

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
April 29, 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

[2021COA57](#)

Court of Appeals No. [19CA0459](#)
Adams County District Court No. 16CR4195
Honorable Sharon D. Holbrook, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Douglas Dyson,

Defendant-Appellant.

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

Division A
Opinion by JUDGE DAILEY
Román and Navarro, JJ., concur

[2021COA58](#)

Court of Appeals No. [19CA1956](#)
El Paso County District Court No. 16DR31514
Honorable Michael P. McHenry, Judge

In re the Marriage of

Zachary A. Schlundt,

Appellee,

and

Brittany L. Schlundt, n/k/a Brittany L. Fillingame,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2021COA59](#)

Court of Appeals No. [19CA2051](#)
Jefferson County District Court No. 17CV30319
Honorable Jeffrey R. Pilkington, Judge

Abigail Pilmenstein,

Plaintiff-Appellee,

v.

Devereux Cleo Wallace, a Colorado nonprofit corporation, d/b/a Devereux
Advanced Behavioral Health,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Richman, J., concurs
Pawar, J., specially concurs

[2021COA60](#)

Court of Appeals No. [20CA0205](#)

Arapahoe County District Court No. 19CV32190

Honorable Elizabeth Weishaupl, Judge

Walker Commercial, Inc.,

Plaintiff-Appellant,

v.

Marshall P. Brown, in his official capacity as Director of Water of the City of
Aurora, Colorado,

Defendant-Appellee.

ORDERS REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE BROWN
Román and Welling, JJ., concur

[2021COA61](#)

Court of Appeals No. [21CA0428](#)

City and County of Denver District Court No. 10CR1863

Honorable Andrew P. McCallin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Parks,

Defendant-Appellant.

MOTION GRANTED

Division A
Opinion by JUDGE TOW
Terry and Yun, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA1025
Adams County District Court No. 15CR4021
Honorable Ted C. Tow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Gerald Wernsman,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE TAUBMAN*
Lipinsky and Pawar, JJ., concur

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

Court of Appeals No. 17CA1509
Adams County District Court No. 16CR2556
Honorable Ted C. Tow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon James Karr,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE PAWAR
Lipinsky and Taubman*, JJ., concur

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

Court of Appeals No. 17CA1584
Weld County District Court No. 15CR1618
Honorable Dinsmore Tuttle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Francisco Mendez,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

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

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

Court of Appeals No. 17CA1897
El Paso County District Court No. 16CR2335
Honorable Jann P. DuBois, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tywaun Marquell Deeds,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA2214
Arapahoe County District Court No. 16CR2696
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Walch,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
J. Jones and Navarro, JJ., concur

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

Court of Appeals No. 18CA1002
Pueblo County District Court No. 12CR890
Honorable Larry C. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerrid Lee Salazar,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 18CA1752
Jefferson County District Court No. 17CR2828
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Errinlee Richelle Alley,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE JOHNSON
Terry and Richman, JJ., concur

Prior Opinion Announced December 10, 2020, WITHDRAWN
Petition for Rehearing GRANTED IN PART AND DENIED IN PART

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

Court of Appeals No. 18CA1912
Mesa County District Court No. 17CR1013
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Evens Fleurantus,

Defendant-Appellant.

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

Division V
Opinion by JUDGE NAVARRO
J. Jones and Yun, JJ., concur

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

Court of Appeals No. 18CA2330
City and County of Denver District Court No. 05CR4862
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Lovato,

Defendant-Appellant.

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

Division I
Opinion by JUDGE TOW
Dailey and Graham*, JJ., concur

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

Court of Appeals No. 19CA0215
City and County of Denver District Court No. 17CR7632
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyjonn Jihad Villa,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Freyre and Johnson, JJ., concur

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

Court of Appeals No. 19CA0274
City and County of Denver District Court No. 17CR1856
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shane M. Grant,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA0562
Montezuma County District Court No. 18CR453
Honorable Todd Jay Plewe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Julie R. Ott,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FREYRE
Furman and Johnson, JJ., concur

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

Court of Appeals No. 19CA0569
Weld County District Court No. 08CR1227
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Larry Eugene Fuller,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 19CA0695
Adams County District Court No. 12CR3134
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Quintana,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA0765
El Paso County District Court No. 18CR1822
Honorable Jill M. Brady, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Scott Bales,

Defendant-Appellant.

SENTENCE AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA1294
City and County of Broomfield District Court No. 17CV30141
Honorable Emily E. Anderson, Judge

Vista Highlands LLC, a Colorado limited liability company,
Plaintiff-Appellee,

v.

Kevamra LLC, a Colorado limited liability company,
Defendant-Appellant.

JUDGMENT AND ORDERS AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Pawar and Taubman*, JJ., concur

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

Court of Appeals No. 19CA2062
City and County of Denver District Court No. 13CR6320
Honorable Michael J. Vallejos, Judge

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

v.

Shawn Paul Domenech,
Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by JUDGE DUNN
Bernard, C.J., and Tow, J., concur

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

Court of Appeals No. 19CA2072
City and County of Denver District Court No. 14CR10011
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dreion Martise Dearing,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by CHIEF JUDGE BERNARD
Rothenberg* and Hawthorne*, JJ., concur

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

Court of Appeals No. 19CA2182
Weld County District Court No. 18CV48
Honorable Todd Taylor, Judge

Keith Enderson,

Plaintiff-Appellant,

v.

Gregory S. Bell,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Johnson and Graham*, JJ., concur

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

Court of Appeals No. 20CA0156
Arapahoe County District Court No. 19CV255
Honorable Frederick T. Martinez, Judge

Saad S. Hanna,

Plaintiff-Appellant,

v.

