

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
February 4, 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**

[2021COA10](#)

Court of Appeals No. [18CA0481](#)  
La Plata County District Court No. 16CR632  
Honorable William L. Herringer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cheryl Lynette Plemmons,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE GROVE  
Davidson\*, J., concurs  
Taubman\*, J., specially concurs

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 16CA1516  
Jefferson County District Court No. 15CR2825  
Honorable Jeffrey R. Pilkington, Judge  
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Peter Gregory Cain,

Defendant-Appellant.

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

Division VI  
Opinion by JUDGE RICHMAN  
Dunn and Yun, JJ., concur

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

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Court of Appeals No. 16CA1730  
Arapahoe County District Court No. 15CR1050  
Honorable Peter F. Michaelson, Judge

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

v.

Jessel Roberto Aguilar,  
  
Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III  
Opinion by JUSTICE MARTINEZ\*  
Freyre and Johnson, JJ., concur

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

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Court of Appeals No. 17CA0215  
Douglas County District Court No. 15CR690  
Honorable Shay K. Whitaker, Judge

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

v.

Jason Demond Hoskins,  
  
Defendant-Appellant.

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

Division VI  
Opinion by JUDGE RICHMAN  
Freyre and Grove, JJ., concur

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

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Court of Appeals No. 17CA0314  
Arapahoe County District Court No. 14CR2995  
Honorable Patricia D. Herron, Judge

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

v.

Byron Glover,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE ROMÁN  
Welling and Brown, JJ., concur

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

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Court of Appeals No. 17CA0540  
City and County of Denver District Court No. 15CR4769  
Honorable Andrew P. McCallin, Judge

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

v.

Ahmedin Yusuf,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE DUNN  
Terry and Gomez, JJ., concur

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

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Court of Appeals No. 17CA1286  
Boulder County District Court No. 16CR30  
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Ruben Hernandez-Montero,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE WELLING  
Román and Brown, JJ., concur

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

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Court of Appeals No. 17CA1587  
Arapahoe County District Court No. 15CR2752  
Honorable Phillip L. Douglass, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leonard Roybal,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE J. JONES  
Fox and Tow, JJ., concur

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

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Court of Appeals No. 17CA1866  
Arapahoe County District Court No. 16CR112  
Honorable Jeffrey K. Holmes, Judge  
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Christopher Lakkari,

Defendant-Appellant.

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

Division IV  
Opinion by JUDGE GRAHAM\*  
Freyre and Lipinsky, JJ., concur

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

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Court of Appeals No. 17CA2366  
Mesa County District Court No. 16CR6245  
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Robert Johnson,

Defendant-Appellant.

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

Division II  
Opinion by JUDGE RICHMAN  
Dailey and Brown, JJ., concur

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

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Court of Appeals No. 17CA2396  
Mesa County District Court No. 16CR5075  
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Robert Johnson,

Defendant-Appellant.

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

Division II  
Opinion by JUDGE RICHMAN  
Dailey and Brown, JJ., concur

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

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Court of Appeals No. 18CA0288  
El Paso County District Court No. 15CR1916  
Honorable Larry E. Schwartz, Judge  
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rustin Dean Sparks,

Defendant-Appellant.

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

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

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

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Court of Appeals No. 18CA0773  
Mesa County District Court No. 17CR84  
Honorable Gretchen B. Larson, Judge

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

v.

Mario Iturrios-Lopez,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE TERRY  
Dunn and Gomez, JJ., concur

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

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Court of Appeals No. 18CA0826  
Jefferson County District Court No. 17CR479  
Honorable Lily W. Oeffler, Judge  
Honorable Tamara S. Russell, Judge

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

v.

Timothy Douglas Schloffman,  
  
Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE RICHMAN  
Freyre and Grove, JJ., concur

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

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Court of Appeals No. 18CA1740  
Garfield County District Court No. 10CR177  
Honorable Denise K. Lynch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawnee Kim Ryan,

Defendant-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE WELLING  
Román and Brown, JJ., concur

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

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Court of Appeals No. 18CA1830  
Las Animas County District Court No. 16CR47  
Honorable Claude W. Appel, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Thomas Ninahualpa,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE LIPINSKY  
Richman and Pawar, JJ., concur

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

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Court of Appeals No. 18CA2272  
City and County of Denver District Court No. 16CR7464  
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesse A. Klockenbrink,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE FOX  
Harris and Grove, JJ., concur

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

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Court of Appeals No. 18CA2387  
El Paso County District Court No. 17CR6342  
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Michael Bass,

Defendant-Appellant.

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

Division IV  
Opinion by JUDGE GOMEZ  
Terry and Dunn, JJ., concur

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

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Court of Appeals No. 19CA0539  
Delta County District Court No. 14CR111  
Honorable Steven L. Schultz, Judge

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

v.

