald Englen,

Defendant-Appellant.

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

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

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

Court of Appeals No. 19CA2337
Jefferson County District Court No. 18CR3529
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Anthony Ortiz,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE JOHNSON
Berger and Brown, JJ., concur

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

Court of Appeals No. 20CA0232
Jefferson County District Court No. 18CR5040
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Rafael Tellez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE BERGER
Dailey and Tow, JJ., concur

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

Court of Appeals No. 20CA0270
Elbert County District Court No. 16DR30003
Honorable Gary M. Kramer, Judge

In re the Marriage of

Mariah Dylla, f/k/a Mariah Dawson,

Appellee,

and

Clive Edward Dawson,

Appellant.

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

Division VII
Opinion by JUDGE JOHNSON
Brown and Casebolt*, JJ., concur

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

Court of Appeals No. 20CA0423
City and County of Broomfield District Court No. 19CR66
Honorable Amy E. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Steven Vigil,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
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. 20CA0673
Mesa County District Court No. 18CR2247
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kallie Lynn Pittman,

Defendant-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. 20CA0803
Arapahoe County District Court No. 95CR284
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Damon Dares Keys,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE PAWAR
Kuhn and Bernard*, JJ., concur

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

Court of Appeals No. 20CA1189
Adams County District Court No. 19CR31
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Isaiah Arnulfo Romero,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE PAWAR
Kuhn and Bernard*, JJ., concur

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

Court of Appeals No. 20CA1452
El Paso County District Court No. 12CR166
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Z'varrez Keaton,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 20CA1828
El Paso County District Court Nos. 13CR953 & 13CR1152
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Davis Andrew, Jr.,

Defendant-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. 20CA1950
Arapahoe County District Court No. 19CV30086
Honorable Elizabeth Beebe Volz, Judge

Mark E. Aukamp,

Plaintiff-Appellant,

v.

SDA, Inc.,

Defendant-Appellee.

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. 20CA2039
Mesa County District Court No. 17CR120
Honorable Valeri J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Duayne Hunt,

Defendant-Appellant.

ORDER VACATED

Division I
Opinion by JUDGE DAILEY
Román, C.J., and Graham*, J., concur

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

Court of Appeals No. 20CA2065
Logan County District Court No. 19CV92
Honorable Stephanie M.G. Gagliano, Judge

Toney L. Brown,

Plaintiff-Appellant,

v.

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

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE SCHUTZ
Dailey and Fox, JJ., concur

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

Court of Appeals No. 20CA2100
Eagle County District Court No. 17CV30247
Honorable Russell H. Granger, Judge

La Montana Ranch, LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Norman J. Slaustas and Jeanice W. Green,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE PAWAR
Kuhn and Bernard*, JJ., concur

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

Court of Appeals No. 21CA0018
City and County of Denver District Court No. 19CV33975
Honorable Brian R. Whitney, Judge

Mile High Mini Banks, Inc., d/b/a MiniBanks, Inc., a Colorado corporation,
Plaintiff-Appellant,

v.

Treatments Unlimited, LLC, d/b/a Altitude the Dispensary, a Colorado limited
liability company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE BROWN
Berger and Johnson, JJ., concur

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

Court of Appeals No. 21CA0150
Weld County District Court No. 18CV30725
Honorable Shannon D. Lyons, Judge

Quinton Barber,

Plaintiff-Appellee,

v.

Covenant Testing Technologies LLC and Michael Woody,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE KUHN
Pawar and Bernard*, JJ., concur

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

Court of Appeals No. 21CA0174
City and County of Denver District Court No. 20CV34326
Honorable Eric M. Johnson, Judge

Jennifer Ann Smith,

Plaintiff-Appellant,

v.

State of Colorado; Jared S. Polis, in his official capacity as Governor of the State of Colorado; Philip J. Weiser, in his official capacity as Attorney General of the State of Colorado; and Mark Ferrandino, in his official capacity as Executive Director of the Colorado Department of Revenue,

Defendants-Appellees.

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. 21CA0359
Jefferson County District Court No. 20CV76
Honorable Jason Carrithers, Judge

William Montgomery,

Plaintiff-Appellant,

v.

Walmart Stores, Inc.,

Defendant-Appellee.

ORDER 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. 21CA0586
Larimer County District Court No. 19JV375
Honorable Daniel M. McDonald, Judge

The People of the State of Colorado,

Appellee,

In the Interest of P.I., a Child,

and Concerning B.L.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Lipinsky and Davidson*, JJ., concur

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

Court of Appeals No. 21CA1009
El Paso County District Court No. 20JV61
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning E.M.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE PAWAR
Furman and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1296
Fremont County District Court Nos. 19JV96 & 20JV36
Honorable Scott B. Epstein, Judge

The People of the State of Colorado,

Appellee,

In the Interest of T.L. and T.M., Children,

and Concerning K.L. and K.C.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1402
Larimer County District Court No. 19JV375
Honorable Daniel M. McDonald, Judge

The People of the State of Colorado,

Appellee,

In the Interest of P.I., a Child,

and Concerning B.L.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Lipinsky and Davidson*, JJ., concur

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

Court of Appeals No. 21CA1451
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-153-600

Deviny Murphy-Tafoya,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Safeway, Inc.,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE PAWAR
Kuhn and Bernard*, JJ., concur

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

Court of Appeals No. 21CA1521
El Paso County District Court No. 20JV59
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.A.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1566
Larimer County District Court No. 20JV244
Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.S.,

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. 21CA1841
Weld County District Court No. 20JV263
Honorable Meghan Saleebey, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.M. and M.C.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1989
El Paso County District Court No. 20JV311
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.T.,

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. 22CA0364
Pueblo County District Court No. 21MH55
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.W.S.,

Respondent-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Navarro and Freyre, 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. 18CA0282

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Caterrius Latrent Martin, Jr.,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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