

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 12, 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

[2021COA106](#)

Court of Appeals No. [18CA1408](#)
El Paso County District Court No. 17CR5863
Honorable William B. Bain, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Thomas Jean Wright,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE TOW
Furman and Gomez, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
August 12, 2021

[2021COA107](#)

Court of Appeals No. [20CA0516](#)

Board of Assessment Appeals No. 75342

Yen, LLC,

Petitioner-Appellee,

v.

Jefferson County Board of Commissioners,

Respondent-Appellant,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE BERGER
Richman and Welling, JJ., concur

[2021COA108](#)

Court of Appeals No. [20CA1179](#)

Eagle County District Court No. 14CV30259

Honorable Reed W. Owens, Judge

Town of Vail, a Colorado home rule municipality,

Appellant,

v.

Village Inn Plaza-Phase V Condominium Association, a Colorado non-profit corporation; Vail Village Inn, Inc., a Colorado corporation; Griffin Development LLC, a Texas limited liability company; Karin Wagner, as Trustee for the Karin Wagner Revocable Inter Vivos Trust; Meadow Drive Ventures Inc., a Colorado Corporation; Potamus Bean LLC, a Texas limited liability company; Staufer Commercial LLC, a Colorado limited liability company; VVI, LLC, a Colorado limited liability company; Richard L. Liebhaber,

Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE DAVIDSON*
Román and Lipinsky, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
August 12, 2021

[2021COA109](#)

Court of Appeals No. [21CA0282](#)

Huerfano County District Court No. 19CR282

Honorable Leslie J. Gerbracht, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Chad W. Brothers,

Defendant-Appellee.

ORDER AFFIRMED

Division I

Opinion by JUDGE YUN

Dailey and Freyre, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA2352
Arapahoe County District Court No. 15CR2605
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael DeShawn Farrow,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Tow and Gomez, JJ., concur

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

Court of Appeals No. 18CA0039
Arapahoe County District Court No. 15CR3063
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brock Alanta Franklin,

Defendant-Appellant.

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

Division V
Opinion by JUDGE J. JONES
Grove and Johnson, JJ., concur

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

Court of Appeals No. 19CA0012
Jefferson County District Court No. 17CR4499
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Diego Alberto Luna-Gonzalez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE HARRIS
Román and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA0524
Mesa County District Court No. 14CR1161
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sydney Danielle White,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE LIPINSKY
Román and Harris, JJ., concur

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

Court of Appeals No. 19CA0630
Saguacho County District Court No. 17CR4
Honorable Amanda C. Hopkins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Todd Ingalsbe,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE FOX
Dunn and Pawar, JJ., concur

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

Court of Appeals No. 19CA0920
Jefferson County District Court No. 17CR688
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Frank Junior Sanchez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE HARRIS
Román and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA1476
Pueblo County District Court No. 18CR1693
Honorable Kimberly J. Karn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Angelo Lollar,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE WELLING
Richman and Berger, JJ., concur

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

Court of Appeals No. 19CA1711
Douglas County District Court No. 17JV163
Honorable Cynthia Mares, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.A.M. and J.M.M.,

Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUSTICE MARTINEZ*
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA1973
City and County of Denver District Court No. 06CR10471
Honorable William T. Ruckriegle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose J. Alba,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE VOGT*
Navarro and Brown, JJ., concur

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

Court of Appeals No. 19CA2172
City and County of Denver District Court No. 18CR1876
Honorable Michael J. Vallejos, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Aaron M. Bombalicki,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE JOHNSON
J. Jones and Grove, JJ., concur

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

Court of Appeals No. 20CA0101
Pitkin County District Court No. 11CV181
Honorable James B. Boyd, Judge

335 Lake Avenue, LLC and James K. Daggs,

Plaintiffs-Appellants,

v.

U.S. Bank National Association (successor to Bank of America N.A., successor by merger to LaSalle Bank N.A.) as Trustee, on behalf of the Holders of the Thornburg Mortgage Securities Trust 2007-5 Mortgage Loan Pass-Through Certificates Series 2007-05,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE GOMEZ
Furman and Tow, JJ., concur

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

Court of Appeals No. 20CA0131
El Paso County District Court Nos. 15CR3575 & 15CR6022
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Al Demetrius Johnson,

Defendant-Appellant.

APPEAL DISMISSED

Division III
Opinion by JUDGE TOW
Furman and Gomez, JJ., concur

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

Court of Appeals No. 20CA0257
La Plata County District Court No. 17CV30215
Honorable Thomas W. Ossola, Judge

Grange Insurance Association,

Plaintiff-Appellee,

v.

Shaun Woods and Lee Woods,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Yun and Graham*, JJ., concur

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

Court of Appeals No. 20CA0378
Jefferson County District Court No. 19CV30463
Honorable Christopher C. Zenisek, Judge

Christopher G. Poeschl,
Plaintiff-Appellant,

v.

Joe Padilla, a/k/a Jose Padilla; and Foundation Building Materials, LLC,
Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Furman and Tow, JJ., concur

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

Court of Appeals No. 20CA0448
City and County of Denver District Court No. 08CR4202
Honorable Shelley I. Gilman, Judge

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

v.

