

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
April 27, 2023

“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

[2023COA36](#)

Court of Appeals No. [19CA1928](#)
Jefferson County District Court No. 18CR3960
Honorable Christopher J. Munch, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Todd Kenneth Grudznske,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
April 27, 2023

[2023COA37](#)

Court of Appeals No. [21CA1880](#)

City and County of Denver District Court No. 21CV31519

Honorable J. Eric Elliff, Judge

The Gazette; Christopher N. Osher, reporter for The Gazette; and the Invisible Institute,

Plaintiffs-Appellants,

v.

Erik Bourgerie, in his official capacity as the Director of the Colorado Peace Officer Standards and Training Board,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE HAWTHORNE*

Lipinsky and Schock, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA0157
Jefferson County District Court No. 98CR2526
Honorable Alex J. Martinez, Justice

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William “Cody” Lee Neal,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE FOX
Lipinsky and Schock, JJ., concur

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

Court of Appeals No. 19CA1823
Boulder County District Court No. 17CR2254
Honorable Judith L. Labuda, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Omar Mosaab Abughalib,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ. concur

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

Court of Appeals No. 20CA0318
El Paso County District Court Nos. 18CR5989 & 18CR6321
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Antonio Demonte Bozeman,

Defendant-Appellant.

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

Division I
Opinion by JUDGE LUM
Dailey and Bernard*, JJ., concur

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

Court of Appeals No. 20CA1502
Arapahoe County District Court No. 17CR877
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Lee Locascio,

Defendant-Appellant.

ORDER VACATED, AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE WELLING
Furman and Freyre, JJ., concur

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

Court of Appeals No. 20CA1798
Logan County District Court No. 19CR180
Honorable Kevin L. Hoyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Seth Michael Welsh,

Defendant-Appellant.

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

Division I
Opinion by JUDGE DAILEY
Johnson and Lum, JJ., concur

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

Court of Appeals No. 20CA2052
Adams County District Court No. 18CR1982
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Oscar Rivera Andujo,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE J. JONES
Pawar and Yun, JJ., concur

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

Court of Appeals No. 21CA0248
Arapahoe County District Court No. 07CR1837
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Elliot Wingfield,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE LUM
Dailey and Johnson, JJ., concur

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

Court of Appeals No. 21CA0383
Larimer County District Court No. 19CR1676
Honorable Laurie K. Dean, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robin Lee Hoffschneider,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones and Richman*, JJ., concur

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

Court of Appeals No. 21CA0388
Adams County District Court No. 11CR2166
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffery C. Ford,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0659
City and County of Denver Juvenile Court No. 19JV1672
Honorable Pax Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Jay.J.L. and Jac.J.L., Children,

and Concerning B.J.L. and J.M.G.,

Appellants.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
Dunn and Welling, JJ., concur

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

Court of Appeals No. 21CA0696
Jefferson County District Court No. 17CV31500
Honorable Laura A. Tighe, Judge

Reinke Brothers Playhouse, LLC, a Colorado limited liability company, and
Reinke Brothers, Inc., a Colorado corporation,

Plaintiffs-Appellants and Cross-Appellees,

v.

Statewide Roofing Consultants, Inc., a Colorado corporation, and Greg Ward,

Defendants-Appellees,

and,

Statewide Roofing Consultants, Inc., a Colorado corporation,

Cross-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Johnson and Lum, JJ., concur

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

Court of Appeals No. 21CA0914
El Paso County District Court No. 14CR2075
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tammy Lyn Fritz,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE DUNN
Brown and Gomez, JJ., concur

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

Court of Appeals No. 21CA0948
Adams County District Court No. 19CR4979
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Power Swenson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ., concur

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

Court of Appeals No. 21CA0997
Weld County District Court No. 11CR467
Honorable Marcelo A. Kopcow, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul David Marquez,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE LUM
Dailey and Bernard*, JJ., concur

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

Court of Appeals No. 21CA1016
Otero County District Court No. 13CR161
Honorable Mark A. MacDonnell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Staci Jo Thompson,

Defendant-Appellant.

ORDERS AFFIRMED

Division VI
Opinion by JUDGE TOW
Navarro and Schutz, JJ., concur

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

Court of Appeals No. 21CA1017
Otero County District Court No. 15CR74
Honorable Mark A. MacDonnell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Staci Jo Thompson,

Defendant-Appellant.

ORDERS AFFIRMED

Division VI
Opinion by JUDGE TOW
Navarro and Schutz, JJ., concur

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

Court of Appeals No. 21CA1621
Jefferson County District Court No. 14CR1038
Honorable Russell B. Klein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Lee Pierce,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE RICHMAN*
J. Jones and Yun, JJ., concur

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

Court of Appeals No. 21CA1931
Arapahoe County District Court No. 18CR3041
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tobi Kilman,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE LIPINSKY
Fox and Schock, JJ., concur

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

Court of Appeals No. 21CA2007
El Paso County District Court No. 20DR31984
Honorable Jill M. Brady, Judge

In re the Parental Responsibilities Concerning L.J.B., a Child,

Dana Kim Guindon,

Petitioner,

and

Joshua Garrett Brydges,

Respondent,

and Concerning Penrose St. Francis Health Services,

Appellee,

v.

Law Office of Greg Quimby,

Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUSTICE MARTINEZ*
Harris and Grove, JJ., concur

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

Court of Appeals No. 21CA2035
Jefferson County District Court No. 21CV33
Honorable Todd L. Vriesman, Judge

Kate Drakewyck,

Plaintiff-Appellant,

v.