Melvin Darnell Randall,  
  
Defendant-Appellant.

ORDER AFFIRMED

Division A  
Opinion by CHIEF JUDGE BERNARD  
Dunn and Tow, JJ., concur

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

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Court of Appeals No. 19CA1556  
Arapahoe County District Court No. 19CV30718  
Honorable John L. Wheeler, Judge

Viatcheslav Bakhour,  
  
Plaintiff-Appellee,

v.

One Step Academy LLC, a Colorado limited liability company,  
  
Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE TERRY  
Dunn and Gomez, JJ., concur

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

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Court of Appeals No. 19CA1981  
City and County of Broomfield District Court No. 18DR30079  
Honorable Robert W. Kiesnowski, Jr., Judge

In re the Marriage of

Olivia Dela Cruz Isaac,

Appellee,

and

Sean Edward Ball,

Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE FOX  
Harris and Grove, JJ., concur

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

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Court of Appeals No. 19CA2093  
City and County of Denver District Court No. 18CV32816  
Honorable Kandace C. Gerdes, Judge

Michael Bok Stevinson,

Plaintiff-Appellant,

v.

Dean Williams, in his official capacity as the Executive Director of the Colorado  
Department of Corrections,

Defendant-Appellee.

APPEAL DISMISSED

Division VII  
Opinion by JUDGE FOX  
Harris and Grove, JJ., concur

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

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Court of Appeals No. 19CA2355  
Fremont County District Court No. 17CV103  
Honorable Michael W. Meyrick, Magistrate

Jason Brooks,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of  
the Fremont Correctional Facility,

Defendants-Appellees.

ORDER AFFIRMED

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

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

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Court of Appeals No. 20CA0003  
Summit County District Court No. 18CV30124  
Honorable Karen A. Romeo, Judge

James M. Rallo,

Plaintiff-Appellant,

v.

Marand Barrientez,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division A  
Opinion by JUDGE TOW  
Bernard, C.J., and Dunn, J., concur

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

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Court of Appeals Nos. 20CA0333 & 20CA0522  
Douglas County District Court No. 18DR30102  
Honorable Patricia D. Herron, Judge

In re the Marriage of

Christopher Hodyl,

Appellee,

and

Martine Bernard,

Appellant.

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

Division III  
Opinion by JUSTICE MARTINEZ\*  
Freyre and Johnson, JJ., concur

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

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Court of Appeals No. 20CA0449  
State Personnel Board Case No. 2020G024

Fayokemi Omolara Akinbode,

Complainant-Appellant,

v.

Department of Corrections, Denver Reception & Diagnostic Center,

Respondent-Appellee,

and

State Personnel Board,

Appellee.

ORDER AFFIRMED

Division A  
Opinion by JUDGE RICHMAN  
Berger and Pawar, JJ., concur

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

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Court of Appeals No. 20CA1340  
Arapahoe County District Court No. 19JV937  
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.N.,

Appellant.

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

Division III  
Opinion by JUDGE JOHNSON  
Furman and Freyre, JJ., concur

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

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**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. 17CA2277

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eli Swazo,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA0929

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Lee Jones,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA1696

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donte Kaye Smith,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA2301

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael J. Seaney,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA0438

McWhinney Centerra Lifestyle Center LLC, a Colorado limited liability company,

Plaintiff-Appellee and Cross-Appellant,

v.

Poag & McEwen Lifestyle Centers-Centerra LLC, a Delaware limited liability company,

Defendant-Appellant and Cross-Appellee.

Petition for Rehearing DENIED

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Court of Appeals No. 19CA0663

In re the Estate of Jacqueline Kay Freudenstein, deceased.

Regina Freudenstein Miller,

Appellant,

v.

Diana Diaz and Vanessa McCormick,

Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA1188

Justin Rueb,

Plaintiff-Appellant,

v.

Jacquelyn Rich-Fredericks and Patrick McCarville,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA1189

Justin Rueb,

Plaintiff-Appellant,

v.

Jacquelyn Rich-Fredericks, Patrick Sayas, Stacy Mortensen, Patrick McCarville, Jennifer Huss, Nicole Geller, James Quinn, Colorado Department of Corrections, Cheryl Saucedo, Rick Raemisch, Aristedes Zavaras, Joe Ortiz, Larry Reid, Dana M. Kernan, Monique Sheperd, Richard Grahn, and Dana Hatfield,

Defendants-Appellees.

Petition for Rehearing DENIED

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Court of Appeals No. 19CA1950

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Tena-Ruiz,

Defendant-Appellant.

Petition for Rehearing DENIED  
Yun, J., would GRANT

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

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2020.