

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
April 20, 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.

PUBLISHED OPINIONS

[2023COA34](#)

Court of Appeals No. [21CA0033](#)

City and County of Broomfield District Court No. 19CR30

Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas James Licata,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

-2-
ANNOUNCEMENTS
Colorado Court of Appeals
April 20, 2023

[2023COA35](#)

Court of Appeals No. [21CA1695](#)

City and County of Denver District Court No. 17DR30212

Honorable Christine C. Antoun, Judge

In re the Marriage of

Samuel Isaac O'Connor,

Appellee,

and

Aliza O'Connor,

Respondent,

and

William Greenbaum and Hadassa Gerber,

Intervenors-Appellants.

ORDER AFFIRMED

Division IV

Opinion by JUDGE LIPINSKY

Fox and Schock, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA1176
City and County of Denver Court No. 18CR320
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael A. Shoates,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA2193
Arapahoe County District Court No. 18CR2757
Honorable Paul A. King, Judge
Honorable Michael J. Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ramazani Kakozi,

Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA0141
Arapahoe County District Court No. 16CR3557
Honorable Andrew Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tristan Troy Vodus Griffin,

Defendant-Appellant.

JUDGMENT 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. 20CA0175
El Paso County District Court No. 18CR6617
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Onorio Virgen,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0468
Garfield County District Court No. 16CR455
Honorable John F. Neiley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tony Lee Bergman, Jr.,

Defendant-Appellant.

JUDGMENT REVERSED 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. 20CA0528
Jefferson County District Court No. 18CR4478
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Abel Candy Gallegos,

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. 20CA0828
El Paso County District Court No. 16CR3504
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin T. Maher,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND VACATED 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. 20CA1292
Boulder County District Court No. 18CR2283
Honorable Bruce Langer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fidel Jaramillo,

Defendant-Appellant.

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. 20CA1679
Pueblo County District Court Nos. 12CR1413 & 14CR1054
Honorable Deborah R. Eyster, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Frankie Anthony Perea,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Vogt* and Hawthorne*, JJ., concur

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

Court of Appeals No. 20CA1882
Jefferson County District Court No. 19CR3876
Honorable Robert C. Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Francisco Burgos-Salas,

Defendant-Appellant.

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. 21CA0496
Mesa County District Court No. 12CR294
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerod Lance Wade,

Defendant-Appellant.

SENTENCE REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE PAWAR
Yun, J. concurs
J. Jones, J. concurs in part and dissents in part

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

Court of Appeals No. 21CA0974
El Paso County District Court No. 19PR30301
Honorable Marla Prudek, Judge
Honorable Gregory R. Werner, Judge

In the Matter of Trust Created by International Typographical Union of North
America, Settlor.

Communications Workers of America, AFL-CIO,

Appellant,

v.

Union Printers Home Foundation,

Appellee.

JUDGMENT AND 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. 21CA1019
Weld County District Court No. 18CR837
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Charles Frazier,

Defendant-Appellant.

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

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

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

Court of Appeals No. 21CA1123
Jefferson County District Court No. 19CV30841
Honorable Christopher C. Zenisek, Judge

Breathe Dental, LLC,

Plaintiff-Appellee,

v.

Ralston Creek Village, LLC,

Defendant-Appellant.

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. 21CA1168
Arapahoe County District Court No. 17CR2296
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan William Tropper,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 21CA1211
City and County of Denver District Court No. 15CR6656
Honorable Lisa Teesch-Maguire, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James L. Nash,

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. 21CA1300
Fremont County District Court No. 07CR213
Honorable Ramsey L. Lama, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Isa Lynch,

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. 21CA1326
City and County of Denver District Court No. 08CR3707
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Fritz,

Defendant-Appellant.

ORDER 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. 21CA1399
Adams County District Court No. 97CR193
Honorable Rayna Gokli McIntyre, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Lee Shauley,

Defendant-Appellant.

ORDER 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. 21CA1585
Adams County District Court No. 19CR4091
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Oscar Daniel Tova,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1986
Arapahoe County District Court No. 20JD140
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

In the Interest of E.J.G.,

Juvenile-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced April 20, 2023

Court of Appeals No. 22CA0036
Boulder County District Court No. 13PR30258
Honorable Patrick Butler, Judge

In the Matter of Leslie Roen, Deceased,

Richard L. Roen,

Appellant and Cross-Appellee,

v.

Stephanie L. Brennan, Conservator,

Appellee and Cross-Appellant.

ORDER AFFIRMED IN PART AND REVERSED IN PART,
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. 22CA0052
City and County of Broomfield District Court No. 21JV8
Honorable Sharon Holbrook, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.A.P., a Child,

and Concerning R.A-C.P.,

Appellant.

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. 22CA0300
City and County of Denver District Court No. 21CV31852
Honorable Alex C. Myers, Judge

Driscoll Enterprises Incorporated,

Plaintiff-Appellant,

v.

Geeks Who Drink LLC,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0427
Eagle County District Court No. 21CV2
Honorable Russell H. Granger, Judge

Joseph Marcell,

Plaintiff-Appellant,

v.

Sara Jill Manwiller, Inc., d/b/a Jointworx Physical Therapy,

Defendant-Appellee.

