

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 11, 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.

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA0491
Arapahoe County District Court No. 17CR2130
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tina Marie Black,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FURMAN
Freyre and Welling, JJ., concur

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

Court of Appeals No. 20CA0264
Mesa County District Court No. 18CR1682
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shane Michael Martin,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE WELLING
Furman and Freyre, JJ., concur

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

Court of Appeals No. 20CA1871
Morgan County District Court No. 19CR177
Honorable Charles M. Hobbs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Dewayne Grimes,

Defendant-Appellant.

JUDGMENT REVERSED
AND CASE REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE FOX
Welling and Kuhn, JJ., concur

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

Court of Appeals No. 20CA2038
City and County of Denver District Court No. 19CR6142
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roderick D. Myles,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0249
Arapahoe County District Court No. 07CR1653
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Elliot Wingfield,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Lipinsky and Schutz, JJ., concur

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

Court of Appeals No. 21CA0446
El Paso County District Court No. 16CR5831
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Consepcion Rascon,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE FURMAN
Tow and Johnson, JJ., concur

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

Court of Appeals No. 21CA0935
City and County of Denver District Court No. 11CR3606
Honorable Lisa Teesch-Maguire, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott L. Shorts,

Defendant-Appellant.

ORDERS 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. 21CA0999
Mesa County District Court No. 20CR751
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Lynn Edwards,

Defendant-Appellant.

ORDER AFFIRMED

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. 21CA1276
Douglas County District Court No. 12CR823
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Nael McCarthy-Dawson,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE NAVARRO
Brown and Yun, JJ., concur

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

Court of Appeals No. 21CA1301
El Paso County District Court No. 16CR1106
Honorable Marla Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eldon Lynn McFarlin,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE Brown
Navarro and Yun, JJ., concur

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

Court of Appeals No. 21CA1449
El Paso County District Court No. 18CR1659
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dorrecus Lamar Goodine,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GROVE
Dailey and Gomez, JJ., concur

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

Court of Appeals No. 21CA1460
El Paso County District Court No. 20CR2218
Honorable Erin Lynn Sokol, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samir Joshua Bhatt,

Defendant-Appellant.

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

Division III
Opinion by JUDGE J. JONES
Dunn and Lum, JJ., concur

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

Court of Appeals No. 21CA1470
Adams County District Court No. 17DR30025
Honorable Jeffrey Smith, Judge

In re the Marriage of

Duncan Newman,

Appellant,

and

Maria Alejandra Mendoza,

Appellee.

APPEAL DISMISSED IN PART AND 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. 21CA1564
Jefferson County District Court No. 20CV30879
Honorable Philip J. McNulty, Judge

Jeri Grillo,

Plaintiff-Appellee,

v.

K.O. Realty, Inc., a Colorado Corporation; and Karen O. Frisone,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0030
Arapahoe County District Court No. 19CR1443
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Demarea Deshawn Mitchell,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE DUNN
J. Jones and Lum, JJ., concur

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

Court of Appeals No. 22CA0053
City and County of Denver District Court No. 20CV33697
Honorable Christopher J. Baumann, Judge

Edward O Byrne 2005 Irrevocable Trust and Edward O Byrne Perpetual
Interest, LLC,

Plaintiffs-Appellants,

v.

DCP Midstream, LLC; DCP Midstream, LP; and DCP Operating Company, LP,

Defendants-Appellees.

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

Division II
Opinion by JUDGE WELLING
Furman and Martinez*, JJ., concur

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

Court of Appeals No. 22CA0090
Adams County District Court No. 20CV30055
Honorable Jeffrey Smith, Judge

Eric G. Olson,

Plaintiff-Appellant,

v.

Fritz Forage Harvesting,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division C
Opinion by JUDGE DUNN
J. Jones and Kuhn, JJ., concur

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

Court of Appeals No. 22CA0092
City and County of Denver District Court No. 21CV93
Honorable Darryl F. Shockley, Judge

Adams County Communities for Drilling Accountability Now,
Plaintiff-Appellant,

v.

Colorado Oil and Gas Conservation Commission and Great Western Operating
Company, LLC,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE KUHN
Fox and Welling, JJ., concur

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

Court of Appeals No. 22CA0152
Jefferson County District Court No. 21JV177
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of T.M. and A.C., Children,

and Concerning T.C.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0205
Weld County District Court No. 21PR219
Honorable James F. Hartmann, Jr., Judge

In re the Estate of James Raymond Garcia, deceased.

Brittany Thibedeau,

Appellant,

v.

Stephanie Garcia, Kaylee Garcia, and Saydee Garcia,

Appellees.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FURMAN
Freyre and Welling, JJ., concur

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

Court of Appeals No. 22CA0316
Weld County District Court No. 09CR959
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Trevor Brooks,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GOMEZ
Dailey and Grove, JJ., concur

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

Court of Appeals No. 22CA0535
City and County of Denver District Court No. 20CV34027
Honorable Shelley I. Gilman, Judge

FOCUS: Stateside LLC, a Minnesota limited liability company and Mark N. Ourada,

Plaintiffs-Appellants,

v.

National Coal Transportation Association, a Colorado nonprofit corporation,
Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE WELLING
Fox and Kuhn, JJ., concur

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

Court of Appeals No. 22CA0618
Weld County District Court No. 11DR1212
Honorable Meghan Saleebey, Judge

In re the Parental Responsibilities Concerning J.F. and K.D.F., Children,
and Concerning Lyssa Marie Gallo,

Appellant,

and

Jeremy Douglas Ferguson,

Appellee.

