

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
September 1, 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**

[2022COA97](#)

Court of Appeals No. [19CA0287](#)  
El Paso County District Court No. 17CR3917  
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Rodolfo Vansant Lopez,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUSTICE MARTINEZ\*  
Fox and Casebolt\*, JJ., concur

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[2022COA98](#)

Court of Appeals No. [19CA1354](#)

City and County of Denver District Court No. 15CR5078

Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew F. Rodriguez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII

Opinion by JUDGE LIPINSKY  
Navarro and Graham\*, JJ., concur

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[2022COA99](#)

Court of Appeals No. [19CA2267](#)

Arapahoe County District Court No. 18CR1224

Honorable Ben L. Leutwyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terrence Kenneth Eugene,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II

Opinion by JUDGE PAWAR  
Kuhn, J., concurs  
Bernard\*, J., dissents

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 18CA0937  
Arapahoe County District Court No. 17CR1773  
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith Alfonzo Roberts,

Defendant-Appellant.

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

Division III  
Opinion by JUDGE WELLING  
J. Jones and Schutz, JJ., concur

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

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Court of Appeals No. 18CA1762  
City and County of Denver District Court No. 16CR6148  
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Devin D. Martinez-Hernandez,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

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

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

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Court of Appeals No. 18CA2152  
City and County of Denver District Court No. 17CR73  
Honorable Morris B. Hoffman, Judge

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

v.

James Paul Gipson,  
  
Defendant-Appellant.

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

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

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

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Court of Appeals No. 19CA0440  
City and County of Denver District Court No. 18CR549  
Honorable Michael J. Vallejos, Judge

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

v.

Cain Wilkens,  
  
Defendant-Appellant.

JUDGMENT REVERSED 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)**

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Court of Appeals No. 19CA1017  
Pitkin County District Court No. 17CR42  
Honorable Christopher G. Seldin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremiah Daniel Casper,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 19CA1646  
Jefferson County District Court No. 18CR4172  
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alexander William Medina,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 19CA1995  
Jefferson County District Court No. 19CR934  
Honorable Jeffrey R. Pilkington, Judge

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

v.

Mickey Todd Bacon, Jr.,  
  
Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 19CA2340  
El Paso County District Court No. 19CR565  
Honorable William B. Bain, Judge

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

v.

Jimmy Carl Adams,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 19CA2353  
Alamosa County District Court No. 18CR83  
Honorable Jane A. Tidball, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kyle Pauley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division P  
Opinion by JUDGE RICHMAN  
Graham\* and Taubman\*, JJ., concur

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

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Court of Appeals No. 20CA0262  
Arapahoe County District Court No. 18CR1603  
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Najiah Alifa Kersh,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE LIPINSKY  
Berger and Freyre, JJ., concur

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

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Court of Appeals No. 20CA1200  
Montezuma County District Court No. 19CR68  
Honorable Todd Jay Plewe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shane Dean Darrell French,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE BROWN  
Pawar, J., concurs  
Bernard\*, J., dissents

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

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Court of Appeals No. 21CA0467  
Larimer County District Court No. 19CV30339  
Honorable Stephen J. Jouard, Judge

City of Thornton, a home rule municipality of the State of Colorado,

Plaintiff-Appellant,

v.

Board of County Commissioners of Larimer County, State of Colorado; John  
Kafalas, in his official capacity; Steve Johnson, in his official capacity,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE FOX  
Gomez and Taubman\*, JJ., concur

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

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Court of Appeals No. 21CA0527  
Douglas County District Court No. 19CV30784  
Honorable David J. Stevens, Judge

AVW Development, LLC, a Colorado limited liability company,  
Plaintiff-Appellant and Cross-Appellee,

v.

EcoBioCore, LLC, a Colorado limited liability company,  
Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED IN PART,  
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)**

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Court of Appeals No. 21CA0624  
Boulder County District Court No. 19CV30747  
Honorable Bruce Langer, Judge

Isabelle Farms, LLC, a Colorado limited liability company,  
Plaintiff-Appellant,

v.

KKC Agricultural Industries, LLC, a Colorado limited liability company,  
Third Party-Defendant-Appellee.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE WELLING  
J. Jones and Schutz, JJ., concur

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

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Court of Appeals No. 21CA0649  
City and County of Denver District Court No. 20CV30257  
Honorable Brian R. Whitney, Judge

McHugh Construction, LLC,

Plaintiff-Appellee,

v.

