

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 26, 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

[2021COA114](#)

Court of Appeals No. [20CA0254](#)
Jefferson County District Court No. 15CV31037
Honorable Laura A. Tighe, Judge

Owners Insurance Company, a Michigan corporation,

Petitioner-Appellee,

v.

Dakota Station II Condominium Association, Inc., a Colorado nonprofit corporation,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Furman and Tow, JJ., concur

[2021COA115](#)

Court of Appeals No. [20CA0721](#)
Costilla County District Court No. 17PR30006
Honorable Crista Newmyer-Olsen, Judge

In re the Estate of Joseph Celestino Gallegos, deceased.

Shennae Finan, f/k/a Shennae Jaramillo and Corpus A. Gallegos Ranches,
LLLP, a Colorado limited liability limited partnership,

Appellants,

v.

Patricia Vialpando,

Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GROVE
J. Jones and Graham*, JJ., concur

[2021COA116](#)

Court of Appeals No. [20CA0816](#)
Jefferson County District Court No. 16DR30029
Honorable Robert Lochary, Judge

In re the Marriage of

Jill Louise Cerrone,

Appellee,

and

Dennis John Cerrone,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE GROVE
J. Jones and Johnson, JJ., concur

[2021COA117](#)

Court of Appeals No. [20CA1692](#)

City and County of Denver District Court No. 14CV34530

Honorable Ross B.H. Buchanan, Judge

State of Colorado, ex rel.; Philip J. Weiser, as Attorney General of the State of Colorado; and Martha Fulford, as Administrator of the Uniform Consumer Credit Code,

Plaintiffs-Appellees and Cross-Appellants,

v.

Center for Excellence in Higher Education, Inc., a not-for-profit company; CollegeAmerica Denver, Inc.; CollegeAmerica Arizona, Inc., divisions thereof d/b/a College America; Stevens-Henager College, Inc., a division thereof d/b/a Stevens-Henagar College; CollegeAmerica Services, Inc., a division thereof; Carl Barney, Chairman of Center for Excellence in Higher Education, Inc., and Trustee of the Carl Barney Living Trust; The Carl Barney Living Trust; and Eric Juhlin, Chief Executive Officer of Center for Excellence in Higher Education, Inc.,

Defendants-Appellants and Cross-Appellees.

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

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

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA0976
Arapahoe County District Court No. 15CR2049
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Monique Alexis Reno,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Grove and Pawar, JJ., concur

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

Court of Appeals No. 17CA2217
Arapahoe County District Court No. 10CR2839
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luis Enrique Guzman-Rincon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE RICHMAN
Berger and Welling, JJ., concur

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

Court of Appeals No. 18CA1033
Logan County District Court No. 17CR18
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Billy Leroy Albrandt,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE HARRIS
Román and Lipinsky, JJ., concur

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

Court of Appeals No. 18CA1123
Arapahoe County District Court No. 17CR67
Honorable Phillip L. Douglass, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marvell Damarius Coleman,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE RICHMAN
Berger, J., concurs
Welling, J., concurs in part and dissents in part

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

Court of Appeals No. 18CA1505
El Paso County District Court No. 17CR2234
Honorable Eric Bentley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Loya,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE FREYRE
J. Jones and Tow, JJ., concur

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

Court of Appeals No. 18CA1854
Arapahoe County District Court No. 16CR1256
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Rogers Simon,

Defendant-Appellant.

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

Division III
Opinion by JUDGE TOW
Furman and Gomez, JJ., concur

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

Court of Appeals No. 18CA2009
Jefferson County District Court No. 16CR2805
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lawrence Nellis,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Tow and Gomez, JJ., concur

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

Court of Appeals No. 18CA2293
El Paso County District Court No. 17CR5348
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick Allen Clark,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PAWAR
Fox and Martinez*, JJ., concur

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

Court of Appeals No. 19CA0315
Eagle County District Court No. 17CV30280
Honorable Reed W. Owens, Judge

Michael Gladkin, as Special Trustee of the Victoria A. Gladkin Revocable Trust,
Plaintiff-Appellant,

v.

Cynthia Horvath and Macrina DiGregorio,
Defendants-Appellants,

and

Timber Creek Lodges Condominium Association; Leo James Marx; Laura Smock; Kimberly J. Sperry; David D. Donaldson; Timbercreek A-4 LLC, a Texas limited liability; Marilyn A. Dougherty; Robert L. Rasmussen; Patricia A. Rasmussen; William A. Stellenwerf, Jr.; and Elena V. Stellenwerf,

Defendants-Appellees.

