

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
February 18, 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**

[2021COA18](#)

Court of Appeals No. [16CA2170](#)  
Mesa County District Court No. 15CR524  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cory Rex Collins,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE WELLING  
J. Jones and Gomez, JJ., concur

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[2021COA19](#)

Court of Appeals No. [18CA0598](#)

Adams County District Court No. 16CR1763

Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Taft Snider,

Defendant-Appellant.

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

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

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[2021COA20](#)

Court of Appeals No. [19CA1916](#)

City and County of Denver District Court No. 18CV242

Honorable Martin F. Egelhoff, Judge

Marshall Fogel,

Appellant,

and

Jennifer Lee Emmett,

Plaintiff-Appellee,

v.

Andrea Iris Rabin Bankoff, Anthony Molitor, and Northpoint Asset Management  
LLC,

Defendants-Appellees.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE LIPINSKY  
Richman, J., concurs  
Pawar, J., dissents

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**U N P U B L I S H E D O P I N I O N S**

Court of Appeals No. 17CA0041  
Pueblo County District Court No. 15CR2417  
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Dean Sena,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA1395  
Jefferson County District Court No. 16CR1662  
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos Raye Trusty,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE TOW  
Román and Pawar, JJ., concur

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

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Court of Appeals No. 17CA1398  
El Paso County District Court No. 16CR5857  
Honorable Deborah J. Groh, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sage L. Sadowski,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 17CA2274  
El Paso County District Court No. 16CR1943  
Honorable Lin Billings Vela, Judge  
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Albert Ricardo Loma, III,

Defendant-Appellant.

JUDGMENT AFFIRMED, ORDER REVERSED,  
AND CASE REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 18CA1682  
Arapahoe County District Court No. 17CR2664  
Honorable Andrew C. Baum, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Jeffery Lee Marshall,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE HARRIS  
Fox and Grove, JJ., concur

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

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Court of Appeals No. 18CA1747  
Arapahoe County District Court No. 16CR1743  
Honorable Phillip L. Douglass, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Scott Michael Bowers,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE RICHMAN  
Lipinsky and Vogt\*, JJ., concur

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

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Court of Appeals No. 18CA2194  
Mesa County District Court No. 16CR62  
Honorable Gretchen B. Larson, Judges

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony James Kelleher,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

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Court of Appeals No. 18CA2441  
Weld County District Court No. 18CR114  
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marco Antonio Delgado,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division IV  
Opinion by JUDGE GOMEZ  
Terry and Dunn, JJ., concur

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

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Court of Appeals No. 19CA0734  
Arapahoe County District Court No. 17CV31105  
Honorable John L. Wheeler, Judge

Plus One Enterprises Inc. and Trinity 38 Capital Enterprises Inc.,  
Plaintiffs-Appellants,

v.

DR78 LLC,

Defendant-Appellee.

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

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

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

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Court of Appeals No. 19CA0986  
El Paso County District Court No. 13CR4744  
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,  
Plaintiff-Appellee,

v.

Philip Christopher Butler,

Defendant-Appellant.

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

Division III  
Opinion by JUDGE YUN  
Furman and Harris, JJ., concur

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

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Court of Appeals No. 19CA1446  
Eagle County District Court No. 17CV30078  
Honorable Reed W. Owens, Judge

Dale Bugby; Vistar Real Estate, Inc., a Colorado corporation; and Vail Resort Rentals, Inc., a Colorado corporation,

Plaintiffs-Appellants,

v.

Barry D. Coleman, Janice H. Coleman, and Brian J. Wilson,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 19CA1500  
El Paso County District Court No. 18CR2399  
Honorable Marcus S. Henson, Judge  
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tavia Donnel Barklow,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, VACATED IN PART,  
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)**

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Court of Appeals No. 19CA1947  
City and County of Denver Probate Court No. 17PR31337  
Honorable Elizabeth D. Leith, Judge

In re the Estate of John Vincent Accashian, deceased.

Kristin Dohrn,

Appellant,

v.

John Accashian and Carmen Accashian,

Appellees.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUSTICE MARTINEZ\*  
Dailey and Tow, JJ., concur

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

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Court of Appeals No. 19CA2010  
El Paso County District Court No. 11CR3284  
Honorable Timothy J. Shutz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roy Saldivar,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 19CA2038  
Crowley County District Court No. 19CV11  
Honorable Sarah E. Zane, Magistrate

Simon Ewing Sue,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director, Colorado Department of Corrections,

Defendant-Appellee.

JUDGMENT REVERSED

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

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

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Court of Appeals No. 19CA2148  
City and County of Denver District Court No. 19CV31398  
Honorable Kandace C. Gerdes, Judge

Alice Pitre,

Plaintiff-Appellant,

v.

Calvin Nordell,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 19CA2162  
City and County of Denver District Court No. 18CV244  
Honorable Lisa Teesch-Maguire, Judge

Randall Thompson,

Plaintiff-Appellee,

v.

Denver Department of Public Health and Environment,

Defendant-Appellant.

ORDER REVERSED

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

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

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Court of Appeals No. 19CA2170  
Adams County District Court No. 10DR2782  
Honorable Caryn A. Datz, Judge

In re the Marriage of

Aaron Dallas Wink,

Appellant,

and

Rachel Valentina Wink, n/k/a Rachel Miera,

Appellee.

