

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 4, 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

[2022COA89](#)

Court of Appeals No. [20CA1125](#)
Douglas County District Court No. 18PR30128
Honorable Michael J. Spear, Judge

In re the Estate of Marie M. Chavez, deceased.

Gilbert M. Chavez,

Appellant and Cross-Appellee,

v.

Teresa Chavez-Krumland, as Personal Representative of the Estate of Marie M. Chavez,

Appellee and Cross-Appellant.

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

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
August 4, 2022

[2022COA90](#)

Court of Appeals No. [21CA0295](#)
Boulder County District Court No. 18PR30655
Honorable Thomas F. Mulvahill, Judge
Honorable Bruce Langer, Judge

In re the Estate of Thomas Russell Davies, deceased.

Phillip Wong, Stephanie Ryno, Jason DeHerrera, and Tricinia DeHerrera,

Appellants,

v.

Gary Scarpella,

Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE NAVARRO
Lipinsky and Kuhn, JJ., concur

[2022COA91](#)

Court of Appeals No. [21CA0322](#)
Boulder County District Court No. 20CV30831
Honorable Andrew Hartman, Judge

Jordan Galef,

Plaintiff-Appellant,

v.

University of Colorado,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE KUHN
Lipinsky and Graham*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA1521
Weld County District Court No. 16CR511
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachary Vincent Myers,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE GROVE
Furman and Yun, JJ., concur

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

Court of Appeals No. 18CA2420
Fremont County District Court No. 17CR392
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Jeremiah Smith,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI
Opinion by JUDGE JOHNSON
Dunn and Harris, JJ., concur

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

Court of Appeals No. 19CA0161
City and County of Denver District Court No. 17CR20003
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brent M. Kelley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE DUNN
Harris and Johnson, JJ., concur

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

Court of Appeals No. 19CA0868
Weld County District Court No. 16CR189
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward H. Berdan,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE NAVARRO
Lipinsky and Graham*, JJ., concur

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

Court of Appeals No. 19CA1352
El Paso County District Court No. 18CR1284
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jessica Jasslin Pacheco,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division II
Opinion by JUDGE TAUBMAN*
Grove and Yun, JJ., concur

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

Court of Appeals No. 19CA1898
Adams County District Court No. 18CA1876
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Frank Douglas Campbell,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE CASEBOLT*
Fox and Freyre, JJ., concur

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

Court of Appeals No. 19CA1931
El Paso County District Court No. 18CR2541
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Michael Durbin,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE NAVARRO
Lipinsky and Graham*, JJ., concur

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

Court of Appeals No. 20CA0943
City and County of Denver District Court No. 17CR20009
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Seth Michael Binns,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE GRAHAM*
Navarro and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA1398
Larimer County District Court No. 18CV30331
Honorable C. Michelle Brinegar, Judge

Corey Inniss, an individual and derivatively on behalf of Pure Agrobusiness, Inc., f/k/a pur Hydroponic Solutions, Inc., a Nevada corporation,

Plaintiff-Appellee,

v.

Pure Agrobusiness, Inc., f/k/a Pur Hydroponic Solutions, Inc., a Nevada corporation; Way to Grow, Inc., f/k/a Pur Merger Sub 2, Inc., a Nevada corporation; Green Door Agro, Inc., f/k/a Green Door Hydro & Solar Electric, Inc., a California corporation; and Richard Byrd,

Defendants-Appellants,

and

James Blaha,

Third-Party Defendant-Appellee.

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

Division V
Opinion by JUDGE FOX
Freyre and Casebolt*, JJ., concur

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

Court of Appeals No. 20CA1639
City and County of Denver Juvenile Court No. 20JD14
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.B.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE YUN
Furman and Grove, JJ., concur

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

Court of Appeals No. 20CA1765
Jefferson County District Court No. 12CR3013
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Larry Lynn Gomez,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE FOX
Martinez* and Casebolt*, JJ., concur

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

Court of Appeals No. 20CA1983
Jefferson County District Court No. 16CR857
Honorable Robert Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Frank Placencia,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE GROVE
Furman and Yun, JJ., concur

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

Court of Appeals No. 21CA0344
Fremont County District Court No. 21CV1
Honorable Lynette M. Wenner, Judge

Timothy David Smith,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections, Dean Williams,
and Warden Burtlow,

Defendants-Appellees.

ORDER AFFIRMED

Division VII
Opinion by JUDGE LIPINSKY
Navarro and Graham*, JJ., concur

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

Court of Appeals No. 21CA0436
City and County of Denver District Court No. 19CV30443
Honorable Eric M. Johnson, Judge

JohnsonConcept LLC, d/b/a Cannapages.com,

Plaintiff-Appellee,

v.

Cannasaver Corporation,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE ROTHENBERG*
Harris and Johnson, JJ., concur

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

Court of Appeals No. 21CA0486
Jefferson County District Court No. 20CV30775
Honorable Robert Lochary, Judge

ADLP-U&A LLC, a Delaware limited liability company,

Plaintiff-Appellant,

v.

Frijoles Colorado LLC, a Colorado limited liability company, and Ana R. Mejuto,

Defendants-Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE DUNN
Harris and Johnson, JJ., concur

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

Court of Appeals Nos. 21CA0634 & 21CA1062
Gilpin County District Court No. 15DR7
Honorable David C. Taylor, Judge

In re the Marriage of

Rachel Bellinsky,

Appellee,

and

Jacob Bellinsky,

Appellant.

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

Division A
Opinion by CHIEF JUDGE ROMÁN
Davidson*, J., concurs
Taubman*, J., specially concurs

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

Court of Appeals No. 21CA0661
City and County of Denver District Court No. 11CR4097
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric B. Barney,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Dunn and Johnson, JJ., concur

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

Court of Appeals No. 21CA0954
Arapahoe County District Court No. 20CV30369
Honorable Peter F. Michaelson, Judge

Izmare Azizi,

Plaintiff-Appellee,

v.

Jason Gill, f/k/a Inderjeet Brar,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FURMAN
Grove and Yun, JJ., concur

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

Court of Appeals Nos. 21CA0961 & 21CA0970
El Paso County District Court No. 18JV706
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning O.B. and N.B.,

Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FURMAN
Pawar and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1188
San Miguel County District Court No. 19DR30004
Honorable Keri A. Yoder, Judge

In re the Marriage of

Anthony John Wilcox,

Appellee,

and

Karen Kokjer Wilcox, n/k/a Karen Suzanne Kokjer,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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. 21CA1893
Larimer County District Court No. 20JV191
Honorable Daniel M. McDonald, Judge

The People of the State of Colorado,

Appellee,

In the Interest of P.R., S.R.G., and A.R.G., Children,

and Concerning T.H.G.,

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)

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. 19CA2356

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Gholston,

Defendant-Appellant.

Petition for Rehearing DENIED

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

[2022COA65M](#)

Court of Appeals No. [20CA1539](#)

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.O.,

Juvenile-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 20CA1788

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Derek Shane Webb,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1981

Nancy J. Martinez,

Plaintiff-Appellant,

v.

Paul Novak Agency for Allstate Insurance,

Defendant-Appellee.

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.