Michael Lindenthaler,
Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE BROWN
Navarro and Vogt*, JJ., concur

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

Court of Appeals No. 20CA0736
City and County of Denver District Court No. 90CR1491
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert D. Gandy,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE RICHMAN
Berger and Welling, JJ., concur

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

Court of Appeals No. 20CA0851
Arapahoe County District Court No. 05CR522
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Aaron Enrique Arreola-Mora,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE VOGT*
Navarro and Brown, JJ., concur

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

Court of Appeals No. 20CA1020
Park County District Court No. 19CV30081
Honorable Stephen A. Groome, Judge

Michael Pfister,

Plaintiff-Appellant,

v.

Playfair Land Company, L.L.C., a Louisiana limited liability company; David
Richard Pfister; Paul Albert Pfister; Jodi Ann Fitzpatrick; and Jan Marie Park,

Defendants-Appellees.

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

Division II
Opinion by JUDGE LIPINSKY
Román and Harris, JJ., concur

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

Court of Appeals No. 20CA1211
City and County of Denver District Court No. 08DR1816
Honorable Elizabeth A. Starrs, Judge

In re the Marriage of

Felicia Medina,

Appellee,

and

Bryan James Gower,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE ROMÁN
Harris and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA1232
City and County of Denver District Court No. 09CR801
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Lawrence Garcia,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Furman and Tow, JJ., concur

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

Court of Appeals No. 20CA1304
El Paso County District Court No. 19DR2270
Honorable G. David Miller, Judge

In re the Marriage of

Emily H. Howell, f/k/a Emily H. Andersen,

Appellee,

and

Christopher L. Andersen,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUSTICE MARTINEZ*
Bernard, C.J., and Vogt*, J., concur

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

Court of Appeals No. 20CA1362
Adams County District Court No. 03CR2393
Honorable Sean P. Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willis Lee Rouse,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE DUNN
Fox and Pawar, JJ., concur

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

Court of Appeals No. 20CA1413
City and County of Denver District Court No. 19DR30546
Honorable Jennifer B. Torrington, Judge

Maria Francisca Arzola,

Appellee,

v.

Jesus Jose Vizcarra Saenz,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE WELLING
Richman and Berger, JJ., concur

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

Court of Appeals No. 20CA1460
Adams County District Court No. 07CR1984
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rodger Johnson, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE BERGER
Richman and Welling, JJ., concur

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

Court of Appeals No. 20CA1824 & 20CA1825
Arapahoe County District Court No. 18JV838
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.H. and T.S.,

Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE FREYRE
Yun and Graham*, JJ., concur

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

Court of Appeals No. 20CA1856
Jefferson County District Court No. 19JV148
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning D.M.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BROWN
Navarro and Casebolt*, JJ., concur

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

Court of Appeals No. 20CA1906
City and County of Denver District Court No. 19DR2945
Honorable Ericka F.H. Englert, Judge

In re the Parental Responsibilities Concerning Al.M., T.M., and Aa.M., Children,
and Concerning Teresa Nicole Atchison,

Appellee,

and

Thomas Keith Mitchell, Jr.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE VOGT*
Bernard, C.J., and Martinez*, J., concur

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

Court of Appeals No. 20CA2103
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-117-912

Lewis Essary,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, General Dynamics,
and Broadspire,

Respondents.

ORDER AFFIRMED

Division IV
Opinion by JUDGE NAVARRO
Brown and Vogt*, JJ., concur

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

Court of Appeals No. 20CA2137
Adams County District Court No. 18JV100
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of G.R.C.G., a Child,

and Concerning D.C.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE NAVARRO
Brown and Taubman*, JJ., concur

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

Court of Appeals No. 21CA0001
Adams County District Court No. 19JV249
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.L.J. and K.D.A.J., Children,

and Concerning A.J.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BROWN
Navarro and Taubman*, JJ., concur

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

Court of Appeals No. 21CA0007
Jefferson County District Court No. 19JV583
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning P.L.,

Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE YUN
Freyre and Graham*, JJ., concur

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

Court of Appeals No. 21CA0046
Arapahoe County District Court No. 19JV920
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.C-E., a Child,

and Concerning M.C.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE JOHNSON
J. Jones and Grove, JJ., concur

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

Court of Appeals No. 21CA0064
Adams County District Court No. 19JV173
Honorable Patrick H. Pugh, Judge

The People of the State of Colorado,

Appellee,

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

And Concerning J.S.,

Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE GRAHAM*
Freyre and Yun, JJ., concur

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

Court of Appeals No. 21CA0081
Pueblo County District Court No. 19JV476
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.W.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE TAUBMAN*
Navarro and Brown, 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. 18CA0438

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Antonetty-Delvalle,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0594

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick Damon Cook,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1730

Harlie W. Loesby,

Plaintiff-Appellant,

v.

Richard K. Loesby, Esq.,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1364

In re the Marriage of

Daniel Eugene Wallace,

Appellant,

and

Elizabeth Kristine Miller, f/k/a Elizabeth Kristine Wallace,

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. 2020.