

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
April 13, 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UNPUBLISHED OPINIONS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. 19CA1821
Adams County District Court No. 18CR184
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dayna Michele Jennings,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE LIPINSKY
Fox and Schock, JJ., concur

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

Court of Appeals No. 20CA0290
El Paso County District Court No. 08CR4450
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Antonio Jose Vargas, Jr.

Defendant-Appellant.

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

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

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

Court of Appeals No. 20CA0481
Jefferson County District Court No. 18CR4448
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rene Francisco Rosales,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE NAVARRO
Tow and Schutz, JJ., concur

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

Court of Appeals No. 20CA0977
City and County of Denver District Court No. 19CR5902
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael W. East,

Defendant-Appellant.

APPEAL DISMISSED

Division A
Opinion by CHIEF JUDGE ROMÁN
Bernard* and Graham*, JJ., concur

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

Court of Appeals No. 20CA1201
El Paso County District Court No. 19CR3758
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon James Baty,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FREYRE
Furman and Welling, JJ., concur

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

Court of Appeals No. 20CA1500
Douglas County District Court No. 18CR630
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Skylar Anthony Pagano,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE LUM
Dailey and Johnson, JJ., concur

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

Court of Appeals Nos. 20CA1752, 20CA1753 & 20CA1754
La Plata County District Court Nos. 18CR636, 19CR476 & 19CR479
Honorable Suzanne F. Carlson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Eric Johnson,

Defendant-Appellant.

SENTENCE AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals Nos. 20CA1752, 20CA1753 & 20CA1754
La Plata County District Court Nos. 18CR636, 19CR476 & 19CR479
Honorable Suzanne F. Carlson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Eric Johnson,

Defendant-Appellant.

SENTENCE AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals Nos. 20CA1752, 20CA1753 & 20CA1754
La Plata County District Court Nos. 18CR636, 19CR476 & 19CR479
Honorable Suzanne F. Carlson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Eric Johnson,

Defendant-Appellant.

SENTENCE AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA1847
Arapahoe County District Court No. 09CR1271
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cleus Cletus Williams,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE FREYRE
Furman and Welling, JJ., concur

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

Court of Appeals No. 20CA2119
Weld County District Court Nos. 16CR1447, 16CR2372, 17CR1777,
17CR1834, 17CR2627
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jamie Edward Bock,

Defendant-Appellant.

ORDER VACATED

Division V
Opinion by JUDGE BROWN
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 21CA0091
Weld County District Court No. 18CR1155
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Raymond Galusha,

Defendant-Appellant.

SENTENCE AFFIRMED

Division I
Opinion by JUDGE JOHNSON
Dailey and Lum, JJ., concur

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

Court of Appeals No. 21CA1102
City and County of Denver District Court No. 20CR3813
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charlie Sneed,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE FOX
Lipinsky and Schock, JJ., concur

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

Court of Appeals No. 21CA1195
City and County of Denver District Court No. 97CR117
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Pete Calderone,

Defendant-Appellant.

ORDER 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. 21CA1199
Jefferson County District Court No. 09CR1637
Honorable Russell Klein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dominic S. Pearson,

Defendant-Appellant.

ORDER 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. 21CA1292
Mineral County District Court No. 20CR2
Honorable Amanda C. Hopkins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Love,

Defendant-Appellant.

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

Division I
Opinion by JUDGE DAILEY
Lum and Taubman*, JJ., concur

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

Court of Appeals No. 21CA1545
City and County of Denver District Court No. 14CR3831
Honorable Ericka F. Houck Englert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eddie T. Jaramillo,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE LUM
Dailey and Taubman*, JJ., concur

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

Court of Appeals No. 21CA1595
Douglas County District Court No. 20CV30569
Honorable Jeffrey K. Holmes, Judge

Deerfield Homeowners and Property Owners, Inc.,

Plaintiffs-Appellees,

v.

Thomas Patterson and Katharine Patterson,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAVIDSON*
Furman and Welling, JJ., concur

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

Court of Appeals Nos. 21CA1855 & 21CA1896
Arapahoe County District Court No. 19CV31980
Honorable Peter F. Michaelson, Judge

Barbara Morris, M.D.,

Plaintiff-Appellant,

v.

Centura Health Corporation, a Colorado non-profit corporation; and Catholic Health Initiatives Colorado, d/b/a Centura Health – St. Anthony Hospital, a Colorado non-profit corporation,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE KUHN
Grove and Vogt*, JJ., concur

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

Court of Appeals No. 21CA2029
Weld County District Court No. 19CV30626
Honorable Todd Taylor, Judge

Babcock Land Corporation, a Colorado corporation,
Plaintiff-Appellant,

v.

Carriage Hills Development, Inc., a Colorado corporation; Carriage Hills
Metropolitan District, a quasi-municipal corporation and political subdivision;
Aaron Grant; Douglas Grant; Anna Grant; Joanna Grant; and Andrew Grant,

Defendants-Appellees.

JUDGMENT 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. 21CA2091
Mesa County District Court No. 13CR1336
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Allen Jompp,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE LIPINSKY
Fox and Schock, JJ., concur

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

Court of Appeals No. 22CA12
Eagle County District Court No. 19CV30083
Honorable Russell H. Granger, Judge

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.

