

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 18, 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

[2022COA94](#)

Court of Appeals No. [21CA0739](#)
Adams County District Court No. 20CV31045
Honorable Jeffrey Smith, Judge

Vincent Damon Dittiro,

Plaintiff-Appellant,

v.

Matthew J. Sando, Caleb Simon, Colorado State Patrol, Commerce City Police Department, and Adams County Sheriff’s Department,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA1126
Adams County District Court No. 15CR2975
Honorable Sharon Holbrook, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Garrett Benally,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Navarro and Hawthorne*, JJ., concur

Prior Opinion Announced February 20, 2020, Vacated in 20SC338

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

Court of Appeals No. 18CA1665
City and County of Denver District Court No. 17CR3858
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cordero Jordan Santos,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE DUNN
Johnson and Bernard*, JJ., concur

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

Court of Appeals No. 18CA2340
Jefferson County District Court No. 10CR2440
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn Craig Shield, a/k/a Shawn Craig Shields,

Defendant-Appellant.

ORDER AFFIRMED

Division P
Opinion by JUDGE J. JONES
Martinez* and Graham*, JJ., concur

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

Court of Appeals No. 19CA0323
Arapahoe County District Court No. 97CR326
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Barbara Ann Freeman,

Defendant-Appellant.

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

Division II
Opinion by JUDGE FURMAN
Grove and Yun, JJ., concur

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

Court of Appeals No. 19CA0398
Douglas County District Court No. 17CR965
Honorable Robert Lung, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Lee Leensvaart,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE BERGER
Dailey and Tow, JJ., concur

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

Court of Appeals No. 19CA0399
Arapahoe County District Court No. 17CR1211
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shane Martin Hackney,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division P
Opinion by JUDGE J. JONES
Martinez* and Graham*, JJ., concur

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

Court of Appeals Nos. 19CA0578 & 19CA0968
Arapahoe County District Court No. 14CR2106
Honorable Patricia D. Herron, Judge
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Larry Girault McGee,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

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

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

Court of Appeals No. 19CA1226
Arapahoe County District Court No. 16CR2531
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maurice Antwan Palmer,

Defendant-Appellant.

ORDER VACATED

Division VI
Opinion by JUDGE FOX
Welling and Johnson, JJ., concur

Prior Opinion Announced September 30, 2021, Vacated in 21SC807

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

Court of Appeals No. 19CA1330
Boulder County District Court No. 18CR620
Honorable Judith L. Labuda, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan Jose Figueroa, Jr.,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division II
Opinion by JUDGE GROVE
Furman and Yun, JJ., concur

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

Court of Appeals No. 19CA1473
Adams County District Court No. 10CR260
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Pierre Lovato,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE FURMAN
Grove and Yun, JJ., concur

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

Court of Appeals No. 19CA1930
Logan County District Court No. 18CR404
Honorable Carl S. McGuire, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos Michael Padilla,

Defendant-Appellant.

SENTENCE AND ORDER REVERSED
AND CASE REMANDED WITH DIRECTIONS

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

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

-8-
ANNOUNCEMENTS
Colorado Court of Appeals
August 18, 2022

Court of Appeals No. 19CA2275
Arapahoe County District Court No. 18JD415
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of U.J.S.,

Juvenile-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE LIPINSKY
Navarro and Kuhn, JJ., concur

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

Court of Appeals No. 20CA0579
Adams County District Court No. 18CR1265
Honorable Sean Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kamiko David Miles,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE JOHNSON
Dunn and Vogt*, JJ., concur

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

Court of Appeals No. 20CA0672
Garfield County District Court No. 16CR3024
Honorable John F. Neiley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gustavo Olivo-Tellez,

Defendant-Appellant.

ORDER VACATED

Division VI
Opinion by JUDGE VOGT*
Dunn and Johnson, JJ., concur

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

Court of Appeals No. 20CA1082
Archuleta County District Court No. 19CR27
Honorable Jeffrey R. Wilson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christina Mary Lerlo,

Defendant-Appellant.

ORDER VACATED

Division P
Opinion by JUDGE BERGER
Rothenberg* and Casebolt*, JJ., concur

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

Court of Appeals No. 20CA1233
Larimer County District Court No. 19CR21
Honorable Laurie K. Dean, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Gregory Sargent,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE BERGER
Dailey and Tow, JJ., concur

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

Court of Appeals No. 20CA1867
City and County of Denver District Court No. 14CR2683
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas J. Davis,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA2123
Larimer County District Court No. 02CR1285
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Guadalupe Pete Delgado,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE DUNN
Johnson and Vogt*, JJ., concur

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

Court of Appeals No. 21CA0057
City and County of Denver District Court No. 17CR6301
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Walter Montoya,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE BERNARD*
Pawar and Brown, JJ., concur

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

Court of Appeals No. 21CA0087
City and County of Denver Juvenile Court No. 19JD811
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of P.B.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA0329
El Paso County District Court No. 19CR5293
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Marckus Antonio Maxwell,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE YUN
Furman and Grove, JJ., concur

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

Court of Appeals No. 21CA0397
Garfield County District Court No. 18CR410
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Moron,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

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

Court of Appeals No. 21CA0511
El Paso County District Court No. 20CV293
Honorable Laura N. Findorff, Judge

Andrew Mark Lamar,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director of the Colorado Department of Corrections,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE JOHNSON
Dunn and Bernard*, JJ., concur

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

Court of Appeals No. 21CA0542
El Paso County District Court No. 97CR2964
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Patrick McDaniel Adkins, Jr.,

Defendant-Appellee.