APPEAL DISMISSED IN PART
AND JUDGMENT AFFIRMED

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

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

Court of Appeals Nos. 19CA0422 & 19CA0424
El Paso County District Court Nos. 17CR1439 & 18CR1170
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffrey Scott Masias,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE FREYRE
J. Jones and Tow, JJ., concur

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

Court of Appeals No. 19CA1088
El Paso County District Court No. 16CR2852
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Gabriel Quintana,

Defendant-Appellant.

SENTENCE AFFIRMED

Division I
Opinion by JUDGE FREYRE
Yun and Casebolt*, JJ., concur

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

Court of Appeals No. 19CA1835
Boulder County District Court No. 18CR2344
Honorable Bruce Langer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maryann Theresa Hickey,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GRAHAM*
Freyre and Yun, JJ., concur

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

Court of Appeals No. 19CA2183
El Paso County District Court No. 18CR5974
Honorable David Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Charles Porter,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE YUN
Freyre and Casebolt*, JJ., concur

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

Court of Appeals No. 20CA0420
Boulder County District Court No. 18CR1675
Honorable Bruce Langer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lorenza Maria Brugnatelli,

Defendant-Appellant.

APPEAL DISMISSED

Division I
Opinion by JUDGE GRAHAM*
Freyre and Yun, JJ., concur

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

Court of Appeals No. 20CA0893
Jefferson County District Court No. 19DR683
Honorable Randall C. Arp, Judge

In re the Marriage of

Jocelyn Javernick,

Appellee,

and

Juan Javier Teruel De Torres,

Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE ROTHENBERG*
Taubman*, J., concurs
Bernard, C.J., dissents

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

Court of Appeals No. 20CA1054
Boulder County District Court No. 16CV30050
Honorable Andrew R. MacDonald, Judge

John Becker, Trustee of the John E. Becker Trust,

Plaintiff-Appellee,

v.

Carol Rademacher and the Carol Rae Rademacher Trust,

Defendants-Appellants.

ORDER AFFIRMED

Division I
Opinion by JUDGE YUN
Freyre and Graham*, JJ., concur

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

Court of Appeals No. 20CA1406
Larimer County District Court No. 19DR1042
Honorable Julie Kunce Field, Judge

In re the Marriage of

Cami Anne Ruhman,

Appellee,

and

Keith March Ruhman,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE BERNARD
Vogt* and Casebolt*, JJ., concur

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

Court of Appeals No. 20CA1654
Jefferson County District Court No. 09CR3041
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Keith Sack,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE CASEBOLT*
Freyre and Yun, JJ., concur

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

Court of Appeals No. 20CA1728
Las Animas County District Court No. 20CV4
Honorable M. Jon Kolomitz, Judge

Justin Rueb,

Plaintiff-Appellant,

v.

Patrick McCarville and Jacquelyn Rich-Fredericks,

Defendants-Appellees.

ORDERS REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Richman, Fox, and Welling, JJ.
PER CURIAM

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

Court of Appeals No. 20CA2062
Industrial Claim Appeals Office of the State of Colorado
WC No. 3-948-315

Colorado Gold Wholesale, Inc. and Colorado Insurance Guaranty Association,
Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Jason Teti,
Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE YUN
Dailey and Graham*, JJ., concur

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

Court of Appeals No. 20CA2138
City and County of Denver Juvenile Court No. 19JV1303
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning L.K.G., f/k/a L.K.O., and E.J.G.,

Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE TOW
Furman and Gomez, JJ., concur

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

Court of Appeals No. 21CA0009
City and County of Denver Juvenile Court No. 19JV1559
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning N.C.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE ROMÁN
Harris and Davidson*, JJ., concur

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

Court of Appeals No. 21CA0189
El Paso County District Court No. 19JV545
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

In the Interest of T.E., S.E., A.E., and D.E., Children,

and Concerning D.E.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GROVE
J. Jones and Johnson, JJ., concur

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

Court of Appeals No. 21CA0488
Industrial Claim Appeals Office of the State of Colorado
DD No. 10034-2021

Wendy K. Koceski,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE HARRIS
Román and Davidson*, JJ., concur

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

Court of Appeals No. 21CA0816
Industrial Claim Appeals Office of the State of Colorado
DD No. 27449-2021

Irvin T. Coleman,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE DAVIDSON*
Román and Harris, 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. 18CA2329

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Toney,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0255

JWN Family, LLC, a Colorado limited liability company,

Plaintiff-Appellant,

v.

Wellington Reservoir Company, a Colorado corporation,

Defendant-Appellee.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0835

In re the Marriage of

James Arthur Martin,

Appellee,

and

Sharon Rose Dumas, f/k/a Sharon Martin,

Appellant.

Petition for Rehearing DENIED

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2019.