

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
March 23, 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**

[2023COA27](#)

Court of Appeals No. [21CA1542](#)  
Larimer County District Court No. 20CR36  
Honorable Stephen J. Jouard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brendan Levi Morse,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE SCHOCK  
Fox and Lipinsky, JJ., concur

---

**U N P U B L I S H E D O P I N I O N S**

Court of Appeals No. 18CA1699  
Arapahoe County District Court No. 16CR2135  
Honorable Andrew C. Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tremaine Dwayne Speer,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE WELLING  
J. Jones, J., concurs  
Schutz, J., dissents

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

---

Court of Appeals No. 19CA1115  
City and County of Denver District Court No. 17CR7978  
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles W. Bisonette,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE DAILEY  
Johnson and Lum, JJ., concur

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

---

Court of Appeals No. 19CA1787  
Arapahoe County District Court No. 17CR187  
Honorable Darren L. Vahle, Judge

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

v.

Marlon Melara-Hernandez,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

---

Court of Appeals No. 19CA2404  
Pitkin County District Court No. 18CR45  
Honorable Christopher G. Seldin, Judge

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

v.

Aichardo Mandez-Ramirez,  
  
Defendant-Appellant.

JUDGMENT REVERSED IN PART AND AFFIRMED IN PART,  
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)**

---

Court of Appeals No. 20CA0507  
Boulder County District Court No. 19CR128  
Honorable Bruce Langer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michelle Nicole Couch,

Defendant-Appellant.

JUDGMENT REVERSED 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)**

---

Court of Appeals No. 20CA0553  
Jefferson County District Court No. 19CR1343  
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesse William Rees,

Defendant-Appellant.

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

Division I  
Opinion by JUDGE JOHNSON  
Lum, J., concurs  
Dailey, J., specially concurs

**NOT PUBLISHED PURSUANT TO C.A.R. 35E**

---

Court of Appeals No. 20CA0676  
Arapahoe County District Court No. 18CR806  
Honorable Darren L. Vahle, Judge

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

v.

Merhawi Tesfahans Ocbamichael,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE KUHN  
Harris and Grove, JJ., concur

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

---

Court of Appeals No. 20CA0793  
Adams County District Court No. 08CR791  
Honorable Emily E. Anderson, Judge

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

v.

Uto Essien,  
  
Defendant-Appellant.

ORDER REVERSED 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)**

---

Court of Appeals No. 20CA1222  
City and County of Denver District Court No. 18CR9758  
Honorable Jay S. Grant, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian L. Taylor,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

---

Court of Appeals No. 20CA1330  
Weld County District Court No. 19CR453  
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Patrick Shepherd,

Defendant-Appellant.

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

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

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

---

Court of Appeals No. 20CA1923  
Arapahoe County District Court No. 12CR2554  
Honorable Elizabeth Beebe Volz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Corrin E. Cleveland,

Defendant-Appellant.

ORDER AFFIRMED

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

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

---

Court of Appeals No. 20CA2118  
City and County of Denver District Court No. 19CR436  
Honorable J. Eric Eliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kiefer Anthony Michael Beyer,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

---

Court of Appeals No. 21CA0169  
Huerfano County District Court No. 19CR202  
Honorable J. Clay McKisson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcello Amarante Pino,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

---

Court of Appeals No. 21CA0170  
Huerfano County District Court No. 18CR159  
Honorable J. Clay McKisson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcello Amarante Pino,

Defendant-Appellant.

ORDER AFFIRMED

Division A  
Opinion by JUDGE FREYRE  
Fox and Lipinsky, JJ., concur

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

---



Court of Appeals No. 21CA0185  
Adams County District Court No. 17CR1584  
Honorable Stephen J. Schapanski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric Patrick Brandt,

Defendant-Appellant.

