

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 10, 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

[2022COA15](#)

Court of Appeals No. [18CA0963](#)

City and County of Denver District Court No. 15CR6085

Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Arthur Clarence Walker,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI
Opinion by JUDGE NAVARRO
Harris and Freyre, JJ., concur

[2022COA16](#)

Court of Appeals No. [20CA0818](#)

City and County of Denver District Court No. 19CV33529

Honorable A. Bruce Jones, Judge

Capital One, N.A.,

Plaintiff-Appellant,

v.

Colorado Department of Revenue,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V

Opinion by JUDGE HARRIS
Gomez and Vogt*, JJ., concur

[2022COA17](#)

Court of Appeals No. [20CA1178](#)

City and County of Denver District Court No. 18CV34624

Honorable A. Bruce Jones, Judge

Eric Garcia,

Plaintiff-Appellee,

v.

Puerto Vallarta Sports Bar, LLC,

Defendant-Appellant.

ORDERS AFFIRMED

Division III

Opinion by JUDGE J. JONES
Lipinsky and Gomez, JJ., concur

[2022COA18](#)

Court of Appeals No. [21CA0356](#)

Boulder County District Court No. 11DR637

Honorable Nancy W. Salomone, Judge

In re the Marriage of

Kayla Ann Bergeson-Flanders,

Petitioner,

and

Bryon Almon Flanders,

Appellant,

and Concerning Lori J. Moore,

Intervenor-Appellee.

ORDER AFFIRMED

Division IV
Opinion by JUDGE FREYRE
J. Jones, J., concurs
Tow, J., dissents

UNPUBLISHED OPINIONS

Court of Appeals No. 16CA0446
Adams County District Court No. 12CR1963
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rafael Perez,

Defendant-Appellant.

ORDER VACATED

Division II
Opinion by JUDGE TOW
Yun and Martinez*, JJ., concur

Prior Opinion Announced May 28, 2020, Vacated in 20SC559

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

Court of Appeals No. 17CA1979
Pueblo County District Court No. 14CR1209
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Damen Delvon Blake,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE JOHNSON
Fox and Welling, JJ., concur

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

Court of Appeals No. 17CA2267
Boulder County District Court No. 15CR1874
Honorable Marie E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jonathan D. Roddy,

Defendant-Appellant.

ORDER VACATED

Division II
Opinion by JUDGE TOW
Yun and Martinez*, JJ., concur

Prior Opinion Announced April 23, 2020, Reversed in 20SC491

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

Court of Appeals No. 18CA1071
City and County of Denver District Court No. 15CR4878
Honorable Morris B. Hoffman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James C. Close,

Defendant-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. 18CA1739
Eagle County District Court No. 05CR324
Honorable Paul R. Dunkelman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Anthony Gross,

Defendant-Appellant.

ORDER 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. 18CA2440
El Paso County District Court No. 17CR2422
Honorable Jill M. Brady, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Rivera-Hernandez,

Defendant-Appellant.

JUDGMENT AFFIRMED 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. 19CA0041
Larimer County District Court No. 18CR225
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Christopher Davin,

Defendant-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. 19CA0177
Douglas County District Court No. 17CR1297
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Milton Galliard,

Defendant-Appellant.

JUDGMENT 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. 19CA0391
El Paso County District Court No. 18CV30632
Honorable G. David Miller, Judge

Staton Law Firm, LLC, d/b/a Injury Law Group, and Mintz Law Firm, LLC,

Plaintiffs-Appellants,

v.

Earl & Earl, PLLC, and Collin Earl, individually,

Defendants-Appellees.

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

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

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

Court of Appeals No. 19CA0442
Mesa County District Court No. 18CR296
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Elias Trevino Hernandez,

Defendant-Appellant.

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

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

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

Court of Appeals No. 19CA0923
Arapahoe County District Court No. 17CV31050
Honorable John L. Wheeler, Judge

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

Plaintiffs-Appellees and Cross-Appellants,

v.

American Financing Corporation,

Defendant-Appellant and Cross-Appellee.

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

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

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

Court of Appeals No. 19CA1038
Lake County District Court No. 17CR102
Honorable Karen A. Romeo, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fernando Mendoza,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA1284
Arapahoe County District Court No. 96CR589
Honorable Ben L. Leutwyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Ashley Shetskie,

Defendant-Appellant.

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

Division II
Opinion by CHIEF JUDGE ROMÁN
Berger and Yun, JJ., concur

Prior Opinion Announced December 2, 2021, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 19CA1383
Custer County District Court No. 03CR10
Honorable Ramsey Lama, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Solazzo,

Defendant-Appellant.

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. 19CA1786
Mesa County District Court No. 18CR529
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marie Ann Daniels,

Defendant-Appellant.

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

Division II
Opinion by JUDGE PAWAR
Kuhn and Rothenberg*, JJ., concur

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

Court of Appeals No. 19CA1828
Jefferson County District Court No. 18CR3467
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Talon Terhorst,

Defendant-Appellant.

JUDGMENT 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. 19CA1929
Logan County District Court No. 18CR334
Honorable Carl S. McGuire, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Bailey Welch,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0754
Weld County District Court Nos. 18CR1148 & 19CR467
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Martin Barrera,

Defendant-Appellant.

