

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 20, 2021*

“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

[2021COA69](#)

Court of Appeals No. [17CA1745](#)
Douglas County District Court No. 16CR1131
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Henoke Alemayehu,

Defendant-Appellant.

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

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

UNPUBLISHED OPINIONS

Court of Appeals No. 16CA1699
Mesa County District Court No. 14CR1310
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Heather Diane Williams,

Defendant-Appellant.

JUDGMENT AND SENTENCE VACATED
AND CASE REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE TOW
Terry and Davidson*, JJ., concur

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

Court of Appeals No. 17CA1159
Jefferson County District Court No. 14CR1673
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Gonzalez-Sierra,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BROWN
Terry and Navarro, JJ., concur

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

Court of Appeals No. 17CA1268
Jefferson County District Court No. 15CR2795
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roman Paul Isaiah Morales,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE RICHMAN
Berger and Welling, JJ., concur

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

Court of Appeals No. 18CA0614
Jefferson County District Court No. 17CR1626
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Heather Ann Simpson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE ROTHENBERG*
Tow and Gomez, JJ., concur

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

Court of Appeals No. 18CA1215
Jefferson County District Court No. 17CR2855
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond R. Mason,

Defendant-Appellant.

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

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

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

Court of Appeals No. 18CA1301
Jefferson County District Court No. 16CR3044
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Lee Hill,

Defendant-Appellant.

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

Division III
Opinion by JUDGE TOW
Furman and Gomez, JJ., concur

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

Court of Appeals No. 18CA1953
Logan County District Court No. 14CR110
Honorable Carl S. McGuire, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gerald Ray Marquardt,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE WELLING
Román and Brown, JJ., concur

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

Court of Appeals No. 19CA0025
El Paso County District Court No. 16CR1934
Honorable Scott Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Teral Stafin Lee,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE FREYRE
Dailey and Yun, JJ., concur

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

Court of Appeals No. 19CA0337
Adams County District Court No. 06CR321
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randall Ruben Romero,

Defendant-Appellant.

SENTENCE AFFIRMED

Division I
Opinion by JUDGE FREYRE
Dailey and Yun, JJ., concur

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

Court of Appeals No. 19CA0378
Pueblo County District Court No. 05CR1125
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joe Anthony Martinez,

Defendant-Appellant.

SENTENCE AFFIRMED

Division I
Opinion by JUDGE DAILEY
Yun and Martinez*, JJ., concur

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

Court of Appeals No. 19CA0443
Larimer County District Court No. 17CR1980
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Thomas Fry,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE FREYRE
Dailey and Yun, JJ., concur

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

Court of Appeals No. 19CA1293
Arapahoe County District Court No. 94CR1914
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reginald A. Holloway,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE ROMÁN
Harris and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA1644
Board of Engineers and Land Surveyors Case No. 2019-1204

State Board of Licensure for Architects, Professional Engineers, and
Professional Land Surveyors,

Petitioner-Appellee,

v.

Sara E. Heinle,

Respondent-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE HARRIS
Furman and Yun, JJ., concur

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

Court of Appeals No. 19CA2090
Jefferson County District Court No. 08CR1681
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Amadeus Harlan,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE ROMÁN
Harris and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA2358
Park County District Court No. 19CV30028
Honorable Stephen A. Groome, Judge

Brian and Catherin Bertrand Living Trust,
Plaintiff-Appellant,

v.

Steven Cape, Barbara Seiberling, and Randall Whittaker,
Defendants-Appellants,

and

Saddle Mountain Property Owners Association, a Colorado non-profit
Corporation,

Intervenor-Appellee,

v.

Brian Bertrand and Catherin Bertrand,
Third-Party Defendants-Appellants.

ORDER AFFIRMED

Division II
Opinion by JUDGE LIPINSKY
Román and Harris, JJ., concur

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

Court of Appeals No. 19CA2389
El Paso County District Court No. 01CR1816
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Wayne Hicks,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE YUN
Dailey and Freyre, JJ., concur

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

Court of Appeals No. 20CA0100
City and County of Denver District Court No. 19CV32062
Honorable Brian R. Whitney, Judge

Action Appliance, Inc.,

Plaintiff-Appellant,

v.

Colorado Department of Labor and Employment, Division of Labor Standards
and Statistics; and Kevin Massaro,

Defendant-Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE TERRY
Navarro and Brown, JJ., concur

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

Court of Appeals No. 20CA0188
Weld County District Court No. 18CR1144
Honorable Marcelo A. Kopcow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Julia Elizabeth Lawhon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE HARRIS
Román and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA0440
City and County of Denver District Court No. 08DR2368
Honorable Robert L. McGahey, Jr., Judge

In re the Marriage of

Cindy M. DeVittorio, n/k/a Cindy M. Manchi,

Appellee,

and

Paul A. DeVittorio,

Appellant.

