

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
November 9, 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**

[2023COA104](#)

Court of Appeals No. [20CA1568](#)  
Delta County District Court No. 18CR92  
Honorable Steven L. Shultz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Heather Palmer Jones,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE FURMAN  
Fox and Pawar, JJ., concur

---

[2023COA105](#)

Court of Appeals No. [21CA0886](#)

City and County of Broomfield District Court No. 15CR339

Honorable Sharon Holbrook, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Enrique Munoz-Diaz,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE TOW

Furman and Berger\*, JJ., concur

Prior Opinion Announced August 10, 2023, WITHDRAWN

---

[2023COA106](#)

Court of Appeals No. [21CA1407](#)

Mesa County District Court No. 20CR599

Honorable Gretchen B. Larson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tommy Rae Mickey,

Defendant-Appellant.

ORDER VACATED

Division VII

Opinion by JUDGE TOW

Schock and Graham\*, JJ., concur

---

[2023COA107](#)

Court of Appeals No. [22CA0887](#)

Arapahoe County District Court No. 19CV32833

Honorable Elizabeth Beebe Volz, Judge

Jacqueline Gebert,

Plaintiff-Appellee and Cross-Appellant,

v.

Sears, Roebuck & Co.,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE FOX

Furman and Pawar, JJ., concur

---

**UNPUBLISHED OPINIONS**

Court of Appeals No. 20CA2027  
City and County of Denver District Court No. 18CR20002  
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donte Carl Ellis,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE JOHNSON  
Dailey and Lum, JJ., concur

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

---

Court of Appeals No. 21CA0334  
City and County of Denver District Court No. 04CR3018  
Honorable Jay S. Grant, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alejandro Estrada-Huerta,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE DUNN  
Harris and Richman, JJ., concur

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

---

Court of Appeals No. 21CA0749  
Jefferson County District Court Nos. 19CR4438, 20CR1240, 20CR1760 &  
20CR2478  
Honorable Jason D. Carrithers, Judge

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

v.

Garry Allen Hudson,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND VACATED IN PART

Division V  
Opinion by JUDGE FREYRE  
Yun, J., concurs  
Kuhn, J., concurs in part and dissents in part

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

---

Court of Appeals No. 21CA1169  
El Paso County District Court No. 18CR4252  
Honorable Robin Chittum, Judge

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

v.

Michael Couron,  
  
Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE GRAHAM\*  
Tow and Schock, JJ., concur

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

---

Court of Appeals No. 21CA1271  
Mesa County District Court No. 18CR2416  
Honorable Gretchen B. Larson, Judge

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

v.

John Charles Eddy,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE LUM  
Navarro and Grove, JJ., concur

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

---

Court of Appeals No. 21CA1273  
City and County of Denver District Court No. 20CR949  
Honorable Martin F. Egelhoff, Judge

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

v.

Raquan Lorenzo Johnson,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE J. JONES  
Johnson and Schutz, JJ., concur

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

---

Court of Appeals No. 21CA1396  
Boulder County District Court No. 19CR2474  
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Drelan Deshawn Lovato,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE LIPINSKY  
Welling and Gomez, JJ., concur

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

---

Court of Appeals No. 21CA1501  
Adams County District Court Nos. 19CR2623 & 19CR3318  
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jorge Ivan Martinez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE NAVARRO  
Grove and Lum, JJ., concur

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

---

Court of Appeals No. 21CA1924  
Arapahoe County District Court No. 18CR882  
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Joseph Quintana,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Lipinsky and Gomez, JJ., concur

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

---

Court of Appeals No. 22CA0530  
Mesa County District Court No. 21CR89  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Edward Isley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE TOW  
Brown and Schock, JJ., concur

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

---



Court of Appeals No. 22CA0564  
Alamosa County District Court No. 17CR25  
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angel Luis Nieto,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE TOW  
Brown and Schock, JJ., concur

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

---

Court of Appeals No. 22CA0582  
El Paso County District Court No. 13CR452  
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leon Roy Ewing,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE HARRIS  
Dunn and Richman\*, JJ., concur

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

---

Court of Appeals No. 22CA0938  
City and County of Denver District Court No. 99CR354  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachariah G. Garcia,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Lipinsky and Gomez, JJ., concur

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

---

Court of Appeals No. 22CA0991  
Adams County District Court No. 18CV30506  
Honorable Edward C. Moss, Judge  
Honorable Teri L. Vasquez, Judge

Samuel Brown,

Plaintiff-Appellant,

v.