Littleton Public Schools,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE PAWAR
Lipinsky and Taubman*, JJ., concur

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

Court of Appeals No. 20CA0352
Park County District Court No. 17DR30012
Honorable Stephen A. Groome, Judge

In re the Marriage of

Amy Byrne, n/k/a Amy Carman,

Appellee,

and

David Byrne,

Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE FURMAN
Freyre and Johnson, JJ., concur

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

Court of Appeals No. 20CA0412
City and County of Denver District Court No. 18CV614
Honorable A. Bruce Jones, Judge

Anatolii Puhalskii,

Plaintiff-Appellant,

v.

Susan Rivera,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE JOHNSON
Furman and Freyre, JJ., concur

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

Court of Appeals No. 20CA0435
City and County of Denver District Court No. 06CR10482
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Orlando Rollie,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA0453
City and County of Denver District Court No. 19CV31961
Honorable Eric M. Johnson, Judge

William Clifton Chambers,

Appellant,

v.

Colorado Department of Revenue, Motor Vehicle Hearings Section,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by CHIEF JUDGE BERNARD
Martinez* and Graham*, JJ., concur

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

Court of Appeals No. 20CA0634
El Paso County District Court No. 19CV30589
Honorable David A. Gilbert, Judge

Paul Niehus,

Plaintiff-Appellant,

v.

McCabe's Tavern, Inc., d/b/a McCabe's Tavern,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE TOW
Bernard, C.J., and Dunn, J., concur

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

Court of Appeals No. 20CA0702
Mesa County District Court No. 19DR276
Honorable Valerie J. Robison, Judge

In re the Marriage of

Jasmine Gould,

Appellee,

and

Joel Gould,

Appellant.

APPEAL DISMISSED

Division II
Opinion by JUDGE ROMÁN
Welling and Davidson*, JJ., concur

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

Court of Appeals No. 20CA0984
City and County of Denver District Court No. 17CR559
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Merceir C. Welch,

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. 20CA1244
El Paso County District Court No. 15DR30983
Honorable G. David Miller, Judge

In re the Marriage of
Lawrence O. Williams,
Appellant,
and
Jeanette R. Williams,
Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE ROTHENBERG*
Bernard, C.J., and Hawthorne*, J., concur

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

Court of Appeals No. 20CA1268
Fremont County District Court No. 18JV30
Honorable Ramsey L. Lama, Judge

The People of the State of Colorado,
Appellee,
In the Interest of M.H. II, a Child,
and Concerning M.H.,
Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Freyre and Johnson, JJ., concur

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

Court of Appeals No. 20CA1353
Garfield County District Court No. 09DR84
Honorable Anne K. Norrdin, Judge

In re the Marriage of

Bethany Nicole McLaughlin, f/k/a Bethany Colon,

Appellee,

and

Keith J. Bennett,

Appellee,

and Concerning Susan Kempton and Randall L. Kempton,

Intervenors-Appellants,

and

Garfield County Department of Human Services,

Intervenor.

ORDER AFFIRMED

Division III
Opinion by JUDGE JOHNSON
Furman and Freyre, JJ., concur

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

Court of Appeals No. 20CA1415
Costilla County District Court No. 18JV3
Honorable Crista Newmyer-Olsen, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.B.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA1664
La Plata County District Court No. 18JV22
Honorable William L. Herringer, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.Y. and A.Y., Children,

and Concerning S.W. and E.Y.,

Appellants,

and

Navajo Nation,

Intervenor-Appellee

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE J. JONES
Navarro and Yun, JJ., concur

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

Court of Appeals No. 20CA1758
City and County of Denver Juvenile Court No. 19JV765
Honorable Pax L. Moultrie, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning F.I., III,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
J. Jones and Navarro, JJ., concur

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

Court of Appeals No. 20CA1766
Industrial Claim Appeals Office of the State of Colorado
DD Nos. 57536-2019 & 57537-2019

Playtime Pet Sitters and Dog Walkers,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance, Employer Services – Integrity/Employer Audits,

Respondents.

ORDERS SET ASIDE AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE TAUBMAN*
Graham*, J., concurs
Bernard, C.J., dissents

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

Court of Appeals No. 20CA1801
El Paso County District Court No. 18JV1522
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.H.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE PAWAR
Lipinsky and Taubman*, JJ., concur

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

Court of Appeals No. 20CA1822
El Paso County District Court No. 18JV1420
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.G.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE VOGT*
Bernard, C.J., and Casebolt*, J., concur

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

Court of Appeals No. 21CA0293
Pueblo County District Court No. 21MH28
Honorable Allison P. Ernst, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Chad Rudolpho Angle,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE FREYRE
Furman and Johnson, 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. 17CA0086

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Patrick Graham,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA0383

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gitano Vittorio Randazzo,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 17CA2031

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel Lee Muniz,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 17CA2337

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Carbajal,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA1752

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Errinlee Richelle Alley,

Defendant-Appellant.

Prior Opinion Announced December 10, 2020, WITHDRAWN
Petition for Rehearing GRANTED IN PART AND DENIED IN PART

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

Court of Appeals No. 18CA2148

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Elias Paul Trujillo,

Defendant-Appellant.

Petition for Rehearing DENIED
Pawar, J., would GRANT

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

MODIFIED OPINIONS

[2020COA120M](#)

Court of Appeals No. [18CA0827](#)

Teller County District Court No. 17CR124

Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stacy Anne McClintic,

Defendant-Appellant.

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

Division VI
Opinion by JUDGE TAUBMAN*
Dunn and Yun, JJ., concur

Opinion Modified
On the Court's Own Motion

Announced August 6, 2020

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2020.