

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
October 28, 2021*

“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**

[2021COA129](#)

Court of Appeals No. [17CA1381](#)

City and County of Denver District Court No. 16CV30746

Honorable A. Bruce Jones, Judge

Jose Garcia,

Plaintiff-Appellee,

v.

Colorado Cab Company LLC, a Colorado limited liability company, d/b/a  
Denver Yellow Cab,

Defendant-Appellant.

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

Division VII

Opinion by JUDGE J. JONES

Navarro, J., concurs

Martinez\*, J., concurs in part and dissents in part

Prior Opinion Announced on January 10, 2019, Reversed in 19SC116

---

[2021COA130](#)

Court of Appeals No. [18CA1391](#)

Washington County District Court No. 17JV11

Honorable Kevin L. Hoyer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of O.S-H., a Child,

and Concerning M.S.C.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE HAWTHORNE\*  
Grove and Martinez\*, JJ., concur

---

[2021COA131](#)

Court of Appeals No. [19CA1546](#)

Arapahoe County District Court No. 18CR3194

Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Allan Delfeld,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE GOMEZ  
Harris and Vogt\*, JJ., concur

---

[2021COA132](#)

Court of Appeals No. [20CA0641](#)

City and County of Denver District Court No. 19CV550

Honorable Morris B. Hoffman, Judge

Judy A. Brannberg and John Dewey Institute, Inc.,

Plaintiffs-Appellants,

v.

Colorado State Board of Education and Douglas County School District RE-1,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN\*  
Dailey and Vogt\*, JJ., concur

---

**UNPUBLISHED OPINIONS**

Court of Appeals No. 17CA1375  
City and County of Denver District Court No. 15CR5339  
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Garcia,

Defendant-Appellant.

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

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

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

---

Court of Appeals No. 17CA1844  
La Plata County District Court No. 16CR473  
Honorable William L. Herringer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cruz Frederick Baca,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

---

Court of Appeals No. 18CA0957  
Adams County District Court No. 17CR1519  
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Mark Goff,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Fox and Johnson, JJ., concur

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

---

Court of Appeals No. 18CA1321  
City and County of Denver District Court No. 17CR5210  
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nolen Alfonso Granderson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Fox and Johnson, JJ., concur

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

---

Court of Appeals No. 18CA1407  
Moffat County District Court No. 16CR267  
Honorable Shelley A. Hill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Johnnie Joe Ellifritz,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE FOX  
Welling and Johnson, JJ., concur

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

---

Court of Appeals No. 18CA2019  
Pueblo County District Court No. 17CR509  
Honorable Kimberly Karn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Verrottica Irene Young,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division II  
Opinion by JUDGE BERGER  
Román and Yun, JJ., concur

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

---

Court of Appeals No. 19CA0024  
El Paso County District Court No. 17CR2427  
Honorable Scott Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Teral Stafin Lee,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

---

Court of Appeals No. 19CA0423  
City and County of Denver District Court No. 17CR6159  
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael R. Erickson,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

---

Court of Appeals No. 19CA0854  
Adams County District Court No. 18CR396  
Honorable Robert W. Kiesnowski, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cheun Saelong,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE KUHN  
Dailey and Dunn, JJ., concur

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

---

Court of Appeals No. 19CA0869  
Mesa County District Court No. 14CR924  
Honorable Richard T. Gurley, Judge  
Honorable John R. Lowenbach, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carey Jesse Winters,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE NAVARRO  
Grove and Pawar, JJ., concur

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

---



Court of Appeals No. 19CA1530  
Arapahoe County District Court No. 15CR1652  
Honorable Shay K. Whitaker, Judge

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

v.

Brian Allan Delfeld,  
  
Defendant-Appellant.

APPEAL DISMISSED

Division V  
Opinion by JUDGE GOMEZ  
Harris and Vogt\*, JJ., concur

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

---

Court of Appeals No. 19CA1874  
Larimer County District Court No. 18CR2399  
Honorable Thomas R. French, Judge

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

v.

William Leviathan Woodley,  
  
Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Fox and Johnson, JJ., concur

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

---

Court of Appeals No. 19CA1957  
El Paso County District Court No. 18CR1871  
Honorable Marcus S. Henson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Clinton Smith JR,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE LIPINSKY  
Brown and Graham\*, JJ., concur

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

---

Court of Appeals No. 19CA2065  
Jefferson County District Court No. 18CR1671  
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Earnest Sunday Maynes,

Defendant-Appellant.

SENTENCES VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE BERGER  
Román and Yun, JJ., concur

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

---

Court of Appeals No. 19CA2144  
City and County of Denver District Court No. 18CV633  
Honorable Andrew P. McCallin, Judge

Donald E. Fymbo,

Plaintiff-Appellant,

v.

Shu Ru Chen,

Defendant-Appellee.

JUDGMENT AFFIRMED, APPEAL DISMISSED IN PART,  
AND CASE REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE DAILEY  
Dunn and Kuhn, JJ., concur

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

---

Court of Appeals No. 20CA0071  
Adams County District Court No. 04CR3373  
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Miguel Angel Fernandez,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE DUNN  
Dailey and Kuhn, JJ., concur

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

---

Court of Appeals No. 20CA0182  
Arapahoe County District Court No. 04CR1690  
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Genero Javon Zuniga,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE FOX  
Welling and Johnson, JJ., concur

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

---

Court of Appeals No. 20CA0242  
Arapahoe County District Court No. 17DR30739  
Honorable Maria E. Berkenkotter, Judge

In re the Marriage of

Carey Jungmin Kim,

Appellee,

and

Steven Young Kim,

Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE FOX  
Welling and Johnson, JJ., concur

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

---

Court of Appeals No. 20CA0685  
City and County of Denver District Court No. 10CR2708  
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin James Dickason,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Fox and Johnson, JJ., concur

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

---

Court of Appeals No. 20CA0740  
Adams County District Court No. 18CV32000  
Honorable Edward C. Moss, Judge

Young Ranch East, LLC,

Plaintiff-Appellant,

v.

