

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
July 28, 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

[2022COA82](#)

Court of Appeals No. [18CA2319](#)
Jefferson County District Court No. 06CR1949
Honorable M.J. Menendez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Larry Gene Lancaster,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE FREYRE
Fox and Lipinsky, JJ., concur

[2022COA83](#)

Court of Appeals No. [19CA1629](#)
Sagauche County District Court No. 17CR27
Honorable Amanda C. Hopkins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald L. Garcia,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TOW
Berger, J., concurs
Dailey, J., concurs in part and dissents in part

[2022COA84](#)

Court of Appeals No. [20CA1339](#)
Adams County District Court No. 19CR1036
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Taunia Marie Whiteaker,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE LIPINSKY
Graham*, J., concurs
Kuhn, J., specially concurs

[2022COA85](#)

Court of Appeals No. [20CA1603](#)

Montrose County District Court No. 19CV30074

Honorable D. Cory Jackson, Judge

Nichele Giron, individually and as Personal Representative of the Estate of
Walter Giron; Amanda Giron; and Thomas Short, as the Personal
Representative of the Estate of Samuel Giron,

Plaintiffs-Appellants,

v.

Justin Hice and Town of Olathe,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE JOHNSON
Berger and Brown, JJ., concur

[2022COA86](#)

Court of Appeals No. [20CA1992](#)

Kit Carson County District Court No. 10CV42

Honorable Michael K. Singer, Judge

Patrick Duray Portley-El,

Plaintiff-Appellant,

v.

Colorado Department of Corrections,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

-4-
ANNOUNCEMENTS
Colorado Court of Appeals
July 28, 2022

[2022COA87](#)

Court of Appeals No. [20CA2051](#)

City and County of Denver District Court No. 17CV31764

Honorable Robert L. McGahey, Jr., Judge

Susan Ann Scholle, as Personal Representative for the Estate of Daniel B. Scholle,

Plaintiff-Appellee,

v.

Edward Ehrichs, M.D.; Michael Rauzzino, M.D.; and HCA-HealthONE, LLC,
d/b/a Sky Ridge Medical Center,

Defendants-Appellants.

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

Division I
Opinion by JUDGE DAILEY
Tow, J., concurs
Berger, J., concurs in part and dissents in part

[2022COA88](#)

Court of Appeals No. [21CA1331](#)
Morgan County District Court No. 20JV26
Honorable Kevin L. Hoyer, Judge

The People of the State of Colorado,

Petitioner,

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

and Concerning A.M.E.,

Appellant,

And G.U.,

Appellee.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE SCHUTZ
Dailey and Fox, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA0829
Jefferson County District Court No. 16CR2173
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin James Mendenhall,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division III
Opinion by JUDGE J. JONES
Welling and Schutz, JJ., concur

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

Court of Appeals No. 18CA2432
Larimer County District Court No. 15CR926
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric David Gray,

Defendant-Appellant.

JUDGMENT 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. 19CA0029
Arapahoe County District Court No. 17CR1280
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kristopher Allen Korba,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA1081
Mesa County District Court No. 18CR111
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kalab Allen Prettyman,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 19CA1268
Arapahoe County District Court No. 16CR1862
Honorable Ben L. Leutwyler, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ralph Ramon Lujan,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE SCHUTZ
J. Jones and Welling, JJ., concur

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

Court of Appeals No. 19CA1447
Jefferson County District Court No. 18CR3811
Honorable Christopher C. Zenisek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Steven Mangeris,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE*
Brown and Vogt*, JJ., concur

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

Court of Appeals Nos. 19CA1655, 19CA1656 & 19CA1657
Arapahoe County District Court Nos. 17CR3295, 18CR178 & 18CR360
Honorable Andrew C. Baum, Judge

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

v.

Jonathan Dean Lowery,
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. 19CA1826
Jefferson County District Court No. 18CR2387
Honorable Tamara S. Russell, Judge

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

v.

Timothy Albert Bryant,
Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA1963
Jefferson County District Court No. 18CR3568
Honorable Diego G. Hunt, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tobias Theadore Perez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 19CA2032
City and County of Broomfield District Court No. 18CR313
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mikhail Solomonov,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE WELLING
J. Jones and Schutz, JJ., concur

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

Court of Appeals No. 19CA2098
Mesa County District Court No. 18CR596
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph William Peace,

Defendant-Appellant.

JUDGMENT REVERSED, SENTENCES VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 19CA2122
City and County of Denver District Court No. 05CR4362
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Alexander Garcia,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division P
Opinion by JUDGE BERGER
Rothenberg* and Casebolt*, JJ., concur

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

Court of Appeals No. 19CA2312
Adams County District Court No. 17CR1994
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Tafoya,

Defendant-Appellant.

JUDGMENT 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. 19CR2397
El Paso County District Court No. 19CR842
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marissa Annmarie Valdez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

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

Court of Appeals No. 20CA0051
Arapahoe County District Court No. 19CR2036
Honorable John E. Scipione, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Garen Steve Zamba,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0084
Larimer County District Court No. 18CR3074
Honorable Susan Blanco, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Van Earnest Radley,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA0441
Morgan County District Court No. 18CR281
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stacey Luree Lambert,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BROWN
Vogt* and Hawthorne*, JJ., concur

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

Court of Appeals No. 20CA1312
Arapahoe County District Court No. 99CR1908
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert D. Blanchard a/k/a Roberta D. Blanchard,

Defendant-Appellant.

