

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 11, 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

[2022COA92](#)

Court of Appeals No. [20CA1912](#)
Mesa County District Court No. 19CR2233
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Miranda Christine Moss,

Defendant-Appellant.

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

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

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ANNOUNCEMENTS
Colorado Court of Appeals
August 11, 2022

[2022COA93](#)

Court of Appeals No. [20CA2105](#)

Larimer County District Court No. 19CV30116

Honorable Daniel M. McDonald, Judge

Robert J. Herrera,

Plaintiff-Appellant,

v.

Santangelo Law Offices, P.C.,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE KUHN
Navarro and Lipinsky, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA2389
City and County of Denver District Court No. 17CR5271
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Castro,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE GROVE
Furman and Yun, JJ., concur

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

Court of Appeals No. 19CA0128
City and County of Denver District Court No. 17CR6172
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jaime Gene Williams,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE PAWAR
Brown and Bernard*, JJ., concur

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

Court of Appeals No. 19CA0919
Logan County District Court No. 18CR33
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tirso David Frescas,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA1316
City and County of Denver District Court No. 18CR1943
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Austin Lee,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BROWN
Pawar and Bernard*, JJ., concur

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

Court of Appeals No. 19CA1462
El Paso County District Court No. 02CR4844
Honorable Marla Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Josiah Seth Ivy,

Defendant-Appellant.

SENTENCE AFFIRMED

Division II
Opinion by JUDGE GROVE
Yun and Graham*, JJ., concur

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

Court of Appeals No. 19CA1538
Arapahoe County District Court No. 15CR3425
Honorable Elizabeth Beebe Volz, Judge
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jahmal Ali Price,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE HAWTHORNE*
Brown and Vogt*, JJ., concur

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

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ANNOUNCEMENTS
Colorado Court of Appeals
August 11, 2022

Court of Appeals No. 19CA1607
El Paso County District Court No. 18CR4601
Honorable Erin Sokol, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Lawrence Johnson, Jr.,

Defendant-Appellee.

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

Division P
Opinion by JUDGE DAILEY
Davidson* and Martinez*, JJ., concur

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

Court of Appeals No. 19CA2138
Arapahoe County District Court No. 18CR1821
Honorable Andrew C. Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Avery Forrest Perkins,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division P
Opinion by JUDGE DAILEY
Davidson* and Martinez*, JJ., concur

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

Court of Appeals No. 20CA0185
El Paso County District Court No. 18CR3559
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hanoi Eduardo Cano,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 20CA0406
City and County of Denver District Court No. 08CR10323
Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Dean,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA0709
El Paso County District Court No. 18CR1966
Honorable Lin Billings-Vela, Judge
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Ray Wade,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0973
Weld County District Court No. 19CR601
Honorable Vincente G. Vigil, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ismael Dominguez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Martinez* and Davidson*, JJ., concur

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

Court of Appeals No. 20CA1386
Jefferson County District Court No. 19CR1308
Honorable Laura A. Tighe Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathan David Black,

Defendant-Appellant.

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

Division VI
Opinion by JUDGE HARRIS
Dunn and Johnson, JJ., concur

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

Court of Appeals No. 20CA1622
Larimer County District Court No. 16CR534
Honorable C. Michelle Brinegar, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cheyne Michael Perez,

Defendant-Appellant.

ORDER AFFIRMED

Division P
Opinion by JUDGE DAILEY
Davidson* and Martinez*, JJ., concur

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

Court of Appeals No. 21CA0230
Adams County District Court No. 18CR2686
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Javier Enrique Exposito Rodriguez,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0435
City and County of Denver District Court No. 18CV30560
Honorable Robert L. McGahey, Jr., Judge

Georges Robert Saad and Forte Development Group, LLC, a Colorado limited liability company,

Plaintiffs-Appellants,

v.

J&C Concrete, LLC, a Colorado limited liability company,

Defendant and Cross-Appellant,

and

Preferred Contractors Insurance Company RRG,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE YUN
Grove and Graham*, JJ., concur

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

Court of Appeals No. 21CA0730
City and County of Denver District Court No. 19DR30967
Honorable Jennifer B. Torrington, Judge

In re the Marriage of

Dario Arael Elliott,

Appellant,

and

Joanne Wilkie-Elliott,

Appellee.

JUDGMENT AFFIRMED 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)

Court of Appeals No. 21CA0764
Adams County District Court No. 20JV106
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A-J.A.B. a Child,

and Concerning H.J.B.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Lipinsky and Brown, JJ., concur

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

Court of Appeals No. 21CA0913
Moffat County District Court No. 19CV30050
Honorable Michael A. O'Hara III, Judge

Franklin L. Counts and Rose Marie Counts,
Plaintiffs-Appellants,

v.

