

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
January 21, 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

[2021COA4](#)

Court of Appeals No. [20CA0859](#)

City and County of Denver Juvenile Court No. 19JV225

Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.B.,

Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE HAWTHORNE*
Bernard, C.J., and Graham*, J., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
January 21, 2021

[2021COA5](#)

Court of Appeals No. [20CA0897](#)
Fremont County District Court No. 19JV6
Honorable Larry Dean Allen, Magistrate

The People of the State of Colorado,

Appellee,

In the Interest of L.B-H-P. a Child,

and Concerning B.B.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Tow and Lipinsky, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 16CA1566
Mesa County District Court No. 15CR1006
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Misti Linn Favorite,

Defendant-Appellant.

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

Division III
Opinion by JUDGE FREYRE
Román and Casebolt*, JJ., concur

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

Court of Appeals No. 17CA0766
Adams County District Court No. 16CR1387
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Phillip David Luna,

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. 17CA1757
Adams County District Court No. 16CR1899
Honorable Donald S. Quick, Judge

The People of the State of Colorado,
Plaintiff-Appellant and Cross-Appellee,

v.

Andrew Bernard Labrecque,
Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 17CA1842
Jefferson County District Court No. 16CR584
Honorable Lily W. Oeffler, Judge

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

v.

Gregory Scott Kennedy,
Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE CASEBOLT*
Bernard, C.J., and Davidson*, J. concur.

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

Court of Appeals No. 17CA2277
City and County of Denver District Court No. 15CR4335
Honorable Kenneth M. Laff, Judge
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eli Swazo,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA0285
Arapahoe County District Court No. 16CR741
Honorable Ben L. Leutwyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Pedro Andrade-Torres,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 18CA0736
Jefferson County District Court No. 17CR1623
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth Upton Crise,

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. 18CA0918
El Paso County District Court No. 16CR6660
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lonnie E. Shaffer,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE HARRIS
Fox and Grove, JJ., concur

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

Court of Appeals No. 18CA1293
Boulder County District Court No. 17CR1441
Honorable Patrick Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jay Harvey,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 18CA1488
Larimer County District Court No. 16CR1396
Honorable Devin R. Odell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carrie Barnett Giesler,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Harris and Yun, JJ., concur

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

Court of Appeals No. 18CA1605
Morgan County District Court No. 17CR250
Honorable Carl S. McGuire, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Debra Kay Weimer-Clark,

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. 18CA1653
Adams County District Court No. 18JD152
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of A.H.,

Juvenile-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. 18CA1738
Jefferson County District Court No. 13CR490
Honorable Dennis Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Slayton Purcell,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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. 18CA2059
Jefferson County District Court No. 14CR2322
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Alan Gallegos,

Defendant-Appellant.

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

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

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

Court of Appeals No. 18CA2401
Douglas County District Court No. 10CR218
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Edward Patton,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE ROMÁN
Fox and Gomez, JJ., concur

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

Court of Appeals No. 19CA0027
Jefferson County District Court No. 17CR1868
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Johnathon Allen Beach,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE TERRY
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 19CA0042
Sagauche County District Court No. 17CR46
Honorable Amanda C. Hopkins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Heath Rampy,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA0711
Jefferson County District Court No. 16CR2656
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Frederick Stock,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by CHIEF JUDGE BERNARD
Casebolt* and Hawthorne*, JJ., concur

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

Court of Appeals No. 19CA0909
Fremont County District Court No. 18CV134
Honorable Ramsey Lama, Judge

Timothy David Smith,
Plaintiff-Appellant,

v.

Executive Director, Colorado Department of Corrections; and Warden, Fremont
Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE WELLING
Román and Brown, JJ., concur

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

Court of Appeals No. 19CA1302
Las Animas County District Court No. 18CV28
Honorable Leslie J. Gerbracht, Judge

Michael Farrow,
Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of
the Trinidad Correctional Facility,

Defendants-Appellees.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA1455
Adams County District Court No. 17CV30883
Honorable Robert W. Kiesnowski, Jr., Judge

Frances Velasquez,
Plaintiff-Appellant,

v.