ORDER AFFIRMED

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

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

---

Court of Appeals No. 21CA0590  
Adams County District Court No. 88CR1  
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alwyn Lee Lewis,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

---

Court of Appeals No. 21CA0618  
El Paso County District Court No. 07CR3466  
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nathan M. Roybal,

Defendant-Appellant.

ORDER AFFIRMED

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

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

---

Court of Appeals No. 21CA0622  
El Paso County District Court No. 17CR1627  
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Lee Martinez,

Defendant-Appellant.

ORDER AFFIRMED

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

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

---

Court of Appeals No. 21CA0728  
Arapahoe County District Court No. 18CR901  
Honorable Joseph Whitfield, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Corderio Simmiz Lark,

Defendant-Appellant.

ORDER AFFIRMED

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

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

---

Court of Appeals No. 21CA1307  
Arapahoe County District Court No. 21JV103  
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.B., a Child,

and Concerning S.M.,

Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE WELLING  
Furman and Freyre, JJ., concur

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

---

-12-  
ANNOUNCEMENTS  
Colorado Court of Appeals  
March 23, 2023

---

Court of Appeals No. 21CA1440  
Jefferson County District Court No. 13DR1236  
Honorable Jeffrey R. Pilkington, Judge

In re the Parental Responsibilities Concerning W.A.D.G., IV, a Child,  
and Concerning William Gerber, III,

Appellee,

and

Amy Copeland,

Appellant.

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

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. 21CA1507  
Jefferson County District Court No. 19CV30887  
Honorable Jason D. Carrithers, Judge

Big Sky Metropolitan District No. 1, CDN Red Rocks, LP,  
and Cardel Homes US Limited Partnership,

Plaintiffs-Appellants,

v.

Green Mountain Water and Sanitation District, a quasi-municipal corporation  
and political subdivision of the State of Colorado,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE KUHN  
Harris and Grove, JJ., concur

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

---

Court of Appeals No. 21CA1777  
City and County of Denver District Court No. 17CV31274  
Honorable Andrew P. McCallin, Judge

Kelsey M. Yates,

Plaintiff-Appellee,

v.

Sterling Consulting Corporation,

Appellant,

and

Mark Ferrandino, in his official capacity as Executive Director of the Colorado  
Department of Revenue and the State Licensing Authority for the Marijuana  
Enforcement Division,

Intervenor-Appellee.

ORDER AFFIRMED

Division III  
Opinion by JUDGE YUN  
J. Jones and Pawar, JJ., concur

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

---

Court of Appeals No. 21CA1787  
El Paso County District Court No. 20CR2568  
Honorable Erin Sokol, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Karl Obrian Dent,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

---

Court of Appeals No. 21CA2096  
City and County of Denver District Court No. 21CV30803  
Honorable Marie A. Moses, Judge

Abdallah Batayneh, and Strawberry Park Hot Springs Shuttle, LLC, a Colorado limited liability company,

Plaintiffs-Appellants,

v.

Doug Dean, in his official capacity as the Director of the Colorado Public Utilities Commission, Eric Blank, in his official capacity as the Chairman of the Colorado Public Utilities Commission, John C. Gavan, in his official capacity as a Commissioner of the Colorado Public Utilities Commission, Megan Gilman, in her official capacity as a Commissioner of the Colorado Public Utilities Commission, and Colorado Public Utilities Commission,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

---



Court of Appeals No. 21CA2114  
Jefferson County District Court No. 20CV155  
Honorable Todd L. Vriesman, Judge

Michael Milligan,

Plaintiff-Appellant,

v.

Nathanya Ahamed,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE GROVE  
Harris and Kuhn, JJ., concur

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

---

Court of Appeals No. 22CA0024  
City and County of Denver District Court Nos. 98CR812 & 04CR1273  
Honorable Jennifer B. Torrington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jamal Ward,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE DAILEY  
Johnson and Lum, JJ., concur

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

---

Court of Appeals No. 22CA0055  
El Paso County District Court No. 19CV32697  
Honorable Timothy J. Schutz, Judge

Stacy Gery,

Plaintiff-Appellant,

v.