ORDERS AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA1661
Douglas County District Court No. 20CV43
Honorable H. Clay Hurst, Judge

Leslie Stevens, in her capacity as Trustee of the Jack and Carol Stevens
Secondary Settlement Trust,

Plaintiff-Appellee,

v.

William Stevens, in his capacity as Trustee of the CMS Family Trust and JS
Family Trust and as Grantor of the Jack and Carol Stevens Settlement Trust,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA1683
Adams County District Court No. 84CR1204
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricky Dale Smith,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0111
City and County of Denver District Court No. 2019CV31692
Honorable Michael J. Vallejos, Judge

Daniel Wolf,

Plaintiff-Appellant,

v.

Michael J. Brenneman and Jeffrey B. Selby,

Defendants-Appellees.

APPEAL DISMISSED

Division I
Opinion by JUDGE DAILEY
Tow, J., concurs
Berger, J., dissents

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

Court of Appeals No. 21CA0194
Jefferson County District Court No. 19DR30429
Honorable Russel Klein, Judge

In re the Marriage of

Molly Ruskay, n/k/a Molly Clement,

Appellee,

and

Benjamin Ruskay,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 21CA0531
Douglas County District Court No. 20CV66
Honorable David J. Stevens, Judge

David Michael Rome,

Plaintiff-Appellant,

v.

Parker Adventist Hospital, Rachael Marie Seccia, P.A., and Lisa Niebergall,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE SCHUTZ
Welling, J., concurs
J. Jones, J., concurs in part and dissents in part

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

Court of Appeals No. 21CA0656
El Paso County District Court No. 19CV32242
Honorable Timothy Schutz, Judge

Brandon Young,

Plaintiff-Appellant,

v.

Whole Hemp Company, LLC d/b/a Folium Biosciences, and Kashif Shan,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE VOGT*
Brown and Hawthorne*, JJ., concur

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

Court of Appeals No. 21CA0671
Douglas County District Court No. 20CV30437
Honorable Jeffrey K. Holmes, Judge

Board of County Commissioners of the County of Douglas, Colorado,

Plaintiff-Appellee,

v.

Renee Sweet,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE J. JONES
Welling and Schutz, JJ., concur

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

Court of Appeals No. 21CA0907
El Paso County District Court No. 20DR31104
Honorable Chad Miller, Judge

In re the Marriage of

John Norton Myles,

Appellee,

and

Elizabeth Sutton Myles,

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. 21CA1033
City and County of Denver District Court No. 16DR30328
Honorable Nikea T. Bland, Judge

In re the Marriage of

Kristen Weinraub,

Appellee,

and

Rory F. Carpenter,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA1066
City and County of Denver Juvenile Court No. 20JV320
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.M.J.P-H., a Child,

and Concerning L.S.H.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1096
Jefferson County District Court No. 20CV30671
Honorable Philip J. McNulty, Judge

Bernadette Villalobos Alonzo,

Plaintiff-Appellant,

v.

Marquesan Cross LLC, d/b/a Reliant Towing and Recovery,

Defendant-Appellee.

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

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

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

Court of Appeals No. 21CA1121
City and County of Denver District Court No. 19CV32779
Honorable Michael A. Martinez, Judge

TyRouter LLC,

Plaintiff-Appellant,

and

Eric Raymond Coakley,

Attorney-Appellant,

v.

Build 6, LLC,

Defendant-Appellee.

ORDERS AFFIRMED

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

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

Court of Appeals No. 21CA1170
Adams County District Court No. 21CV25
Honorable Jeffrey Smith, Judge

Richard Roy Blake,
Plaintiff-Appellant,

v.

Ihsan Riahi and Metropolitan Denver North Islamic Center, a nonprofit
corporation,

Defendants-Appellees.

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 No. 21CA1258
Arapahoe County District Court No. 21CV30186
Honorable Elizabeth Beebe Volz, Judge

Bruce P. Fierst,
Plaintiff-Appellant,

v.

Greenwood Athletic Club Metropolitan District; and JAG Management Group,
LLC, a Colorado Limited Liability Company,

Defendants-Appellees.

JUDGMENT 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. 21CA1535
Baca County District Court No. 20JV7
Honorable Mike Davidson, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.T.C., A.C.C., A.C., J.C., J.V., C.B., and K.B., Children,

and Concerning L.N.W.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1553
Industrial Claim Appeals Office of the State of Colorado
WC No. 5122625

Chloeta Fire LLC and PMA,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Ronald Turcios,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA1568
Logan County District Court No. 20JV19
Honorable Carl S. McGuire, III, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.G.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE GRAHAM*
Román, C.J., and Martinez*, J., concur

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

Court of Appeals No. 21CA1774
Montrose County District Court No. 19JV14
Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Appellee,

In the Interest of T.P. and D.E., Children,

and Concerning S.P.E. and B.E.,

Appellants.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE SCHUTZ
J. Jones and Welling, 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. 19CA1591

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sontu Saul Garcia,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1727

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Robert Lopez,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 20CA0728

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Leon Gearhart,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0959

In re the Marriage of

Michael David Marshall,

Appellant,

and

Kelly Lynn Marshall,

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.