

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 9, 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

[2022COA62](#)

Court of Appeals No. [19CA1332](#)
Arapahoe County District Court No. 17CR2285
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Wayne Washington,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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ANNOUNCEMENTS
Colorado Court of Appeals
June 9, 2022

[2022COA63](#)

Court of Appeals No. [20CA2013](#)

Arapahoe County District Court No. 18CV32213

Honorable Elizabeth Weishaupl, Judge

CORE Electric Cooperative, a Colorado cooperative electric association and nonprofit corporation, f/k/a Intermountain Rural Electric Association,

Petitioner-Appellee,

v.

Freund Investments, LLC, a Colorado limited liability company,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by JUSTICE MARTINEZ*

Fox and Gomez, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA1297
Fremont County District Court No. 15CR224
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Todd Whitt,

Defendant-Appellant.

JUDGMENT REVERSED 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. 18CA1372
Pueblo County District Court No. 16CR246
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Joseph Ianne,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE WELLING
Richman and Berger, JJ., concur

Prior Opinion Announced November 4, 2021, Vacated in 21SC898

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

Court of Appeals No. 18CA1495
El Paso County District Court No. 15CR1231
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rebecca Jeanette Champigny,

Defendant-Appellant.

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

Division I
Opinion by JUDGE BERGER
Tow, J., concurs
Dailey, J., specially concurs

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

Court of Appeals No. 19CA1852
Mesa County District Court No. 17CR969
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

George John Harris,

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. 19CA1968
Adams County District Court No. 18CR1927
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luciano Enriquez-Flores,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE SCHUTZ
Welling and Taubman*, JJ., concur

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

Court of Appeals No. 19CA2116
Arapahoe County District Court No. 17CR1810
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jzell James Gilbert,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA0267
Mesa County District Court No. 17CR59
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shane Michael Martin,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA1017
City and County of Denver District Court No. 19CR1687
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph M. Sanchez,

Defendant-Appellant.

ORDER VACATED

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

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

Court of Appeals No. 20CA1143
Moffat County District Court No. 19CR3
Honorable Shelly A. Hill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Frederick Charles Battle,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE GRAHAM*
Lipinsky and Kuhn, JJ., concur

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

Court of Appeals No. 20CA1160
Larimer County District Court No. 20CV123
Honorable Gregory M. Lammons, Judge

In re the Estate of Steven W. Preiss, deceased.

Mark A. Preiss, as Personal Representative of the Estate of Steven W. Preiss,

Plaintiff-Appellee,

v.

Debra A. Paulison,

Defendant-Appellant.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

Division IV
Opinion by JUDGE JOHNSON
Dunn and Harris, JJ., concur

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

Court of Appeals No. 20CA1187
Arapahoe County District Court No. 17CR1625
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Pack,

Defendant-Appellant.

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

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

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

Court of Appeals No. 20CA1393
Arapahoe County District Court No. 11CR93
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jovan Gemark McGlothin,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE CASEBOLT*
Lipinsky and Kuhn, JJ., concur

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

Court of Appeals No. 20CA1926
Arapahoe County District Court No. 17CR1625
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Pack,

Defendant-Appellant.

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

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

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

Court of Appeals No. 20CA1955
Weld County District Court No. 19CR641
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon Joseph Clements,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE RICHMAN
Pawar and Martinez*, JJ., concur

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

Court of Appeals No. 20CA1995
Colorado State Board of Nursing Nos. NB 2019-0043 & NB 2019-5983

Colorado State Board of Nursing,

Petitioner-Appellee

v.

Shari L. Long-Romero, R.N., C.N.M., R.X.N.,

Respondent-Appellant.

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

Division III
Opinion by JUDGE WELLING
J. Jones and Schutz, JJ., concur

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

Court of Appeals No. 20CA2084
City and County of Denver District Court No. 18CV33372
Honorable Robert L. McGahey, Jr., Judge

InvitedHome Management, LLC, a Colorado limited liability company; and
InvitedHome LLC, a Delaware limited liability company,

Plaintiffs-Appellants,

v.

Thomas Feldhusen; Michael Joseph; and Turnkey Vacation Rentals, Inc., a
Delaware corporation,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA0101
City and County of Denver District Court Nos. 00CR2104, 00CR2169 &
00CR2200
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony L. Owens,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE BERNARD*
Pawar and Kuhn, JJ., concur

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

Court of Appeals No. 21CA0157
Weld County District Court No. 19PR30474
Honorable Shannon D. Lyons, Judge

In the Matter of the Determination of Heirs or Devisees or Both and of Interests
in Property of Harley R. Hinton, a/k/a H.R. Hinton, and Lottie J. Hinton,
a/k/a Lottie Johnston Hinton, Deceased,

Mitchell Minerals LLC, and Amcon Resources Inc.,

Appellants,

v.

Virginia Military Institute,

Appellee.