Argentum Group, LLC,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE GRAHAM\*  
Navarro and Lipinsky, JJ., concur

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

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Court of Appeals No. 21CA0735  
El Paso County District Court No. 20DR30014  
Honorable Chad Miller, Judge

In re the Marriage of

Jesse Gariner,

Appellant,

and

Renate Gariner,

Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE DUNN  
Harris and Rothenberg\*, JJ., concur

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

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Court of Appeals No. 21CA1216  
Fremont County District Court No. 21CV79  
Honorable Lynette M. Wenner, Judge

Jabari Johnson,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Stephanie Dalton,

Defendants-Appellees.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 21CA1439  
Fremont County District Court No. 21CV91  
Honorable Lynette M. Wenner, Judge

Jabari J. Johnson,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Janet Smith,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 21CA1465  
Mesa County District Court No. 20CV30120  
Honorable Richard T. Gurley, Judge

Optimus Communications, LLC,  
Plaintiff-Appellant,

v.

Charles M. Evanson,  
Defendant-Appellee.

JUDGMENT AFFIRMED IN PART  
AND VACATED IN PART

Division C  
Opinion by JUDGE DUNN  
Richman and Kuhn, JJ., concur

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

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Court of Appeals No. 21CA1485  
Las Animas County District Court No. 98CR171  
Honorable Leslie J. Gerbracht, Judge

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

v.

Shawn P. Mullinex,  
Defendant-Appellee.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE J. JONES  
Welling and Schutz, JJ., concur

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

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Court of Appeals No. 21CA1508  
Delta County District Court No. 16CV30032  
Honorable Steven L. Schultz, Judge

Arthur Dodson Wisehart, a/k/a Arthur D. Wisehart, as Co-Trustee of the  
Dorothy R. Wisehart Trust,

Plaintiff-Appellee,

v.

Joan Carol Lipin, a/k/a Joan C. Lipin, and Arthur McKee Wisehart, a/k/a  
Arthur M. Wisehart, individually and in his capacity as the Co-Trustee of the  
Dorothy R. Wisehart Trust,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division A  
Opinion by JUDGE LIPINKSY  
Fox and Freyre, JJ., concur

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

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Court of Appeals No. 21CA1677  
Adams County District Court No. 19JV196  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.K.G. and D.R.G., Children,

and Concerning D.B.,

Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE SCHUTZ  
J. Jones and Welling, JJ., concur

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

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Court of Appeals No. 21CA1836  
Pueblo County District Court No. 21DR30104  
Honorable Larry C. Schwartz, Judge

In re the Marriage of

Talia Crockett, n/k/a Talia Mauro,

Appellant,

and

Chandler Crockett,

Appellee.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE NAVARRO  
Lipinsky and Kuhn, JJ., concur

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

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Court of Appeals No. 21CA1886  
Mesa County District Court No. 18JV155  
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Appellee,

In the Interest of I.O.C.L.R. and S.R.T., Children,

and Concerning J.T.,

Appellant,

and

E.T.,

Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 22CA1013  
Pueblo County District Court No. 21MH393  
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Israel Erik Zegiel,

Respondent-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE BROWN  
Richman and Pawar, JJ., 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. 19CA2312

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Tafoya,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 21CA0436

JohnsonConcept LLC, d/b/a Cannapages.com,

Plaintiff-Appellee,

v.

Cannasaver Corporation,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 21CA1553

Chloeta Fire LLC and PMA,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Ronald Turcios,

Respondents.

Petition for Rehearing DENIED

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

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**MODIFIED OPINIONS**

Court of Appeals No. 19CA1226  
Arapahoe County District Court No. 16CR2531  
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maurice Antwan Palmer,

Defendant-Appellant.

ORDER VACATED

Division VI  
Opinion by JUDGE FOX  
Welling and Johnson, JJ., concur

Prior Opinion Announced September 30, 2021, Vacated in 21SC807

Opinion Modified  
On the Court's Own Motion

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**  
Announced August 18, 2022

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[2022COA85M](#)

Court of Appeals No. [20CA1603](#)

Montrose County District Court No. 19CV30074

Honorable D. Cory Jackson, Judge

Nichele Giron, individually and as Personal Representative of the Estate of  
Walter Giron; Amanda Giron; and Thomas Short, as the Personal  
Representative of the Estate of Samuel Giron,

Plaintiffs-Appellants,

v.

Justin Hice and Town of Olathe,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

Opinion Modified  
on the Court's Own Motion

Announced July 28, 2022

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Court of Appeals No. 20CA1621  
Jefferson County District Court No. 19CR1828  
Honorable Robert C. Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cody Shaw,

Defendant-Appellant.

SENTENCES AFFIRMED

Division VII  
Opinion by JUDGE NAVARRO  
Kuhn and Rothenberg\*, JJ., concur

Opinion Modified  
On the Court's Own Motion

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**  
Announced August 25, 2022

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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. 2021.