

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 1, 2023*

“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

[2023COA45](#)

Court of Appeals No. [20CA2145](#)
Arapahoe County District Court No. 19CR2273
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luis Fernando Toro-Ospina,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ. concur

[2023COA46](#)

Court of Appeals No. [21CA0399](#)
Boulder County District Court No. 13CR1903
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bradford Wayne Snedeker,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE J. JONES
Dunn and Lum, JJ., concur

[2023COA47](#)

Court of Appeals No. [21CA0976](#)
Arapahoe County District Court No. 19CR1440
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Alfonso Gallegos,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE LIPINSKY
Fox and Schock, JJ., concur

[2023COA48](#)

Court of Appeals No. [22CA0700](#)

Pitkin County District Court No. 21CV30069

Honorable Christopher G. Seldin, Judge

802 East Cooper, LLC, a Colorado limited liability company,

Plaintiff-Appellant,

v.

Z-GKids, LLC, a Colorado limited liability company; Original Street Condominiums Inc., a Colorado non-profit corporation; Mona Hayles Long, as Trustee of the Mona Hayles Long Trust; Kimberly A. Raymond; Rickey Wark; and Cynthia Wark,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE DAILEY
Grove and Berger*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 20CA0231
Weld County District Court Nos. 12CR424 & 12CR506
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bradford Steven Raehal,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Lipinsky and Schutz, JJ., concur

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

Court of Appeals No. 20CA0472
El Paso County District Court No. 18CR7018
Honorable David Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Eugene Brooks,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE BERNARD*
Lum and Graham*, JJ., concur

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

Court of Appeals No. 20CA0832
El Paso County District Court No. 08CR1583
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Eugene Davidson,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GROVE
Dailey and Gomez, JJ., concur

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

Court of Appeals No. 20CA1166
Boulder County District Court No. 97CR131
Honorable Bruce Langer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clifford Dennis Nicholas,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE DUNN
J. Jones and Lum, JJ., concur

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

Court of Appeals No. 20CA1909
City and County of Denver District Court Nos. 14CR6434, 15CR1599 &
15CR80
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Ricardo Sarabia-Martinez,

Defendant-Appellant.

ORDER AND SENTENCE AFFIRMED

Division III
Opinion by JUDGE LUM
J. Jones and Dunn, JJ., concur

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

Court of Appeals No. 21CA0068
El Paso County District Court No. 19CR1544
Honorable Erin Sokol, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jennifer Nicole Candelaria,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE FURMAN
Tow and Johnson, JJ., concur

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

Court of Appeals No. 21CA0197
City and County of Denver District Court No. 14CR3311
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fernando Byrd-Farr,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FURMAN
Tow and Taubman*, JJ., concur

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

Court of Appeals No. 21CA0686
Arapahoe County District Court No. 15CR3000
Honorable Elizabeth Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Robert Baldwin,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE TAUBMAN*
Furman and Tow, JJ., concur

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

Court of Appeals No. 21CA0998
Arapahoe County District Court No. 13CR970
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Craig Daugherty Zellers,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GOMEZ
Dailey and Grove, JJ., concur

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

Court of Appeals No. 21CA1493
Adams County District Court No. 20CV31543
Honorable Sheila A. Rappaport, Judge

David Petrocco, Jr.,

Plaintiff-Appellee and Cross-Appellant,

v.

Moira Sharkey,

Defendant-Appellant and Cross-Appellee.

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

Division II
Opinion by JUDGE TOW
Furman and Johnson, JJ., concur

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

Court of Appeals No. 21CA1852
City and County of Denver District Court No. 06CR5084
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan G. Loyas,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE BROWN
Navarro and Yun, JJ., concur

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

Court of Appeals No. 21CA1985
Jefferson County District Court No. 03CR783
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cesar I. Pasillas-Sanchez,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
Brown and Yun, JJ., concur

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

Court of Appeals No. 22CA0546
City and County of Denver District Court No. 20CV34205
Honorable Darryl F. Shockley, Judge

City of Glendale, Colorado, a home rule municipality,

Plaintiff-Appellant,

v.

Colorado Independent Ethics Commission,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BROWN
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 22CA0625
Arapahoe County District Court Nos. 20CV148, 20CA184, 20CV209, 20CV217,
21CV1 & 21CV235
Honorable Peter F. Michaelson, Judge

William Montgomery,

Plaintiff-Appellant,

v.

