

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
October 13, 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

[2022COA118](#)

Court of Appeals No. [19CA0768](#)
Arapahoe County District Court No. 18CR1540
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raeaje Resshaud Johnson,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FREYRE
Lipinsky, JJ., concurs
Berger, J., concurs in part and dissents in part

[2022COA119](#)

Court of Appeals No. [20CA0143](#)
Weld County District Court No. 18CR881
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Phillip Romero,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2022COA120](#)

Court of Appeals No. [21CA1055](#)
Jefferson County District Court No. 20JV50
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

And Concerning Y.B. and R.B., Sr.,

Intervenors-Appellants.

APPEAL DISMISSED

Division III
Opinion by JUDGE LIPINSKY
J. Jones and Gomez, JJ., concur

[2022COA121](#)

Court of Appeals Nos. [22CA0740](#) & [22CA0815](#)

Larimer County District Court No. 21CV183

Honorable Gregory M. Lammons, Judge

Michele DiPietro,

Plaintiff-Appellee,

v.

Delynn Coldiron, in her official capacity; Moses Garcia, in his official capacity;
and the City of Loveland, Colorado,

Defendants-Appellants.

ORDERS REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE YUN
Navarro and Pawar, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 13CA1965
Weld County District Court No. 10CR619
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Rigg,

Defendant-Appellant.

ORDERS VACATED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE FOX
Tow and Yun, JJ., concur

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

Court of Appeals No. 18CA2292
El Paso County District Court No. 17CR4500
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Byron Jerome Robinson,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
Welling and Johnson, JJ., concur

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

Court of Appeals No. 20CA0797
City and County of Denver District Court No. 05CR674
Honorable John R. Lowenbach, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jonathan Nathaniel Estes,

Defendant-Appellant.

ORDER AFFIRMED

Division P
Opinion by JUDGE FOX
Bernard* and Hawthorne*, JJ., concur

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

Court of Appeals No. 20CA1281
Arapahoe County District Court No. 18CR1446
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Brown Zelaya,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Harris and Gomez, JJ., concur

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

Court of Appeals No. 20CA1283
Arapahoe County District Court No. 13CR2179
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Scott Holmes,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE YUN
Fox and Tow, JJ., concur

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

Court of Appeals No. 20CA1498
City and County of Denver District Court No. 18CR6708
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angelo Swimmer,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE BERGER
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA1516
Fremont County District Court No. 01CR425
Honorable Ramsey L. Lama, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Joseph Stout,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE NAVARRO
Welling and Johnson, JJ., concur

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

Court of Appeals No. 20CA1747
Weld County District Court No. 14CR413
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas William Asche,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 20CA1961
City and County of Denver District Court No. 19CR2191
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Karl Heinz Singleton,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE RICHMAN
Dailey and Furman, JJ., concur

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

Court of Appeals No. 21CA0112
Pueblo County District Court No. 05CR450
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tomas Sifuentes Rios,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE NAVARRO
Welling and Johnson, JJ., concur

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

Court of Appeals No. 21CA0190
Fremont County District Court No. 18CV43
Honorable Lynette M. Wenner, Judge

Zachariah Dobler,

Plaintiff-Appellant,

v.

Executive Director, Colorado Department of Corrections; and Warden, Buena Vista Correctional Facility

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE TOW
Fox and Yun, JJ., concur

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

Court of Appeals No. 21CA0648
Arapahoe County District Court No. 20CV31155
Honorable Peter F. Michaelson, Judge

Ardis Smith,

Plaintiff-Appellee,

v.

Maria B. Albuja Cruz, M.D., Sarah Mayson, M.D., Layla Abushamat, M.D., and
Anthony W. Bacon, M.D.,

Defendants-Appellants.

ORDER AFFIRMED

Division IV
Opinion by JUDGE SCHUTZ
Dunn and Grove, JJ., concur

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

Court of Appeals No. 21CA0665
Colorado Racing Commission Case No. 19-633

In the Matter of David Palafox-Meza, Licensee Type: Owner/Trainer, License
Number 201410030,

Petitioner-Appellant,

v.

Colorado Division of Racing Events and Colorado Racing Commission,

Respondents-Appellees.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0677
El Paso County District Court No. 19CV32570
Honorable Thomas K. Kane, Judge

Melanie Knapp,

Plaintiff-Appellee,

v.

Board of Education Academy District Twenty,

Defendant-Appellant.

