

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
June 29, 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

[2023COA58](#)

Court of Appeals No. [21CA0834](#)
City and County of Denver District Court No. 20CR4320
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kenneth L. Garcia,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE FOX
Welling and Kuhn, JJ., concur

[2023COA59](#)

Court of Appeals No. [22CA0761](#)
Larimer County District Court No. 22CV30214
Honorable Gregory M. Lammons, Judge

Maggie Jansma,

Plaintiff-Appellant,

v.

Colorado Department of Revenue, Motor Vehicle Division,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2023COA60](#)

Court of Appeals No. [22CA0956](#)
City and County of Denver District Court No. 21CV33498
Honorable Shelley I. Gilman, Judge

City and County of Denver, a Colorado municipal corporation,

Plaintiff-Appellee,

v.

Monaghan Farms, Inc., a Colorado corporation,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GRAHAM*
Lum and Bernard*, JJ., concur

[2023COA61](#)

Court of Appeals No. [22CA1140](#)

City and County of Denver District Court No. 20CV31410

Honorable Alex C. Myers, Judge

Renee Alderman,

Plaintiff-Appellant,

v.

Board of Governors of the Colorado State University,

Defendant-Appellee.

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

Division B

Opinion by JUDGE RICHMAN*

Vogt*, J., concurs

Tow, J., concurs in part and dissents in part

[2023COA62](#)

Court of Appeals No. [22CA1663](#)

Industrial Claim Appeals Office of the State of Colorado

WC No. 5-128-609

Keith Rosten,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, City of Durango, and
Colorado Intergovernmental Risk Sharing Agency,

Respondents.

ORDER AFFIRMED

Division VI

Opinion by JUDGE SCHUTZ

Harris and Lipinsky, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 18CA0964
Jefferson County District Court No. 16CR7230
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael F. Blagg,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE NAVARRO
Brown and Yun, JJ., concur

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

Court of Appeals No. 20CA0852
El Paso County District Court No. 18CR306
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shamu Jakkara Craig,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 20CA0972
City and County of Denver District Court No. 18CR9516
Honorable John W. Madden IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Karoly J. Baracz,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Harris and Schutz, JJ., concur

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

Court of Appeals No. 20CA1584
El Paso County District Court No. 18CR4919
Honorable Marcus S. Henson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Lee Youngblood,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA0236
Larimer County District Court No. 13CR463
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Efren Rivas-Retana,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FREYRE
Pawar and Schock, JJ., concur

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

Court of Appeals No. 21CA0500
City and County of Denver District Court No. 18CR1916
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Keith D. Roybal,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE DAVIDSON
Brown and Yun, JJ., concur

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

Court of Appeals No. 21CA0815
El Paso County District Court No. 20CR5565
Honorable Chad C. Miller, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brandon Cortez Bell, Sr.,

Defendant-Appellant.

ORDER AFFIRMED, ORDER REVERSED,
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
Brown and Yun, JJ., concur

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

Court of Appeals No. 21CA1805
Jackson County District Court No. 20CR22
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Burr Valerius,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE DUNN
J. Jones and Lum, JJ., concur

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

Court of Appeals No. 21CA2002
Jefferson County District Court No. 15CR3458
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Phillip Lyle Kolberg,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA2095
Arapahoe County District Court No. 20PR30286
Honorable Michelle A. Amico, Judge

In the Matter of the Estate of William Jan Donakowski, deceased.

Gerard Donakowski, Timothy Donakowski, and Margaret Donakowski,

Appellants,

v.

Mark Donakowski,

Appellee.

ORDER AFFIRMED

Division III
Opinion by JUDGE DUNN
J. Jones and Lum, JJ., concur

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

Court of Appeals No. 22CA0517
Weld County District Court No. 21CR1927
Honorable Vincente G. Vigil, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremiah Scott Buffington,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE LUM
J. Jones and Dunn, JJ., concur

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

Court of Appeals Nos. 22CA0633 & 22CA2053
Douglas County District Court No. 19CV30223
Honorable David J. Stevens, Judge

Warren L. Mickens and Joyce A. Mickens,

Plaintiffs-Appellants,

v.

Backcountry Association, Inc., Stephen J. Flatt, and Laura Lee,

Defendants-Appellees.

JUDGMENT AND ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE SCHOCK
Freyre and Pawar, JJ., concur

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

Court of Appeals No. 22CA0935
Arapahoe County District Court No. 19CV32245
Honorable Elizabeth Beebe Volz, Judge

Cardel Clocktower Limited Partnership, Cardel Master Builders, Inc., and
Cardel Homes U.S. Limited Partnership,

Plaintiffs-Appellants,

v.

