

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
December 1, 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

[2022COA136](#)

Court of Appeals No. [19CA0172](#)

City and County of Denver District Court No. 18CR3097

Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sheldon M. Ryan,

Defendant-Appellant.

JUDGMENT AND ORDER REVERSED
AND CASE REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FREYRE
Lipinsky and Casebolt*, JJ., concur

[2022COA137](#)

Court of Appeals No. [21CA1299](#)
City & County of Denver District Court No. 20CV31185
Honorable J. Eric Elliff, Judge

Mother Doe and Jane Doe,

Plaintiffs-Appellants,

v.

Wellbridge Club Management LLC, d/b/a Colorado Athletic Club-Monaco
a/k/a Club Monaco,

Defendant-Appellee.

JUDGMENT REVERSED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
Welling and Johnson, JJ., concur

[2022COA138](#)

Court of Appeals Nos. [21CA1916](#) & [22CA0285](#)
El Paso County District Court No. 21CV30875
Honorable Gregory R. Werner, Judge

Daniel Del Valle,

Plaintiff-Appellant and Cross-Appellee,

v.

California Casualty Indemnity Exchange,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division C
Opinion by JUDGE DUNN
Kuhn and Casebolt*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA1194
Jefferson County District Court No. 16CR1463
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Lee Nickal,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Pawar and Gomez, JJ., concur

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

Court of Appeals No. 19CA0715
City and County of Denver District Court No. 17CR8246
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mussie Ablel,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Freyre and Lum, JJ., concur

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

Court of Appeals No. 19CA1503
Weld County District Court No. 17CR2292
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Encarnacion Torres-Rodriguez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE YUN
Fox and Tow, JJ., concur

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

Court of Appeals No. 19CA1766
Boulder County District Court No. 17CR1051
Honorable Andrew Hartman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Felix Antonio Fuentes,

Defendant-Appellant.

JUDGMENT AFFIRMED, ORDER REVERSED,
AND CASE REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE KUHN
J. Jones and Brown, JJ., concur

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

Court of Appeals No. 19CA2160
Las Animas County District Court No. 18CR119
Honorable Leslie J. Gerbracht, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Domenic Joseph Damelio,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Harris and Gomez, JJ., concur

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

Court of Appeals No. 20CA1253
Boulder County District Court No. 19CR787
Honorable Dinsmore Tuttle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christian Anthony Graciano,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE KUHN
J. Jones and Brown, JJ., concur

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

Court of Appeals No. 21CA0102
Adams County District Court No. 19CR1697
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Pedro Hernandez-Jimenez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE GROVE
Dunn and Schutz, JJ., concur

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

Court of Appeals No. 21CA0454
City and County of Denver Juvenile Court No. 19JV1349
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of T.D.J., a Child,

and Concerning A.M.C.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE GOMEZ
Harris and Pawar, JJ., concur

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

Court of Appeals No. 21CA0838
Las Animas County District Court No. 19CR204
Honorable Leslie J. Gerbracht, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anita Sandoval,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Pawar and Gomez, JJ., concur

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

Court of Appeals No. 21CA0841
Weld County District Court No. 18CR1874
Honorable Timothy Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mack James Downey,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Furman and Davidson*, JJ., concur

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

Court of Appeals No. 21CA0855
City and County of Denver District Court No. 17CR7197
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William G. Webb,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE DUNN
Grove and Schutz, JJ., concur

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

Court of Appeals No. 21CA0905
City and County of Denver District Court No. 20CV31240
Honorable Shelley I. Gilman, Judge

Justine Salazar,

Plaintiff-Appellant,

v.

Community College of Denver,

Defendant-Appellee.

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

Division IV
Opinion by JUDGE GROVE
Dunn and Schutz, JJ., concur

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

Court of Appeals Nos. 21CA0925 & 21CA1233
Routt County District Court No. 15DR30007
Honorable Mary C. Hoak, Judge

In re the Marriage of

Steven Herron,

Appellee,

and

Cynthia Hayek,

Appellant.