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

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

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

Court of Appeals No. 22CA0333
Jefferson County District Court No. 21CV182
Honorable Philip J. McNulty, Judge

Reed McDonald,

Plaintiff-Appellant,

v.

Jefferson County, Colorado; Amy Reistroffer; and Madison Pitts,

Defendants-Appellees.

JUDGMENT 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. 22CA0354
Weld County District Court No. 21CV30135
Honorable Todd Taylor, Judge

Bank of Colorado,

Plaintiff-Appellee,

v.

Robert McAllister,

Defendant-Appellant.

JUDGMENT AND ORDER 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. 22CA0409
Arapahoe County District Court No. 21CV79
Honorable John E. Scipione, Judge

Lance Reberger,

Plaintiff-Appellant,

v.

Marco Chayet, individually and in his official capacity as Personal Representative of the Estate of Stanley Glenn Reberger; Jennifer R. Oviatt, individually and in her official capacity as Personal Representative of the Estate of Stanley Glenn Reberger; and Ernest E. Staggs,

Defendants-Appellees.

JUDGMENT AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

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. 22CA0430
City and County of Denver District Court No. 16CR3009
Honorable Jennifer B. Torrington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcus R. Reid,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE SCHOCK
Fox and Lipinsky, JJ., concur

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

Court of Appeals No. 22CA0442
Jefferson County District Court No. 21CV30571
Honorable Philip J. McNulty, Judge

Eve Gatewood,

Plaintiff-Appellant,

v.

USAT, Montserrat, LLC, a Colorado limited liability company; Orien Tulp, M.D.;
and Carla Konyk,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ., concur

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

Court of Appeals No. 22CA0454
Boulder County District Court No. 21CV30509
Honorable Andrew Hartman, Judge

Patrick Myers,

Plaintiff-Appellant,

v.

Boulder Valley School District No. RE-2J,

Defendant-Appellee.

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

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ., concur

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

Court of Appeals No. 22CA0468
City and County of Denver District Court No. 13CR6184
Honorable Ericka F. H. Englert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

German Salas,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0520
El Paso County District Court No. 19JA384
Honorable Jami L. Vigil, Magistrate

In re the Petition of M.H.,

Appellee,

for the Adoption of M.H.S.-P., a Child,

and Concerning E.J.P.,

Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE KUHN
Harris and Grove, JJ., concur

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

Court of Appeals No. 22CA0545
Arapahoe County District Court No. 20CV31146
Honorable Frederick T. Martinez, Judge

Bobby Kim,

Plaintiff-Appellee,

v.

Dong Sik Kim and Chong Ho Kim,

Defendants-Appellants.

JUDGMENT AND ORDER AFFIRMED

Division III
Opinion by JUDGE PAWAR
J. Jones and Yun, JJ., concur

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

Court of Appeals No. 22CA0681
Gunnison County District Court No. 21CV30017
Honorable J. Steven Patrick, Judge

Andrew Tyzzer and Susan Tyzzer,

Plaintiffs-Appellees,

v.

Gunnison County, Colorado; and Board of County Commissioners of the
County of Gunnison, Colorado,

Defendants-Appellants.

JUDGMENT AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Lum and Taubman*, JJ., concur

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

Court of Appeals No. 22CA0778
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-962-740

Susan Burren,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Destination Maternity,
and Liberty Mutual Insurance,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE DUNN
Brown and Gomez, JJ., concur

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

Court of Appeals No. 22CA0927
Logan County District Court No. 20JV10
Honorable Stephanie M.G. Gagliano, Judge

The People of the State of Colorado,

Appellee,

In the Interest of P.S-W., a Child,

and Concerning B.S-W. and C.A.,

Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE NAVARRO
Tow and Schutz, JJ., concur

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

Court of Appeals No. 22CA1216
Delta County District Court No. 21JV3
Honorable Steven L. Schultz, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.A.C-B., D.X.C-B., G.J.C-B., E.J.H., A.L.S., Children,

and Concerning T.M.C. and A.M.S.,

Appellants.

APPEAL DISMISSED IN PART
AND JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE TOW
Navarro and Schutz, JJ., concur

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

Court of Appeals No. 22CA1248
Arapahoe County District Court No. 18JV984
Honorable Judith L. Labuda, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.H.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FREYRE
Furman and Welling, JJ., concur

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

Court of Appeals No. 22CA1398
Adams County District Court No. 21JV188
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.F., Jr., a Child,

and Concerning A.S.,

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. 22CA1549
City and County of Denver Juvenile Court No. 22JV229
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Z.L.W.G-J., a Child,

and Concerning H.M.V.,

Appellant.

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

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ., concur

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

Court of Appeals No. 22CA1569
City and County of Denver Juvenile Court No. 21JV976
Honorable Pax Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.A.L., a Child,

and Concerning R.H.K.,

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. 23CA0177
Pueblo County District Court No. 22MH405
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Anthony Gatlin,

Respondent-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE GOMEZ
Dunn and Brown, 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. 20CA1375

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua James Cuellar,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 21CA0235

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Constance M. Volz,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1341

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adrian A. Rodarte,

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. 2022.