

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
December 16, 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

[2021COA148](#)

Court of Appeals No. [20CA0929](#)
Teller County District Court No. 19CV30051
Honorable Scott Sells, Judge

Berck Nash, Joanna Nash, Rodney Saunders, Darlene Schmurr-Stewart, Paul Michael Stewart, and Janet Gould,

Plaintiffs-Appellants,

v.

Jason Mikesell, in his official capacity as Sheriff of Teller County, Colorado,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FOX
Welling and Johnson, JJ., concur

[2021COA149](#)

Court of Appeals No. [20CA1357](#)
Arapahoe County District Court No. 19CV31995
Honorable John L. Wheeler, Judge

Margaret Mullen,

Plaintiff-Appellant,

v.

Metropolitan Casualty Insurance Company,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BROWN
Furman and Lipinsky, JJ., concur

[2021COA150](#)

Court of Appeals No. [20CA1359](#)
Jefferson County District Court No. 20CV30008
Honorable Randall C. Arp, Judge

Kelly Driver Stackpool,

Plaintiff-Appellant,

v.

Colorado Department of Revenue, Motor Vehicle Division,

Defendant-Appellee.

JUDGMENT REVERSED

Division III
Opinion by JUDGE LIPINSKY
Brown, J., concurs
Bernard, C.J., concurs in part and dissents in part

[2021COA151](#)

Court of Appeals No. [20CA1687](#)
Eagle County District Court No. 12DR238
Honorable Reed W. Owens, Judge

In re the Marriage of

Penny Brabb Turilli,

Appellant and Cross-Appellee,

and

Steven Daniel Turilli,

Appellee and Cross-Appellant.

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

Division A
Opinion by JUDGE VOGT*
Bernard, C.J., concurs
Taubman*, J., concurs in part and dissents in part

[2021COA152](#)

Court of Appeals No. [21CA0381](#)
City and County of Denver Juvenile Court No. 19JV1351
Honorable Pax L. Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.R.M., a Child,

and Concerning D.R.M.,

Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE NAVARRO
Grove and Pawar, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA2279
City and County of Denver District Court No. 17CR2090
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leobardo Ray Gurrola,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE FURMAN
Lipinsky and Brown, JJ., concur

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

Court of Appeals No. 18CA0745
Boulder County District Court No. 14CR634
Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jacob Matthew Jamieson,

Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FOX
Welling and Martinez*, JJ., concur

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

Court of Appeals No. 18CA0796
El Paso County District Court No. 16CR6178
Honorable David Prince, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Allon Spanks,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Freyre and Tow, JJ., concur

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

Court of Appeals No. 18CA0962
Jefferson County District Court No. 16CR2509
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric James St. George,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE GROVE
Navarro and Pawar, JJ., concur

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

Court of Appeals No. 18CA1614
Arapahoe County District Court No. 99CR1397
Honorable Elizabeth A. Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles William Fletcher III,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE FURMAN
Lipinsky and Brown, JJ., concur

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

Court of Appeals No. 18CA1705
Arapahoe County District Court No. 17JD392
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.M.C.,

Juvenile-Appellant.

JUDGMENT VACATED

Division I
Opinion by JUDGE KUHN
Dailey and Dunn, JJ., concur

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

Court of Appeals No. 18CA1800
Pueblo County District Court No. 03CR383
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Arellano,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DUNN
Dailey and Kuhn, JJ., concur

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

Court of Appeals No. 18CA2246
Douglas County District Court No. 17CR528
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James E. Peiffer,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division V
Opinion by JUDGE HARRIS
Richman and Gomez, JJ., concur

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

Court of Appeals No. 19CA0343
El Paso County District Court No. 18CR2184
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert William McCuan,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE YUN
Román, J., concurs
Berger, J., concurs in part and dissents in part

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

Court of Appeals No. 19CA0504
Weld County District Court No. 18CR958
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel Faudoa,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GOMEZ
Richman and Harris, JJ., concur

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

Court of Appeals No. 19CA0822
Lincoln County District Court No. 15CR67
Honorable Cynthia D. Mares, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Toby Porfilio Quintana,

Defendant-Appellant.

SENTENCE AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Pawar and Davidson*, JJ., concur

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

Court of Appeals No. 19CA1019
Gilpin County District Court No. 18CR212
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Scott Schweizer,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Lipinsky and Brown, JJ., concur

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

Court of Appeals No. 19CA1092
El Paso County District Court No. 17CR6909
Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rodney Wayne Smith,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Grove and Pawar, JJ., concur

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

Court of Appeals No. 19CA1356
El Paso County District Court No. 17CR6900
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Manning Rhoades,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Dunn and Kuhn, JJ., concur

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

Court of Appeals No. 19CA1893
Elbert County District Court No. 17CR8
Honorable Gary M. Kramer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rodney Dean Lester,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Dunn and Kuhn, JJ., concur

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

Court of Appeals No. 19CA2007
Mesa County District Court No. 18CR462
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Alan Meleski,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Navarro and Grove, JJ., concur

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

Court of Appeals No. 19CA2139
City and County of Denver District Court No. 18CR749
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Laura Ann Mathews,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Tow and Casebolt*, JJ., concur

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

Court of Appeals No. 19CA2264
Douglas County District Court No. 18CV30209
Honorable Jeffrey K. Holmes, Judge

Belfor USA Group Inc., d/b/a Belfor Property Restoration, a Colorado
corporation,

Plaintiff-Appellee,

v.