Levi Min Yeong Buehler Trust,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0457
Summit County District Court No. 20CV30147
Honorable Mark D. Thompson, Judge

Margaret Schouten,

Plaintiff-Appellant,

v.

Kyle Kahnweiler,

Defendant-Appellee.

ORDER AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones and Richman*, JJ., concur

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

Court of Appeals No. 22CA0018
Boulder County District Court No. 20CR712
Honorable Norma A. Sierra, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronnie Eugene Gill,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ. concur

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

Court of Appeals No. 22CA0027
Arapahoe County District Court No. 21CV30758
Honorable Frederick T. Martinez, Judge

Namrta Singh,

Plaintiff-Appellant,

v.

Anne Marie Trotter,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Johnson and Lum, JJ., concur

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

Court of Appeals No. 22CA0226
Pueblo County District Court No. 19CV30158
Honorable Gregory J. Styduhar, Judge

D&A Enterprises, Inc., d/b/a SERVPRO of Fort Collins, a Colorado corporation,

Plaintiff-Appellant,

v.

Pashco Roofing, Inc., d/b/a Colorado Front Range Roofing, a Colorado corporation; JimSoCoRentals, LLC., a Colorado limited liability company; and James Sprague, individually,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE WELLING
Furman and Freyre, JJ., concur

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

Court of Appeals No. 22CA0252
Colorado Real Estate Commission Case No. MLO-2019-0003

Colorado Board of Mortgage Loan Originators,

Petitioner-Appellee,

v.

Harry McFatter McCuiston,

Respondent-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE LIPINKSY
Fox and Schock, JJ., concur

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

Court of Appeals No. 22CA0378
Arapahoe County District Court No. 04CR1520
Honorable Ben L. Leutwyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jerome Anderson,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones and Richman*, JJ., concur

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

Court of Appeals No. 22CA0418
Jefferson County District Court No. 19PR31223
Honorable Todd L. Vriesman, Judge

In the Matter of Trust created by Lorraine Lee Wightman, a/k/a Lorraine Lee Buehler

Kate Drakewyck,

Appellant,

v.

Levi Min Yeong Buehler; Levi Min Yeong Buehler Trust;
and Linda M. Chalupsky, Trustee,

Appellees.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUSTICE MARTINEZ*
Harris and Grove, JJ., concur

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

Court of Appeals No. 22CA0452
Boulder County District Court No. 20CV30881
Honorable Bruce Langer, Judge

Vanessa Dayton, MD,

Plaintiff-Appellant,

v.

Tim Francis and Four Kingdoms Council, a Colorado nonprofit corporation,
Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE FOX
Lipinsky and Schock, JJ., concur

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

Court of Appeals No. 22CA0479
La Plata County District Court No. 16CV30152
Honorable Suzanne F. Carlson, Judge

Board of County Commissioners of the County of La Plata, Colorado,

Plaintiff-Appellant,

v.

Colorado Department of Public Health and Environment,
Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE FOX
Lipinsky and Schock, JJ., concur

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

Court of Appeals No. 22CA0490
El Paso County District Court No. 22CV30081
Honorable David A. Gilbert, Judge

I.L.M. Properties, LLC, d/b/a Smith Plumbing, Heating, Cooling & Electrical,
Mike Robinson, and Eva Robinson,

Plaintiffs-Appellees,

v.

Elizabeth Tibbetts,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE GOMEZ
Dunn and Brown, JJ., concur

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

Court of Appeals No. 22CA0542
El Paso County District Court No. 20CV31519
Honorable David A. Gilbert, Judge

Latisha Baker,

Plaintiff-Appellant,

v.

Jamie Coahran and Owners Insurance Company,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DUNN
Brown and Gomez, JJ., concur

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

Court of Appeals No. 22CA0850
Jefferson County District Court No. 20CV30595
Honorable Russell Klein, Judge

Steve McKinney,

Plaintiff-Appellant,

v.

Remington Homes, Inc.; and Remington Homes of Colorado,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DUNN
Brown and Gomez, JJ., concur

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

Court of Appeals No. 22CA1143
Fremont County District Court No. 11JV97
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning B.S.S.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones and Pawar, JJ., concur

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

Court of Appeals No. 22CA1374
Industrial Claim Appeals Office of the State of Colorado
DD No. 12363-2022

Adilene Noguez Ramirez,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Acupuncture Plus,
LLC,

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE J. JONES
Pawar and Yun, JJ., concur

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

Court of Appeals No. 22CA1475
City and County of Denver Juvenile Court No. 21JV139
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning L.R.K. and V.I.M.,

Appellants.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DUNN
Brown and Gomez, JJ., concur

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

Court of Appeals Nos. 22CA1479
Arapahoe County District Court No. 21JV57
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.S. and M.S., Children,

and Concerning D.M.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BROWN
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 22CA1531
City and County of Denver Juvenile Court No. 21JV122
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of La.J.J. and Lai.J.J., Children,

and Concerning B.L.L.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GOMEZ
Dunn 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. 19CA1309

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Noel Alexander Bertrand,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0499

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dorothea Michon DeZonia,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0750

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rodney Dewayne McDonald,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 21CA1492

Terrance M. Wyles,

Plaintiff-Appellant,

v.

Allen Sussman and Loeb & Loeb LLP

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0591

Mindi Walker,

Plaintiff-Appellee,

v.

Brett McManaman,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA1774

Abraham Castro Perez,

Petitioner,

v.

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

Respondents.

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. 2022.