

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
November 2, 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

[2023COA101](#)

Court of Appeals No. [21CA1608](#)

City and County of Denver District Court No. 21CV31379

Honorable Darryl F. Shockley, Judge

Colorado Sun and Tegna, Inc., d/b/a KUSA-TV/9News,

Plaintiffs-Appellants,

v.

Amanda Brubaker, in her official capacity as the Records Custodian for the Colorado Department of Human Services,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE HARRIS
Gomez, J., concurs
Pawar, J., dissents

[2023COA102](#)

Court of Appeals No. [22CA0331](#)

Weld County District Court No. 19CR528

Honorable James F. Hartmann, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adrian Elijah Salazar,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE NAVARRO
Grove and Bernard*, JJ., concur

[2023COA103](#)

Court of Appeals No. [22CA1246](#)

El Paso County District Court No. 14CV34013

Honorable David A. Gilbert, Judge

Alexander Rudnicki; and Francis Rudnicki as parents, guardians, and next friends; and Pamela Rudnicki, as parents, guardians, and next friends,

Plaintiffs-Appellees,

v.

Peter Bianco, D.O.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII

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

UNPUBLISHED OPINIONS

Court of Appeals No. 21CA0800
Adams County District Court No. 20CR1880
Honorable Sean Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steve Daniel Young,

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. 21CA1583
Arapahoe County District Court No. 20CR2002
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin Christopher Martin

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. 21CA1973
Arapahoe County District Court No. 21JV379
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.R.,

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. 22CA0405
Jefferson County District Court No. 14CR2581
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Michael Lynn,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0482
Arapahoe County District Court No. 14CR2448
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chisan Chong,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0662
Alamosa County District Court No. 17CR595
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Desiree Lee Espinoza,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0672
Pueblo County District Court No. 20CR1845
Honorable Amiel Markenson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tina Marie Hyatt,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0813
Douglas County District Court No. 18DR286
Honorable Andrew C. Baum, Judge

In re the Marriage of

Douglas Christopher Gordon,

Appellant,

and

Susannah Elizabeth Gordon,

Appellee.

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

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

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

Court of Appeals No. 22CA1488
Jefferson County District Court No. 19DR30185
Honorable Lindsay VanGilder, Judge

In re the Marriage of

Erin Miller, n/k/a Erin O'Brien,

Appellee,

and

Eric Miller,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA1525
Teller County District Court No. 21CV30011
Honorable Scott A. Sells, Judge

SCH I Historic Properties LLC,

Plaintiff-Appellant,

v.

Cripple Creek & Victor Gold Mining Company, LLC,

Defendant-Appellee.

JUDGMENT 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. 22CA1570
Douglas County District Court No. 19JV303
Honorable H. Clay Hurst, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Z.D-S., a Child,

and Concerning C.D.,

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. 22CA1751
City and County of Denver Probate Court No. 20PR31093
Honorable Elizabeth D. Leith, Judge

In re the Estate of Barbara Jean Price, deceased.

Marvin O. Holloman,

Appellant,

v.

Ruth Shelman-Goetsch,

Appellee.

ORDER AFFIRMED

Division B
Opinion by JUDGE TOW
Grove and Schutz, JJ., concur

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

Court of Appeals No. 22CA1918
Adams County District Court No. 18CV31761
Honorable Mark D. Warner, Judge

T-Bone Construction Inc., a Colorado corporation,
Plaintiff-Appellee,

v.

BGE LLC, a Colorado limited liability company,
Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
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. 22CA1928
Weld County District Court No. 21DR30369
Honorable Annette J. Kundelius, Judge

In re the Marriage of

Drake Clark,

Appellee,

and

Shannon Clark,

Appellant.

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

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

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

Court of Appeals No. 22CA1950
Moffat County District Court No. 21JA4
Honorable Sandra H. Gardner, Judge

In re the Petition of J.D.R.,

Appellee,

for the Adoption of U.C.R., a Child,

and Concerning R.C.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1991
Huerfano County District Court No. 22CV2
Honorable Scott B. Epstein, Judge

Banker's Capital Corporation, a Colorado corporation,

Plaintiff-Appellant,

v.

Town of La Veta, a municipality; Douglas R. Brogch, Mayor, Town of La Veta, in his official capacity; Mickey Schmidt, Mayor Pro Tem, Town of La Veta, in his official capacity; Jack Grimm, in his official capacity as Town Trustee; Connie Grimm, in her official capacity as Town Trustee; Kenny Arnold, in his official capacity as Town Trustee; Derek Sokoloski, in his official capacity as Town Trustee; and Tim Tady, in his official capacity as Town Trustee,

Defendants-Appellees.

ORDER AFFIRMED

Division C
Opinion by JUDGE J. JONES
Dunn and Kuhn, JJ., concur

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

Court of Appeals No. 23CA0072
Arapahoe County District Court No. 21CV31645
Honorable Peter F. Michaelson, Judge

Vicki Lynn Payne,
Plaintiff-Appellee,

v.

Brenda A. Ogden,
Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE FOX
Furman and Pawar, JJ., concur

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

Court of Appeals No. 23CA0403
Fremont County District Court No. 22CV125
Honorable Amanda Hunter, Judge

Patrick L. Brenner,
Plaintiff-Appellant,

v.

Magistrate Larry Allen,
Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0425
Larimer County District Court No. 21JV122
Honorable C. Michelle Brinegar, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.K.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0441
Mesa County District Court No. 22JV54
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning B.K.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FOX
Furman and Pawar, JJ., concur

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

Court of Appeals No. 23CA0445
Arapahoe County District Court No. 18JV623
Honorable Don J. Toussaint, Judge
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning D.H.,

Appellant.

JUDGMENT AND ORDER 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. 23CA0512
Fremont County District Court No. 21JV44
Honorable Kimberly Karn, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.M.R-S. and T.R., Children,

and Concerning P.M.R.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0599
Jefferson County District Court No. 21JV529
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.M. and P.M., Children,

and Concerning B.M. and T.C.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0701
City and Country of Denver Juvenile Court No. 22JV30563
Honorable Pax Moultrie, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.J.F., Sr.,

Appellant.

JUDGMENT AFFIRMED

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

Court of Appeals No. 23CA1521
Pueblo County District Court No. 23MH301
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Lamont S. Bennett,

Respondent-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE FREYRE
Yun and Kuhn, 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. 18CA2299

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Demond Deshawn Hamilton,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0250

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.E.G.,

Juvenile-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1320

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rocky James Cantrell,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1576

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Billy Edwin Reid,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0391

William Muhr,

Plaintiff-Appellant,

v.

Colorado Department of Human Services, Office of Economic Security, Division
of Child Support Services,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0739

Travelers Indemnity Company,

Plaintiff-Appellee,

v.

Juan Cartaya,

Defendant-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.