Wolverine Resources CO, LLC, a/k/a Wolverine Resources LLC,

and

Shane R. Reeves,

Defendants-Appellees.

ORDER REVERSED 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)

Court of Appeals No. 21CA0940
Pueblo County District Court No. 21CV57
Honorable Allison P. Ernst, Judge

Winnie Diggs,

Plaintiff-Appellant,

v.

Martin Schmidt and Karen Schmidt,

Defendants-Appellees.

APPEAL DISMISSED

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

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

Court of Appeals No. 21CA0960
Jefferson County District Court No. 21CV30410
Honorable Tamara S. Russell, Judge

James Young and Nanette Young,

Plaintiffs-Appellees,

v.

Green Mountain Water Sanitation District, a Colorado quasi-municipal and
political subdivision,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 21CA1014
Alamosa County District Court No. 19JV91
Honorable Amanda C. Hopkins, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.F., a Child,

and Concerning M.V.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE PAWAR
Brown and Bernard*, JJ., concur

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

Court of Appeals No. 21CA1163
Crowley County District Court No. 21CV12
Honorable Michael A. Schiferl, Judge

Craig S. Robledo,

Plaintiff-Appellant,

v.

Warden of the Arkansas Valley Correctional Facility,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division B
Tow, Grove, and Schutz, JJ.
PER CURIAM

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

Court of Appeals No. 21CA1164
Fremont County District Court No. 21CV28
Honorable Lynette M. Wenner, Judge

Craig S. Robledo,

Plaintiff-Appellant,

v.

Stephanie Sandoval,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division B
Tow, Grove, and Schutz, JJ.
PER CURIAM

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

Court of Appeals No. 21CA1565
Arapahoe County District Court No. 16DR603
Honorable Cynthia Mares, Judge

In re the Marriage of

Tugce Korkmaz f/k/a Tugce Yavuzer,

Appellant,

and

Suleyman Yavuzer,

Appellee,

and Concerning Arapahoe County Department of Human Services,

Intervenor-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA1662
Jefferson County District Court No. 20JV306
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.M. and Q.B.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1708
Adams County District Court No. 20DR344
Honorable Brett Martin, Judge

In re the Parental Responsibilities Concerning Z.S. and K.S., Children,

and Concerning Kelli Phillips,

Appellant,

and

Shane Songer,

Appellee.

ORDER AFFIRMED

Division V
Opinion by JUDGE FOX
Freyre and Gomez, JJ., concur

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

Court of Appeals No. 21CA1719
Jefferson County District Court No. 21JR2
Honorable Ann Gail Meinster, Judge

In re the Petition of D.C.B.,

Petitioner,

and

Adoption Options,

Appellee,

for the Adoption of D.M.B., a Child,

and Concerning A.B.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

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

Court of Appeals No. 21CA1894
Adams County District Court No. 20JV149
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.R. and J.G.,

Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE DUNN
Harris and Johnson, JJ., concur

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

Court of Appeals No. 21CA2006
Mesa County District Court No. 19JV286
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Appellee,

In the interest of N.T.T., a Child,

and Concerning R.T.T.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE GROVE
Furman and Yun, JJ., concur

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

Court of Appeals No. 21CA2018
El Paso County District Court No. 21JV212
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning K.A.B.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUSTICE MARTINEZ*
Román, C.J., and Davidson*, J., concur

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

Court of Appeals No. 21CA2026
City and County of Denver Juvenile Court No. 17JV1735
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning B.A.G. and A.W.D.,

Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE YUN
Furman and Grove, JJ., concur

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

Court of Appeals No. 21CA2086
Arapahoe County District Court No. 18JV486
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.W.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE LIPINSKY
Navarro and Kuhn, JJ., concur

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

Court of Appeals No. 21CA2087
City and County of Denver Juvenile Court No. 20JV702
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning E.R.N.Z. f/k/a E.R.S.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE DAVIDSON*
Román, C.J., and Martinez*, J., concur

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

Court of Appeals No. 22CA0006
City and County of Denver Juvenile Court No. 20JV341
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.L.B., a Child,

and Concerning F.R.S.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE JOHNSON
Dunn and Harris, 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. 21CA1190

Low e Enterprises, Inc., and Federal Insurance Company,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Jesus Tapia,

Respondents.

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.