

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 23, 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

[2022COA66](#)

Court of Appeals No. [20CA1881](#)
El Paso County District Court No. 12DR5458
Honorable Timothy Schutz, Judge

In re the Marriage of

Jamie R. Fabos, f/k/a Jamie R. Olsen,

Appellee,

and

Justin R. Olsen,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

-2-
ANNOUNCEMENTS
Colorado Court of Appeals
June 23, 2022

[2022COA67](#)

Court of Appeals No. [21CA0466](#)
State of Colorado Division of Insurance
Case No. IN-2019-E-001

Colorado Division of Insurance,

Petitioner-Appellee,

v.

Statewide Bonding, Inc., Non-resident Insurance Producer No. 476070 and
Brian Jerome Cole,

Respondents-Appellants.

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

Division III
Opinion by JUDGE SCHUTZ
Welling and Taubman*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA0126
Arapahoe County District Court No. 15CR2555
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lloyd Rickey Henderson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE J. JONES
Welling and Schutz, JJ., concur

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

Court of Appeals No. 18CA0446
Arapahoe County District Court Nos. 12CR679 & 13CR1814
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alfonso Alvarez Carrillo,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE J. JONES
Welling and Schutz, JJ., concur

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

Court of Appeals No. 19CA0531
Adams County District Court No. 17CR4799
Honorable Priscilla J. Loew, Judge
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jorge Garcia,

Defendant-Appellant.

JUDGMENT REVERSED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE GROVE
Furman and Yun, JJ., concur

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

Court of Appeals No. 19CA0650
City and County of Denver District Court No. 17CR3299
Honorable, John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Robert Ramirez,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division III
Opinion by JUDGE WELLING
J. Jones and Schutz, JJ., concur

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

Court of Appeals No. 19CA1083
Adams County District Court No. 16CR2291
Honorable Thomas R. Ensor, Judge

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

v.

Jason Wade Sawyer,
Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA1248
Arapahoe County District Court No. 17CR2118
Honorable Darren L. Vahle, Judge

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

v.

James Earl Anthony,
Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE YUN
Furman and Grove, JJ., concur

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

Court of Appeals No. 19CA2208
Weld County District Court No. 18CR225
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eve Paula Martinez,

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. 19CA2356
Arapahoe County District Court No. 96CR950
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Gholston,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE FURMAN
Grove and Yun, JJ., concur

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

Court of Appeals No. 20CA0320
Jefferson County District Court No. 19CR159
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne Joseph Evano,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE SCHUTZ
J. Jones and Welling, JJ., concur

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

Court of Appeals No. 20CA0505
Adams County District Court No. 18CR5044
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan Manuel Herrera-Herrera,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 20CA0712
Clear Creek County District Court No. 18CR31
Honorable Catherine J. Cheroutes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Noelle Lorraine Norte,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE RICHMAN
Pawar and Brown, JJ., concur

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

Court of Appeals No. 20CA0976
City and County of Denver District Court No. 19CR15077
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert A. Farrant,

Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE PAWAR
Richman and Brown, JJ., concur

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

Court of Appeals No. 20CA1085
City and County of Denver District Court No. 18CR5764
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

D'shay Damu Evans,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

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

Court of Appeals No. 20CA2024
City and County of Denver District Court No. 20CV207
Honorable Andrew P. McCallin, Judge

Dana Hays, DO,

Plaintiff-Appellant,

v.

Mark Ferrandino, Executive Director, Charles Martellaro, R. Platt, and Shane
M. Terri,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE J. JONES
Welling and Schutz, JJ., concur

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

Court of Appeals No. 20CA2060
Las Animas County District Court No. 19JV13
Honorable Dawn Marie Mann, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Mi.B. and B.M., Children,

and Concerning M.B.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE J. JONES
Welling and Schutz, JJ., concur

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

Court of Appeals No. 21CA0113
Arapahoe County District Court No. 16CR1386
Honorable Michael J. Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Travis Keith Atkins,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE PAWAR
Richman and Brown, JJ., concur

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

Court of Appeals No. 21CA0414
Jefferson County District Court No. 20PR30117
Honorable Todd L. Vriesman, Judge

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

Leventhal Puga Braley, P.C.,

Appellant,

and Concerning the Conservatorship of W.B., by and through
his Conservator, M.B.,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE KUHN
Lipinsky and Graham*, JJ., concur

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

Court of Appeals No. 21CA0426
Rio Blanco County District Court No. 17CV30015
Honorable Denise Lynch, Judge

Elk Creek Ranch Owners Association, a Colorado nonprofit corporation,
Plaintiff-Appellant,

v.