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

Division VII
Opinion by JUDGE DUNN
Pawar and Rothenberg*, JJ., concur

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

Court of Appeals No. 20CA0494
Arapahoe County District Court No. 99CR1901
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clifford Johnson,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE LIPINSKY
Román and Harris, JJ., concur

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

Court of Appeals No. 20CA0540
Douglas County District Court No. 19DR30184
Honorable Andrew Baum, Judge

In re the Marriage of

Joan A. LaCroix,

Appellee,

and

Thomas Patrick Andrews,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE FOX
Dunn and Pawar, JJ., concur

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

Court of Appeals No. 20CA0664
City and County of Denver District Court Nos. 05CR400 & 05CR5751
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reynaldo Y. Villa,

Defendant-Appellant.

ORDERS AFFIRMED

Division I
Opinion by JUDGE YUN
Dailey and Freyre, JJ., concur

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

Court of Appeals Nos. 20CA0678 & 20CA1412
Arapahoe County District Court No. 15DR30900
Honorable Peter F. Michaelson, Judge

In re the Marriage of

Deborah Michas, f/k/a Deborah Warren,

Appellee,

and

Robert E. Warren III,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Tow and Casebolt*, JJ., concur

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

Court of Appeals No. 20CA0704
La Plata County District Court No. 19CV30039
Honorable Suzanne F. Carlson, Judge

Evan Parry,

Plaintiff-Appellee,

v.

AgriOzein International LLC, a Nebraska limited liability company; and Ernie
Wilmink,

Defendants-Appellants.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART

Division A
Opinion by JUDGE FOX
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA1090
El Paso County District Court No. 18DR31335
Honorable William B. Bain, Judge

In re the Marriage of

Steven Fred Kuchta, Jr.,

Appellee,

and

Danielle Kuchta,

Appellant.

ORDER VACATED

Division VI
Opinion by JUDGE BERGER
Richman and Welling, JJ., concur

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

Court of Appeals No. 20CA1325
Adams County District Court No. 18JV216
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of G.Z.J., A.R.M. and J.D., Children,

and Concerning A.D.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Freyre and Johnson, JJ., concur

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

Court of Appeals No. 20CA1435
Larimer County District Court No. 17JV532
Honorable Julie Kunce Field, Judge

In re the Parental Responsibilities Concerning H.F., a Child,

and Concerning S.F.,

Appellant,

and

B.F.,

Appellee.

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

Division II
Opinion by JUDGE ROMÁN
Welling and Brown, JJ., concur

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

Court of Appeals No. 20CA1724
El Paso County District Court No. 18JV1296
Honorable Robin Lynn Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning H.W. and R.W.,

Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE WELLING
Román and Brown, JJ., concur

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

Court of Appeals No. 20CA1740
Arapahoe County District Court No. 19JV663
Honorable Bonnie H. McClean, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.P. and C.A.P.,

Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE TERRY
Navarro and Brown, JJ., concur

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

Court of Appeals No. 20CA1741
City and County of Denver Juvenile Court No. 18JV804
Honorable Pax L. Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.M.G., n/k/a M.S. and J.A.S., Children,

and Concerning S.M.S. and C.R.G., Jr.,

Appellants.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DUNN
Fox and Pawar, JJ., concur

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

Court of Appeals No. 20CA1790
Logan County District Court No. 20JV4
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning L.L.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE TOW
Furman and Gomez, JJ., concur

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

Court of Appeals No. 20CA1810
Jefferson County District Court No. 18JV740
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning W.H., Jr.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE DUNN
Fox and Pawar, JJ., concur

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

Court of Appeals No. 20CA1875
City and County of Denver Juvenile Court No. 19JV254
Honorable Pax L. Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of N.E.G., a Child,

and Concerning J.G.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Dunn, J., concurs
Fox, J., dissents

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

Court of Appeals No. 20CA1952
City and County of Denver Juvenile Court No. 19JV829
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.N.M., a Child,

and Concerning M.M.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE WELLING
Richman and Berger, JJ., concur

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

Court of Appeals No. 21CA0292
Pueblo County District Court No. 20MH379
Honorable Allison P. Ernst, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.P.,

Respondent-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0341
Pueblo County District Court No. 20MH265
Honorable Allison P. Ernst, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Vincent Thomas Scafidi,

Respondent-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0342
Pueblo County District Court No. 21MH29
Honorable Allison P. Ernst, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Tammy Jean Corbett,

Respondent-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE WELLING
Richman and Berger, JJ., concur

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

Court of Appeals No. 21CA0421
Pueblo County District Court No. 21MH37
Honorable Allison P. Ernst, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Jessie Taylor Tunson-Harrington,

Respondent-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE GROVE
J. Jones and Johnson, 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. 19CA0227

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathan Beau Brown,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA0562

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Julie R. Ott,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1294

Vista Highlands LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Kevamra LLC, a Colorado limited liability company,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1555

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rudolph Marc Garcia,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0435

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Orlando Rollie,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1255

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kelly James Phillips, 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. 2020.