

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
December 21, 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

[2023COA121](#)

Court of Appeals No. [21CA0311](#)
Arapahoe County District Court No. 17CR3039
Honorable Michael Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jacob Alexander Shockey,

Defendant-Appellant.

JUDGMENT VACATED

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

[2023COA122](#)

Court of Appeals No. [22CA1114](#)

City and County of Denver District Court No. 21CR957

Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James M. Duncan,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE LUM

Navarro and Grove, JJ., concur

[2023COA123](#)

Court of Appeals No. [22CA2006](#)

City and County of Denver District Court No. 22CV31392

Honorable Karen L. Brody, Judge

Bartenders and More, a Colorado corporation, and Kristina Eccles,

Plaintiffs-Appellants,

v.

Colorado Department of Labor and Employment, Division of Labor Standards
and Statistics, a state administrative agency,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI

Opinion by JUDGE LIPINSKY

Welling and Gomez, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA0749
City and County of Denver District Court No. 17CR5196
Honorable A. Bruce Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee and Cross-Appellant,

v.

Karl D. Walker,

Defendant-Appellant and Cross-Appellee.

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

Division IV
Opinion by JUDGE JOHNSON
Schutz, J., concurs
J. Jones, J., specially concurring

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

Court of Appeals No. 19CA1539
Jefferson County District Court No. 17CR3044
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeffrey Allen Barela,

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. 21CA0670
El Paso County District Court No. 10CR3093
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Michael Cantor,

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. 21CA0796
Jefferson County District Court No. 19CR4427
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Darrell Gene Wall II,

Defendant-Appellant.

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. 21CA1040
El Paso County District Court No. 19CR2070
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Vanessa Daniella Gonzales,

Defendant-Appellant.

JUDGMENT AFFIRMED AND ORDER VACATED

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

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

Court of Appeals No. 21CA1151
Jefferson County District Court No. 01CR653
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Suzanna Neeley,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA1586
Arapahoe County District Court No. 20CR2339
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Begnana Anicet Kore,

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. 21CA1641
Boulder County District Court No. 15CR713
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Gilberto Contreras-Guzman,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0004
Weld County District Court No. 19CR1342
Honorable Timothy G. Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Joseph Roberts,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE HAWTHORNE*
J. Jones and Schutz, JJ., concur

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

Court of Appeals No. 22CA0099
Arapahoe County District Court No. 10CR635
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raul Alfonso Ramirez-Guevara,

Defendant-Appellant.

ORDER 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. 22CA0632
Douglas County District Court No. 18CR523
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samuel Edward Wise,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA1021
El Paso County District Court No. 20CR2211
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Albert Harold Nelson,

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. 22CA1211
Boulder County District Court No. 09DR1455
Honorable Dea M. Lindsey, Judge

In re the Parental Responsibilities Concerning S.W., a Child,

and Concerning Jeanette I. Wickline,

Appellant,

and

Cristian Borcan,

Appellee.

APPEAL DISMISSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA1219
City and County of Broomfield District Court No. 20CR141
Honorable Sharon Holbrook, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shane Earl Hammond,

Defendant-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. 22CA1231
El Paso County District Court No. 13CR4744
Honorable William H. Moller, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Philip C. Butler,

Defendant-Appellant.

ORDER 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. 22CA1272
City and County of Denver District Court No. 18CV32917
Honorable Kandace C. Gerdes, Judge

GAP Real Properties, LLC,

Plaintiff-Appellee and Cross-Appellant,

v.

River Bend Corporation,

Defendant-Appellant and Cross-Appellee.

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. 22CA1353
El Paso County District Court No. 19CR5432
Honorable Laura N. Findorff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Edward Leach,

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. 22CA1412
Jefferson County District Court No. 21CV30347
Honorable Robert Lochary, Judge

Steven Wolf,

Plaintiff-Appellant,

v.

John Emerson,

Defendant-Appellee.

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. 22CA1492
Chaffee County District Court No. 15CR102
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Marc Sharpe,

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. 22CA1516
Jefferson County District Court No. 20CV30597
Honorable Todd L. Vriesman, Judge

Marc Schulte and Bridget Farrell,

Plaintiffs-Appellants,

v.

All Seasons Construction Inc., a Colorado corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1565
Weld County District Court No. 21JA116
Honorable Meghan Saleebey, Judge

In re the Petition of Ti.F. and Tr.F.,

Appellees,

for the Adoption of A.A.F., a Child,

and Concerning M.P.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1566
Weld County District Court No. 21JA117
Honorable Meghan Saleebey, Judge

In re the Petition of Ti.F. and Tr.F.,

Appellees,

for the Adoption of M.M.F., a Child,

and Concerning M.P.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1625
Arapahoe County District Court No. 21CR1067
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Taylor T. Dragoon,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE DAVIDSON*
Dunn and Richman*, JJ., concur

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

Court of Appeals No. 22CA1820
Boulder County District Court No. 16CR1742
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tobias Gavin Ward,

Defendant-Appellant.