State Farm Mutual Automobile Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE KUHN  
Harris and Grove, JJ., concur

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

---

Court of Appeals No. 22CA0110  
El Paso County District Court No. 20CV31187  
Honorable Catherine Mitchell Helton, Judge

Olson Plumbing and Heating Company, a Colorado corporation,

Plaintiff-Appellee,

v.

Anthony Scott Falcone, a/k/a Scott Falcone,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE DAILEY  
Johnson and Lum, JJ., concur

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

---

Court of Appeals No. 22CA0229  
Douglas County District Court No. 20CV30030  
Honorable David J. Stevens, Judge

Jenne Marie Esch,

Plaintiff-Appellant,

v.

Mark Precious and Carbonhelix, LLC, a Wyoming limited liability company,

Defendants-Appellees,

and

Eric James Esch,

Third-Party Defendant-Appellant.

JUDGMENTS AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division B  
Opinion by JUDGE TOW  
Román, C.J., and Grove, JJ., concur

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

---

Court of Appeals No. 22CA0327  
Eagle County District Court No. 15DR137  
Honorable Reed W. Owens, Judge

In re the Marriage of

Celedonia Rodriguez De Moran, n/k/a Celedonia Rodriguez Palacios,

Appellee,

and

J. Cruz Moran-Vazquez,

Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE KUHN  
Harris and Grove, JJ., concur

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

---

Court of Appeals No. 22CA0381  
Pueblo County District Court No. 20CV30534  
Honorable Tim O'Shea, Judge

Mescalero Cultivation Primero, LLC, a Colorado limited liability company,

Plaintiff-Appellee and Cross-Appellant,

v.

Sky View LLC, a Colorado limited liability company,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE KUHN  
Harris and Grove, JJ., concur

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

---

Court of Appeals No. 22CA1302  
City and County of Denver Juvenile Court No. 22JV32  
Honorable Pax Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.Y.G. and L.M.V-M., Children,

and Concerning T.L.M.,

Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE WELLING  
Furman and Freyre, JJ., concur

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

---

Court of Appeals No. 22CA1642  
Douglas County District Court No. 21JV99  
Honorable Gilbert Martinez, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.S. and S.S., Children,

and Concerning J.S.,

Appellant.

JUDGEMENT AFFIRMED

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

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

---

Court of Appeals No. 22CA1774  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 5-184-865

Abraham Castro Perez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Aurora Motor,  
Respondents.

ORDER AFFIRMED

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

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

---

Court of Appeals No. 22CA1836  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 61671-2021

Tucker Corrigan,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division I  
Opinion by JUDGE GRAHAM\*  
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. 19CA1542

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffery David King,

Defendant-Appellant.

Petition for Rehearing DENIED

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

---

Court of Appeals No. 19CA2270

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Thomas Green,

Defendant-Appellant.

Petition for Rehearing DENIED

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

---

Court of Appeals No. 20CA0560

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeraith Roosevelt Lee,

Defendant-Appellant.

Petition for Rehearing DENIED

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

---

Court of Appeals No. 20CA1373

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Demian R. Weigle,

Defendant-Appellant.

Petition for Rehearing DENIED

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

---



Court of Appeals No. 20CA1998

Air Solutions, Inc., d/b/a Airpro Incorporated, a Colorado corporation, and  
Benjamin Vrbancic, an individual,

Plaintiffs-Appellees

v.

Christopher R. Spivey,

Defendant-Appellant.

Petition for Rehearing DENIED

---

Court of Appeals No. 21CA1064

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mary Berniece Johnson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

---

-26-  
ANNOUNCEMENTS  
Colorado Court of Appeals  
March 23, 2023

---

Court of Appeals No. 21CA2055

Russell Allen,

Plaintiff-Appellant,

v.

Board of Regents for the University of Colorado,

Defendant-Appellee.

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. 2022.