

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
January 26, 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**

[2023COA7](#)

Court of Appeals No. [20CA0174](#)  
Arapahoe County District Court No. 17CR3156  
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Deshawn Lynn Randolph,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE TOW  
Navarro and Schutz, JJ., concur

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ANNOUNCEMENTS  
Colorado Court of Appeals  
January 26, 2023

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[2023COA8](#)

Court of Appeals No. [21CA1142](#)

City and County of Denver District Court No. 19CV32214

Honorable A. Bruce Jones, Judge

Autumn Scardina,

Plaintiff-Appellee,

v.

Masterpiece Cakeshop, Inc. and Jack Phillips,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE SCHUTZ

Dunn and Grove, JJ., concur

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[2023COA9](#)

Court of Appeals No. [21CA1678](#)

City and County of Denver District Court No. 21CV30219

Honorable Michael A. Martinez, Judge

Pinnacol Assurance,

Plaintiff-Appellee,

v.

Patricia Laughlin, as personal representative for the estate of Todd Wilson,  
deceased,

Defendant-Appellant.

ORDER AFFIRMED

Division I

Opinion by JUDGE RICHMAN\*

Dailey and Furman, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 19CA0718  
El Paso County District Court No. 16CR3489  
Honorable Jann P. DuBois, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan Antonio Sarmiento,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III  
Opinion by JUDGE YUN  
Pawar and Davidson\*, JJ., concur

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

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Court of Appeals No. 19CA0779  
Weld County District Court No. 17CR936  
Honorable Timothy Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Jason Hall,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,  
AND CASE REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE DUNN  
Brown and Gomez, JJ., concur

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

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Court of Appeals No. 19CA2064  
City and County of Denver District Court No. 18CR136  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raphael Rangel,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division II  
Opinion by JUDGE J. JONES  
Brown and Kuhn, JJ., concur

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

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Court of Appeals No. 19CA2067  
Mesa County District Court No. 18CR1727  
Honorable Gretchen B. Larson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Russell Scott Olson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE GOMEZ  
Harris and Hawthorne\*, JJ., concur

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

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Court of Appeals No. 20CA0508  
Adams County District Court No. 18CR2366  
Honorable Carol Glowinsky, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward Pierre Cavazos-Navarro,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE PAWAR  
Yun and Davidson\*, JJ., concur

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

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Court of Appeals No. 20CA0675  
Pueblo County District Court No. 19CR1157  
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado

Plaintiff-Appellee,

v.

Sean Michael Pennefather,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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ANNOUNCEMENTS  
Colorado Court of Appeals  
January 26, 2023

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Court of Appeals No. 20CA1552  
El Paso County District Court Nos. 08CR3130 & 08CR3578  
Honorable George G. Lyman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jomar Falu-Vives,

Defendant-Appellant.

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

Division VI  
Opinion by JUDGE NAVARRO  
Tow and Schutz, JJ., concur

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

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Court of Appeals No. 20CA1668  
City and County of Denver District Court No. 18CR9779  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dominic F. Maestas,

Defendant-Appellant.

SENTENCE AFFIRMED

Division III  
Opinion by JUDGE PAWAR  
Yun and Davidson\*, JJ., concur

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

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Court of Appeals No. 20CA1922  
Gilpin County District Court No. 02CR42  
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reginald Marcus Porter,

Defendant-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE FREYRE  
Furman and Welling, JJ., concur

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

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Court of Appeals No. 21CA0153  
Jefferson County District Court No. 04CR362  
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Keith Cummings,

Defendant-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE FURMAN  
Freyre and Welling, JJ., concur

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

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ANNOUNCEMENTS  
Colorado Court of Appeals  
January 26, 2023

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Court of Appeals No. 21CA0515  
Boulder County District Court No. 19CV30334  
Honorable Patrick D. Butler, Judge

Tax Credit Connection, Inc., a Colorado corporation, Ariel D. Steele, Randal D. Bjerke, Konrad L. Krauland, Steven M. Thibodeaux, Marc I. Katz,

Plaintiffs-Appellees,

v.