No Double Dipping Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED, ORDER REVERSED,  
AND CASE REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE GROVE  
Navarro and Lum, JJ., concur

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

---

Court of Appeals No. 22CA1167  
Adams County District Court No. 19CV30812  
Honorable Kyle Seedorf, Judge

Elizabeth Wieland,  
Plaintiff-Appellant,

v.

Katherine Bailey Simental-Cota and Jorge Simental-Cota,  
Defendants-Appellees.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE KUHN  
Freyre and Taubman\*, JJ., concur

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

---

Court of Appeals No. 22CA1361  
El Paso County District Court No. 15CR1188  
Honorable Samuel A. Evig, Judge

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

v.

Rodney Douglas Eaves,  
Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE SCHOCK  
Tow and Brown, JJ., concur

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

---

Court of Appeals No. 22CA1396  
City and County of Denver Probate Court No. 19PR31334  
Honorable Elizabeth D. Leith, Judge

In the Matter of Trust for Derek Windell Cole.

Derek Windell Cole,

Appellant,

v.

Marcie R. McMinimee, Trustee of the Trust for Derek Windell Cole,

Appellee.

ORDER AFFIRMED

Division III  
Opinion by JUDGE J. JONES  
Johnson and Schutz, JJ., concur

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

---

Court of Appeals No. 22CA1660  
City and County of Denver District Court No. 21CR5375  
Honorable Jennifer B. Torrington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sam D. Sutton,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE LIPINSKY  
Welling and Gomez, JJ., concur

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

---

Court of Appeals No. 22CA1661  
Larimer County District Court No. 03CR1173  
Honorable Stephen J. Jouard, Judge

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

v.

William J. Hunsaker, Jr.

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE KUHN  
Yun and Berger\*, JJ., concur

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

---

Court of Appeals No. 22CA1830  
Clear Creek County District Court No. 18CR36  
Honorable Catherine J. Cheroutes, Judge

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

v.

Brandi Jo Powell,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE DAILEY  
Dunn and Harris, JJ., concur

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

---

Court of Appeals No. 22CA1961  
City and County of Denver District Court No. 22CV57  
Honorable David H. Goldberg, Judge

Adam J. Salter,

Plaintiff-Appellant,

v.

Colorado Division of Labor Standards and Statistics,

Defendant-Appellee.

JUDGMENT VACATED

Division I  
Opinion by JUDGE DUNN  
Harris and Richman\*, JJ., concur

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

---

Court of Appeals No. 22CA2026  
Pueblo County District Court No. 21CR538  
Honorable Allison P. Ernst, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Banner Leonel Alonzo-Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE DUNN  
Dailey and Harris, JJ., concur

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

---

Court of Appeals No. 22CA2138  
El Paso County District Court No. 20JV814  
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.V. and D.V., Children,

and Concerning J.M.,

Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE PAWAR  
Furman and Fox, JJ., concur

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

---

Court of Appeals No. 22CA2285  
City and County of Denver District Court No. 93CR1708  
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul C. Silas,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUDGE HARRIS  
Dailey and Dunn, JJ., concur

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

---

Court of Appeals No. 23CA0049  
Douglas County District Court No. 22JV30036  
Honorable H. Clay Hurst, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.S.V-H., a Child,

and Concerning C.M.V.,

Appellant.

JUDGMENT REVERSED

Division A  
Opinion by JUDGE HAWTHORNE\*  
Román, C.J., and Richman\*, J., concur

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

---

Court of Appeals No. 23CA0109  
El Paso County District Court No. 21DR32716  
Honorable Samuel A. Evig, Judge

In re the Marriage of

Jillian Fruechting,

Appellee,

and

Joshua Fruechting,

Appellant.

JUDGMENT AFFIRMED

Division A  
Opinion by CHIEF JUDGE ROMÁN  
Berger\* and Richman\*, JJ., concur

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

---



Court of Appeals No. 23CA0308  
La Plata County District Court No. 21MH17  
Honorable Anthony N. Baca, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Julie C. Abril, Ph.D.,

Respondent-Appellant.

ORDERS AFFIRMED

Division II  
Opinion by JUDGE PAWAR  
Furman and Fox, JJ., concur

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

---

Court of Appeals No. 23CA0336  
Arapahoe County District Court No. 20JV396  
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.B. A.B., B.S. N.J., and L.J., Children,

and Concerning J.J. and R.B.,

Appellants.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE SCHUTZ  
J. Jones and Martinez\*, JJ., concur

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

---

Court of Appeals No. 23CA0480  
City and Country of Denver Juvenile Court No. 20JV794  
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Z.J.M.L-M., a Child,

and Concerning M.L.M., and J.M.L., Jr.,

Appellants.

