

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 25, 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

[2023COA43](#)

Court of Appeals No. [21CA0669](#)
El Paso County District Court No. 20CR508
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darryl Cornelius Johnson,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE FREYRE
Welling, J., specially concurs
Furman, J., dissents

[2023COA44](#)

Court of Appeals No. [21CA0906](#)

Boulder County District Court No. 19CV31127

Honorable Patrick Butler, Judge

Heights Healthcare Company, LLC, d/b/a The Peaks Care Center, a Tennessee limited liability company,

Plaintiff-Appellant and Cross-Appellee,

v.

BCER Engineering, Inc., a Colorado limited liability company,

Defendant-Appellee and Cross-Appellant.

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

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

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA1353
El Paso County District Court No. 18CR5350
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Eugene Jefferson,

Defendant-Appellant.

JUDGMENT REVERSED
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE WELLING
Navarro and Johnson, JJ., concur

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

Court of Appeals No. 19CA1501
Adams County District Court No. 18CR1190
Honorable Sharon Holbrook, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Kourosh Sadeghi,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE JOHNSON
Furman and Tow, JJ., concur

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

Court of Appeals No. 19CA2114
Mesa County District Court No. 18CR169
Honorable Richard T. Gurley, Judge
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Lloyd Corbett,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BROWN
Navarro and Yun, JJ., concur

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

Court of Appeals No. 20CA0037
El Paso County District Court No. 18CR6713
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Michael Valencia,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Grove and Kuhn, JJ., concur

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

Court of Appeals No. 20CA0076
Adams County District Court No. 18CR1501
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cesar Segura-Galvan,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE LUM
Bernard* and Graham*, JJ., concur

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

Court of Appeals No. 20CA0315
Boulder County District Court No. 18CR1481
Honorable Judith L. Labuda, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edgar Ramirez-Martinez,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE TOW
Navarro, J., concurs
Schutz, J., dissents

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

Court of Appeals No. 20CA0527
City and County of Denver District Court No. 18CR5757
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Idris I. Adem,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Schock and Vogt*, JJ., concur

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

Court of Appeals No. 20CA0762
El Paso County District Court No. 18CR5833
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mailyn Cervantes-Rios,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE KUHN
Fox and Welling, JJ., concur

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

Court of Appeals No. 20CA2070
City and County of Denver District Court No. 19CR6791
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas A. Deleon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE VOGT*
Pawar and Schock, JJ., concur

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

Court of Appeals No. 21CA0232
Weld County District Court No. 18CR2022
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ismeldo Junior Arredondo,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE J. JONES
Yun and Richman*, JJ., concur

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

Court of Appeals No. 21CA0391
Arapahoe County District Court No. 18CR3058
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fred Willis,

Defendant-Appellant.

JUDGMENT VACATED IN PART
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
Brown and Yun, JJ., concur

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

Court of Appeals No. 21CA1297
Larimer County District Court No. 19CV30044
Honorable Julie Kunce Field, Judge

Heidi Rizzotto,

Plaintiff-Appellant,

v.

James F. Strovas and J's Car Wash, a Colorado registered business trade
name,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE JOHNSON
Furman and Tow, JJ., concur

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

Court of Appeals No. 21CA1347
Arapahoe County District Court No. 18CR3285
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terry Jerome Nixon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE WELLING
Fox and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1351
City and County of Denver District Court No. 94CR902
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dale S. Stone,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE SCHOCK
Pawar and Vogt*, JJ., concur

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

Court of Appeals No. 21CA1629
City and County of Denver District Court No. 11CR1251
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Lee Hill,

Defendant-Appellant.

APPEAL DISMISSED IN PART AND ORDER AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Schutz, J., concurs
Harris, J., specially concurs

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

Court of Appeals No. 21CA1726
Jefferson County District Court No. 21CV30321
Honorable Tamara S. Russell, Judge

Krista Dozier,

Plaintiff-Appellant,

v.