Rose Anne M. Guire; Jimmy R. Guire II, individually and as member; Corina Renee; TMR38, LLC; TMR40, LLC; TMR41, LLC; TMR43, LLC; TMR44, LLC; TMR45, LLC; Meadows Ranch, LLC; GW38 Irrevocable Trust; GW39 Irrevocable Trust; GW40 Irrevocable Trust; GW41 Irrevocable Trust; GW43 Irrevocable Trust; GW46 Irrevocable Trust; GW620 Irrevocable Trust; Tsawhawbitts Meadows Ranch Trust,

Defendants-Appellants.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE TAUBMAN\*  
Dunn and Harris, JJ., concur

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

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Court of Appeals No. 21CA0732  
Jefferson County District Court No. 05CR992  
Honorable Russell Klein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angelo Emilio Montoya,

Defendant-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE FREYRE  
Furman and Welling, JJ., concur

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

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Court of Appeals No. 21CA0756  
El Paso County District Court No. 99CR4527  
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Albert Lopez,

Defendant-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE FURMAN  
Freyre and Welling, JJ., concur

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

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Court of Appeals No. 21CA1086  
Arapahoe County District Court No. 03CR1667  
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Guido Antonio Maitta,  
  
Defendant-Appellant.

ORDER REVERSED, SENTENCE VACATED IN PART,  
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)**

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Court of Appeals No. 21CA1115  
Arapahoe County District Court No. 97JD1759  
Honorable Beth Elliot-Dumler, Magistrate

The People of the State of Colorado,  
  
Petitioner-Appellee,

In the Interest of W.J.S.,

Juvenile-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE J. JONES  
Brown and Kuhn, JJ., concur

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

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Court of Appeals No. 21CA1128  
Arapahoe County District Court No. 20DR79  
Honorable Christina Apostoli, Magistrate

In re the Parental Responsibilities Concerning J.O.B., a Child,  
and Concerning Stacy Michelle Angel,

Appellee,

and

Jamus Oran Bryant,

Appellant.

JUDGMENT AFFIRMED AND APPEAL DISMISSED IN PART

Division VI  
Opinion by JUDGE NAVARRO  
Tow and Schutz, JJ., concur

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

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Court of Appeals No. 21CA1426  
City and County of Denver District Court Nos. 98CR2477, 98CR2494 &  
98CR2497  
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Juarez,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 21CA1547  
Mesa County District Court No. 19CV30240  
Honorable Brian J. Flynn, Judge

Paul Strayer,

Plaintiff-Appellant,

v.

State Farm Mutual Automobile Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE DUNN  
Brown and Gomez, JJ., concur

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

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Court of Appeals No. 21CA1724  
Arapahoe County District Court No. 20DR79  
Honorable Bonnie H. McLean, Judge

In re the Parental Responsibilities Concerning J.O.B., a Child,  
and Concerning Stacy Michelle Angel,

Appellee,

and

Jamus Oran Bryant,

Appellant.

APPEAL DISMISSED IN PART  
AND ORDER AFFIRMED

Division VI  
Opinion by JUDGE NAVARRO  
Tow and Schutz, JJ., concur

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

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Court of Appeals No. 21CA1829  
El Paso County District Court Nos. 95CR3067 & 95CR3461  
Honorable David Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shane Stevens,

Defendant-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE FREYRE  
Furman and Welling, JJ., concur

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

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Court of Appeals No. 21CA1888  
El Paso County District Court No. 19CV32937  
Honorable Michael P. McHenry, Judge

Colston Enterprises LLC,  
Plaintiff-Appellant,

v.

Michael A. Compton,  
Defendant-Appellee.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE J. JONES  
Pawar and Yun, JJ., concur

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

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Court of Appeals No. 21CA1988  
El Paso County District Court No. 20CV30396  
Honorable G. David Miller, Judge

Derrick DeAguero and Lydia Martinez,  
Plaintiffs-Appellants,

v.

Latitude Tree House LLC, d/b/a Tree House Apartments,  
Defendant-Appellee.

