

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
May 6, 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**

[2021COA62](#)

Court of Appeals No. [18CA1557](#)  
Rio Blanco County District Court No. 17CR71  
Honorable Anne K. Norrdin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Edward Ambrose,

Defendant-Appellant.

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

Division IV  
Opinion by JUDGE FREYRE  
Terry and Lipinsky, JJ., concur

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[2021COA63](#)

Court of Appeals No. [19CA2081](#)  
Custer County District Court No. 18PR3006  
Honorable Ramsey L. Lama, Judge

In re the Estate of Adelaide Mestres Everhart, deceased.

Richard Ennis Everhart, Jr.; and Jack Fall Everhart, Jr.,

Appellants,

v.

Christopher Buchanan Everhart, Personal Representative; and Christopher B.  
Everhart, Jr.; and Parris Alessandra Everhart,

Appellees.

JUDGMENT AFFIRMED

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

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[2021COA64](#)

Court of Appeals No. [20CA1524](#)  
Arapahoe County District Court No. 19JV563  
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.M. and E.M., Children,

and Concerning E.R. and M.M.,

Appellant.

ORDER FOR LIMITED REMAND

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

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 17CA2367  
El Paso County District Court No. 17CR241  
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos Rene Trejo,

Defendant-Appellant.

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

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. 18CA0637  
Boulder County District Court No. 16CR1877  
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Eduardo Rodela,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE DUNN  
Terry and Gomez, JJ., concur

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

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Court of Appeals No. 18CA0872  
Weld County District Court No. 16CR1663  
Honorable Timothy Kerns, Judge  
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Alfredo Garza,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 18CA1197  
Jefferson County District Court Nos. 17CR270, 17CR462 & 17CR474  
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Markeith Kevin Burton-Fleming,

Defendant-Appellant.

JUDGMENT AND ORDER 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. 18CA1305  
Jefferson County District Court No. 17CR3279  
Honorable Dennis J. Hall, Judge

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

v.

Joshua James Gonzales,  
  
Defendant-Appellant.

JUDGMENT 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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Court of Appeals No. 18CA1848  
Weld County District Court Nos. 14CR1937, 14CR2029, 15CR1451 &  
18CR1119  
Honorable Thomas J. Quammen, Judge

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

v.

Nora Hilda Rios-Vargas,  
  
Defendant-Appellant.

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

Division IV  
Opinion by JUDGE DUNN  
Terry and Gomez, JJ., concur

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

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Court of Appeals No. 18CA1969  
Jefferson County District Court No. 17CR3640  
Honorable Lily W. Oeffler, Judge

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

v.

James Evan Bryan,  
  
Defendant-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. 18CA2091  
El Paso County District Court No. 17CR2461  
Honorable Jill M. Brady, Judge

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

v.

Michael Lee Adkisson,  
  
Defendant-Appellant.

JUDGMENT 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. 18CA2436  
El Paso County District Court No. 17CR6179  
Honorable, Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tiffany Ann Miller,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE FURMAN  
Freyre and Johnson, JJ., concur

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

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Court of Appeals No. 19CA0026  
Adams County District Court No. 17CR4310  
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Lee Walker,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED, ORDER VACATED,  
AND CASE REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE ROMÁN  
Welling and Brown, JJ., concur

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

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Court of Appeals No. 19CA1182  
City and County of Broomfield District Court No. 18CV30316  
Honorable Emily E. Anderson, Judge

WildEarth Guardians and Residents Rights,  
Plaintiffs-Appellants,

v.

Extraction Oil & Gas, Inc.,

Defendant-Appellee and Cross-Appellant,

and

City and County of Broomfield, Colorado; and Charles Ozaki, in his capacity as  
City Manager,

Defendants-Appellees.

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. 19CA1199  
Pueblo County District Court No. 17CR912  
Honorable Larry C. Schwartz, Judge

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

v.

Andrew Jacob Briseño,  
  
Defendant-Appellant.

ORDER REVERSED

Division A  
Opinion by CHIEF JUDGE BERNARD  
Dunn and Tow, JJ., concur

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

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Court of Appeals No. 19CA1487  
Adams County District Court No. 09CR626  
Honorable Mark D. Warner, Judge

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

v.

Eusebio Montero-Romero,  
  
Defendant-Appellant.

SENTENCE AFFIRMED

Division I  
Opinion by JUDGE BERGER  
Dailey and Tow, JJ., concur

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

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Court of Appeals No. 19CA1558  
Pueblo County District Court No. 18CR1692  
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Lee Howard,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 19CA1714  
Mesa County District Court No. 06CR1123  
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shane E. Johnson,

Defendant-Appellant.

ORDER 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. 19CA1721  
Larimer County District Court No. 18CV30371  
Honorable Juan G. Villaseñor, Judge

Thompson Area Against Stroh Quarry, Inc., a Colorado nonprofit corporation;  
Dani Korkegi; Gregory Martino; Monique Griffin; Cristi Baldino; Victoria Good;  
and Arlene Libby,

Plaintiffs-Appellees,

v.

