

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
April 6, 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

[2023COA32](#)

Court of Appeals No. [21CA1780](#)

City and County of Denver District Court No. 17CV30788

Honorable Darryl F. Shockley, Judge

Aaron Madalena,

Plaintiff-Appellant,

v.

Zurich American Insurance Company and Gallagher Bassett Services, Inc.,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE LIPINSKY

Fox and Schock, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
April 6, 2023

[2023COA33](#)

Court of Appeals No. [22CA0138](#)

Arapahoe County District Court No. 20CV32078

Honorable Peter F. Michaelson, Judge

USIC Locating Services LLC,

Plaintiff-Appellant,

v.

Project Resources Group Inc.,

Defendant-Appellee.

APPEAL DISMISSED IN PART, JUDGMENT VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA2294
Arapahoe County District Court No. 16CR969
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terrel Shameek Turner,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by CHIEF JUDGE ROMÁN
Fox and Gomez, JJ., concur

Prior Opinion Announced December 24, 2020, Affirmed in Part and Reversed in
Part in 21SC79

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

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ANNOUNCEMENTS
Colorado Court of Appeals
April 6, 2023

Court of Appeals No. 18CA0034
Arapahoe County District Court No. 16CR975
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Nicholas Cruse,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FOX
Román, C.J., and Gomez, J., concur

Prior Opinion Announced March 11, 2021, Affirmed in Part and Reversed in
Part in 21SC277

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

Court of Appeals No. 19CA2019
Arapahoe County District Court No. 16CR234
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Castro-Leon,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE SCHOCK
Fox and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA2111
El Paso County District Court No. 18CR2367
Honorable Erin L. Sokol, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Kevin Lake,

Defendant-Appellant.

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. 20CA0499
Larimer County District Court No. 18CR1862
Honorable Stephen J. Jouard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dorothea Michon DeZonia,

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. 20CA0605
El Paso County District Court No. 18CR7664
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Carvel Burkhart,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA1112
Arapahoe County District Court No. 18CR3551
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael James Cain,

Defendant-Appellant.

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

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

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

Court of Appeals No. 20CA1115
Jefferson County District Court No. 19CR3172
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth William Gomez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE BERNARD*
Dailey and Lum, JJ., concur

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

Court of Appeals No. 20CA1852
Pueblo County District Court No. 19CR32
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Juhl Cox,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE FOX
Lipinsky and Schock, JJ., concur

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

Court of Appeals No. 20CA2071
El Paso County District Court No. 19CR7687
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Felix Junior Gonzales,

Defendant-Appellant.

JUDGMENT 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. 21CA0092
City and County of Denver District Court No. 20CR2136
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cristina Jene Rogers,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division D
Opinion by CHIEF JUDGE ROMÁN
Freyre and Tow, JJ., concur

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

Court of Appeals No. 21CA0310
Arapahoe County District Court No. 17CR1086
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samara Rayna Epstein,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 21CA0377
Adams County District Court No. 12CR1682
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Edward Johnson,

Defendant-Appellant.

ORDER AFFIRMED

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. 21CA1221
Huerfano County District Court No. 20CA26
Honorable J. Clay McKisson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sammy Romo,

Defendant-Appellant.

APPEAL DISMISSED IN PART
AND 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. 21CA1308
Garfield County District Court No. 18CR632
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brent Andrew Fox,

Defendant-Appellant.

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. 21CA1325
Douglas County District Court No. 19CR394
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kimo Ashante Ameer Davis,

Defendant-Appellant.

ORDERS 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 Nos. 22CA0394 & 22CA1669
Larimer County District Court No. 17DR30228
Honorable Susan Blanco, Judge

In re the Marriage of

Dianna Christine Schaible,

Appellee,

and

Michael Joseph Schaible,

Appellant.

APPEAL DISMISSED

Division VI
Opinion by JUDGE TAUBMAN*
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 22CA0438
City and County of Denver District Court No. 20CV34214
Honorable Shelley I. Gilman, Judge

Ella M. Coney,

Petitioner-Appellant,

v.

Deutsche Bank National Trust Company as Trustee for Long Beach Mortgage
Loan Trust 2004-1 Asset-Backed Certificates Series 2004-1, and PHH Mortgage
Corporation successor by merger to Ocwen Loan Servicing LLC successor in
interest to Ocwen Federal Bank FSB,

Respondent-Appellee.

ORDERS AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

Division D
Opinion by JUDGE TOW
Román, C.J., and Freyre, J., concur

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

Court of Appeals No. 22CA443
El Paso County District Court No. 21CV30930
Honorable David A. Gilbert, Judge

Leigh Ann Wolfe, a/k/a Leigh Ann Thurston; Smiling Days, LLC, a Colorado limited liability company; Flying W, LLC, a Colorado limited liability company; and Overcome, LLC, a Colorado limited liability company,

Plaintiffs-Appellees,

v.

City of Colorado Springs, Colorado. A home rule city and Colorado municipal corporation,

Defendant-Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE LUM
Dailey and Johnson, JJ., concur

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

Court of Appeals No. 22CA0447
Jefferson County District Court No. 20CV31500
Honorable Laura A. Tighe, Judge

Green Mountain Holdings LLC,
Plaintiff-Appellant,

v.

Sherry Buchanan, Cameron Buchanan, Winston Buchanan, and Harrison
Buchanan,

Defendants-Appellees.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
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. 22CA0576
City and County of Denver District Court No. 21CV327
Honorable Marie Avery Moses, Judge

Christopher Garcia,
Plaintiff-Appellant,

v.

Roy Shelton,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE FOX
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 22CA0591
Garfield County District Court No. 21CV31
Honorable Denise K. Lynch, Judge

Mindi Walker,

Plaintiff-Appellee,

v.

Brett McManaman,

Defendant-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. 22CA0708
City and County of Denver District Court No. 21DR30401
Honorable Christine C. Antoun, Judge

In re the Marriage of

Guadalupe Teresa Martinez,

Appellee,

and

Juan Manuel Martinez Hernandez,

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. 22CA1124
El Paso County District Court No. 21DR32359
Honorable Jill M. Brady, Judge

In re the Marriage of

Elizabeth M. Evans,

Appellee,

and

Carl D. Evans,

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. 22CA1179
Jefferson County District Court No. 20JV462
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.R. and A.K.,

Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE FOX
Lipinsky and Schock, JJ., concur

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

Court of Appeals No. 22CA1245
Mesa County District Court No. 20JV182
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.C.G., A.B., and D.R., Children,

and Concerning C.A.B. and A.J.R.,

Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE LIPINSKY
Fox and Schock, JJ., concur

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

Court of Appeals Nos. 22CA1450 & 22CA1817
Fremont County District Court No. 21JV89
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.G. and T.J.,

Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE SCHOCK
Fox and Lipinsky, 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. 19CA0030

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jacolby Hasan Williams,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1315

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Allan Hinks,

Defendant-Appellant.

Petition for Rehearing DENIED

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

[2023COA22M](#)

Court of Appeals No. [20CA1326](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tanecia Quillen,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 21CA1657

Stephen Burkhart,

Plaintiff-Appellant,

v.

Bonnie Burkhart, as Personal Representative of the Estate of Gerald C.
Burkhart, and as Trustee of the Gerald C. Burkhart Family Trust,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0728

In the Interest of A.M.E., n/k/a A.H., Child,

J.L.E.,

Appellant,

and

J.J.H.,

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. 2022.