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

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

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

Court of Appeals Nos. 22CA1930 & 22CA1933
Adams County District Court Nos. 21CR776 & 21CR3548
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul Robert Graham,

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. 22CA1962
Jefferson County District Court No. 18DR1790
Honorable Lindsay L. Vangilder, Judge

In re the Marriage of

Elyssa M. Fox,

Appellant,

and

Alexander L. Speaker,

Appellee.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

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

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

Court of Appeals No. 22CA2039
El Paso County District Court No. 21CV31789
Honorable David Shakes, Judge

El Paso County Board of Commissioners,

Plaintiff-Appellee,

v.

Jenniffer Fortner and Darrell Fortner,

Defendants-Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA2168
City and County of Denver District Court No. 20CV31940
Honorable Shelley I. Gilman, Judge

Aaron Butcher,

Plaintiff-Appellant,

v.

Grant Lowe and Gregory Lowe,

Defendants-Appellees.

ORDER 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. 22CA2202
City and County of Denver District Court No. 21CV32700
Honorable A. Bruce Jones, Judge

Art District Rowhomes Investors, LLC, a Colorado limited liability company,

Plaintiff-Appellant and Cross-Appellee,

v.

Damon Koukoutchos, Joseph M. Noonan, Thomas S. Biaggi, Dianna
Koukoutchos, and Lindsey Biaggi,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AND ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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. 22CA2224
Arapahoe County District Court No. 19DR30275
Honorable Cynthia Mares, Judge

In re the Marriage of

Estella Grace Morre,

Appellee,

and

Arthur D. Bartlett, IV,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE BERGER*
Román, C.J., and Graham*, J., concur

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

Court of Appeals No. 23CA0008
City and County of Denver District Court No. 21CV30930
Honorable David H. Goldberg, Judge

Kevin Appleby, Jaime R. Jensen, Corbin Clement, Mischa Fisher, Dru A. Flowers, Lanston Nkenglefac Tanyi, Rachel Nicolette Hudspeth, Quan Le, Quoc Le, Graham Ross Marsden, Sarah Kerr Marsden, and Overton Spence,

Plaintiffs-Appellants,

v.

Dossey Sudik Structural Engineers LLC, a Colorado limited liability company,
Defendant-Appellee.

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. 23CA0118
El Paso County District Court No. 16DR30155
Honorable Chad Miller, Judge

In re the Parental Responsibilities Concerning M.M., a Child,
and Concerning Kristin Lee,
Appellee,
and
William Muhr,
Appellant.

ORDER AFFIRMED

Division A
Opinion by JUDGE BERGER*
Pawar and Graham*, JJ., concur

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

Court of Appeals No. 23CA0263
Boulder County District Court No. 13CR591
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,
Plaintiff-Appellee,
v.
Delano Marco Medina,
Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 23CA0275
Adams County District Court No. 02CR2548
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Irlanda,

Defendant-Appellant.

ORDER 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. 23CA0325
San Miguel County District Court No. 22CV4
Honorable Keri A. Yoder, Judge

Mark L. Halper,

Plaintiff-Appellant,

v.

Jerry D. Moore; Linda K. Moore; Michael J. Lynch; and Robinson Waters &
O'Dorisio, P.C.,

Defendants-Appellees.

JUDGMENT 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. 23CA0704
Montezuma County District Court No. 21JV16
Honorable William Y. Furse, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning K.D.O.,

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. 23CA0767
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-127-122

PepsiCo, Inc. and Indemnity Insurance Company of North America,

Petitioners and Cross-Appellees,

v.

Industrial Claim Appeals Office of the State of Colorado and Robert A.
Burbank,

Respondents and Cross-Appellants.

APPEAL DISMISSED IN PART AND ORDER AFFIRMED IN PART

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

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

Court of Appeals No. 23CA0922
Delta County District Court No. 20JV24
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.M.G., H.A.T., and A.D.G., Children,

and Concerning E.D.T. and M.A.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0971
Larimer County District Court No. 22JV30077
Honorable C. Michelle Brinegar, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.M.,

Appellant.

JUDGMENT AFFIRMED

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

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

MODIFIED OPINIONS

Court of Appeals No. 20CA1626
Lake County District Court No. 06CR76
Honorable Catherine J. Cheroutes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jorge Tena,

Defendant-Appellant.

ORDERS AFFIRMED

Division III
Opinion by JUDGE HAWTHORNE*
J. Jones and Schutz, JJ., concur

Opinion Modified
On the Court's Own Motion

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.