Board of County Commissioners of Larimer County, Colorado, and Coulson  
Excavating Company, Inc.,

Defendants-Appellants.

APPEAL DISMISSED

Division V  
Opinion by JUDGE YUN  
J. Jones and Davidson\*, JJ., concur

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

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Court of Appeals No. 19CA1888  
Fremont County District Court No. 08CR122  
Honorable Ramsey Lama, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Dean Hamilton,

Defendant-Appellant.

ORDER AFFIRMED

Division A  
Opinion by JUDGE NAVARRO  
Dailey and Román, JJ., concur

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

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Court of Appeals No. 19CA1941  
City and County of Broomfield District Court No. 18CV30316  
Honorable Robert W. Kiesnowski, Jr., Judge

WildEarth Guardians and Residents Rights,  
Plaintiffs-Appellees,

v.

Extraction Oil & Gas, Inc.,  
Defendant-Appellant.

ORDER 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. 19CA2335  
Boulder County District Court No. 13CR1789  
Honorable Andrew R. MacDonald, Judge

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

v.

Bernd Hoefel,  
Defendant-Appellant.

ORDER REVERSED IN PART AND CASE  
REMANDED WITH DIRECTIONS

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. 20CA0040  
Pueblo County District Court No. 18CV30677  
Honorable Jill S. Mattoon, Judge

Agnes Vallejos,

Plaintiff-Appellant,

v.

American Modern Select Insurance Company, d/b/a American Select  
Insurance Company (AMSIC),

Defendant-Appellee.

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. 20CA0447  
Douglas County District Court No. 18DR30026  
Honorable Robert Lung, Judge

In re the Marriage of

Judi K. Lacko Zallaps,

Appellee,

and

Jeffrey J. Zallaps,

Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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. 20CA0922  
City and County of Denver District Court No. 19CV31666  
Honorable Andrew P. McCallin, Judge

Agriscience Labs, Inc.,

Plaintiff-Appellee,

v.

Tweedleaf, LLC, and Trinidad Harvesting Company, LLC,

Defendants-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 20CA1076  
City and County of Denver District Court No. 19DR30712  
Honorable Jennifer B. Torrington, Judge

Henry Sadi Dominguez,

Appellant,

and

Rosa Lilian Sosa,

Appellee.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE FURMAN  
Freyre and Johnson, JJ., concur

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

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Court of Appeals No. 20CA1939  
Montrose County District Court No. 20JV26  
Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning K.D.,

Appellant.

JUDGMENT AFFIRMED

Division A  
Opinion by JUDGE CASEBOLT\*  
Bernard, C.J., and Vogt\*, J., 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. 18CA1096

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marisela Martinez-Hernandez,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA1718

Oklahoma Police Pension and Retirement System, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff-Appellant,

v.

Jagged Peak Energy Inc., Joseph N. Jagers, Robert W. Howard, Shonn D.  
Stahlecker, Charles D. Davison, S. Wil Vanloh, Jr., Blake A. Webster, Citigroup  
Global Markets Inc., Credit Suisse Securities (USA) LLC, J.P. Morgan Securities  
LLC, Goldman, Sachs & Co., RBC Capital Markets, LLC, Wells Fargo  
Securities, LLC, UBS Securities LLC, Keybank Capital Markets, Inc., ABN  
AMRO Securities (USA) LLC, Fifth Third Securities, Inc., Petrie Partners  
Securities, LLC, Tudor, Pickering, Holt & Co. Securities, Inc., BMO Capital  
Markets Corp., Deutsche Bank Securities Inc., Evercore Group L.L.C., and  
Scotia Capital (USA) Inc.,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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-17-  
ANNOUNCEMENTS  
Colorado Court of Appeals  
May 6, 2021

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[2021COA43M](#)

Court of Appeals Nos. [19CA2125](#), [19CA2126](#), [19CA2127](#), [19CA2128](#),  
[19CA2129](#), [19CA2130](#), [19CA2131](#), [19CA2132](#), [19CA2133](#) & [19CA2134](#)

Calvin Johnson,

Plaintiff-Appellant,

v.

Toohy, Cyrus Clarkson, Glissman, Cartwright, Williams Scott, Sarah E.  
Butler, Josh Dorcey, Long, Scott, and Josh Dorcey,

Defendants-Appellees.

Opinion Modified and  
Petition for Rehearing DENIED

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**MODIFIED OPINIONS**

[2021COA52M](#)

Court of Appeals No. [18CA0899](#)

Jefferson County District Court No. 16CR2629

Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Battigalli-Ansell,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI

Opinion by JUDGE LIPINSKY

Richman and Casebolt\*, JJ., concur

Opinion Modified

On the Court's Own Motion

Announced April 22, 2021

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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.