

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
December 15, 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

[2022COA142](#)

Court of Appeals No. [21CA0883](#)
El Paso County District Court No. 16CR1482
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alicia Andrea Martinez,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE GOMEZ
Harris and Pawar, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
December 15, 2022

[2022COA143](#)

Court of Appeals No. [22CA0204](#)

Archuleta County District Court No. 21CV30003

Honorable Jeffrey R. Wilson, Judge

Matt Roane,

Plaintiff-Appellee,

v.

Kristy Archuleta, in her official capacity as the Clerk and Recorder of Archuleta County,

Defendant-Appellant.

ORDER AFFIRMED

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

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA0366
El Paso County District Court No. 16CR3509
Honorable Scott A. Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kashvaughn Kalil Allen,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE GOMEZ
Dunn and Hawthorne*, JJ., concur

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

Court of Appeals No. 19CA0717
Arapahoe County District Court No. 17CR2605
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Paul Davis,

Defendant-Appellant.

JUDGMENT 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)

Court of Appeals No. 19CA1034
Jefferson County District Court No. 17CR4489
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Deidre Shalaine Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE WELLING
Navarro and Johnson, JJ., concur

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

Court of Appeals No. 19CA1314
Jefferson County District Court No. 18CR1373
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Caleb Joseph Vigil,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE DUNN
Grove and Schutz, JJ., concur

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

Court of Appeals No. 19CA1813
El Paso County District Court No. 13CR3050
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Richard Ney, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA1965
San Miguel County District Court No. 17CR31
Honorable Keri A. Yoder, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nashika Leonie Bramble,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE NAVARRO
Welling and Martinez*, JJ., concur

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

Court of Appeals No. 19CA2209
Conejos County District Court No. 18CR14
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kyle Cornett Pauley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE GROVE
Dunn and Schutz, JJ., concur

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

Court of Appeals No. 20CA0187
Huerfano County District Court No. 17CR65
Honorable Leslie J. Gerbracht, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Salazar,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE WELLING
Navarro and Martinez*, JJ., concur

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

Court of Appeals No. 20CA0822
El Paso County District Court No. 17CR4568
Honorable Erin Sokol, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adolfo Roberto Chavez-Perez,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division I
Opinion by JUDGE DAILEY
Furman and Schock, JJ., concur

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

Court of Appeals No. 20CA0843
El Paso County District Court No. 18CR3887
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Duane Black,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Furman and Schock, JJ., concur

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

Court of Appeals No. 20CA1864
Boulder County District Court No. 19JD111
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.M.,

Juvenile-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
Welling and Martinez*, JJ., concur

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

Court of Appeals No. 21CA0013
Jefferson County District Court No. 10CR701
Honorable Russell Klein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerome Phillip Sisneros,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by JUDGE VOGT*
Román, C.J., and Graham*, J., concur

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

Court of Appeals No. 21CA0024
Jefferson County District Court No. 20CR324
Honorable Jason Carrithers, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angelo Hernandez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE TAUBMAN*
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA0059
Boulder County District Court No. 10CR1900
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James E. Frantz,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Furman and Schock, JJ., concur

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

Court of Appeals No. 21CA0222
Arapahoe County District Court No. 19JV878
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.S. and D.P.,

Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE KUHN
J. Jones and Taubman*, JJ., concur

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

Court of Appeals No. 21CA0395
Boulder County District Court No. 10CR1900
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James E. Frantz,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Furman and Schock, JJ., concur

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

Court of Appeals No. 21CA0888
Arapahoe County District Court No. 20CR2399
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronnie Ray Carroll,

Defendant-Appellant.

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

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

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

Court of Appeals No. 21CA1157
State Personnel Board, No. 21B004

Desmond Manning,

Complainant-Appellee,

v.

Department of Corrections, Office of the Inspector General,

Respondent-Appellant,

and

State Personnel Board,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUSTICE MARTINEZ*
Lipinsky and Vogt*, JJ., concur

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

Court of Appeals No. 21CA1355
El Paso County District Court No. 19JV428
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.F., J.F., Mar.M., D.V., and M.M., Children,

and Concerning L.F. and R.M.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1643
Elbert County District Court No. 21CV2
Honorable Gary M. Kramer, Judge

Thomas Neilsen,

Plaintiff-Appellant,

v.

