

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 17, 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

[2022COA32](#)

Court of Appeals No. [19CA1997](#)
Arapahoe County District Court No. 16CR970
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Ton Thai Le,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA1694
Arapahoe County District Court No. 16CR3613
Honorable Ben L. Leutwyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Samuel Smith,

Defendant-Appellant.

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

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

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

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ANNOUNCEMENTS
Colorado Court of Appeals
March 17, 2022

Court of Appeals No. 18CA1698
Pueblo County District Court No. 18CR578
Honorable Kimberly Karn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shane Anthony Manzanares,

Defendant-Appellant.

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

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

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

Court of Appeals No. 18CA2192
Arapahoe County District Court No. 17CR350
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawne Alexander Toney,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA2421
Jefferson County District Court Nos. 12CR3312, 12CR3369, & 13CR107
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bryan Michael Hamm,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA0222
Mesa County District Court No. 16CR5826
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Jess Sherrill,

Defendant-Appellant.

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. 19CA0506
Arapahoe County District Court No. 16CR3613
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Samuel Smith,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE RICHMAN
Tow and Grove, JJ., concur

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

Court of Appeals No. 19CA0603
Larimer County District Court No. 17CR1968
Honorable Stephen J. Jouard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ethan Michael Dixon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE TOW
Richman and Grove, JJ., concur

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

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ANNOUNCEMENTS
Colorado Court of Appeals
March 17, 2022

Court of Appeals No. 19CA1086
Mesa County District Court No. 18CR82
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Preston Edward Blackwood,

Defendant-Appellant.

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

Division III
Opinion by JUDGE GOMEZ
J. Jones and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA1220
Montezuma County District Court No. 18CR252
Honorable Todd Jay Plewe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Cory Gallegos,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE RICHMAN
Tow and Grove, JJ., concur

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

Court of Appeals No. 19CA1451
Mesa County District Court No. 13CR421
Honorable Bryan J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Petticrew,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 19CA1998
Arapahoe County District Court No. 16CR1042
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Linh Ngoc Tran,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA0667
Jefferson County District Court No. 18CV30820
Honorable Christie A. Bachmeyer, Judge

Tiffani Willis,

Plaintiff-Appellant,

v.

Farmers Insurance Exchange,

Defendant-Appellee.

JUDGMENT AND ORDER AFFIRMED

Division III
Opinion by JUDGE GOMEZ
J. Jones and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA0935
City and County of Denver Juvenile Court No. 19JD716
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of G.R.H.,

Juvenile-Appellant.

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

Division IV
Opinion by JUDGE TOW
Richman and Grove, JJ., concur

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

Court of Appeals No. 20CA1149
El Paso County District Court No. 18CR2989
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Ryan Manning,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE BERGER
Brown and Johnson, JJ., concur

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

Court of Appeals No. 20CA1451
Fremont County District Court No. 01CR408
Honorable Stephen A. Groome, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael James Stovall,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE BROWN
Berger and Johnson, JJ., concur

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

Court of Appeals No. 20CA1541
Summit County District Court No. 18CV30171
Honorable Mark D. Thompson, Judge

David C. Bradford and Anne E. Bradford,

Plaintiffs-Appellants,

v.

Slifer, Smith & Frampton/Vail Associates Real Estate L.L.C., d/b/a Slifer
Smith & Frampton Real Estate, a Delaware limited liability company,

Defendant-Appellee,

and Concerning Michele Hart,

Defendant.

APPEAL DISMISSED

Division II
Opinion by JUDGE KUHN
Pawar and Davidson*, JJ., concur

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

Court of Appeals No. 20CA1595
Jefferson County District Court No. 20CV30203
Honorable Russell Klein, Judge

Nancy Marie Thurman,

Plaintiff-Appellant,

v.

Estate of Dennis Jon Watson, deceased,

Defendant-Appellee.

JUDGMENT AND ORDER 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. 20CA1945
Mineral County District Court No. 20CV30002
Honorable Crista Newmyer-Olsen, Judge

City of Creede, Colorado,

Plaintiff-Appellant,

v.

Kip's Grill, LLC,

Defendant-Appellee.

ORDER REVERSED

Division IV
Opinion by JUDGE RICHMAN
Tow and Grove, JJ., concur

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

Court of Appeals No. 20CA2088
Pitkin County District Court No. 20CV30055
Honorable Denise K. Lynch, Judge

City of Aspen, a Colorado municipality,

Plaintiff-Appellee,

v.

Burlingame Ranch II Condominium Owners Association, Inc., a nonprofit
corporation,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA2149
City and County of Denver District Court No. 11CR3245
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roberto F. Santistevan,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0357
City and County of Denver District Court No. 19DR30398
Honorable Lisa C. Arnolds, Judge

In re the Marriage of

Amy Elizabeth Moore,

Appellee,

and

Benjamin Emanuel Moore,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 21CA0473
Boulder County District Court No. 20JV90
Honorable Andrew R. Macdonald, Judge

In the Interest of M.F.L.W., a Child,

R.J.F.,

Appellant,

and Concerning M.M.W.,

Appellee,

and

A.J.L.W.,

Intervenor-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA0516
Eagle County District Court No. 19DR30040
Honorable Reed W. Owens, Judge

In re the Marriage of

Christy J. Bartlett,

Appellee,

and

Andrew Bartlett,

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. 21CA0746
Mesa County District Court No. 19JV276
Honorable Daniel M. Garcia, Judge

In re the Parental Responsibilities Concerning L.E.A., a Child,

B.A.,

Appellee,

and

F.S.,

Appellant,

and Concerning D.A.,

Intervenor-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. 21CA0765
Morgan County District Court No. 19JV24
Honorable Kevin L. Hoyer, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.R.,

Appellant.

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. 21CA0791
Arapahoe County District Court No. 19JV965
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning K.W.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
J. Jones and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA0989
Adams County District Court No. 19JV374
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.N.W., a Child,

and Concerning K.W.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE DAVIDSON*
Román, C.J., and Graham*, J., concur

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

Court of Appeals No. 21CA1023
Weld County District Court No. 19JV698
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.J. and A.C.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA2067
Pueblo County District Court No. 21MH375
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Vincent Lu,

Respondent-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE KUHN
Furman and Pawar, JJ., concur

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

Court of Appeals No. 22CA0001
Pueblo County District Court No. 21MH387
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Stephani Carr,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Fox and Schutz, 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. 18CA1747

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Michael Bowers,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA0515

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenton Joel Pratt,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA0923

Stacia Springer, Steffen Mehnert, Chris Springer, and Sandra Reynolds,

Plaintiffs-Appellees and Cross-Appellants,

v.

American Financing Corporation,

Defendant-Appellant and Cross-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA2119

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Alan Hill,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0842

In re the Matter of Derek Windell Cole Trust,

Derek Windell Cole,

Appellant,

v.

Marcie R. McMinimee, in her capacity as Trustee of the Derek Windell Cole Trust,

Appellee.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

Court of Appeals No. 19CA1019

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Scott Schweizer,

Defendant-Appellant.

Opinion Modified and
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.