

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
January 13, 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

[2022COA10](#)

Court of Appeals No. [18CA1516](#)
Mesa County District Court No. 17CR2299
Honorable Valerie J. Robison, Judge
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mario Antonio Gamboa-Jimenez,

Defendant-Appellant.

JUDGMENT REVERSED, ORDER AFFIRMED,
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE RICHMAN
Harris and Gomez, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
January 13, 2022

[2022COA11](#)

Court of Appeals No. [19CA0529](#)

El Paso County District Court No. 17CR5166

Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Pedro Rodriguez,

Defendant-Appellant.

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

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

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ANNOUNCEMENTS
Colorado Court of Appeals
January 13, 2022

[2022COA12](#)

Court of Appeals No. [20CA1724](#)

El Paso County District Court No. 18JV1296

Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning H.W. and R.W.,

Appellants.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE WELLING

Román, C.J., and Brown, J., concur

Prior Opinion Announced May 20, 2021, WITHDRAWN
Petition for Rehearing GRANTED

OPINION PREVIOUSLY ANNOUNCED AS “NOT PUBLISHED PURSUANT TO
C.A.R. 35(e)” ON May 20, 2021, IS NOW DESIGNATED FOR PUBLICATION

UNPUBLISHED OPINIONS

Court of Appeals No. 15CA0066
Arapahoe County District Court Nos. 10CR2498
Honorable F. Stephen Collins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Dean Lee,

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. 18CA1238
City and County of Denver District Court No. 16CR3968
Honorable John W. Madden IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Lee Hicks,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division I
Opinion by JUDGE FOX
Dailey and Taubman*, JJ., concur

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

Court of Appeals No. 18CA1240
Arapahoe County District Court No. 17CR1271
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jay Randall Caldwell,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA1686
Jefferson County District Court No. 17CR2729
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Matthew Ramirez,

Defendant-Appellant.

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

Division III
Opinion by JUDGE J. JONES
Lipinsky and Gomez, JJ., concur

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

Court of Appeals No. 19CA0965
Adams County District Court No. 14CR1158
Honorable Tomee Crespín, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cynthia Marie Vigil,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA1183
City and County of Denver Juvenile Court No. 19JD89
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.A.B-A.,

Juvenile-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE LIPINSKY
J. Jones and Gomez, JJ., concur

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

Court of Appeals No. 19CA1574
City and County of Denver District Court No. 17CR4768
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angel Sandoval,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Fox and Taubman*, JJ., concur

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

Court of Appeals No. 19CA1654
Boulder County District Court No. 10CR532
Honorable Andrew R. MacDonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bernd Hoefel,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE DUNN
Welling and Yun, JJ., concur

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

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January 13, 2022

Court of Appeals No. 19CA1882
Teller County District Court No. 17CR116
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Lee McClearen,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

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

Prior Opinion Announced October 21, 2021, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 19CA2063
Douglas County District Court No. 04CR383
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Todd Ricks,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Fox and Taubman*, JJ., concur

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

Court of Appeals No. 20CA0238
Jefferson County District Court Nos. 92CR1688 & 94CR598
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Gregory Melina,

Defendant-Appellant.

ORDERS 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. 20CA0369
City and County of Denver District Court No. 15CR5174
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Glenn E. Smith, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Fox and Martinez*, JJ., concur

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

Court of Appeals No. 20CA1127
City and County of Denver District Court No. 19CV233
Honorable Michael J. Vallejos, Judge

Viaduct Farms, LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Abigail C. Sparks, LLC, a Colorado limited liability company, and Abigail C. Sparks,

Defendants-Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA1348
Pueblo County District Court No. 2012CR503
Honorable Deborah R. Eyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Craig Steven Boulse,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE WELLING
Dunn and Yun, JJ., concur

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

Court of Appeals No. 20CA1691
Adams County District Court No. 20CV30064
Honorable Sharon D. Holbrook, Judge

James K. Hamm, Jr.,

Plaintiff-Appellant,

v.