JUDGMENT AFFIRMED 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. 22CA0456
Boulder County District Court No. 22PR30022
Honorable Patrick Butler, Judge

In re the Estate of Leslie Roen, Deceased.

Stephanie L. Brennan, Personal Representative,

Appellee,

v.

Richard Roen,

Appellant.

JUDGMENT REVERSED
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. 22CA0607
San Miguel County District Court No. 18DR22
Honorable Keri A. Yoder, Judge

In re the Marriage of

Kristyn Elizabeth Shumway,

Appellee,

and

Russell Scott Shumway, Jr.,

Appellant.

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

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

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

Court of Appeals No. 22CA0616
Larimer County District Court No. 19DR1042
Honorable Joseph D. Findley, Judge

In re the Marriage of

Cami Ann Ruhman,

Appellee,

and

Keith March Ruhman,

Appellant.

ORDER 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. 22CA0644
Park County District Court No. 21CV30031
Honorable Stephen A. Groome, Judge

Mark Walker,

Plaintiff-Appellant,

v.

Dumb Friends League Harmony Equine Center and Bobbi Priestly,

Defendants-Appellees.

JUDGMENT 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. 22CA0652
City and County of Denver District Court No. 20CV32090
Honorable A. Bruce Jones, Judge

Elizabeth Mendoza,
Plaintiff-Appellant,

v.

Walmart, Inc.,
Defendant-Appellee.

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. 22CA0683
Jefferson County District Court No. 21JD139
Honorable Ann Gail Meinster, Judge

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

In the Interest of R.V.K.,
Juvenile-Appellant.

JUDGMENT 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. 22CA0802
Jefferson County District Court No. 21CV30510
Honorable Philip J. McNulty, Judge

Foothills Housing 1, LLC,
Plaintiff-Appellant,

v.

Elk Creek Fire Protection District,
Defendant-Appellee.

ORDER AFFIRMED

Division A
Opinion by JUDGE LIPINSKY
Fox and Freyre, JJ., concur

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

Court of Appeals Nos. 22CA1042 & 22CA1045
El Paso County District Court Nos. 19JV409 & 20JV484
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,
Appellee,

In the Interest of Ke.W., Ka.W. and K.W., Jr., Children,
and Concerning D.A.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1061
Industrial Claim Appeals Office of the State of Colorado
DD Nos. 10787-2022 & 8187-2022

Antonio McCowan,

Petitioner,

v.

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

Respondents.

ORDERS AFFIRMED

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

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

Court of Appeals No. 22CA1198
Weld County District Court No. 21DR30328
Honorable W. Troy Hause, Judge

In re the Marriage of

Jennifer Takara,

Appellant,

and

Matthew Takara,

Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1282
Chaffee County District Court No. 21JV17
Honorable Ramsey L. Lama, Judge

People of the State of Colorado,

Appellee,

In the Interest of Z.J.L., a Child,

and Concerning M.J.H.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1323
Industrial Claim Appeals Office of the State of Colorado
DD No. 74090-2021

Alexandra Ross,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Quality Behavioral
Outcomes,

Respondents.

ORDER 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. 22CA1442
City and County of Denver Juvenile Court No. 20JV844
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.A. and I.G., Children,

and Concerning J.G.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1499
Costilla County District Court No. 21JV15
Honorable Crista Newmyer-Olsen, Judge

The People of the State of Colorado,

Appellee,

In the Interest of N.A. and B.A., Children,

and Concerning D.A.,

Appellant,

and

K.N. and H.N.,

Intervenors-Appellees

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1537
City and County of Denver Juvenile Court No. 20JV1190
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of H.O. a Child,

and Concerning K.R.T.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE VOGT*
Román, C.J. and Hawthorne*, J., concur

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

Court of Appeals No. 22CA1553
El Paso County District Court No. 21JV648
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.L.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE HAWTHORNE*
Román, C.J. and Vogt*, J., concur

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

Court of Appeals No. 22CA1581
Douglas County District Court No. 21JV66
Honorable Michael Spear, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.R. and R.R., Children,

and Concerning R.R.,

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 No. 22CA1825
Industrial Claim Appeals Office of the State of Colorado
DD No. 21852-2022

Joy Fernandez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and State of Colorado
Public Safety,

Respondents.

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. 22CA2187
Adams County District Court No. 22CR2642
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Alonzo Ray Montoya,

Defendant-Appellee.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Dailey and Tow, JJ., concur

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

Court of Appeals No. 22CA2193
Adams County District Court No. 22CR2648
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Nicole Danielle Casias,

Defendant-Appellee.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Dailey and Tow, 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. 21CA1777

Kelsey M. Yates,

Plaintiff-Appellee,

v.

Sterling Consulting Corporation,

Appellant,

and

Mark Ferrandino, in his official capacity as Executive Director of the Colorado Department of Revenue and the State Licensing Authority for the Marijuana Enforcement Division,

Intervenor-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1787

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Karl Obrian Dent,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0495

Sousan Abadian,

Plaintiff-Appellee,

v.

Atlandia Imports, Inc., a Colorado corporation, and Gerdur Kristjansdottir,

Defendants-Appellants.

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.