

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
November 23, 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

[2022COA134](#)

Court of Appeals No. [19CA0180](#)
Adams County District Court No. 17CR4392
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Abdullahi Salah,

Defendant-Appellant.

ORDERS AFFIRMED

Division P
Opinion by JUDGE J. JONES
Martinez* and Graham*, JJ., concur

[2022COA135](#)

Court of Appeals No. [20CA1121](#)

La Plata County District Court No. 19CR91

Honorable William L. Heringer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Benjamin Cline VI,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE BROWN

J. Jones and Kuhn, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA1304
Boulder County District Court No. 17CR530
Honorable Judith L. LaBuda, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Douglas Densmore,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE DUNN
Grove and Bernard*, JJ., concur

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

Court of Appeals No. 18CA2188
Garfield County District Court No. 16CR338
Honorable Denise K. Lynch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Wayne Diamond,

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. 19CA1267
Weld County District Court No. 16CR2291
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith Frank Rodriguez,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE REVERSED,
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. 19CA1484
Arapahoe County District Court No. 17CR3253
Honorable Andrew C. Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Amber Anne Threlkel,

Defendant-Appellant.

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

Division I
Opinion by JUDGE DAVIDSON*
Furman and Casebolt*, JJ., concur

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

Court of Appeals No. 19CA1493
City and County of Denver District Court No. 14CR1513
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Wakefield,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA1839
Elbert County District Court No. 17CR25
Honorable Gary M. Kramer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Wayne Machado,

Defendant-Appellant.

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

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

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

Court of Appeals No. 19CA2304
Weld County District Court Nos. 09CR882 & 09CR975
Honorable Timothy Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jack Lee Holmes,

Defendant-Appellant.

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

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

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

Court of Appeals No. 20CA0226
Pueblo County District Court No. 18CR2592
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maranda Kay Stuart,

Defendant-Appellant.

JUDGMENT AFFIRMED, ORDER REVERSED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA0542
Jefferson County District Court No. 07CR1856
Honorable Diego G. Hunt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Austin Verland Ray,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0106
Jefferson County District Court No. 06CR2403
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond F. Armelino,

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. 21CA0705
Douglas County District Court No. 14CR599
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Allen Jayne,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0821
City and County of Denver District Court No. 17CV34287
Honorable Eric M. Johnson, Judge
Honorable Michael A. Martinez, Judge

Paul M. Zimmerman and West Hallam, LLC

Plaintiffs-Appellants,

v.

Sherman & Howard, L.L.C., Charlotte Wiessner, and B. Joseph Krabacher

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE BERNARD*
Dunn and Grove, JJ., concur

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

Court of Appeals No. 21CA1020
Arapahoe County District Court No. 16CR2915
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Erren Culton Taylor,

Defendant-Appellant.

ORDER AFFRIMED

Division P
Opinion by JUDGE GROVE
Davidson* and Hawthorne*, JJ., concur

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

Court of Appeals No. 21CA1318
Douglas County District Court No. 11CR300
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kelli Lynn Murphy,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE FURMAN
Daily and Davidson*, JJ., concur

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

Court of Appeals No. 21CA1354
Kit Carson County District Court No. 20CV30010
Honorable Kevin L. Hoyer, Judge

Jonathan J. Rotella, and Center For Wound Healing & Hyperbaric Medicine,
LLC, of Burlington, Colorado,

Plaintiffs-Appellees and Cross-Appellants,

v.

Kelly Duke,

Defendant-Appellant and Cross-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 21CA1705
City and County of Denver District Court No. 20DR30078
Honorable Christine C. Antoun, Judge

In re the Marriage of

Ana Celilia Arteaga,

Appellee.

and

Julio Valenzuela,

Appellant

JUDGMENT AFFIRMED

Division P
Opinion by JUDGE GROVE
Davidson* and Hawthorne*, JJ., concur

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

Court of Appeals No. 21CA1889
El Paso County District Court No. 21DR30150
Honorable G. David Miller, Judge

In re the Marriage of

Nicholas Patrick Eitel,

Appellee,

and

Gladys Yolanda Eitel,

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. 21CA2056
Weld County District Court No. 19JV727
Honorable Meghan Saleebey, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning F.C., and L.C.C.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0095
El Paso County District Court No. 20JV463
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.M., a Child,

and Concerning K.D.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0265
Arapahoe County District Court No. 19JV938
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.A., and H.A., Children,

and Concerning N.A.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0358
Mesa County District Court No. 21JV10
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.D.W.B., Jr., a Child,

and Concerning J.B.,

Appellant.

JUDGMENT AFFIRMED

Division P
Opinion by JUDGE GROVE
Davidson* and Hawthorne*, JJ., concur

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

Court of Appeals No. 22CA0450
Industrial Claim Appeals Office of the State of Colorado
DD No. 71571-2021

Kira Overfield,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance PEB Team,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0496
Larimer County District Court No. 19JV216
Honorable Daniel M. McDonald, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.R., Jax.W., and Jaz.W., Children,

and Concerning J.R.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0579
Adams County District Court No. 19JV153
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.B. II, a Child,

and Concerning J.B.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0583
El Paso County District Court No. 20JV390
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.T.,

Appellant.

JUDGMENT 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. 22CA0609
Adams County District Court No. 19JV60
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of H.S., and L.A.S., Children,

and Concerning D.C.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1063
Industrial Claim Appeals Office of the State of Colorado
DD No. 9080-2022

Selamawit Nigusse,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance PEB Team,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA1527
Pueblo County District Court No. 22MH251
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Hassan Buthul,

Respondent-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE NAVARRO
Welling and Johnson, 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. 19CA2267

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terrence Kenneth Eugene,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 21CA1067

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.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1089

Craig S. Robledo,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director of the Colorado Department of Corrections,
and Jeff Long, Warden of the Sterling Correctional Facility,

Defendants-Appellees.

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. 2021.