Caleb Crandell, as Trustee of the Albert and Mary Jane Frei Irrevocable Trust;  
Albert Frei & Sons, Inc.; and AE & MJ Frei Limited Partnership,

Defendants-Appellees.

JUDGMENT AND ORDER REVERSED  
AND CASE REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE WELLING  
Fox and Johnson, JJ., concur

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

---

Court of Appeals No. 20CA0860  
Pueblo County District Court No. 15CR513  
Honorable Kimberly Karn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Danny Eugene Case,

Defendant-Appellant.

ORDER AFFIRMED

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

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

---

Court of Appeals No. 20CA0939  
Arapahoe County District Court No. 19CV279  
Honorable Elizabeth Weishaupl, Judge

Kent Vu Phan,

Plaintiff-Appellant,

v.

State Farm Mutual Insurance Company; Bachus and Schanker, LLC; Khoi Duy Pham, M.D.; Peter Weingarten, M.D.; and John Spittler, M.D.,

Defendants-Appellees.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE FOX  
Welling and Johnson, JJ., concur

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

---

Court of Appeals No. 20CA1131  
City and County of Denver Probate Court No. 19PR188  
Honorable Elizabeth D. Leith, Judge

In re the Estate of Dorothy L. Livingston, deceased.

Julie Ann Livingston,

Appellant,

v.

John C. Livingston, Mark D. Livingston, and Cathy L. Livingston,

Appellees.

ORDER AFFIRMED

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

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

---

Court of Appeals No. 20CA1408  
Adams County District Court No. 13CR1552  
Honorable Sean Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert R. Gonzales,

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. 20CA1478  
Eagle County District Court No. 19CV30284  
Honorable Russell H. Granger, Judge

Mark Pennington,

Plaintiff-Appellant,

v.

Maria Barry,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

---

Court of Appeals No. 20CA1604  
Adams County District Court No. 17JV344  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.T. and N.T., Children,

and Concerning A.V. and O.J.T.,

Appellants.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE J. JONES  
Freyre and Tow, JJ., concur

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

---



Court of Appeals No. 20CA1647  
City and County of Denver District Court No. 14CR6052  
Honorable Lisa Teesch-Maguire, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Desisto,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE KUHN  
Dailey and Dunn, JJ., concur

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

---

Court of Appeals No. 20CA1681  
Larimer County District Court No. 11DR947  
Honorable Linda K. Connors, Magistrate

In re the Marriage of

Robert Brannock,

Appellant,

and

Laura Turner,

Appellee,

and Concerning Larimer County Department of Social Services,

Intervenor.

ORDER AFFIRMED

Division III  
Opinion by JUDGE BROWN  
Lipinsky and Martinez\*, JJ., concur

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

---

Court of Appeals No. 20CA1703  
Douglas County District Court No. 20DR30328  
Honorable Andrew C. Baum, Judge

In re the Parental Responsibilities Concerning L.B., a Child,  
and Concerning Amy Marroquin,

Appellee,

and

Ian Barnett,

Appellant.

ORDER AFFIRMED AND APPEAL  
DISMISSED IN PART

Division III  
Opinion by JUDGE FURMAN  
Lipinsky and Brown, JJ., concur

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

---

Court of Appeals No. 21CA0389  
Jefferson County District Court No. 19JV120  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning K.H.,

Appellant,

and

J.B.,

Respondent.

JUDGMENT AFFIRMED

Division A

Opinion by JUSTICE MARTINEZ\*

Bernard, C.J., and Hawthorne\*, J., concur

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

---

Court of Appeals No. 21CA0474  
Industrial Claim Appeals Office of the State of Colorado  
WC No. 5-131-093

Donna McCarty,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Target  
Corporation,

Respondents.

ORDER AFFIRMED

Division II  
Opinion by JUDGE YUN  
Román and Berger, JJ., concur

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

---

Court of Appeals No. 21CA0506  
Alamosa County District Court No. 20JV41  
Honorable Amanda C. Hopkins, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.C. and B.S.,

Appellants.

JUDGMENT AFFIRMED

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

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

---

Court of Appeals No. 21CA0524  
Eagle County District Court No. 20JV23  
Honorable Russell H. Granger, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.G., N.G., and L.G., Children,

and Concerning C.M.,

Appellant.

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

Division V  
Opinion by JUDGE GOMEZ  
Richman and Harris, JJ., concur

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

---

Court of Appeals No. 21CA1247  
Pueblo County District Court No. 21MH275  
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Isaac Zane Young,

Respondent-Appellant.

ORDER AFFIRMED

Division II  
Opinion by JUDGE BERGER  
Román and Yun, JJ., concur

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

---

Court of Appeals No. 21CA1251  
Pueblo County District Court No. 21MH39  
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.S.,

Respondent-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE HARRIS  
Richman and Gomez, 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. 20CA0387

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nelson L. Stubblefield,

Defendant-Appellant.

Petition for Rehearing DENIED

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

---

Court of Appeals No. 20CA0396

Craig Robledo-Valdez,

Plaintiff-Appellant,

v.

Colorado Department of Corrections,

Defendant-Appellee.

Petition for Rehearing DENIED

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

---



Court of Appeals No. 20CA0521

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Dean Hollingsworth,

Defendant-Appellant.

Petition for Rehearing DENIED

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

---

Court of Appeals No. 20CA1962

In re the Marriage of

Christopher Hodyl,

Appellee,

and

Martine Bernard,

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. 2021.