

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
October 20, 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

[2022COA122](#)

Court of Appeals No. [20CA1565](#)
Clear Creek County District Court No. 17CR76
Honorable Catherine J. Cheroutes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Matthew Dhyne,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE PAWAR
Brown, J., concurs
Richman, J., specially concurs

-2-
ANNOUNCEMENTS
Colorado Court of Appeals
October 20, 2022

[2022COA123](#)

Court of Appeals No. [21CA0853](#)

Pitkin County District Court No. 20CV30099

Honorable Christopher G. Seldin, Judge

L.S.S.,

Plaintiff-Appellee,

v.

S.A.P.,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE GOMEZ
Fox and Freyre, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 16CA0263
City and County of Denver District Court Nos. 10CR1576 & 10CR1600
Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Carbajal,

Defendant-Appellant.

ORDERS AFFIRMED

Division III
Opinion by JUDGE TOW
Fox and Yun, JJ., concur

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

Court of Appeals No. 18CA2290
El Paso County District Court No. 98CR1817
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Joseph Drake,

Defendant-Appellant.

ORDER AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 19CA0676
City and County of Denver District Court No. 17CR4950
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Elizario Manuel Herrera,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA0916
Weld County District Court No. 17CR808
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Peterson Roger,

Defendant-Appellant.

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

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

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

Court of Appeals No. 19CA1054
El Paso County District Court No. 18CR56
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Joe McCullough, Jr.,

Defendant-Appellant.

JUDGMENT AND SENTENCES REVERSED
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA0057
Mesa County District Court No. 18CR2418
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Soto Castro,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0070
Arapahoe County District Court No. 09CR1113
Honorable Elizabeth Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Corey Ray Albat,

Defendant-Appellant.

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

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

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

Court of Appeals No. 20CA0722
El Paso County District Court No. 18CR934
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Danny Lee Gonzales,

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. 20CA0955
El Paso County District Court No. 12CR3256
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerry Ceasar Garcia,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0956
El Paso County District Court No. 12CR4490
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerry Ceasar Garcia,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0959
El Paso County District Court Nos. 12CR3256 & 12CR4490
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerry Ceasar Garcia,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA1151
Fremont County District Court No. 19CR153
Honorable Scott B. Epstein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dustin Wayne Dixon,

Defendant-Appellant.

JUDGMENT REVERSED 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. 20CA2003
Mesa County District Court No. 16CR5465
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rebekah Joy Wallin,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0034
Adams County District Court No. 11CR296
Honorable Roberto Ramírez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew John Lujan,

Defendant-Appellant.

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

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

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

Court of Appeals No. 21CA0462
Jefferson County District Court No. 16CR1636
Honorable Russell Klein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cody Aaron Jones,

Defendant-Appellant.

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

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

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

Court of Appeals No. 21CA0852
Arapahoe County District Court No. 19CV32268
Honorable Elizabeth Beebe Volz, Judge

Ivan Gorodess, heir to Justin Gorodess (now deceased); Beata Gorodess, heir to
Justin Gorodess (now deceased); and Estate of Justin Richard Gorodess,

Plaintiffs-Appellants,

v.

Sherozjon Vahobov,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 21CA1134
Delta County District Court No. 19CV30087
Honorable Mary E. Deganhart, Judge

Sukle Construction, LLC,

Plaintiff-Appellant,

v.

Christopher Wayne Tiffany,

Defendant-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA1181
Larimer County District Court No. 14CR1342
Honorable Susan Blanco, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Aaron Duran,

Defendant,

and

Charles M. Schmidt, d/b/a e-Bail Bonds,

Surety-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE TOW
Fox and Yun, JJ., concur

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

Court of Appeals No. 21CA1401
Boulder County District Court No. 21CV30356
Honorable Andrew Hartman, Judge

Physicians for Social Responsibility Colorado; Environmental Information
Network, Inc.; and Harvey Nichols,

Plaintiffs-Appellants,

v.

City of Boulder, Colorado; City Council for Boulder, Colorado; Aaron Brockett,
in his official capacity as Mayor; Rachel Friend, in her official capacity as
Mayor Pro Tem; and Matt Benjamin, in his official capacity as member of the
City Council for Boulder; Lauren Folkerts, in her official capacity as member of
the City Council for Boulder; Junie Joseph, in her official capacity as member
of the City Council for Boulder; Nicole Speer, in her official capacity as member
of the City Council for Boulder; Mark Wallach, in his official capacity as
member of the City Council for Boulder; Tara Winer, in her official capacity as
member of the City Council for Boulder; and Bob Yates, in his official capacity
as member of the City Council for Boulder,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1954
El Paso County District Court No. 16JV1218
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning T.D.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1974
Adams County District Court No. 20JV306
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.R.D-R., a Child,

and Concerning M.R.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA2010
Arapahoe County District Court No. 21CV30001
Honorable Peter F. Michaelson, Judge

Rachel Quisido,

Plaintiff-Appellant and Cross-Appellee,

v.

Eugene Shapiro,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0070
City and County of Denver Juvenile Court No. 19JV703
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.M.P.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE GRAHAM*
Román, C.J., concurs
Bernard*, J., dissents

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

Court of Appeals No. 22CA0089
Larimer County District Court No. 20JV278
Honorable Daniel M. McDonald, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.C.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0177
Costilla County District Court No. 21JV1
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.N., F.N., Jr., and R.N., Children,

and Concerning J.M.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE HAWTHORNE*
Román, C.J., and Martinez*, J., concur

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

Court of Appeals No. 22CA0335
Mesa County District Court No. 21JV155
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.W. and Z.W., Children,

and Concerning L.F.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0544
Jefferson County District Court No. 21JV17
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.H., a/k/a A.W., a Child,

and Concerning E.H.,

Appellant.

JUDGMENT 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. 22CA0620
Jefferson County District Court No. 20JV362
Honorable Ann Gail Meinster, Judge

People of the State of Colorado,

Appellee,

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

and Concerning R.A.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1338
Pueblo County District Court No. 22MH227
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee

In the Interest of James Saunders,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE FOX
Tow and Yun, JJ., concur

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