ORDERS 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. 20CA0842
City and County of Denver Probate Court No. 19PR31334
Honorable Elizabeth D. Leith, Judge

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.

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. 20CA0870
City and County of Denver District Court No. 16CR8097
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Alan Strepka,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE GROVE
Richman and Tow, JJ., concur

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

Court of Appeals No. 20CA0914
City and County of Denver District Court No. 19CV33530
Honorable Christopher Baumann, Judge

Citigroup, Inc.,

Plaintiff-Appellant,

v.

Colorado Department of Revenue,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE HARRIS
Gomez and Vogt*, JJ., concur

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

Court of Appeals No. 20CA0921
El Paso County District Court No. 13CR235
Honorable Jill M. Brady, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Anthony Rivera,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE PAWAR
Kuhn and Rothenberg*, JJ., concur

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

Court of Appeals No. 20CA1392
El Paso County District Court No. 20CV206
Honorable Thomas K. Kane, Judge

Jackie-DeVere Allen Cole, a/k/a Jackie-De Vere Allen Cole,

Plaintiff-Appellant,

v.

Unknown El Paso County Sheriff's Office Records Clerk,

Defendant-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA1535
Weld County District Court No. 19CR905
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Gavin Flores,

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. 20CA1655
City and County of Denver District Court No. 17CV32906
Honorable Martin F. Egelhoff, Judge

Campaign Integrity Watchdog LLC (CIW),

Plaintiff-Appellant,

v.

Colorado Pioneer Action (CPA),

Defendant-Appellee.

ORDER 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. 20CA1737
City and County of Denver District Court No. 17CV33923
Honorable Robert L. McGahey, Jr., Judge

Kevin O'Connell, Paul Hudgens, Carol Purdy, and Dee Hayes,
Plaintiffs-Appellants,

v.

City and County of Denver, a Colorado municipal corporation, and
City Council of Denver,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
Dunn and Welling, JJ., concur

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

Court of Appeals No. 20CA1760
Adams County District Court No. 16CR2378
Honorable Tomee Crespín, Judge

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

v.

Burton Jay Grubbs,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE SCHUTZ
Dailey and Fox, JJ., concur

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

Court of Appeals No. 20CA1878
Archuleta County District Court No. 16CV4
Honorable Jeffrey R. Wilson, Judge

Jeffrey T. Maehr,

Plaintiff-Appellee,

v.

Clifford Lucero, Archuleta County Commissioner; Steve Wadley, Archuleta
County Commissioner; Michael Whiting, Archuleta County Commissioner; and
Todd Starr, previous Archuleta County Attorney,

Defendants-Appellants.

ORDER REVERSED 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. 20CA1973
City and County of Denver Probate Court No. 15PR30329
Honorable Elizabeth D. Leith, Judge

In re the Estate of John Bradley Baumann, deceased.

Beverly Baumann,

Appellant,

v.

Carrie L. Baumann, Successor Personal Representative,

Appellee.

JUDGMENT AFFIRMED IN PART, REVERSED 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. 20CA1999
Jefferson County District Court No. 19PR31055
Honorable Todd L. Vriesman, Judge

In re the Estate of Richard Collin Thorne, deceased.

Benjamin Thorne,

Appellant,

v.

Desiree Hunt, a/k/a Desiree Thorne, a/k/a Desiree Marsh, Personal
Representative,

Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA2154
Boulder County District Court No. 10CR1113
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Scott Carter,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Navarro and Harris, JJ., concur

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

Court of Appeals No. 21CA0266
Arapahoe County District Court No. 16CR3647
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Craine,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals Nos. 21CA0374, 21CA0375 & 21CA0376
El Paso County District Court Nos. 17JV492, 18JV306 & 19JV722
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

In the Interest of B.R.B., D.B., and M.J.B., Children,

and Concerning B.B. and M.B.,

Appellants.

JUDGMENTS 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. 21CA0788
Weld County District Court No. 18JV426
Honorable Meghan Saleebey, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Elj.Q. and Elis.Q., Children,

and Concerning A.C-R. and M.Q.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA0926
Arapahoe County District Court No. 19JV751
Honorable Robert Lung, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning D.M.,

Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 21CA1046
Adams County District Court No. 19JV368
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.Q. and M.Q., Children,

and Concerning M.B.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1185
Delta County District Court No. 20JV22
Honorable Steven L. Schultz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.P.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
Dunn and Welling, 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. 17CA2131

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John D. Kennedy,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1284

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Ashley Shetskie,

Defendant-Appellant.

Prior Opinion Announced December 2, 2021, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 20CA1349

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Charles Nardello,

Defendant-Appellant.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

[2021COA147M2](#)

Court of Appeals No. [20CA0690](#)

Anthony T. Accetta and Nancy Accetta,

Plaintiffs-Appellants,

v.

Brooks Towers Residences Condominium Association, Inc., a Colorado nonprofit corporation; Mark Trenka in his official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; Marla Grant in her official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; Bill Clarke in his official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; Clay Courter in his official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; Robb Green in his official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.; and Joan Foster in her official capacity as a member of the Board of Directors of Brooks Towers Residences Condominium Association, Inc.,

Defendants-Appellees.

Opinion Modified
On the Court's Own Motion

Announced December 9, 2021

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2021.