

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
October 12, 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

[2023COA95](#)

Court of Appeals No. [23CA1100](#)
City and County of Denver Probate Court No. 23MH551
Honorable Elizabeth D. Leith, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Melody Anne Ramsey,

Respondent-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE FURMAN
Tow and Johnson, JJ., concur

Prior Opinion Announced August 24, 2023, WITHDRAWN

OPINION PREVIOUSLY ANNOUNCED AS “NOT PUBLISHED PURSUANT TO
C.A.R. 35(e)” ON AUGUST 24, 2023, IS NOW DESIGNATED FOR PUBLICATION

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA1795
Jefferson County District Court No. 17CR3266
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Jay Haakenson,

Defendant-Appellant.

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

Division P
Opinion by JUDGE GOMEZ
Martinez* and Graham*, JJ., concur

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

Court of Appeals No. 19CA0044
City and County of Denver District Court No. 16CR7798
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Makhail Purpera,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE SCHUTZ
J. Jones and Johnson, JJ., concur

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

Court of Appeals No. 19CA2048
Jefferson County District Court No. 13CR2895
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Felix Gonzales,

Defendant-Appellant.

ORDER 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. 20CA0506
El Paso County District Court No. 18CR3054
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roger O. McPherson,

Defendant-Appellant.

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

Division I
Opinion by JUDGE JOHNSON
Lum, J., concurs
Dailey, J., specially concurs

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

Court of Appeals No. 20CA1382
El Paso County District Court No. 19CR7746
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin Eugene Hall,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA0497
Arapahoe County District Court No. 19CR1671
Honorable Michael J. Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon John Conlon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUSTICE MARTINEZ*
Navarro and Grove, JJ., concur

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

Court of Appeals No. 21CA0872
El Paso County District Court No. 13CR3585
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andre Demetrius Willi Jones,

Defendant-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. 21CA0894
Adams County District Court No. 14CR2108
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Luis Loya,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 21CA0949
Jefferson County District Court No. 20CR973
Honorable Jason Carrithers, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Jose Salazar,

Defendant-Appellant.

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

Division V
Opinion by JUDGE KUHN
Freyre and Yun, JJ., concur

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

Court of Appeals No. 21CA1031
Arapahoe County District Court No. 19CR1303
Honorable Joseph Whitfield, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randolph Timothy Brown,

Defendant-Appellant.

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

Division VII
Opinion by JUDGE RICHMAN*
Grove and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1323
Pueblo County District Court No. 20CR981
Honorable Deborah R. Eyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Idell,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE SCHUTZ
J. Jones and Johnson, JJ., concur

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

Court of Appeals No. 21CA1635
Adams County District Court No. 19CR3041
Honorable Kenneth M. Plotz, Judge
Honorable Stephen J. Schapanski, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Carl Wind,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1720
Jefferson County District Court No. 19CR4676
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandi Alexandria LeClaire,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Yun and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1871
Jefferson County District Court No. 20DR30090
Honorable Philip J. McNulty, Judge

In re the Marriage of

Jennifer Emmi,

Appellant,

and

Donald Emmi,

Appellee.

JUDGMENT AFFIRMED 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. 22CA0040
City and County of Denver District Court No. 14CR3784
Honorable Adam J. Espinosa, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kelsy Newell-Skinner,

Defendant-Appellant.

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

Division IV
Opinion by JUSTICE MARTINEZ*
Navarro and Grove, JJ., concur

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

Court of Appeals No. 22CA0433
Jefferson County District Court No. 21CR1777
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Dennis Carl Bothwell,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

Prior Opinion Announced September 14, 2023, WITHDRAWN
on Appellee's motion

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

Court of Appeals No. 22CA0476
Arapahoe County District Court No. 21CV31238
Honorable Frederick T. Martinez, Judge

Waste Management of Colorado, Inc.,

Plaintiff-Appellant,

v.

Colorado Department of Public Health and Environment and Hazardous
Materials and Waste Management Division of Colorado Department of Public
Health and Environment,

Defendants-Appellees.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART

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

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

Court of Appeals No. 22CA0948
City and County of Denver District Court No. 20CR4849
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

DeWayne E. Martinez,

Defendant-Appellant.

SENTENCE 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. 22CA0949
City and County of Denver District Court No. 20CR561
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

DeWayne E. Martinez,

Defendant-Appellant.

SENTENCE 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. 22CA0950
City and County of Denver District Court No. 20CR490
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

DeWayne E. Martinez,

Defendant-Appellant.

SENTENCE 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. 22CA0951
City and County of Denver District Court No. 19CR8803
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

DeWayne E. Martinez,

Defendant-Appellant.

APPEAL DISMISSED

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

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

Court of Appeals No. 22CA1030
Arapahoe County District Court No. 21CR1670
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Duncan Ryon Jerman, Jr.,

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 Nos. 22CA1257 & 22CA1969
El Paso County District Court No. 20CV31231
Honorable Gregory R. Werner, Judge

Nathan J. Mascarenas,

Plaintiff-Appellant,

v.

Phases Truck & Automotive Repair, Inc.,

Defendant-Appellee.

JUDGMENT AND ORDER REVERSED
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FREYRE
Yun and Kuhn, JJ., concur

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

Court of Appeals No. 22CA1283
El Paso County District Court No. 18CV31799
Honorable David S. Prince, Judge

Jason Huffer,

Plaintiff-Appellant,

v.