William H. Wheeler; Elk Creek Ranch Development, Inc.; Elk Creek Ranch
Operations, LLC, a Colorado limited liability company; and YZ Ranch, LLC, a
Colorado limited liability company,

Defendants-Appellees.

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

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

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

Court of Appeals No. 21CA0490
Adams County District Court No. 17CV31031
Honorable Robert W. Kiesnowski, Jr., Judge

Cadles of West Virginia, LLC,

Plaintiff-Appellant,

v.

Potomac Farms Metropolitan District, a quasi-municipal corporation and
political subdivision of the State of Colorado,

Defendant-Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE DUNN
Harris and Johnson, JJ., concur

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

Court of Appeals No. 21CA0539
City and County of Denver District Court No. 11CR890
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Juan Bustos-Chavez,

Defendant-Appellee.

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

Division I
Opinion by JUDGE TOW
Berger and Davidson*, JJ., concur

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

Court of Appeals No. 21CA0658
Weld County District Court No. 19DR992
Honorable Kimberly B. Schutt, Judge

In re the Marriage of

Tiffany Leigh Turner,

Appellant,

and

Jason Lewis Turner,

Appellee.

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

Division III
Opinion by JUDGE WELLING
J. Jones and Schutz, JJ., concur

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

Court of Appeals No. 21CA0921
Arapahoe County District Court No. 20CV31139
Honorable Peter F. Michaelson, Judge

Chad Propst; K.P., Minor Child; L.P., Minor Child; and M.P., Minor Child,

Plaintiffs-Appellees,

v.

Courtney Propst,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE BERGER
Tow and Davidson*, JJ., concur

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

Court of Appeals No. 21CA1245
Arapahoe County District Court No. 20DR31260
Honorable Don J. Toussaint, Judge

In re the Marriage of

Vicky A. Poe,

Appellee,

and

Anthony A. Holmberg III,

Appellant.

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

Division VII
Opinion by JUDGE KUHN
Navarro and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA1358
City and County of Denver Juvenile Court No. 19JV1730
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.K.L., a Child,

and Concerning D.T. and A.L.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1536
City and County of Denver Juvenile Court No. 17JV1077
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.R.N.J-S. and M.A.J-S., Children,

and Concerning A.N.J-S. and J.A.G.,

Appellants.

JUDGMENT AFFIRMED

Division A

Opinion by JUSTICE MARTINEZ*

Román, C.J., and Davidson*, J., concur

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

Court of Appeals No. 21CA1639
Arapahoe County District Court No. 19JV847
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of D.I., Jr., a Child,

and Concerning D.I.,

Appellant.

JUDGMENT AFFIRMED

Division A

Opinion by CHIEF JUDGE ROMÁN

Casebolt* and Graham*, JJ., concur

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

Court of Appeals No. 21CA1679
Chaffee County District Court No. 21JV17
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.H.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE JOHNSON
Dunn and Harris, JJ., concur

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

Court of Appeals No. 21CA2048
Industrial Claim Appeals Office of the State of Colorado
DD No. 49552-2021

Stephen Kal,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and City of Aurora,
Colorado,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0397
Industrial Claim Appeals Office of the State of Colorado
DD No. 63433-2021

Brandon L. Fake,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE YUN
Furman and Grove, 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. 20CA1857

John Kuney and Christy Sebastian,

Plaintiffs-Appellees,

v.

Orlando Franklin and Kiaana Franklin,

Defendants-Appellants.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1172

In re the Marriage of

Modather Bashir Ludin,

Appellant,

and

Sara Ludin, n/k/a Sara Sadat,

Appellee.

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.