Anthony Riley and Tausha Riley,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA0436
Adams County District Court No. 11CR3085
Honorable Sean Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ray Johnston,

Defendant-Appellant.

ORDER AFFIRMED AND APPEAL DISMISSED IN PART

Division III
Opinion by JUDGE BROWN
Furman and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA1117
Jefferson County District Court No. 13CR796
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Warren Dale Watson,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE HARRIS
Richman and Gomez, JJ., concur

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

Court of Appeals No. 20CA1138
City and County of Denver Juvenile Court No. 19JD503
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.D.L.,

Juvenile-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PAWAR
Navarro and Grove, JJ., concur

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

Court of Appeals No. 20CA1176
Jefferson County District Court No. 20CV80
Honorable Russell Klein, Judge

R. Kirk McDonald,

Plaintiff-Appellant,

v.

Jefferson County Public Health, on behalf of Mitch Brown in his official
capacity as Supervisor Environmental Health, Jefferson County, Colorado,

Defendant-Appellee.

ORDER AFFIRMED

Division V
Opinion by JUDGE HARRIS
Richman and Gomez, JJ., concur

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

Court of Appeals No. 20CA1188
Gunnison County District Court No. 16CR110
Honorable J. Steven Patrick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Oscar Marks,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FOX
Welling and Johnson, JJ., concur

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

Court of Appeals No. 20CA1485
El Paso County District Court No. 19CV32053
Honorable Gregory R. Werner, Judge

Montarbor Community Association, Inc.,

Plaintiff-Appellee,

v.

George Edward Hunter, II,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE YUN
Román and Berger, JJ., concur

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

Court of Appeals No. 20CA1554
Jefferson County District Court No. 19PR31223
Honorable Todd L. Vriesman, Judge

In the Matter of Lorraine Lee Wightman, a/k/a Lorraine Lee Buehler,

Kate Drakewyck,

Appellant,

v.

Min Yoon, a/k/a Levi Buehler,

Appellee.

ORDER AFFIRMED

Division I
Opinion by JUDGE KUHN
Dailey and Dunn, JJ., concur

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

Court of Appeals No. 20CA1618
City and County of Denver District Court No. 15DR2464
Honorable Lisa C. Arnolds, Judge

In re the Marriage of

Molly Jones,

Appellee,

and

Christopher Jones,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE FURMAN
Brown and Davidson*, JJ., concur

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

Court of Appeals No. 20CA1653
City and County of Denver District Court Nos. 06CR3634 & 06CR10146
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adrian Albert Mestas,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Grove and Pawar, JJ., concur

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

Court of Appeals No. 20CA1704
Arapahoe County District Court No. 97DR2658
Honorable Cynthia Mares, Judge

In re the Marriage of

Suyong Yvonne Jenerette,

Appellant,

and

Jordan Schanche,

Appellee.

ORDER AFFIRMED

Division V
Opinion by JUDGE J. JONES
Grove and Johnson, JJ., concur

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

Court of Appeals No. 20CA1725
Arapahoe County District Court No. 18CV30690
Honorable Elizabeth Weishaupl, Judge

Adams Bank & Trust,

Plaintiff-Appellee,

v.

Omar A. Duwaik,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE VOGT*
Berger and Yun, JJ., concur

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

Court of Appeals No. 21CA0459
Lincoln County District Court No. 13DR11
Honorable Cynthia Mares, Judge

In re the Parental Responsibilities Concerning J.L., a/k/a J.H., a Child,
and Concerning Paula Brooks, a/k/a Paula Glorioso,

Appellant,

and

Sandra Herch, a/k/a Sandra Lawley,

Appellee.

ORDER AFFIRMED

Division III
Opinion by JUDGE BROWN
Furman and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA0612
Mesa County District Court No. 20JV188
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Er.V., Jr., A.V., and El.V., Children,

and Concerning C.S.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE YUN
Román and Berger, 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. 15CA0040

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randy D. Tallent,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1227

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sedona Paige Johnson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0180

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Alexander Purcell,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1243

In re the Estate of George Landon Phillips, deceased.

Bill Buffington,

Appellant,

v.

Nicole G. Rippy, as Personal Representative of the Estate of George Landon Phillips,

Appellee.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0368

Luz Rocha,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of
the Fremont 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.