

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
October 27, 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

[2022COA127](#)

Court of Appeals No. [19CA0395](#)
Arapahoe County District Court No. 17CR2206
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terance Jamal Black,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

[2022COA128](#)

Court of Appeals No. [21CA0708](#)

El Paso County District Court No. 20CV31562

Honorable Laura N. Findorff, Judge

Education ReEnvisioned BOCES,

Plaintiff-Appellee,

v.

Colorado Literacy and Learning Center,

Third-Party Defendant-Appellee,

and

Colorado Springs School District 11,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

-3-
ANNOUNCEMENTS
Colorado Court of Appeals
November 3, 2022

[2022COA130](#)

Court of Appeals No. [21CA1241](#)

Adams County District Court No. 19CV31524

Honorable Kyle Seedorf, Judge

Home Improvement, Inc. and Pauline W. O'Neil Intervivos Trust, dated 5-24-1967 and amended 7-3-2002, a Colorado trust, owner,

Plaintiffs-Appellees,

v.

Jose Villar,

Defendant-Appellant.

ORDERS REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2022COA131](#)

Court of Appeals No. [21CA2032](#)

City and County of Denver District Court No. 20CV32320

Honorable Christopher J. Baumann, Judge

Environmental Defense Fund and WildEarth Guardians,

Plaintiffs-Appellants,

v.

Colorado Department of Public Health and Environment, Colorado Air Quality
Control Commission, and Colorado Air Pollution Control Division,

Defendants-Appellees,

and

Public Service Company of Colorado,

Intervenor-Defendant and Appellee.

JUDGMENT AFFIRMED

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

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA1311
Arapahoe County District Court Nos. 16CR2067 & 16CR2415
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daryon Jovan Palmer,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA0322
Weld County District Court No. 16CR1610
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcello Jose Rodriquez, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA0480
Mesa County District Court No. 16CR5967
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathaniel Gage Pierson,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE GOMEZ
Harris and Pawar, JJ., concur

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

Court of Appeals No. 19CA1247
Arapahoe County District Court No. 17CR998
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Edwin Hoganson,

Defendant-Appellant.

JUDGMENT AND SENTENCES AFFIRMED, ORDER VACATED,
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. 19CA1251
Jefferson County District Court No. 18CR1372
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Devon Drizzt Howard,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA1483
Baca County District Court No. 16CR29
Honorable Stanley A. Brinkley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eddie Dale Hoover,

Defendant-Appellant.

JUDGMENT AND SENTENCE 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. 19CA1520
Larimer County District Court No. 17CR1011
Honorable Thomas R. French, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scot Lee Stockwell,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA0319
Jefferson County District Court No. 19CR9
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ruben Alexander Hernandez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0706
El Paso County District Court No. 19CR3352
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Franklin Swatsenborg,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0958
Jefferson County District Court No. 06CR1642
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marshall Adam Walker,

Defendant-Appellant.

ORDER 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. 20CA0974
El Paso County District Court No. 19CR404
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emilio Esteban Espinoza,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA1114
City and County of Denver District Court No. 16CR392
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rickford Reginald Foo,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA1533
Weld County District Court No. 19CR142
Honorable Marcelo A. Kopcow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Young-Hicks,

Defendant-Appellant.

JUDGMENT 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. 20CA1827
Jefferson County District Court No. 20CR81
Honorable Robert Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Raymond Saiz,

Defendant-Appellant.

SENTENCE REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 21CA0253
City and County of Denver District Court No. 06CR6258
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terry Eugene Owen,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0394
Garfield County District Court No. 16CR281
Honorable John F. Neiley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathaniel Raymond Trujillo,

Defendant-Appellant.

ORDER 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. 21CA0808
Eagle County District Court No. 18DR30009
Honorable Reed W. Owens, Judge

In re the Parental Responsibilities Concerning F.G.B. and W.M.B., Children,
and Concerning Georgina Baker,

Appellant,

and

Bradley Ryan,

Appellee.

