

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 27, 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

[2021COA70](#)

Court of Appeals No. [17CA2058](#)
Arapahoe County District Court No. 11CR27
Honorable Carlos A. Samour, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Theodore Israel Madrid,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE BROWN
Román and Welling, JJ., concur

[2021COA71](#)

Court of Appeals No. [18CA0332](#)
Larimer County District Court No. 17CR1008
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Raheen Scott,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
J. Jones and Navarro, JJ., concur

[2021COA72](#)

Court of Appeals No. [19CA1712](#)
El Paso County District Court No. 18CV33150
Honorable Timothy Schutz, Judge

Rita M. Zook,

Plaintiff-Appellant,

v.

El Paso County, Colorado; and El Paso County Board of Commissioners,

Defendants-Appellees.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

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

[2021COA73](#)

Court of Appeals No. [19CA2016](#)
Montrose County District Court No. 18CV30063
Honorable Mary E. Deganhart, Judge

Amada Family Limited Partnership,
Plaintiff-Appellee and Cross-Appellant,

v.

Eugene K. Pomeroy and Michelle M. Pomeroy,
Defendants-Appellants and Cross-Appellees.

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

Division VI
Opinion by JUDGE RICHMAN
Lipinsky and Pawar, JJ., concur

[2021COA74](#)

Court of Appeals No. [20CA0021](#)
Weld County District Court No. 19CV30511
Honorable Todd Taylor, Judge

Cheryl Froid and Brian Froid,
Plaintiffs-Appellants,

v.

Kristin Zacheis and Houtchens Greenfield Sedlak & Zacheis, LLC
Defendants-Appellees.

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

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

[2021COA75](#)

Court of Appeals No. [20CA0038](#)
El Paso County District Court No. 19CV31274
Honorable Gregory R. Werner, Judge

Rozalyn Ragan, Personal Representative of the Estate of Charles Phillip Ragan,
Deceased,

Plaintiff-Appellant,

v.

Melissa Ragan, a/k/a Melissa Hudson,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
J. Jones and Navarro, JJ., concur

[2021COA76](#)

Court of Appeals No. [20CA0081](#)
Washington County District Court No. 18CR16
Honorable Charles M. Hobbs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Luis Dominguez,

Defendant-Appellant.

SENTENCE AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey, J., concurs
Berger, J., dissents

UNPUBLISHED OPINIONS

Court of Appeals No. 16CA1828
City and County of Denver District Court No. 15CR2574
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kajuan A. Mitchum,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division IV
Opinion by JUDGE WELLING
Furman and Pawar, JJ., concur

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

Court of Appeals No. 17CA1929
Jefferson County District Court No. 16CR3088
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nahid Kadir Moshrefi,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA1031
City and County of Denver District Court No. 06CR10408
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Martin Villanueva,

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. 18CA1199
Larimer County District Court No. 11CR1575
Honorable Devin R. Odell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin David Gilmore,

Defendant-Appellant.

ORDER 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. 18CA1950
Mesa County District Court No. 17CR1433
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Wayne Gearhart,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA0195
Weld County District Court No. 08CR937
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory R. Rivas,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Fox and Dunn, JJ., concur

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

Court of Appeals No. 19CA0893
Adams County District Court No. 13CR1279
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Patrick Salas,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 19CA0898
Adams County District Court No. 18CR960
Honorable Sharon D. Holbrook, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Michael Bollinger,

Defendant-Appellant.

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

Division III
Opinion by JUDGE JOHNSON
Furman and Freyre, JJ., concur

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

Court of Appeals No. 19CA0960
Arapahoe County District Court No. 16CR987
Honorable John E. Scipione, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Joseph McLaughlin,

Defendant-Appellant.