Kenyon Plastering Inc., McClone Construction Company, Martino & Luth, Inc.,
Russel Martino, and Nicholas Geurts,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE TOW
Furman and Johnson, JJ., concur

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

Court of Appeals No. 22CA1190
Clear Creek County District Court No. 21CV30041
Honorable Catherine J. Cheroutes, Judge

Kurt Smith,

Plaintiff-Appellant,

v.

Idaho Springs Police Department, Town of Idaho Springs, Richard Sonnenberg,
in his individual and official capacity, and Nicholas Hanning, in his individual
and official capacity,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE LUM
J. Jones and Dunn, JJ., concur

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

Court of Appeals No. 22CA1249
City and County of Denver District Court No. 21CV30307
Honorable Shelley I. Gilman, Judge

Zuni Payments LLC, d/b/a Banctek Solutions, a Colorado limited liability corporation,

Plaintiff-Appellant,

v.

Ryan Kosarek and Paybase LLC, a Florida limited liability company,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PAWAR
Freyre and Schock, JJ., concur

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

-13-
ANNOUNCEMENTS
Colorado Court of Appeals
June 29, 2023

Court of Appeals No. 22CA1523
Arapahoe County District Court No. 21JV269
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Br.G. and Be.G., Children,

and Concerning B.N.W.G.,

Petitioner,

and

K.A.D.S.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE JOHNSON
Furman and Tow, JJ., concur

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

Court of Appeals No. 22CA1544
Pueblo County District Court No. 03CR1777
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Luis Castillo-Rosales,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Harris and Lipinsky, JJ., concur

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

Court of Appeals No. 22CA1606
Adams County District Court No. 18JV297
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.P.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1608
Alamosa County District Court No. 21JV11
Honorable Amanda C. Hopkins, Judge

The People of the State of Colorado,

Appellee,

In the Interest of F.R., a Child

and Concerning S.R.,

Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE RICHMAN*
Dailey and Grove, JJ., concur

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

Court of Appeals No. 22CA1624
Boulder County District Court No. 21JV518
Honorable Stephen Jon Schapanski, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.G., a Child,

and Concerning C.M.,

Appellant,

and I.G.,

Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE DUNN
J. Jones and Lum, JJ., concur

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

Court of Appeals No. 22CA1638
Delta County District Court No. 20JV22
Honorable Steven L. Schultz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning R.P. and H.M.,

Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Grove and Graham*, JJ., concur

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

Court of Appeals No. 22CA1644
Weld County District Court No. 20JV583
Honorable Meghan Saleebey, Judge

The People of the State of Colorado,

Appellee,

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

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

Appellants.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE SCHOCK
Freyre and Pawar, JJ., concur

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

Court of Appeals No. 22CA1664
El Paso County District Court No. 19JV682
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning O.L.C.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE RICHMAN*
Román, C.J., and Vogt*, J., concur

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

Court of Appeals No. 22CA1736
Adams County District Court No. 21JV128
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.C.S. and I.C., Children,

and Concerning L.C. and M.A.,

Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE KUHN
Fox and Welling, JJ., concur

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

Court of Appeals No. 22CA1779
El Paso County District Court No. 20DR31726
Honorable Samuel A. Evig, Judge

In re the Marriage of

Daniel Arris,

Appellee,

and

Alyssa Arris,

Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE FOX
Welling and Kuhn, JJ., concur

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

Court of Appeals No. 22CA2003
Larimer County District Court No. 21JV72
Honorable C. Michelle Brinegar, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.R.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE WELLING
Fox and Kuhn, JJ., concur

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

Court of Appeals No. 22CA2028
City and County of Denver Juvenile Court No. 21JV653
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.M.C. V, a Child,

and Concerning M.M.C. IV,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE DUNN
J. Jones and Lum, JJ., concur

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

Court of Appeals No. 22CA2265
Fremont County District Court No. 22JV30026
Honorable Lynette M. Wenner, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.E.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE PAWAR
Freyre and Schock, JJ., concur

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

Court of Appeals No. 23CA0133
Industrial Claim Appeals Office of the State of Colorado
DD No. 43013-2022

David Alvarado, Jr.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Freedom Gutters,
LLC,

Respondents.

ORDER AFFIRMED

Division IV
Opinion by JUDGE KUHN
Fox and Welling, JJ., concur

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

Court of Appeals No. 23CA0523
Pueblo County District Court No. 23MH21
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Kirk Roland Palmer,

Respondent-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE SCHOCK
Freyre and Pawar, 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. 20CA0171

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Aron Ratcliff,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0176

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Qashelby M. Frazier-Moore,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

MODIFIED OPINIONS

Court of Appeals No. 22CA1420
Adams County District Court No. 20JV379
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

In the Interest of I.R.H. and G.R., Children,

and Concerning J.R.R.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Lipinsky 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. 2022.