Walmart, Inc. and Alberto Carlos Cordero Duarte,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE GROVE
Dailey and Gomez, JJ., concur

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

Court of Appeals No. 22CA0661
El Paso County District Court No. 08CR99
Honorable William H. Moller, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bryant Ross Sherman,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GROVE
Dailey and Gomez, JJ., concur

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

Court of Appeals No. 22CA0819
Eagle County District Court No. 21CV30084
Honorable Russell H. Granger, Judge

Town of Vail, a home rule municipality of the State of Colorado,

Petitioner-Appellant,

v.

Reggie D. Delponte Residence Trust No. 1 and Reggie D. Delponte Residence
Trust No. 2,

Intervenors-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE GOMEZ
Dailey and Grove, JJ., concur

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

Court of Appeals No. 22CA0831
San Miguel County District Court No. 22CV30006
Honorable Mary E. Deganhart, Judge

Sunshinemesa, LLC, a Colorado limited liability company,

Petitioner-Appellee,

v.

Mark Lewis Halper,

Respondent-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FREYRE
Pawar and Schock, JJ., concur

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

Court of Appeals No. 22CA0912
Arapahoe County District Court No. 90CR171
Honorable Elizabeth Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Anderson,

Defendant-Appellant.

APPEAL DISMISSED IN PART
AND ORDER REVERSED IN PART

Division II
Opinion by JUDGE JOHNSON
Furman and Tow, JJ., concur

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

Court of Appeals No. 22CA0972
City and County of Denver District Court No. 15DR30015
Honorable Jill D. Dorancy, Judge

In re the Marriage of

Peter A. Hedeem,

Appellee,

and

Catherine A. Chan,

Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GROVE
Dailey and Gomez, JJ., concur

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

Court of Appeals No. 22CA1090
City and County of Denver District Court No. 21CV32075
Honorable Alex C. Myers, Judge

Benjamin M. Wann, Dr. Sharon Montes, and Dr. David Gray,

Plaintiffs-Appellants,

v.

Jared S. Polis, in his official capacity as Governor of the State of Colorado;
Colorado Department of Public Health and Environment; Colorado Department
of Revenue; and the Marijuana Enforcement Division,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE BERNARD*
Lum and Graham*, JJ., concur

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

Court of Appeals No. 22CA1365
Jefferson County District Court No. 21JV78
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.H. and I.H., Children,

And Concerning K.P. and C.H.,

Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Lipinsky and Schutz, JJ., concur

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

Court of Appeals No. 22CA1484
Mesa County District Court No. 12DR18
Honorable Valerie J. Robison, Judge

In re the Marriage of

Katherine Lyman Robinson,

Appellee,

and

Samuel Collin Robinson,

Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE TOW
Furman and Taubman*, JJ., concur

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

Court of Appeals No. 22CA1559
Larimer County District Court No. 21JV31
Honorable Joseph D. Findley, Judge

The People of the State of Colorado,

Appellee,

In the Interest of B.R., J.N., and S.K., Children,

and Concerning M.N.,

Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE JOHNSON
Dailey and Lum, JJ., concur

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

Court of Appeals No. 22CA1726
Adams County District Court No. 21JV27
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.A.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Freyre and Schock, JJ., concur

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

Court of Appeals No. 22CA2123
Industrial Claim Appeals Office of the State of Colorado
DD No. 34622-2022

Brian Thomas,

Petitioner,

v.

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

Respondents.

ORDER SET ASIDE
AND CASE REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE LIPINSKY
Harris and Schutz, JJ., concur

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

Court of Appeals No. 22CA2141
Adams County District Court No. 20CR3021
Honorable Patrick H. Pugh, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

James Andrew Petrie,

Defendant-Appellee.

ORDER AFFIRMED

Division I
Opinion by JUDGE GROVE
Dailey and Gomez, JJ., concur

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

Court of Appeals No. 22CA2278
City and County of Denver Probate Court No. 22MH1104
Honorable Elizabeth D. Leith, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Jean B. Uwayezuk, a/k/a Jean B. Uwayezu,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE JOHNSON
Dailey and Lum, 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. 21CA0388

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffery C. Ford,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA1143

The People of the State of Colorado,

Appellee,

In the Interest of B.R.A., a Child,

and Concerning B.S.S.,

Appellant.

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. 2022.