JUDGMENT AFFIRMED

Division A  
Opinion by JUDGE RICHMAN\*  
Román, C.J., and Hawthorne\*, J., concur  
**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

---

Court of Appeals No. 23CA0560  
Mesa County District Court No. 20JV109  
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.F.,

Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE HARRIS  
Dunn and Richman\*, JJ., concur

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

---

Court of Appeals No. 23CA0573  
Adams County District Court No. 20JV165  
Honorable Emily C. Lieberman, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Eh.C., A.C., and Em.C, Children,

and Concerning M.C,

Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE NAVARRO  
Grove and Lum, JJ., concur

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

---

Court of Appeals No. 23CA0584  
Mesa County District Court No. 21JV106  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.M.J.,

Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE SCHUTZ  
Hawthorne\*, J., concurs  
J. Jones, J., specially concurs

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

---

Court of Appeals No. 23CA0592  
City and County of Denver Juvenile Court No. 21JV926  
Honorable Pax Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.A.C.W., L.K.W., and L.W., a/k/a J.D.W., Children,

and Concerning J.D.W., a/k/a J.D.J.W., and B.W.W., Jr.,

Appellants.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE BROWN  
Tow and Schock, JJ., concur

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

---

Court of Appeals No. 23CA0593  
Jefferson County District Court No. 21JV469  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.W.,

Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE GOMEZ  
Welling and Lipinsky, JJ., concur

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

---

Court of Appeals No. 23CA0632  
El Paso County District Court No. 21JV774  
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Ay.S. and An.S., Children,

and Concerning H.S. and R.S.,

Appellants.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE TOW  
Brown and Schock, JJ., concur

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

---

Court of Appeals No. 23CA0919  
Weld County District Court No. 21JV386  
Honorable Anita J. Crowther, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.E-P. and D.P., Children,

and Concerning N.P.,

Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE LUM  
Navarro and Grove, JJ., concur

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

---

Court of Appeals No. 23CA0950  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 1926-2023

Jonathan Mullen,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Eqverde,  
Respondents.

ORDER AFFIRMED

Division V  
Opinion by JUDGE KUHN  
Yun and Berger\*, JJ., concur

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

---

Court of Appeals No. 23CA0968  
Jefferson County District Court No. 22JV30015  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of I.N-C., a Child,

and Concerning H.N.,

Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE GROVE  
Navarro and Lum, JJ., concur

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

---

Court of Appeals No. 23CA1020  
City and County of Denver Juvenile Court No. 22JV106  
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of P.R.M., a Child,

and Concerning B.M.L.,

Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE SCHOCK  
Tow and Brown, JJ., concur

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

---

Court of Appeals No. 23CA1251  
Pueblo County District Court No. 23MH258  
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Jonathan Michael Hatem,

Respondent-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE NAVARRO  
Grove and Lum, 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. 19CA0376

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jacob Benjamin Woodyard,

Defendant-Appellant.

Petition for Rehearing DENIED

---

Court of Appeals No. 21CA0886

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Enrique Munoz-Diaz,

Defendant-Appellant.

Petition for Rehearing DENIED

---



Court of Appeals No. 21CA1136

The People of the State of Colorado,

Plaintiff-Appellee,

v.

C.H.,

Defendant-Appellant.

Petition for Rehearing DENIED

---

Court of Appeals No. 21CA1286

Thomas Wengh,

Plaintiff-Appellant and Cross-Appellee,

v.

Contrada, Inc., a Colorado corporation; 333 Trust; and Marilena P. Marzano,  
a/k/a Elena Marzano, Marilena Piras, and Elena Piras,

Defendants-Appellees and Cross-Appellants.

Petition for Rehearing DENIED

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

---

Court of Appeals No. 21CA1871

In re the Marriage of

Jennifer Emmi,

Appellant,

and

Donald Emmi,

Appellee.

Petition for Rehearing DENIED

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

---

Court of Appeals No. 22CA0775

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Guadalupe Rocha,

Defendant-Appellant.

Petition for Rehearing DENIED

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

---

Court of Appeals Nos. 22CA1257 & 22CA1969

Nathan J. Mascarenas,

Plaintiff-Appellant,

v.

Phases Truck & Automotive Repair, Inc.,

Defendant-Appellee.

Petition for Rehearing DENIED

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

---

Court of Appeals No. 22CA1283

Jason Huffer,

Plaintiff-Appellant,

v.

RR NYE, LLC; Tyler Fey; Daniel Higgenbotham; Angela Jensen; Christian Reicheneder; Shane Reilly; Lisa Loving-Martellini; and Robert Martellini,

Defendants-Appellees.

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. 2023.