ORDER AFFIRMED

Division III
Opinion by JUDGE WELLING
Schutz and Taubman*, JJ., concur

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

Court of Appeals No. 21CA0160
City and County of Denver District Court No. 00CR3135
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Don Law Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Rothenberg* and Vogt*, JJ., concur

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

Court of Appeals No. 21CA0193
La Plata County District Court No. 18CV30085
Honorable William L. Herringer, Judge

Anthony Martinez, as father and next friend of Rivers Picasso Martinez, a
minor, and Ira Picasso Martinez, a minor,

Plaintiff-Appellant and Cross-Appellee,

v.

Cast, LLC, a Colorado limited liability company; Caroni Adams, Inc., a
Colorado corporation, d/b/a The Property Manager; and Carolyn Caroni
Adams,

Defendants-Appellees and Cross-Appellants.

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

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

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

Court of Appeals No. 21CA0206
El Paso County District Court No. 20PR30527
Honorable Vincent N. Rahaman, Magistrate

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.

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. 21CA0452
Adams County District Court No. 19JV230
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,
Appellee,

In the Interest of R.G., a Child,
and Concerning J.T.,
Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FURMAN
Pawar and Kuhn, JJ., concur

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

Court of Appeals No. 21CA0625
Mesa County District Court No. 20PR23
Honorable Lance P. Timbreza, Judge

In re the Estate of Leonard Garcia, deceased,

Janet Wyatt,

Appellee,

v.

Rodney Garcia,

Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE J. JONES
Welling and Schutz, JJ., concur

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

Court of Appeals No. 21CA0736
Arapahoe County District Court No. 20CV30521
Honorable John E. Scipione, Judge

Michael Bega,

Plaintiff-Appellant,

v.

Ezequiel Guzman,

Defendant-Appellee.

ORDER AFFIRMED

Division A
Opinion by JUDGE FOX
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA0804
Jefferson County District Court No. 16CV35
Honorable Tamara S. Russell, Judge

Craig S. Robledo,

Plaintiff-Appellant,

v.

Jefferson County Sheriff Shrader and Jefferson County Deputy Feroe,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE J. JONES
Welling and Schutz, JJ., concur

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

Court of Appeals No. 21CA0865
Gunnison County District Court No. 20CV30028
Honorable J. Steven Patrick, Judge

Sopris House, LLC, a Colorado limited liability company,

Plaintiff-Appellant,

v.

Thomas J. Koehler, John P. Ellis Revocable Living Trust dated December 13, 2012, and Mary H. Cooper Ellis Revocable Living Trust dated December 13, 2012,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division B
Opinion by JUDGE SCHUTZ
Tow and Grove, JJ., concur

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

Court of Appeals No. 21CA1239
City and County of Denver Juvenile Court No. 16JA190
Honorable D. Brett Woods, Judge

In re the Petition of M.D.G.,

Appellant,

for the Adoption of C.A.N., a Child,

And Concerning J.L.N.,

Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1330
City and County of Denver Juvenile Court No. 20JV1256
Honorable J. Robert Lowenbach, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.J.S. and N.J.S., Children,

and Concerning J.L.S.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1533
Phillips County District Court No. 17DR16
Honorable Stephanie M.G. Gagliano, Judge

In re the Marriage of

Sara Lynn McMurrin,

Appellee,

and

Davanale Paul McMurrin,

Appellant.

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. 21CA1592
Montrose County District Court No. 20JV56
Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.M.S., a Child,

and Concerning J.M.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1772
Fremont County District Court No. 20JV45
Honorable Lynette M. Wenner, Judge
Honorable Larry Allen, Magistrate

The People of the State of Colorado,

Appellee

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

and Concerning A.H.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE SCHUTZ
J. Jones and Welling, JJ., concur

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

Court of Appeals No. 22CA0374
Industrial Claim Appeals Office of the State of Colorado
DD No. 71084-2021

Araceli Felix Aguilar,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment,

Respondents.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Rothenberg* and Vogt*, JJ., concur

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

Court of Appeals No. 22CA0503
City and County of Denver Probate Court No. 19MH964
Honorable Beth A. Tomerlin, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Barbryuna Lewis,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, 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. 18CA1881

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Allen Tanner,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA2043

Johnson Family Law, P.C., d/b/a Modern Family Law,

Plaintiff-Appellant,

v.

Grant Bursek,

Defendant-Appellee.

Petition for Rehearing DENIED

Court of Appeals No. 20CA2129

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Eric Espinoza,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA2157

In the Matter of L.D.N., a Child,

Monique Robinson-Hines, Conservator,

Petitioner-Appellee,

v.

Chuck O. Egbune,

Attorney-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0359

William Montgomery,

Plaintiff-Appellant,

v.

Walmart Stores, Inc.,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0641

Allen Villegas,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Denver Water,
Travelers Indemnity Company, and Dr. Hugh Macaulay,

Respondents.

Opinion Modified and
Petitions 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.