ORDER AFFIRMED

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

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

Court of Appeals No. 21CA0642
Weld County District Court No. 19CV30922
Honorable Todd Taylor, Judge

Rosa Castillo,

Plaintiff-Appellee,

v.

Marisela Castillo and Felipe Diaz,

Defendants-Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE YUN
Furman and Grove, JJ., concur

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

Court of Appeals No. 21CA0709
Boulder County District Court No. 19DR30433
Honorable Bruce Langer, Judge

In re the Marriage of

Cheryl Hein,

Appellee,

and

Mark Hein,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE BROWN
Richman and Pawar, JJ., concur

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

Court of Appeals No. 21CA0727
Eagle County District Court No. 18CV30246
Honorable Catherine J. Cheroutes, Judge

Village Inn Plaza-Phase V Condominium Association, a Colorado nonprofit corporation,

Plaintiff-Appellant,

v.

La Bottega, Inc., a Colorado corporation,

Defendant-Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 21CA1053
Adams County District Court No. 19JV143
Honorable J. Robert Lowenbach, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.A.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BROWN
Pawar and Bernard*, JJ., concur

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

Court of Appeals No. 21CA1283
State Personnel Board Case No. 21B040

Jerome Greene,

Petitioner-Appellant,

v.

University of Colorado Boulder, College of Arts and Sciences,

Respondent-Appellee,

and

State Personnel Board,

Appellee.

ORDER AFFIRMED

Division II
Opinion by JUDGE GROVE
Furman and Yun, JJ., concur

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

Court of Appeals No. 21CA1468
Douglas County District Court No. 19DR30140
Honorable Andrew Baum, Judge

In re the Marriage of

Brittany Lynn Bone-Roth,

Appellee,

and

David Joseph Roth,

Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE BERGER
Dailey and Tow, JJ., concur

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

Court of Appeals No. 21CA1589
Garfield County District Court No. 13DR303
Honorable Anne K. Norrdin, Judge

In re the Marriage of

James David Kellogg,

Appellant,

and

Kristen Lee Kellogg,

Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE LIPINSKY
Navarro and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1702
Park County District Court No. 21DR30012
Honorable Stephen A. Groome, Judge

Audrey M. Arrazola,

Appellant,

v.

David D. McNeill,

Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE KUHN
Navarro and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA1828
Logan County District Court No. 21JV3
Honorable Michael K. Singer, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.P., Jr., a Child,

and Concerning D.P.,

Appellant.

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

Division I
Opinion by JUDGE BERGER
Dailey and Tow, JJ., concur

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

Court of Appeals No. 21CA1904
Arapahoe County District Court No. 19JV949
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of XB-P, a Child,

and Concerning KP,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE GROVE
Furman and Yun, JJ., concur

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

Court of Appeals No. 21CA1909
Chaffee County District Court No. 21CV17
Honorable Patrick W. Murphy, Judge

Marcus Robinson,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

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

Court of Appeals No. 21CA1998
Conejos County District Court No. 21JV4
Honorable Crista Newmyer-Olsen, Judge

The People of the State of Colorado,

Appellee,

In the Interest of N.A.O., a Child,

and Concerning N.L.O.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BROWN
Richman and Pawar, JJ., concur

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

Court of Appeals No. 21CA2064
Jefferson County District Court No. 20JV344
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of P.G., a/k/a Cl.G. and Ca.G., Children,

and Concerning M.B. and Z.G.,

Appellants.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FOX
Freyre and Gomez, JJ., concur

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

Court of Appeals No. 22CA0279
Arapahoe County District Court No. 20JV307
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of D.S. and B.P., a/k/a L.S., Children,

and Concerning L.P.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE YUN
Furman 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. 21CA0163

The People of the State of Colorado,

Appellee,

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

and Concerning D.B. and B.B.,

Appellants.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0206

In the Matter of Mendy Brockman Disability Trust,

Jason Brockman, as Trustee of the Mendy Brockman Disability Trust,

Appellant,

v.

Colorado Department of Health Care Policy and Financing,

Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1006

In re the Marriage of

Danielle Jeanette Thorburn,

Appellee,

and

James M. Thorburn,

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. 2021.