Jefferson County, Colorado,

Defendant-Appellee.

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. 21CA2072
City and County of Denver District Court No. 97CR3720
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Anderson,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PAWAR
Schock and Vogt*, JJ., concur

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

Court of Appeals No. 21CA2088
City and County of Denver District Court No. 18CR15365
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jorge L. Bucio,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE BROWN
Navarro and Yun, JJ., concur

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

Court of Appeals No. 21CA2113
Jefferson County District Court No. 10CR1647
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tomas Angel Rodriguez,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Martinez* and Taubman*, JJ., concur

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

Court of Appeals No. 22CA0078
City and County of Denver District Court Nos. 16CR6373, 16CR6422,
16CR6675
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Dan Garcia,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE YUN
Navarro and Brown, JJ., concur

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

Court of Appeals No. 22CA0293
Weld County District Court No. 21CV20
Honorable Todd Taylor, Judge

Adewale Adedeji,

Plaintiff-Appellant,

v.

Fares Alrashed, Alrashed Auto Sales, and Nora Claudia Molina,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division B
Opinion by JUDGE TOW
Grove and Schutz, JJ., concur

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

Court of Appeals No. 22CA0297
Gunnison County District Court No. 21PR30047
Honorable J. Steven Patrick, Judge

In re the Estate of Derek North Carstens, deceased.

Tyghe Carstens, Personal Representative of the Estate of Derek North Carstens,
Petitioner-Appellee and Cross-Appellant,

v.

Emma De Jongh,

Respondent-Appellee and Cross Appellant,

and

Renee Silverstone,

Respondent-Appellant and Cross-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE GOMEZ
Dailey and Grove, JJ., concur

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

Court of Appeals No. 22CA0303
Arapahoe County District Court No. 93CR1937
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David A. Vieyra,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by JUSTICE MARTINEZ*
Román, C.J., and Taubman*, J., concur

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

Court of Appeals No. 22CA0379
El Paso County District Court No. 08CR2305
Honorable David Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steve Galvez,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Grove and Gomez, JJ., concur

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

Court of Appeals No. 22CA0510
Alamosa County District Court No. 20CR281
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lennie Matthew Robinson,

Defendant-Appellant.

SENTENCE AFFIRMED

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

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

Court of Appeals No. 22CA0555
Jefferson County District Court No. 18CV31770
Honorable J. Robert Lowenbach, Judge

David Sudduth and Sunbelt Real Estate Group LLC,
Plaintiffs-Appellants,

v.

Jason Curtis,

Defendant-Appellee,

and

Shaun Bergman,

Intervenor-Appellee.

JUDGMENT AND ORDER AFFIRMED

Division IV
Opinion by JUDGE KUHN
Fox and Welling, JJ., concur

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

Court of Appeals No. 22CA0800
City and County of Denver Juvenile Court No. 21JV18
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S-L.J., a Child,

and Concerning A.T.K.J. and A.L.R.H.,

Appellants.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Freyre and Schock, JJ., concur

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

Court of Appeals No. 22CA0830
Weld County District Court No. 14DR30185
Honorable W. Troy Hause, Judge

In re the Marriage of

Rande Lyn Bernal,

Appellee,

and

Gilbert James Bernal,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Harris and Schutz, JJ., concur

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

Court of Appeals No. 22CA0890
Boulder County District Court No. 98CR2663
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willie Jay Simkins,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE TOW
Furman and Johnson, JJ., concur

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

Court of Appeals No. 22CA0929
Lincoln County District Court No. 21CV3
Honorable H. Clay Hurst, Judge

Craig S. Robledo,

Plaintiff-Appellant,

v.