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

Defendant-Appellees.

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. 22CA1335
Eagle County District Court No. 21CR160
Honorable Reed W. Owens, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kelly Elise Campbell,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE KUHN
Freyre and Yun, JJ., concur

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

Court of Appeals No. 22CA1449
La Plata County District Court No. 20CV30090
Honorable Suzanne F. Carlson, Judge

Esther A. Rima and Jeremy Rima,

Plaintiffs-Appellants,

v.

Cindy L. Wiebe and Wayne R. Wiebe,

Defendants-Appellees.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division E
Opinion by JUDGE BERNARD*
Tow and Richman*, JJ., concur

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

Court of Appeals No. 22CA1563
Adams County District Court No. 20CV31143
Honorable Teri L. Vazquez, Judge

Ernest Bass and Tammy Bass,

Plaintiffs-Appellants,

v.

Luiz Carlos Dominguez and 727 Trucking LLC,

Defendants-Appellees.

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

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

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

Court of Appeals No. 22CA1685
Garfield County District Court No. 22CV30110
Honorable John F. Neiley, Judge

TEP Rocky Mountain LLC,

Plaintiff-Appellant,

v.

Love's Travel Stops & Country Stores, Inc.,

Defendant-Appellee.

ORDER 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. 22CA1715
Weld County District Court No. 20CV30844
Honorable Todd Taylor, Judge

Christopher Stansberry and Cheryl Stansberry,
Plaintiffs-Appellants,

v.

Blyth Elkerton,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA1851
Larimer County District Court No. 22CV30091
Honorable Gregory M. Lammons, Judge

Resurrection Christian School, a Colorado nonprofit corporation, acting by and through its Board of Directors; Brad Evans; Mikaela Evans; Richard Fagerlin; Christy Fagerlin; David Vander Wal; Brooke Vander Wal; Sean Pike; Charity Pike; Eric McDowell; Allison McDowell; Joshua Kellogg, Janet Kellogg; Cyrus Salehi; and Matt Anderson,

Plaintiffs-Appellants,

v.

Tom Gonzales, in his official capacity as Executive Director of the Larimer County Department of Health and Environment; Larimer County Department of Health and Environment; and Larimer County Board of Health,

Defendants-Appellees.

JUDGMENT AFFIRMED IN PART
AND APPEAL DISMISSED IN PART

Division E
Opinion by JUDGE TOW
Bernard* and Richman*, JJ., concur

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

Court of Appeals No. 22CA2046
Boulder County District Court No. 22CV2
Honorable Dea M. Lindsey, Judge

Lisa Buffo,

Plaintiff-Appellant,

v.

Apex Trading, an Oregon corporation; Micah Tapman; John Manlove; Willy
Wheeler; Rob Fess; and Jenn Do,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division E
Opinion by JUDGE RICHMAN*
Tow and Bernard*, JJ., concur

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

Court of Appeals No. 22CA2116
City and County of Denver District Court No. 21CV30261
Honorable Marie Avery Moses, Judge

Jacqueline Gwilt, authorized representative of the Estate of Robert Q. Sharpe,
and Jacqueline Gwilt,

Plaintiffs-Appellants,

v.

Harvard Square Retirement & Assisted Living and Watermark Retirement
Communities,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA0031
Industrial Claim Appeals Office of the State of Colorado
DD No. 37714-2022

Janice R. Rangel,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Colorado
Department of Labor and Employment,

Respondents.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Martinez* and Hawthorne*, JJ., concur

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

Court of Appeals No. 23CA0154
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 III
Opinion by JUDGE JOHNSON
J. Jones and Schutz, JJ., concur

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

Court of Appeals No. 23CA0196
Adams County District Court No. 20JV167
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.L.B.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
Freyre and Kuhn, JJ., concur

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

Court of Appeals No. 23CA0259
Montezuma County District Court No. 22JV1
Honorable Douglas S. Walker, Judge
Honorable Todd Jay Plewe, Judge
Honorable Pattie P. Swift, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.M., Te.M., G.M., and Ta.M. Children,

and Concerning Ga.M. and R.M.,

Appellants.

JUDGMENT AFFIRMED

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

Court of Appeals No. 23CA0446
El Paso County District Court No. 21JV795
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning E.L.,

Appellant.

JUDGMENT 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. 23CA0474
Mesa County District Court No. 21JV63
Honorable Jeremy L. Chaffin, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning H.W. and L.G.,

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. 23CA0734
Montrose County District Court No. 2021JV89
Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.R-V.,

Appellant.

JUDGMENT 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. 23CA0825
City and County of Denver Juvenile Court No. 21JV968
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning B.N.C.,

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. 23CA0884
City and County of Denver Juvenile Court No. 22JV30810
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.L.V., a Child,

and Concerning H.L.V.,

Appellant.

JUDGMENT AFFIRMED

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

Court of Appeals No. 23CA1275
Pueblo County District Court No. 23MH261
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Joshua Munoz,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE HARRIS
Dailey and Dunn, 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 Nos. 21CA1372 & 22CA0194

In re the Marriage of

Amy Elizabeth Moore, n/k/a Amy J. Elizabeth,

Appellee,

and

Benjamin Emanuel Moore,

Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 23CA0043

The People of the State of Colorado,

Appellee,

In the Interest of A.C.N., a Child,

and Concerning A.N.G.,

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. 2023.