APPEAL DISMISSED IN PART AND ORDER AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Pawar and Gomez, JJ., concur

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

Court of Appeals No. 21CA0947
City and County of Denver Juvenile Court No. 20JV392
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.M.H., a Child,

and Concerning J.L.H.,

Appellant,

and

U.D.A.,

Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE GOMEZ
Harris and Pawar, JJ., concur

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

Court of Appeals No. 21CA1065
Jefferson County District Court No. 19CV31919
Honorable Lily W. Oeffler, Judge

Cara M. Adams as Trustee of the Cara M. Adams Trust dated June 13, 2014,
Plaintiff-Appellant,

v.

Jeffrey G. Flaherty and Michael Allan Merelli,
Defendants-Appellees.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE BROWN
J. Jones and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1454
Garfield County District Court No. 19CV4
Honorable Denise K. Lynch, Judge

Adeline Zellar, f/k/a Adeline Hyatt,
Plaintiff-Appellant,

v.

Michael B. McEwan, D.D.S.; Embraceable, PLLC, a Colorado professional
limited liability company d/b/a Comfort Dental Braces, a/k/a Comfort Dental
Glenwood Springs Braces; and Ryan Klumb, D.D.S.,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE SCHUTZ
Dunn and Grove, JJ., concur

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

Court of Appeals No. 21CA1603
Boulder County District Court No. 20CV31001
Honorable Patrick Butler, Judge

Dio Volendo LLC, a Colorado limited liability company,
Plaintiff-Appellee,

v.

Robert D. Affleck and Carol L. Affleck,
Defendants-Appellants.

JUDGMENT REVERSED IN PART AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE LIPINSKY
Freyre and Casebolt*, JJ., concur

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

Court of Appeals No. 21CA1897
Larimer County District Court No. 18CV30371
Honorable Juan G. Villaseñor, Judge

Thompson Area Against Stroh Quarry, Inc., a Colorado nonprofit corporation;
Dani Korkegi; Gregory Martino; Monique Griffin; Cristi Baldino; Victoria Good;
and Arlene Libby,

Plaintiffs-Appellees,

v.

Board of County Commissioners of Larimer County, Colorado; and Coulson
Excavating Company, Inc.,

Defendants-Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE YUN
Fox and Tow, JJ., concur

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

Court of Appeals No. 22CA0104
Kit Carson County District Court No. 20JV4
Honorable Stephanie M.G. Gagliano, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.R.L. and S.N.W.,

Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE KUHN
J. Jones and Brown, JJ., concur

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

Court of Appeals No. 22CA0219
Arapahoe County District Court No. 20CV31582
Honorable John E. Scipione, Judge

Kacey Hanson,

Plaintiff-Appellant,

v.

Lefthand Management LLC, a Colorado limited liability company,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PAWAR
Harris and Gomez, JJ., concur

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

Court of Appeals No. 22CA0641
City and County of Denver Juvenile Court No. 20JV327
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.I.M., a Child,

and Concerning E.C.M.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE GROVE
Dunn and Schutz, JJ., concur

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

Court of Appeals No. 22CA0737
Pueblo County District Court No. 21JV229
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.L.,

Appellant.

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

Division VII
Opinion by JUDGE PAWAR
Harris and Gomez, JJ., concur

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

Court of Appeals No. 22CA0758
Adams County District Court No. 21JV157
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning F.M.W.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE JOHNSON
Navarro and Welling, JJ., concur

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

Court of Appeals No. 22CA1171
Industrial Claim Appeals Office of the State of Colorado
DD No. 21668-2022

Christina M. Hughes,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division VI
Opinion by JUDGE LUM
Freyre and Lipinsky, 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. 17CA1536

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Yolanda Ursula Vialpando,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 19CA1247

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Edwin Hoganson,

Defendant-Appellant.

Petitions for Rehearing DENIED

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

Court of Appeals No. 19CA1685

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Maurice A. Butler,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1902

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Felix Jerry Reyes,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1048

In re the Estate of Robert Dwayne Trujillo, deceased.

Claudia Rea Knox

Petitioner-Appellant,

and

Kenneth Lee Trujillo,

Appellant,

v.

Christina Main,

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.