ORDER AFFIRMED

Division III  
Opinion by JUDGE FREYRE  
Furman and Johnson, JJ., concur

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

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Court of Appeals No. 19CA2271  
Arapahoe County District Court No. 05DR2290  
Honorable Peter F. Michaelson, Judge

In re the Marriage of

Jimmy D. Cleveland,

Appellee,

and

Lisa Puerner-Cleveland,

Appellant.

ORDER AFFIRMED IN PART  
AND REVERSED IN PART

Division VII  
Opinion by JUDGE HARRIS  
Fox and Grove, JJ., concur

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

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Court of Appeals No. 20CA0237  
Teller County District Court No. 19CR17  
Honorable Scott A. Sells, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Krystal Jean Kenney,  
  
Defendant-Appellant.

SENTENCE VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE PAWAR  
Richman and Lipinsky, JJ., concur

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

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Court of Appeals No. 20CA0241  
Douglas County District Court No. 18CV30639  
Honorable David J. Stevens, Judge

The Preserve at Deerfield Homeowners Association, Inc., a Colorado nonprofit  
corporation,

Plaintiff-Appellee,

v.

Nikita Utkin and Marianna Utkin,  
  
Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division A  
Opinion by JUDGE PAWAR  
Richman and Berger, JJ., concur

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

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Court of Appeals No. 20CA0739  
City and County of Denver Juvenile Court No. 14JV199  
Honorable Laurie A. Clark, Judge

In re the Parental Responsibilities Concerning J.R.S.V., a Child,  
and Concerning E.V-M.,

Appellant,

and

M.G., n/k/a M.S.,

Petitioner,

and Concerning D.S.,

Intervenor-Appellee,

and

B.S.,

Intervenor.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE ROTHENBERG\*  
Bernard, C.J., and Taubman\*, J., concur

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

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Court of Appeals No. 20CA0792  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 4-981-806

Johnson Controls, Inc. and Indemnity Insurance Company of North America,  
Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Timothy Conger,  
Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 20CA0857  
Arapahoe County District Court No. 19CV55  
Honorable Elizabeth A. Weishaupl, Judge

Kent Vu Phan,

Plaintiff-Appellant,

v.

Mark A. Sares,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE DAILEY  
Berger and Tow, JJ., concur

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

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Court of Appeals No. 20CA0883  
Fremont County District Court No. 19CV361  
Honorable Larry D. Allen, Magistrate

Philip E. Stetzel,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director of the Colorado Department of Corrections;  
and Christina Ortiz Marquez, Program Administrator for SOTMP,

Defendants-Appellees.

APPEAL DISMISSED

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

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

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Court of Appeals No. 20CA1134  
Arapahoe County District Court No. 18JV34  
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning E.D. and L.T.,

Appellants.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE TERRY  
Dunn and Gomez, JJ., concur

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

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Court of Appeals No. 20CA1136  
Arapahoe County District Court No. 19JV485  
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Ne.C. and Ni.C., Children,

and Concerning N.C. and J.C.,

Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 20CA1203  
Larimer County District Court No. 19JV97  
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.B.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 20CA1219  
Garfield County District Court No. 18JV31  
Honorable Anne K. Norrdin, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.G., Child,

And Concerning C.E.C.,

Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE LIPINSKY  
Richman and Pawar, JJ., concur

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

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Court of Appeals No. 20CA1237  
El Paso County District Court No. 18JV1279  
Honorable Tim J. Schutz, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.P. and L.P., Children,

and Concerning K.J.,

Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE PAWAR  
Richman and Lipinsky, JJ., concur

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

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Court of Appeals No. 20CA1483  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 19117-2020

Allan A. Stitt,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 20CA1486  
Jefferson County District Court No. 19JV268  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.V. and E.V., Children,

and Concerning A.T.,

Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE GOMEZ  
Terry and Dunn, JJ., concur

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

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Court of Appeals No. 20CA1515  
Arapahoe County District Court No. 19JV445  
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.K.F., a Child,

and Concerning A.S.,

Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE FREYRE  
Furman and Johnson, JJ., concur

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

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Court of Appeals No. 20CA1543  
City and County of Denver Juvenile Court No. 17JV1110  
Honorable Pax L. Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.A.J.L.A., O.L.P.A., and T-A.D.D.B., Children,

and Concerning O.P.L.C-J.,

Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE TAUBMAN\*  
Furman and Freyre, JJ., concur

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

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Court of Appeals No. 20CA1714  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 22498-2020

Mary-Ann M. Malone,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Cherry Creek  
School District No. 5,

Respondents.

ORDER AFFIRMED

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

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

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**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. 18CA0374

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gilbert Howard Barker,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA1293

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jay Harvey,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA1488

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carrie Barnett Giesler,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA1205

In re the Marriage of

Kathryn Thurman James,

Appellee,

and

Reed Brownlee James,

Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA1869

Ronald P. Lewis and Carol J. Lewis,

Plaintiffs-Appellants,

v.

Jefferson County Board of County Commissioners, Jefferson County Board of Adjustments, and Chris O'Keefe, Jefferson County Director of Planning and Zoning,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 20CA0033

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Lee Martinez,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2020.