JUDGMENT REVERSED, ORDER REVERSED,
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PAWAR
Harris and Gomez, JJ., concur

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

Court of Appeals No. 21CA1218
Jefferson County District Court No. 16CR535
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Craig Sebastian Robledo-Valdez,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE WELLING
Navarro and Johnson, JJ., concur

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

Court of Appeals No. 21CA1315
Board of Licensure for Architects, Professional Engineers, & Professional Land
Surveyors
Case No. 2016-4923

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

Petitioner-Appellee,

v.

Cecil Arthur Rickstrew, PE, License Number PE-0013067,

Respondent-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA1515
El Paso County District Court No. 21CV84
Honorable Gregory R. Werner, Judge

Robert Nelson,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections,

Defendant-Appellee.

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

Division C
Opinion by JUDGE KUHN
Richman and Dunn, JJ., concur

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

Court of Appeals No. 21CA1571
City and County of Denver Juvenile Court No. 19JV125
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.L.C. and B.S.C., Children,

and Concerning B.C. and C.C.,

Appellants.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE BERNARD*
Román, C.J., and Graham*, J., concur

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

Court of Appeals No. 21CA1612
Jefferson County District Court No. 20DR1579
Honorable Tamara S. Russell, Judge

In re the Marriage of

Devin S. Calhoun,

Appellant,

and

Heather A. Scott,

Appellee.

ORDER AFFIRMED

Division IV
Opinion by JUDGE DUNN
Grove and Schutz, JJ., concur

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

Court of Appeals No. 21CA1703
Larimer County District Court No. 20CV30537
Honorable Julie Kunce Field, Judge

Guns For Everyone LLC,
Plaintiff-Appellant,

v.

Larimer County Sheriff's Office; and Sheriff Justin Smith, in his official
capacity,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Furman and Richman, JJ., concur

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

Court of Appeals No. 21CA1756
City and County of Denver District Court No. 20CV33055
Honorable Michael A. Martinez, Judge

Indicate Capital Fund 1, LLC,
Plaintiff-Appellant,

v.

Metro Denver Title, LLC, d/b/a First Integrity Title Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA2082
Weld County District Court No. 18JV800
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.M.,

Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
FURMAN and RICHMAN, JJ., concur

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

Court of Appeals Nos. 22CA0249 & 22CA0250
Larimer County District Court No. 18DR30326
Honorable Susan Blanco, Judge

In re the Marriage of

Derek Skellchock,

Appellant,

and

Alora-Ann Paige Volz,

Appellee.

ORDERS AFFIRMED

Division IV
Opinion by JUDGE SCHUTZ
Dunn and Grove, JJ., concur

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

Court of Appeals No. 22CA0318
Larimer County District Court No. 21CV182
Honorable Joseph D. Findley, Judge

James B. Fightmaster,
Plaintiff-Appellant,

v.

Tiffany Thompson,
Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE RICHMAN
Dailey and Furman, JJ., concur

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

Court of Appeals No. 22CA0345
Adams County District Court No. 20JV363
Honorable Caryn A. Datz, Judge
Honorable Patrick H. Pugh, Judge

The People of the State of Colorado,
Appellee,

In the Interest of P.C., a Child,
and Concerning A.T.,

Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE RICHMAN
Dailey and Furman, 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. 19CA2198

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric O. Ukuni,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0162

Judith A. Zallaps, individually as the Insured under the Sun Life Assurance Company of Canada Futurity Accumulator Flexible Premium Variable Universal Life Insurance Policy No. 2220001483, and as a Trustee for and on behalf of the Ilgvars J. Zallaps Family Trust, a Colorado trust; and Ilgvars J. Zallaps Family Trust, a Colorado trust,

Plaintiffs-Appellants,

v.

Merrill Lynch, Pierce, Fenner & Smith, Inc., a Delaware corporation; Wells Fargo Advisors Financial Network, LLC, a Delaware limited liability company; Garner Allen Mabry IV; Todd Michael Schwartz; and Schwartz Mabry Private Wealth Advisory, LLC, a Colorado limited liability company,

Defendants-Appellees.

Petition for Rehearing DENIED

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

[2022COA109M](#)

Court of Appeals No. [21CA0601](#)

Joseph A. Salazar,

Plaintiff-Appellee,

v.

Public Trust Institute and Suzanne Staiert,

Defendants-Appellants.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 21CA0654

Michael Farrow,

Plaintiff-Appellant,

v.

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

Defendants-Appellees.

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.