JUDGMENT REVERSED 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. 19CA1889
City and County of Denver District Court No. 10CR4648
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Timothy Romero,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE NAVARRO
Terry and Hawthorne*, JJ., concur

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

Court of Appeals No. 19CA2240
Weld County District Court No. 18CR2668
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jon Berckmann,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE J. JONES
Grove and Johnson, JJ., concur

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

Court of Appeals No. 19CA2281
El Paso County District Court No. 04CR6236
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Nicholas Mountz,

Defendant-Appellant.

ORDER AFFIRMED

Division B
J. Jones, Grove, and Johnson, JJ.
PER CURIAM

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

Court of Appeals No. 19CA2282
El Paso County District Court No. 04CR5739
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Nicholas Mountz,

Defendant-Appellant.

ORDER AFFRIMED

Division B
J. Jones, Grove, and Johnson, JJ.
PER CURIAM

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

Court of Appeals No. 20CA0050
City and County of Denver District Court No. 08CR10278
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jonathan Anthony Nelson,

Defendant-Appellant.

ORDER 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. 20CA0053
City and County of Denver District Court No. 18CV30773
Honorable Michael A. Martinez, Judge

Denver Classroom Teachers Association,

Plaintiff-Appellant,

v.

School District No. 1, City and County of Denver, Colorado; and Board of
Education of School District No. 1, City and County of Denver, Colorado,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0260
Board of Assessment Appeals Case No. 75679

Alan Simon,

Petitioner-Appellant,

v.

Larimer County Board of Equalization,

Respondent-Appellee,

and

Board of Assessment Appeals, State of Colorado,

Appellee.

ORDER 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. 20CA0581
City and County of Denver District Court No. 15CV33966
Honorable Brian R. Whitney, Judge

Ryley Leech,

Plaintiff-Appellant,

v.

Brad Larson, Dustin Mahon, and EC Labs LLC,

Defendants-Appellees.

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

Division III
Opinion by JUDGE GOMEZ
Furman and Tow, JJ., concur

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

Court of Appeals No. 20CA0757
El Paso County District Court No. 19CV22
Honorable David S. Prince, Judge

Michael Smith,

Plaintiff-Appellant,

v.

Set Group, LLC,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA1432
Chaffee County District Court No. 20CV6
Honorable Patrick W. Murphy, Judge

Craig Robledo-Valdez,

Plaintiff-Appellant,

v.

Executive Director of Colorado Department of Corrections and Warden of
Buena Vista Prison,

Defendants-Appellees.

JUDGMENT REVERSED 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. 20CA1522
City and County of Denver Juvenile Court No. 18JV1420
Honorable Pax L. Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.J.O., K.S.O. and J.D.O., Children,

and Concerning K.S.S. and J.O.,

Appellants.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE CASEBOLT*
Bernard, C.J., and Hawthorne*, J., concur

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

Court of Appeals No. 20CA1816
Adams County District Court No. 20JV27
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.Y., and C.Y., Children,

and Concerning B.S.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE BROWN
Román and Welling, JJ., concur

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

Court of Appeals No. 20CA1934
Arapahoe County District Court No. 20JV231
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

In the Interest of G.A.M. and G.W., Children,

and Concerning B.W.D.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PAWAR
Fox and Dunn, JJ., concur

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

Court of Appeals No. 21CA0420
Pueblo County District Court No. 21MH87
Honorable Allison P. Ernst, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Preston D. Rubit,

Respondent-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0422
Pueblo County District Court No. 21MH39
Honorable Allison P. Ernst, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Nahum Smith,

Respondent-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE PAWAR
Fox and Dunn, 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. 17CA1596

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Darren McGuire,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA1848

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nora Hilda Rios-Vargas,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA1949

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcus A. Vigil,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA2331

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Earl Wayne McWilliams,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA2436

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tiffany Ann Miller,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA0459

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Douglas Dyson,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 20CA0156

Saad S. Hanna,

Plaintiff-Appellant,

v.

Littleton Public Schools,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0412

Anatolii Puhalskii,

Plaintiff-Appellant,

v.

Susan Rivera,

Defendant-Appellee.

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.