Denney Properties LLC,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE LIPINSKY
J. Jones and Gomez, JJ., concur

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

Court of Appeals No. 20CA1873
City and County of Denver District Court No. 17CR8393
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chris A. Fernandez,

Defendant-Appellant.

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. 20CA1876
Colorado Real Estate Commission Case No. RC 2018-0025

Colorado Real Estate Commission,

Petitioner-Appellee,

v.

Sharon M. Sheppard, IA. 001328307,

Defendant-Appellant.

ORDERS AFFIRMED

Division III
Opinion by JUDGE J. JONES
Lipinsky and Gomez, JJ., concur

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

Court of Appeals No. 20CA2036
Arapahoe County District Court No. 16CR368
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Pierre Miles,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE YUN
Dunn and Welling, JJ., concur

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

Court of Appeals No. 20CA2114
Jefferson County District Court No. 15DR1429
Honorable Lindsay Vangilder, Judge

In re the Marriage of

Steven Heidenfelder,

Appellant,

and

Kristen Heidenfelder,

Appellee.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Fox and Taubman*, JJ., concur

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

Court of Appeals No. 21CA0028
Arapahoe County District Court No. 13CR1664
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricky Lee Lewis,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE LIPINSKY
J. Jones and Gomez, JJ., concur

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

Court of Appeals No. 21CA0054
City and County of Denver District Court No. 12DR1367
Honorable Jill D. Dorancy, Judge

In re the Marriage of

Joseph Cody Stockwell,

Appellee,

and

Jennifer Lynn Dees,

Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE FOX
Dailey and Martinez*, JJ., concur

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

Court of Appeals No. 21CA0245
Pitkin County District Court No. 19DR30023
Honorable Christopher G. Seldin, Judge

In re the Marriage of

Michel Bervaldi,

Appellant,

and

Charity Merrill, f/k/a Charity Bervaldi,

Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUSTICE MARTINEZ*
Dailey and Fox, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced January 13, 2022

Court of Appeals No. 21CA0627
Mesa County District Court No. 20JV109
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.F., a Child,

and Concerning J.F. and M.F.,

Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE NAVARRO
Harris and Freyre, JJ., concur

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

Court of Appeals No. 21CA0745
City and County of Denver Juvenile Court No. 20JV58
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Z.B., a Child,

and Concerning D.S.B.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Navarro and Freyre, JJ., concur

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

Court of Appeals No. 21CA0771
City and County of Denver District Court No. 18CV645
Honorable Michael A. Martinez, Judge

In the Matter of

Anthony Pfaff,

Petitioner-Appellant,

v.

City and County of Denver, Colorado,

Respondent-Appellee.

ORDER AFFIRMED

Division II
Opinion by JUDGE PAWAR
Furman and Kuhn, JJ., concur

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

Court of Appeals No. 21CA0810
Adams County District Court No. 20JV98
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.N.W.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Navarro and Grove, 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. 19CA1882

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Lee McClearen,

Defendant-Appellant.

Petition for Rehearing GRANTED

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

[2022COA12](#)

Court of Appeals No. [20CA1724](#)

The People of the State of Colorado,

Appellee,

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

and Concerning H.W. and R.W.,

Appellants.

Petition for Rehearing GRANTED

MODIFIED OPINIONS

Court of Appeals No. 18CA1122

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reggie Ellis Watkins,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

[2021COA147M](#)

Court of Appeals No. [20CA0690](#)

Anthony T. Accetta and Nancy Accetta,

Plaintiffs-Appellants,

v.

Brooks Towers Residences Condominium Association, Inc., a Colorado nonprofit corporation; Mark Trenka in his official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; Marla Grant in her official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; Bill Clarke in his official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; Clay Courter in his official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; Robb Green in his official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; and Joan Foster in her official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.,

Defendants-Appellees.

Opinion Modified and
Petition for Rehearing DENIED

[2021COA148M](#)

Court of Appeals No. [20CA0929](#)

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.

Opinion Modified and
Petition for Rehearing DENIED

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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. 2021.