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. 21CA0823
Adams County District Court No. 19CV31676
Honorable Teri L. Vasquez, Judge

Heritage Todd Creek Master Association, Inc., a Colorado non-profit
corporation,

Plaintiff-Appellee,

v.

Michael L. Naeger,

Defendant-Appellant.

ORDER 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. 21CA0833
Larimer County District Court No. 20CV30580
Honorable Daniel M. McDonald, Judge

City of Fort Collins, Colorado, a municipal corporation,
Plaintiff-Appellant,

v.

Board of County Commissioners of Larimer County, Colorado, and
StreetMediaGroup, LLC,

Defendants-Appellees.

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. 21CA0843
Jackson County District Court No. 20CV30001
Honorable Stephen J. Jouard, Judge

Rex A. Shaw and Mary K. Shaw,

Plaintiffs-Appellees and Cross-Appellants,

v.

Colorado Department of Local Affairs, Division of Housing,

Defendant-Appellant and Cross-Appellee.

JUDGMENT REVERSED IN PART
AND VACATED IN PART

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

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

Court of Appeals No. 21CA0990
City and County of Denver District Court No. 19DR30926
Honorable Karen L. Brody, Judge

In re the Parental Responsibilities Concerning A.R.M-R, and T.A.M., Children,
and Concerning Jacob A. Ringstad,

Appellee,

and

Noah Linge,

Appellant.

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

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

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

Court of Appeals No. 21CA1048
Arapahoe County District Court No. 21PR30192
Honorable Michelle A. Amico, Judge

In re the Estate of Robert Dwayne Trujillo, deceased.

Claudia Rea Knox

Petitioner-Appellant,

and

Kenneth Lee Trujillo,

Appellant,

v.

Christina Main,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE GOMEZ
Harris and Pawar, JJ., concur

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

Court of Appeals No. 21CA1067
Boulder County District Court No. 20CV30801
Honorable Bruce Langer, Judge

Niall O'Toole; Mary Anne Carroll; Renala Condominium Association, Inc.;
Thomas J. McWilliams; and M3 Investments, LLC,

Plaintiffs-Appellants,

v.

City of Boulder, a home rule municipality of the state of Colorado; Aaron Brockett, in his official capacity as Mayor of the city of Boulder; Rachel Friend, in her official capacity as Mayor Pro Tem of the city of Boulder; Matt Benjamin, in his official capacity as councilperson for the city of Boulder; Lauren Folkerts, in her official capacity as councilperson for the city of Boulder; Junie Joseph, in her official capacity as councilperson for the city of Boulder; Nicole Speer, in her official capacity as councilperson for the city of Boulder; Mark Wallach, in his official capacity as councilperson for the city of Boulder; Tara Winer, in her official capacity as councilperson for the city of Boulder; Bob Yates, in his official capacity as councilperson for the city of Boulder; and 2150 Folsom, LLC,

Defendants-Appellees.

JUDGMENT REVERSED 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. 21CA1171
City and County of Denver District Court No. 92CR1583
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Patrick Fletcher,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA1183
Jefferson County District Court No. 18PR30992
Honorable Todd L. Vriesman, Judge

In re the Estate of Jason Christopher Yardley, deceased.

Julia Hulse,

Appellant,

v.

Jason Yardley,

Appellee.

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. 21CA1246
City and County of Denver District Court No. 09CR938
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ralph H. Jackson,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA1280
Adams County District Court No. 20CV30730
Honorable Jeffrey Smith, Judge

Fortress Property Group, LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Bank of New York Mellon, f/k/a Bank of New York, as Successor Trustee to
JPMorgan Chase Bank, N.A. as Trustee First Franklin Mortgage Loan
Trust2005-FF1-Mortgage-Backed Pass-ThroughCertificates, Series 2005-FF1

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1447
Jefferson County District Court No. 19CR3871
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zain Alexander Stokley,

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. 21CA1461
City and County of Denver District Court No. 20CV30043
Honorable Michael J. Vallejos, Judge

Karen L. Chapman,

Plaintiff-Appellant,

v.