Terry Jaques,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE LIPINSKY
Fox and Freyre, JJ., concur

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

Court of Appeals No. 22CA1008
Montrose County District Court No. 18DR220
Honorable D. Cory Jackson, Judge

In re the Parental Responsibilities Concerning Ali.L.L. and Alt.L.L., Children,
and Concerning Leon Alphanso Leiba,

Appellant,

and

Gesabel C. Dolorito Ronne,

Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1100
Adams County District Court Nos. 00CR438, 00CR952 & 00CR1592
Honorable Roberto Ramírez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William S. Collier,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GOMEZ
Dailey and Grove, JJ., concur

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

Court of Appeals No. 22CA1104
Douglas County District Court No. 20PR30399
Honorable H. Clay Hurst, Judge

In the Matter of the Trust created by Joyce A. Mesmer, Settlor.

Sarah R. Mesmer,

Appellee,

v.

Ann M. Dietrich,

Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE SCHOCK
Freyre and Pawar, JJ., concur

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

Court of Appeals No. 22CA1371
Rio Grande County District Court No. 20JV17
Honorable Amanda C. Hopkins, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.D.A, V.E.J.L., and A.C.L., Children,

and Concerning Christopher A. Aire,

Intervenor-Appellant.

APPEAL DISMISSED

Division A
Opinion by CHIEF JUDGE ROMÁN
Taubman* and Richman*, JJ., concur

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

Court of Appeals No. 22CA1373
Industrial Claim Appeals Office of the State of Colorado
DD No. 27679-2022

Kiera Davis,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE LUM
Bernard* and Graham*, JJ., concur

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

Court of Appeals No. 22CA1564
City and County of Denver Probate Court No. 20CV30023
Honorable Elizabeth D. Leith, Judge

Denver Police Department,

Petitioner-Appellee,

v.

Bryce Jordan Sidney Shelby,

Respondent-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE VOGT*
Pawar and Schock, JJ., concur

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

Court of Appeals No. 22CA1596
Weld County District Court No. 22DR30339
Honorable Kimberly B. Schutt, Judge

In re the Marriage of

Melissa Simaitis,

Appellee,

and

Eric Simaitis,

Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FREYRE
Pawar and Schock, JJ., concur

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

Court of Appeals No. 22CA1712
Jefferson County District Court No. 21JV222
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.W.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE LUM
Bernard* and Graham*, JJ., concur

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

Court of Appeals No. 22CA1747
City and County of Denver Juvenile Court No. 21JV578
Honorable Pax Moultrie, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.D.H.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE BERNARD*
Lum and Graham*, JJ., concur

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

Court of Appeals No. 22CA1938
Jefferson County District Court No. 21JV408
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.C.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GRAHAM*
Lum and Bernard*, JJ., concur

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

Court of Appeals No. 22CA2009
Douglas County District Court No. 21JV176
Honorable H. Clay Hurst, Judge

The People of the State of Colorado,

Appellee,

In the Interest of X.D.W., and D.O.W., Children,

and Concerning S.E.W.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE BERGER*
Román, C.J., and Davidson*, J., concur

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

Court of Appeals No. 22CA2129
El Paso County District Court No. 21JV73
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

In the Interest of B.L.W., a Child,

and Concerning J.S.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE SCHOCK
Freyre and Pawar, JJ., concur

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

Court of Appeals No. 22CA2276
City and County of Denver Probate Court No. 22MH1103
Honorable Elizabeth D. Leith, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

In the Interest of Israel J. Rodriguez,

Respondent-Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 23CA0464
Pueblo County District Court No. 23MH67
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Faustino Antonio Ibarra,

Respondent-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Harris 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. 19CA1823

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Omar Mosaab Abughalib,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1928

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Todd Kenneth Grudznske,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 20CA0470

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roman Martinez,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0398

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emmett Andrew Larsen,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 22CA0490

I.L.M. Properties, LLC, d/b/a Smith Plumbing, Heating, Cooling & Electrical,
Mike Robinson, and Eva Robinson,

Plaintiffs-Appellees,

v.

Elizabeth Tibbetts,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA1061

Antonio McCowan,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance Customer Service Center,

Respondents.

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.