Dan Gulbranson,
Defendant-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. 19CA1733
City and County of Denver District Court No. 18CV33958
Honorable David H. Goldberg, Judge

Koren Vining, Michael Vining, Nicholas Hodgdon, and Rhidian Orr,
Plaintiffs-Appellants,

v.

Steve Travers and Kentwood DTC, LLC, d/b/a The Kentwood Company, a
Colorado limited liability company,

Defendants-Appellees.

JUDGMENT REVERSED 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. 19CA1878
El Paso County District Court No. 19CV31444
Honorable David Prince, Judge

Catholic Health Initiatives Colorado, d/b/a Centura Health-Penrose-St. Francis
Health Services,

Plaintiff-Appellant,

v.

Magdiel Trinidad-Hernandez, M.D.,

Defendant-Appellee.

JUDGMENT REVERSED 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. 19CA1883
Arapahoe County District Court No. 15DR1270
Honorable Vincent R. White, Judge

In re the Marriage of

Carolina Alcaraz,

Appellee,

and

Nilesh Gurne-Mannina,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA2135
San Miguel County District Court No. 14DR30002
Honorable Steven L. Schultz, Judge

In re the Marriage of
Brian Young Carlson,
Appellee,
and
Julie Jean Carlson,
Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 19CA2151
Larimer County District Court No. 19CV30474
Honorable Susan Blanco, Judge

SM Energy Company, a Delaware corporation,
Plaintiff-Appellee,
v.
Sun Well Service, Inc., a North Dakota corporation,
Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 19CA2171
Arapahoe County District Court No. 13CR1077
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Osman Omar Osman,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE GOMEZ
Terry and Dunn, JJ., concur

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

Court of Appeals No. 19CA2300
Elbert County District Court No. 10CR62
Honorable Gary M. Kramer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas C. Neilsen,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE DAVIDSON*
Bernard, C.J., and Vogt*, J., concur

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

Court of Appeals No. 19CA2386
Adams County District Court No. 09CR2077
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Norman Demane Williams,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE VOGT*
Bernard, C.J., and Davidson*, J., concur

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

Court of Appeals No. 20CA0155
Larimer County District Court No. 19CV181
Honorable Susan Blanco, Judge

Assure LLC, Christopher Garcia, as President,

Plaintiff-Appellant,

v.

Irene Josey, in her official capacity as the Larimer County Treasurer and all
successors to the office,

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. 20CA0336
Adams County District Court No. 12CR910
Honorable Sean P. Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sharrieckia Trinnette Page,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE HAWTHORNE*
Bernard, C.J., and Casebolt*, J., concur

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

Court of Appeals No. 20CA0351
El Paso County District Court No. 14DR30643
Honorable Marla R. Prudek, Judge

In re the Marriage of

Meridee Carreiro, f/k/a Meridee Scheller,

Appellee,

and

Steve Scheller,

Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE WELLING
Román and Brown JJ., concur

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

Court of Appeals No. 20CA0392
San Miguel County District Court No. 15DR30013
Honorable D. Cory Jackson, Judge

In re the Marriage of

Christine McGinley, f/k/a Christine McGinley Hooper,

Appellant,

and

Bruce Wilson Hooper,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA1008
Industrial Claim Appeals Office of the State of Colorado
DD No. 10102-2020

Stephen J. Johnson,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Landcar
Management, LTD,

Respondents.

APPEAL DISMISSED

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

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

Court of Appeals No. 20CA1220
City and County of Denver Juvenile Court No. 19JV1710
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.A.C., Av.C., and An.C. Children,

and Concerning A.C.,

Appellant.

JUDGMENT AFFIRMED

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. 20CA1227
Weld County District Court No. 20JV37
Honorable Meghan Saleebey, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.C. and E.C., Children,

and Concerning T.C.,

Appellant.

APPEAL DISMISSED

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. 20CA1510
Industrial Claim Appeals Office of the State of Colorado
DD No. 12620-2020

Mary Cooper,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Colorado West
Health Care System,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA1614
Industrial Claim Appeals Office of the State of Colorado
DD No. 19650-2020

Rinku Kushan Trivedi,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance, Customer Service Center,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, 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. 19CA1639

In re the Marriage of

Joanne Marie Hills,

Appellee,

and

Mason Gordon Hills,

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. 2020.