ORDER VACATED AND ORDER AFFIRMED

Division IV
Opinion by JUDGE WELLING
Fox and Kuhn, JJ., concur

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

Court of Appeals No. 22CA0638
Weld County District Court No. 21CV30781
Honorable Todd Taylor, Judge

Sauer West, LLC, a limited liability company; Sauer Phantom 5, LLC, a limited liability company; Sauer Whitehall, LLC, a limited liability company; Danielle Blessing, n/k/a Danielle Grauer; Jimmy L. Larkin; Annette L. Larkin; Calvin Lohnes; Donna Rae Lohnes; Frederick A. Weis; Diane Weis; Suzanne Tocchini-Fulkrod; Zimmerman Brothers, LP, a limited partnership; Amando Valdez; Anita Valdez; Harry Peterson; Delores M. Peterson; Brianna Nelson; Damien Nelson; Lyle Smith Heirs; Conner Vaughn; Kelly Bloom; and 7 Parcels LLC,

Plaintiffs-Appellants,

v.

Great Western Railway of Colorado, LLC,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0663
El Paso County District Court No. 19CV32522
Honorable David Prince, Judge

Aron Roudybush, by and through his conservators, Nora and Randall
Roudybush,

Plaintiff-Appellee,

v.

Catholic Health Initiatives Colorado d/b/a Centura Health Penrose St. Francis
Health Services; and Janny Van Dusseldorp, R.N.,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE WELLING
Fox and Kuhn, JJ., concur

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

Court of Appeals No. 22CA0750
Jefferson County District Court No. 21CV31272
Honorable Lily W. Oeffler, Judge

Stephen Sewalk and Yauheniya Sewalk,

Plaintiffs-Appellants,

v.

Patricia McCallum and Bryce McCallum,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division B
Opinion by JUDGE SCHUTZ
Tow and Grove, JJ., concur

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

Court of Appeals No. 22CA1054
Arapahoe County District Court No. 21CV31440
Honorable Elizabeth Beebe Volz, Judge

Connie Wilkerson,

Plaintiff-Appellee,

v.

American Properties Investment LLC, a Colorado limited liability company,

Defendant-Appellant.

ORDERS AFFIRMED

Division II
Opinion by JUDGE TOW
Furman and Johnson, JJ., concur

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

Court of Appeals No. 22CA1078
Larimer County District Court No. 11DR291
Honorable Susan Blanco, Judge

In re the Marriage of

Ryan C. Hoffner,

Appellant,

and

Heather N. Hoffner, n/k/a Heather N. Kholif,

Appellee.

ORDER AFFIRMED

Division IV
Opinion by JUDGE KUHN
Fox and Welling, JJ., concur

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

Court of Appeals No. 22CA1411
Arapahoe County District Court No. 22JV58
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.C., L.G., and D.G., Children,

and Concerning M.P., a/k/a M.C.,

Appellant.

JUDGEMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE TAUBMAN*
Román, C.J. and Richman*, J., concur

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

Court of Appeals No. 22CA1541
Industrial Claim Appeals Office of the State of Colorado
DD No. 27576-2022

Priscilla Wallace,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance Customer Service Center,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA1576
City and County of Denver Juvenile Court No. 20JV529
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.A.H. and E.R.F., Children,

and Concerning C.B.H.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE SCHOCK
Pawar and Berger*, JJ., concur

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

Court of Appeals No. 22CA1729
El Paso County District Court No. 20JV861
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.F.,

Appellant.

JUDGEMENT AFFIRMED

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

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

Court of Appeals No. 22CA1760
City and County of Denver District Court No. 17CV32645
Honorable A. Bruce Jones, Judge

Jina Garcia,

Plaintiff-Appellee,

v.

Centura Health Corporation,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE FOX
Welling and Kuhn, JJ., concur

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

Court of Appeals No. 22CA1883
Industrial Claim Appeals Office of the State of Colorado
DD No. 36891-2022

Tristan Ashmore,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Agilent
Technologies, Inc.,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Grove and Gomez, JJ., concur

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

Court of Appeals No. 22CA1931
Adams County District Court No. 20JV352
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.V. Jr., S.V., and J.V., Children,

and Concerning C.V.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA2001
City and County of Denver Juvenile Court No. 21JV643
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of D.J-A.R. a Child,

and Concerning J.M.R.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE RICHMAN*
Román, C.J., and Davidson*, J., concur

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

Court of Appeals No. 22CA2197
Industrial Claim Appeals Office of the State of Colorado
DD No. 33403-2022

Shelly Wright,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Denver Public
Schools,

Respondents.

ORDER AFFIRMED

Division IV
Opinion by JUDGE FOX
Welling and Kuhn, JJ., concur

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

Court of Appeals No. 23CA0371
Pueblo County District Court No. 23MH69
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.V.P.,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones and Pawar, 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. 19CA1821

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dayna Michele Jennings,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0354

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jabari Maurice Wilson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1001

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adolph Quinten Sherrod,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0887

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick L. Brenner,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA2001

Deborah Shahbazian,

Plaintiff-Appellant,

v.

Villa West, LLC, and Newbury Management Company,

Defendants-Appellees.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 21CA2102

Toi Gillies,

Plaintiff-Appellant,

v.

Support Inc.,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0012

Judge + Associates, Inc., a Colorado corporation,

Plaintiff-Appellee,

v.

Sierra Trail Investments, LLC, a Colorado limited liability company; Keith A. Novick, an individual; and Edwards Eagle River Devco, LLC, a Colorado limited liability company,

Defendants-Appellants.

Petition for Rehearing DENIED

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

Court of Appeals Nos. 22CA0394 & 22CA1669

In re the Marriage of

Dianna Christine Schaible,

Appellee,

and

Michael Joseph Schaible,

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. 2022.