Richard Ferretti,

Defendant-Appellee.

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

Division C
Opinion by JUDGE RICHMAN
Dunn and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1528
City and County of Denver District Court No. 18CV32511
Honorable J. Eric Elliff, Judge

Robert Vigil and Jamie Vigil,

Plaintiffs-Appellants,

v.

Virginia Williams,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division B
Opinion by JUDGE TOW
Grove and Schutz, JJ., concur

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

Court of Appeals No. 21CA1640
City and County of Denver District Court No. 19CV32644
Honorable Christopher J. Bauman, Judge

Phill Foster and Company,

Plaintiff-Appellant,

and

James Stern,

Attorney-Appellant,

v.

Robin Mann,

Plaintiff-Appellee,

and

Sharon P. Salazar,

Appellee.

ORDER VACATED

Division I
Opinion by JUDGE FURMAN
Dailey and Vogt*, JJ., concur

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

Court of Appeals No. 21CA1655
El Paso County District Court No. 20JV927
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.D., N.D., and A.D., Children,

and Concerning C.D.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1831
Jefferson County District Court No. 10PR611
Honorable Meegan A. Miloud, Magistrate

In the Matter of Jennifer Verzuh, protected person,

and

Peter Moyson,

Appellant,

v.

Colorado Fund for People with Disabilities, Inc.,

Appellee.

APPEAL DISMISSED IN PART AND ORDER VACATED

Division B
Opinion by JUDGE GROVE
Tow and Schutz, JJ., concur

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

Court of Appeals No. 22CA0002
Industrial Claim Appeals Office of the State of Colorado
WC No. 4-979-139

Malon Dean Tygrett,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Denver Water,
Travelers Indemity Company, and Hugh Macaulay, M.D.,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0063
Arapahoe County District Court No. 21CV101
Honorable Frederick T. Martinez, Judge

Renters Warehouse,

Plaintiff-Appellee,

v.

Rodney DeWalt,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0277
Arapahoe County District Court No. 17CV227
Honorable John E. Scipione, Judge

Michael Gibson,

Plaintiff-Appellant,

v.

John Callahan, Christie Clare, Michelle Clare, and Stephen Dawson,

Defendants-Appellees.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0290
Larimer County District Court No. 21JV70
Honorable Joseph D. Findley, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.T. and L.T., Children,

and Concerning R.V.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE CASEBOLT*
Román, C.J., and Taubman*, J., concur

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

Court of Appeals No. 22CA0323
City and County of Denver Juvenile Court No. 20JV799
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.D.S-P. a Child,

and Concerning D.M.S.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE BROWN
J. Jones and Kuhn, JJ., concur

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

Court of Appeals No. 22CA0404
City and County of Denver Juvenile Court No. 20JV23
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.J.G. a Child,

and Concerning A.G.G., Jr.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE TAUBMAN*
Román, C.J., and Casebolt*, J., 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. 18CA2436

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tiffany Ann Miller,

Defendant-Appellant.

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

Petition for Rehearing DENIED

Court of Appeals No. 19CA2189

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Constance M. Volz,

Defendant-Appellant.

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

Petition for Rehearing DENIED

Court of Appeals No. 21CA0343

James Woo,

Plaintiff-Appellant,

v.

Jose Angel Baez, Michelle Medina, and Richard Bednarski,

Defendants-Appellees.

Petition for Rehearing DENIED

Court of Appeals No. 21CA0553

Franklin E. Walter,

Plaintiff-Appellant,

v.

Centura Health Corporation, a Colorado non-profit corporation,

Defendant-Appellee.

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

Petition for Rehearing DENIED

Court of Appeals Nos. 21CA1410 & 21CA1417

In re the Marriage of

Christopher Hodyl,

Appellee,

and

Martine Bernard,

Appellant.

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

Petition for Rehearing DENIED

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2022.