John Kellner, in his official capacity as District Attorney; George H. Brauchler, in his past official capacity as District Attorney; Brian Sugioka, in his official capacity as Deputy District Attorney; and Douglas Bechtel, in his official capacity as Deputy District Attorney,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE SCHUTZ
Dunn and Grove, JJ., concur

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

Court of Appeals No. 21CA1648
Jefferson County District Court No. 21CV30196
Honorable Lily W. Oeffler, Judge

Estate of Susanne Burgaz, by and through personal representatives Erika Zommer, Kristian Arnold, and Amelia Eudailey; Erika Zommer, individually; Kristian Arnold, individually; and Amelia Eudailey, individually,

Plaintiffs-Appellants,

v.

Jeff Shrader, in his official capacity as Jefferson County Sheriff,

Defendant-Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Harris and Gomez, JJ., concur

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

Court of Appeals No. 21CA1697
City and County of Broomfield District Court No. 21CV30103
Honorable Robert W. Kiesnowski, Jr., Judge

Grant D. Orvis,

Plaintiff-Appellant,

v.

Colorado Department of Agriculture,

Defendant-Appellee.

ORDER AFFIRMED

Division II
Opinion by JUDGE BROWN
J. Jones and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1818
La Plata County District Court No. 19DR2187
Honorable Kenneth M. Plotz, Judge

In re the Marriage of

Chad Lee White,

Appellee,

and

Kelli Marie Sheldon, f/k/a Kelli Marie White,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA1969
City and County of Denver District Court No. 21CV256
Honorable A. Bruce Jones, Judge

David K. Emick,

Plaintiff-Appellant,

v.

State of Colorado, Mark Ferrandino, Deborah Van Wyke,

Defendants-Appellees.

ORDER AFFIRMED

Division B
Opinion by JUDGE GROVE
Tow and Schutz, JJ., concur

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

Court of Appeals No. 22CA0080
Jefferson County District Court No. 20DR511
Honorable Randall C. Arp, Judge

In re the Parental Responsibilities Concerning X.I.V., a Child,
and Concerning David Ernesto Mendez,

Appellee,

and

Lea Vallejos, f/k/a Lea Sanders,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
Welling and Martinez*, JJ., concur

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

Court of Appeals No. 22CA0086
Arapahoe County District Court No. 19DR30703
Honorable Cynthia Mares, Judge

In re the Marriage of

Silke Bates,

Appellee,

and

Kevin Richard Bates,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FREYRE
Lipinsky and Lum, JJ., concur

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

Court of Appeals No. 22CA0201
Morgan County District Court No. 21JV28
Honorable Robert C. James, Judge

The People of the State of Colorado,

Appellee,

In the Interest of El.M. and Ev.M., Children,

and Concerning Z.M.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE KUHN
J. Jones and Brown, JJ., concur

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

Court of Appeals No. 22CA0543
El Paso County District Court No. 19JV484
Honorable Jami L. Vigil, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.L.G., a Child,

and Concerning J-L.G.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Gomez and Hawthorne*, JJ., concur

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

Court of Appeals No. 22CA0706
El Paso County District Court No. 19JV725
Honorable Jessica Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning L.D.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0724
Boulder County District Court No. 20JV277
Honorable J. Keith Collins, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.P.K-M. III, a Child,

and Concerning P.H.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE HAWTHORNE*
Harris and Gomez, JJ., concur

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

Court of Appeals No. 22CA0847
Adams County District Court No. 21JV108
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.F. and C.S.,

Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE FURMAN
Dailey and Schock, JJ., concur

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

Court of Appeals No. 22CA0867
Industrial Claim Appeals Office of the State of Colorado
DD No. 59177-2021

Kyle Holechek,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Lone Tree Brewing
Company LLC,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE KUHN
J. Jones and Brown, JJ., concur

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

Court of Appeals No. 22CA0871
Logan County District Court No. 20JV14
Honorable Carl S. McGuire, III, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.W. and S.W., Children,

and Concerning S.W.,

Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE SCHOCK
Dailey and Furman, JJ., concur

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

Court of Appeals No. 22CA0983
El Paso County District Court No. 20JV839
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Z.C., a Child,

and Concerning T.B.,

Appellant.

JUDGMENT AFFIRMED

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

[2022COA107M](#)

Court of Appeals No. [19CA0915](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Rodriguez-Morelos,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing GRANTED IN PART
AND DENIED IN PART

Court of Appeals No. 19CA1018

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roger Alan Brown,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1706

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Aaron Darrell Johnson,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0241

The People of the State of Colorado,

Appellee

In the Interest of S.A.B. and D.R.B., Children,

and Concerning S.A.M.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.