

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
December 14, 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

[2023COA119](#)

Court of Appeals No. [20CA1291](#)
Boulder County District Court No. 17CR39
Honorable Norma A. Sierra, Judge
Honorable Bruce Langer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Mark Gemelli,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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ANNOUNCEMENTS
Colorado Court of Appeals
December 14, 2023

[2023COA120](#)

Court of Appeals No. [21CA1147](#)

El Paso County District Court No. 12CR2355

Honorable David L. Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Belinda May Wells-Yates,

Defendant-Appellant.

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

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

UNPUBLISHED OPINIONS

Court of Appeals No. 20CA1567
Boulder County District Court No. 12CR222
Honorable Andrew Hartman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Martin Clark,

Defendant-Appellant.

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

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. 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

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

Court of Appeals No. 21CA1381
Lincoln County District Court No. 10CR47
Honorable H. Clay Hurst, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Paul Calderon,

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. 21CA1403
Jefferson County District Court No. 20CR3627
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Robert Taft,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals Nos. 21CA1899 & 22CA0637
Adams County District Court No. 20CV53
Honorable Teri L. Vasquez, Judge

Gregory S. Kapaun and Dawn A. Kapaun,
Plaintiffs-Appellees,

v.

Kim Weber and DEN Towing Specialists, LLC,
Defendants-Appellants,

and

Estate of Eugene Kapaun and Mary Kapaun,
Third-Party Defendants-Appellees.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART, ORDER
REVERSED, 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. 22CA0238
Eagle County District Court No. 19CR50
Honorable Reed W. Owens, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

George Patrick Brown,

Defendant-Appellant.

JUDGMENT 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 Nos. 22CA0321 & 22CA0326
Montrose County District Court No. 21CR248
Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brett Andrew Nelson,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0519
El Paso County District Court No. 12CR2002
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dwight Gordon,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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ANNOUNCEMENTS
Colorado Court of Appeals
December 14, 2023

Court of Appeals Nos. 22CA0627, 22CA1213 & 22CA1476
El Paso County District Court No. 15DR30082
Honorable Catherine D. Mitchell Helton, Judge

In re the Marriage of

Amanda L. Taylor, n/k/a Amanda Camilleri,

Appellant,

and

Robert E. Camilleri,

Appellant,

and Concerning Jorge Lopez,

Intervenor-Appellee.

ORDERS 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. 22CA0799
Alamosa County District Court No. 16CR420
Honorable Michael A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kelvin Ruybal,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0898
Mesa County District Court No. 21CR1562
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith Aaron Bentley,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA1121
City and County of Denver District Court No. 18DR30212
Honorable Christine C. Antoun, Judge

In re the Marriage of

Jon Lynn Kinning,

Appellee,

and

Aimee Susanne Kinning,

Appellant.

JUDGMENT AFFIRMED IN PART AND 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. 22CA2096
Arapahoe County District Court No. 21DR273
Honorable Echo Ryan, Judge

In re the Marriage of

Stephen George Showman,

Appellee,

and

Margaret Marion Showman,

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. 22CA2159
El Paso County District Court No. 10CR1735
Honorable Jill Brady, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Obdulio Arvelo,

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. 22CA2220
Pueblo County District Court No. 17CR2101
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

George Garnhart,

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. 23CA0103
Mesa County District Court No. 90CR75
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick L. Brenner,

Defendant-Appellant.

ORDER 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. 23CA0205
Logan County District Court No. 22CV14
Honorable Robert C. James, Judge

Wiser Investments Inc.,

Plaintiff-Appellee,

v.

Julio Jacquez,

Defendant-Appellant.

JUDGMENT REVERSED

Division D
Opinion by JUDGE TOW
Freyre and Pawar, JJ., concur

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

Court of Appeals Nos. 23CA0207, 23CA0218 & 23CA0237
Montrose County District Court No. 21JV53
Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.G., K.S., M.L., O.S., Children,

and Concerning C.G., J.G., and N.S.,

Appellants.

JUDGMENT 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. 23CA0234
Larimer County District Court No. 20JV178
Honorable Susan Blanco, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning L.F.,

Appellant,

and

B.E.,

Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0442
El Paso County District Court No. 20JV303
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.M.,

Appellant.

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. 23CA0508
Larimer County District Court No. 20CV30725
Honorable Juan G. Villasenor, Judge

Kyle Pearson,

Plaintiff-Appellant,

v.

NoCo Pizza, Inc., and Lamont Muchmore,

Defendants-Appellees.

ORDER REVERSED 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. 23CA0731
Morgan County District Court No. 22JV30004
Honorable Robert C. James, Judge

The People of the State of Colorado,

Petitioner,

In the Interest of B.M. and T.M., Children,

and Concerning T.J.H.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0755
El Paso County District Court No. 20JV909
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning B.D.,

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. 23CA0818
Logan County District Court No. 21JV4
Honorable Carl S. McGuire, III, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.S.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0826
Adams County District Court No. 22JV69
Honorable Emily Lieberman, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning D.R., and L.H-B.,

Appellants.

JUDGMENT AFFIRMED

Division A
Opinion by JUSTICE MARTINEZ*
Román, C.J., and Taubman*, J., concur

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

Court of Appeals No. 23CA0943
Industrial Claim Appeals Office of the State of Colorado
DD No. 6777-2023

Matthew Sarno,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and American
Furniture Warehouse Co.,

Respondents.

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. 23CA1009
Weld County District Court No. 20JV45
Honorable Anita Crowther, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.R., Jr., E.R., L.R.C., M.R.C., Children,

and Concerning A.R.,

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. 23CA1012
Industrial Claim Appeals Office of the State of Colorado
DD No. 6547-2023

Alendra Harris,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Starbucks
Corporation,

Respondents.

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. 23CA1131
Weld County District Court No. 22JV52
Honorable Anita Jain Crowther, Judge

The People of the State of Colorado,

Petitioner,

In the Interest of J.E. and S.E., Children,

and Concerning A.E.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA1150
Mesa County District Court No. 22JV113
Honorable Jeremy L. Chaffin, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.A. and Z.B-N., Children,

and Concerning L.B,

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. 23CA1223
Industrial Claim Appeals Office of the State of Colorado
DD No. 18303-2023

Deborah Pelis,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Housing Authority
of Loveland,

Respondents.

ORDER AFFIRMED

Division VI
Opinion by JUDGE GOMEZ
Welling and Lipinsky, 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. 20CA2027

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donte Carl Ellis,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1407

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tommy Rae Mickey,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 22CA0476

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.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 22CA1473 & 22CA1984

Jimmy Guire II, as Trustee for GW46 Irrevocable Trust,

Plaintiff-Appellant,

v.

Western Fuels-Colorado LLC, n/k/a Elk Ridge Mining & Reclamation, LLC,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA1961

Adam J. Salter,

Plaintiff-Appellant,

v.

Colorado Division of Labor Standards and Statistics,

Defendant-Appellee.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

[2023COA110M](#)

Court of Appeals No. [21CA1230](#)

City and County of Denver District Court No. 19CR6240

Honorable Eric M. Johnson, Judge

Honorable R. Michael Mullins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Isaac U. Mion,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI

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

Opinion Modified
on the Court's Own Motion

Court of Appeals No. 22CA1810
El Paso County District Court No. 13DR1357
Honorable Laura N. Findorff, Judge

In re the Marriage of

Robert Ray Byrd,

Appellant,

and

Zelda Faythe Aaron-Byrd,

Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE BERNARD*
Navarro and Grove, 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.