JUDGMENT AND ORDER AFFIRMED

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

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

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Court of Appeals No. 21CA2011  
Douglas County District Court No. 16DR30636  
Honorable Andrew Baum, Judge

In re the Marriage of

Jon A. Erickson,

Appellee,

and

Chantal M. Menard-Erickson,

Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE YUN  
Fox and Tow, JJ., concur

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

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Court of Appeals No. 21CA2054  
Larimer County District Court No. 16DR30443  
Honorable Susan Blanco, Judge

In re the Parental Responsibilities Concerning J.A.M., a Child,  
and Concerning Ryan M. Morris,

Appellee,

and

Debra A. Kamstock,

Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE TOW  
Navarro and Schutz, JJ., concur

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

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Court of Appeals No. 21CA2098  
Larimer County District Court No. 21CV30132  
Honorable Gregory M. Lammons, Judge

Mulberry Frontage Metropolitan District, a Colorado special district and political subdivision of the State of Colorado,

Petitioner-Appellant,

v.

Niesje J. Van Heusden Revocable Trust, a California trust; Sunstate Equipment Co., LLC, a Delaware corporation; and Department of Transportation, State of Colorado,

Respondents-Appellees.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 22CA0022  
Jefferson County District Court No. 18DR30273  
Honorable Jason Carrithers, Judge

In re the Marriage of

Steven E. Swain,

Appellee,

and

Sherri L. Swain,

Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE J. JONES  
Brown and Kuhn, JJ., concur

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

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Court of Appeals No. 22CA0286  
Fremont County District Court No. 18JV119  
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Z.S. and S.H. Jr., Children,

and Concerning S.H. Sr. and S.H.,

Appellants.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE J. JONES  
Pawar and Yun, JJ., concur

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

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Court of Appeals No. 22CA0390  
Adams County District Court No. 18CV124  
Honorable Kyle Seedorf, Judge

Frank Salazar,

Plaintiff-Appellant,

v.

Anthony J. Anderson, Kevin Kihn, Golden Automotive Group, LLC, d/b/a Planet Honda; Leo Payne; Black Hills Federal Credit Union, a South Dakota corporation; DeAnne Dietrich; and Kitty Gust,

Defendants-Appellees.

ORDERS AFFIRMED

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

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

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Court of Appeals No. 22CA0631  
Arapahoe County District Court No. 20JV346  
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Ju.C. and Ja.C., Children,

and Concerning A.C.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 22CA0915  
Jefferson County District Court No. 20JV196  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,  
  
Appellee,

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

and Concerning T.K.A.,

Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE HARRIS  
Grove and Kuhn, JJ., concur

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

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Court of Appeals No. 22CA1185  
Jefferson County District Court No. 18JV863  
Honorable Ann G. Meinster, Judge

The People of the State of Colorado,  
  
Appellee,

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

and Concerning J.L.,

Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE PAWAR  
J. Jones and Yun, JJ., concur

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

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Court of Appeals No. 22CA1497  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 27972-2022

Jenifer Duran,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

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

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

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Court of Appeals No. 22CA1599  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 28950-2022

Walter Wright,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of  
Unemployment Insurance Benefit Payment Control,

Respondents.

ORDER AFFIRMED

Division V  
Opinion by JUDGE GOMEZ  
Dunn and Brown, JJ., concur

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

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**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. 21CA0615

Truman H. Weaver,

Plaintiff-Appellant,

v.

Brett Holland,

Defendant-Appellee.

Petition for Rehearing DENIED

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

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Court of Appeals Nos. 21CA0925 & 21CA1233

In re the Marriage of

Steven Herron,

Appellee,

and

Cynthia Hayek,

Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 21CA1157

Desmond Manning,

Complainant-Appellee,

v.

Department of Corrections, Office of the Inspector General,

Respondent-Appellant,

and

State Personnel Board,

Appellee.

Petition for Rehearing DENIED

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

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Court of Appeals No. 21CA1826

Albert Gonzales,

Plaintiff-Appellant,

v.

Fresh Beets Kitchen, LLC, a Colorado limited liability company; Nicholas Allmond; and Olivia Dungey,

Defendants-Appellees.

Opinion Modified and  
Petition for Rehearing DENIED

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

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**MODIFIED OPINIONS**

[2023COA3M](#)

Court of Appeals No. [21CA0094](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Joseph Karwacki,

Defendant-Appellant.

Opinion Modified  
On the Court's Own Motion

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2022.