

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 30, 2023*

“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

[2023COA28](#)

Court of Appeals No. [21CA0398](#)
El Paso County District Court No. 12CR2825
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emmett Andrew Larsen,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

[2023COA29](#)

Court of Appeals No. [21CA0983](#)
Mesa County District Court No. 17CV30391
Honorable Brian J. Flynn, Judge

Rudolph Fontanari, Jr., Trustee of the Rudolph and Ethel Carol Fontanari Revocable Living Trust; Ethel Carol Fontanari, Trustee of the Rudolph and Ethel Carol Fontanari Revocable Living Trust; and Fontanari Revocable Living Trust,

Plaintiffs-Appellants,

v.

Snowcap Coal Company Inc.,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE GROVE
Schutz and Graham*, JJ., concur

[2023COA30](#)

Court of Appeals No. [21CA1957](#)
Jefferson County District Court No. 19CV30107
Honorable Jeffrey R. Pilkington, Judge

Blakeland Drive Investors, LLP IV,

Plaintiff-Appellee,

v.

Rashid Taghavi and Taghavi, Inc., d/b/a Gas Express, a Colorado corporation,

Defendants-Appellants.

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

Division I
Opinion by JUDGE TAUBMAN*
Johnson and Richman*, JJ., concur

[2023COA31](#)

Court of Appeals No. [21CA2023](#)

City and County of Denver District Court No. 20CV32188

Honorable Marie Avery Moses, Judge

Marcus A. Fear,

Plaintiff-Appellee,

v.

GEICO Casualty Company,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE GROVE
Harris and Kuhn, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA0983
Douglas County District Court No. 17CR1018
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mihail Stefanov Petrov,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DUNN
Brown and Gomez, JJ., concur

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

Court of Appeals No. 19CA1309
City and County of Denver District Court No. 11CR1542
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Noel Alexander Bertrand,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

Court of Appeals No. 19CA2336
Arapahoe County District Court No. 18CR1601
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leonard Paul Brandin,

Defendant-Appellant.

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

Division III
Opinion by JUDGE J. JONES
Pawar and Yun, JJ., concur

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

Court of Appeals No. 20CA0354
El Paso County District Court No. 18CR7221
Honorable Marla R. Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jabari Maurice Wilson,

Defendant-Appellant.

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

Division III
Opinion by JUDGE PAWAR
Yun, J., concurs
J. Jones, J., specially concurs

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

Court of Appeals No. 20CA0502
Jefferson County District Court No. 14CR1381
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Codey Daniel Trahan,

Defendant-Appellant.

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

Division III
Opinion by JUDGE J. JONES
Pawar and Yun, JJ., concur

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

Court of Appeals No. 20CA0554
Weld County District Court No. 19CR1640
Honorable Marcelo A. Kopcow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Tanner Dutrow,

Defendant-Appellant.

JUDGMENT AFFRIMED

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ. Concur

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

Court of Appeals No. 20CA0920
Pueblo County District Court No. 18CR2108
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chad Ray Hovet,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE JOHNSON
Dailey and Lum, JJ., concur

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

Court of Appeals No. 20CA1083
El Paso County District Court No. 19CR4843
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Brandon Gray,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones, J., concurs
Pawar, J., specially concurs

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

Court of Appeals No. 20CA1921
City and County of Denver District Court No. 92CR997
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David L. Ward,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE J. JONES
Pawar and Yun, JJ., concur

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

Court of Appeals No. 21CA0715
Boulder County District Court No. 18CR608
Honorable Norma A. Sierra, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles M. Schmidt, Jr.,

Defendant-Appellant.

ORDERS AFFIRMED

Division IV
Opinion by JUDGE SCHOCK
Fox and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA0774
Conejos County District Court No. 15CR49
Honorable Michael A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Oliver Ray Carbutt,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE J. JONES
Pawar and Yun, JJ., concur

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

Court of Appeals No. 21CA1492
Arapahoe County District Court No. 14CV30600
Honorable John E. Scipione, Judge

Terrance M. Wyles,

Plaintiff-Appellant,

v.

Allen Sussman and Loeb & Loeb LLP

Defendants-Appellees.

APPEAL DISMISSED

Division I
Opinion by JUDGE JOHNSON
Lum and Richman*, JJ., concur

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

Court of Appeals No. 21CA1526
El Paso County District Court No. 20CV31699
Honorable David Prince, Judge

Douglas DePeppe and Elizabeth DePeppe,
Plaintiffs-Appellants,

v.

United Services Automobile Association,

Defendant-Appellee.

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

Division IV
Opinion by JUDGE LIPINSKY
Fox and Schock, JJ., concur

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

Court of Appeals No. 21CA1577
City and County of Denver District Court No. 20CV33607
Honorable Alex C. Myers, Judge

Ortho Agency LLC and Michael Shatzer,

Plaintiffs-Appellees,

v.

Exactech U.S., Inc., Giarratano Enterprise LLC, Chad Giarratano, and Flex
Ortho LLC,

Defendants-Appellants.

JUDGMENT AND ORDER AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE TOW
Navarro and Schutz, JJ., concur

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

Court of Appeals No. 21CA1596
City and County of Denver District Court No. 20CV32443
Honorable Michael J. Vallejos, Judge

Northwoods Operating LLC, a Delaware limited liability company, and
Northwoods Energy LLC, a Delaware limited liability company,

Plaintiffs-Appellees,

v.

Wrangler Well Service Inc., a Wyoming corporation,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE PAWAR
J. Jones and Yun, JJ., concur

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

Court of Appeals No. 21CA1922
El Paso County District Court No. 20CV31237
Honorable Michael P. McHenry, Judge

Excell Consulting International, Inc.,

Plaintiff-Appellee,

v.

DTH Corporation,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE LIPINSKY
Fox and Schock, JJ., concur

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

Court of Appeals No. 21CA2020
La Plata County District Court No. 19CR207
Honorable Suzanne F. Carlson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathaniel David Talache,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GOMEZ
Dunn and Brown, JJ., concur

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

Court of Appeals No. 21CA2083
El Paso County District Court No. 19CV30603
Honorable Laura N. Findorff, Judge

RTA Inc., a Colorado corporation,

Plaintiff-Appellant,

v.

AM King Construction Company LLC, a North Carolina limited liability company, d/b/a AM King Group; Focus on the Family, a California nonprofit religious corporation; and Highlands at Briargate I LLC, a North Carolina limited liability company,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GOMEZ
Dunn and Brown, JJ., concur

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

Court of Appeals No. 21CA2102
Arapahoe County District Court No. 19CV274
Honorable Elizabeth Beebe Volz, Judge

Toi Gillies,

Plaintiff-Appellant,

v.

Support Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE JOHNSON
Dailey and Lum, JJ., concur

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

Court of Appeals No. 22CA0031
Boulder County District Court No. 21CV30133
Honorable Bruce Langer, Judge

Shasta Ventures, LLC,

Plaintiff-Appellant,

v.

White Hawk Ranch Homeowners Association, Pamela M. Sousa, James C.
Beall, and Matthew McConnell

Defendants-Appellees.

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

Division IV
Opinion by JUDGE SCHOCK
Lipinsky and Taubman*, JJ., concur

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

Court of Appeals No. 22CA0211
Weld County District Court No. 20CV30419
Honorable Todd Taylor, Judge

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

Plaintiff-Appellee,

v.

D & C Farms, LLLP; John E. Howard; Diana G. Howard; Donald Gary Howard;
and Marla Sue Howard,

Defendants-Appellants.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0445
El Paso County District Court No. 16DR1487
Honorable Marla Prudek, Judge

In re the Marriage of

Ryan F. Van Ornum,

Petitioner,

and

Linsey K. Van Ornum, n/k/a Linsey Koochel,

Appellee,

and

Trudy House,

Attorney-Appellant,

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Johnson and Lum, JJ., concur

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

Court of Appeals No. 22CA0628
Weld County District Court No. 20CR2251
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Thomas J. Early,

Defendant-Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Grove and Kuhn, JJ., concur

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

Court of Appeals No. 22CA0711
Jefferson County District Court Nos. 21JA105 & 21JA106
Honorable Ann Gail Meinster, Judge

In re the Petition of S.I.R.C.,

Appellee,

for the Adoption of M.O. and A.V.O., Children,

and Concerning A.O.,

Appellant.

JUDGMENTS AFFIRMED

Division III
Opinion by JUDGE PAWAR
J. Jones and Yun, JJ., concur

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

Court of Appeals Nos. 22CA0771 & 22CA0772
Fremont County District Court Nos. 21DR30049 & 21DR30050
Honorable Lynette M. Wenner, Judge

In re the Parental Responsibilities Concerning R.B., a/k/a R.B-H., a/k/a R.H.,
a/k/a R.H.B., and N.G.G., Children,

and Concerning Gabriel Gardner,

Appellee,

and

Jessalyn Autumn Houck,

Appellant.

JUDGMENTS AFFIRMED AND
APPEAL DISMISSED IN PART

Division IV
Opinion by JUDGE SCHOCK
Fox and Lipinsky, JJ., concur

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

Court of Appeals No. 22CA0877
Jefferson County District Court No. 12DR1768
Honorable Robert C. Lochary, Judge

In re the Marriage of

Stephanie Lynn Anderson, n/k/a Stephanie Lynn Camins,

Appellee,

and

Eric Martin Anderson,

Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE JOHNSON
Dailey and Lum, JJ., concur

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

Court of Appeals No. 22CA1012
Adams County District Court No. 20JV264
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.D. and M.S.,

Appellants.

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

Division III
Opinion by JUDGE J. JONES
Pawar and Yun, JJ., concur

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

Court of Appeals No. 22CA1044
Crowley County District Court No. 21JV14
Honorable Mark A. Macdonnell, Judge

The People of the State of Colorado,

Appellee,

In the Interest of G.S., J.S. II, E.S., Je.S., Ji.S., and Ja.S., Children,

and Concerning J.S. and Ja.S.,

Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE PAWAR
J. Jones and Yun, JJ., concur

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

Court of Appeals No. 22CA1059
Mesa County District Court No. 15DR762
Honorable Matthew D. Barrett, Judge

In re the Parental Responsibilities Concerning L.A.N.S., a Child,

and Concerning Earl L. Rogers,

Appellant,

and

Torrie R. Salazar,

Appellee.

ORDER AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones and Pawar, JJ., concur

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

Court of Appeals No. 22CA1454
Arapahoe County District Court No. 19JV645
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.M.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE NAVARRO
Tow and Schutz, JJ., concur

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

Court of Appeals No. 22CA2049
Industrial Claim Appeals Office of the State of Colorado
DD No. 38061-2022

Christopher Starr,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ., concur

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

Court of Appeals No. 23CA0198
El Paso County District Court No. 22MH57
Honorable Andrea M. Paprzycki, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Melissa Miller,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE PAWAR
J. Jones and Yun, 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. 18CA1580

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Glen Law Galloway,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1503

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Daniel Silvanic,

Defendant-Appellant.

Petition for Rehearing DENIED

-23-
ANNOUNCEMENTS
Colorado Court of Appeals
March 30, 2023

[2023COA13M](#)

Court of Appeals No. [20CA1607](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Yusuf Mawiye Omar,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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