

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
December 28, 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**

[2023COA124](#)

Court of Appeals No. [21CA1229](#)  
Weld County District Court No. 19CR2595  
Honorable Vicente G. Vigil, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jaime Gonzalez-Quezada,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE SCHUTZ  
J. Jones, J., concurs  
Johnson, J., specially concurs

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[2023COA125](#)

Court of Appeals Nos. [22CA2103](#) & [23CA0372](#)  
Arapahoe County District Court No. 22CV31637  
Honorable Elizabeth Beebe Volz, Judge

Thomas Seaman,

Plaintiff-Appellant,

v.

Heather Gardens Association, a Colorado nonprofit corporation,

Defendant-Appellee.

JUDGMENT AND ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 20CA0127  
Weld County District Court No. 18CR1602  
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Howard Butterfield,

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)**

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Court of Appeals No. 21CA0748  
Adams County District Court No. 20CR1387  
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mauricio Eduardo Anchondo-Olivas,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division III  
Opinion by JUDGE J. JONES  
Dunn and Lum, JJ., concur

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

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Court of Appeals No. 21CA1030  
Mesa County District Court No. 18CR1306  
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Otoniel Fernandez-Rodriguez,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 21CA1578  
City and County of Denver District Court No. 19CR6167  
Honorable Ericka F.H. Englert, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Mohammed Diawarra,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE FOX  
Pawar, J., concurs  
Berger\*, J., concurs in part and dissents in part

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

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Court of Appeals No. 21CA2093  
City and County of Denver District Court No. 99CR2960  
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reynoldo Luna Flores,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 22CA1692  
Adams County District Court No. 20CV30010  
Honorable Jeffrey Smith, Judge

NGC Development, LLC, a Florida limited liability company,

Plaintiff-Appellant,

v.

Westminster Station Northgate, LLC, a Colorado limited liability company;  
Marbella Ventures, LLC; MarQuest, LLC; and Charles Santaularia,

Defendants-Appellees.

JUDGMENT AFFIRMED 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)**

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Court of Appeals No. 22CA1757  
Las Animas County District Court No. 15DR22  
Honorable Dawn Mann, Judge

In re the Parental Responsibilities Concerning M.N.M.L. and G.C.M.L.,  
Children,

and Concerning Tomas Lucero,

Appellee,

and

Rebecca Montoya,

Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 22CA1772  
Arapahoe County District Court No. 19CV32376  
Honorable Michael Spear, Judge

William Airy,

Plaintiff-Appellant,

v.

Guy-Icon, Inc.,

Defendant-Appellee,

and

Leanne Airy,

Third-Party Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE TAUBMAN\*  
Pawar and Hawthorne\*, JJ., concur

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

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Court of Appeals No. 22CA1861  
Eagle County District Court No. 20CV30213  
Honorable Russell H. Granger, Judge

MJB Carpentry,

Plaintiff-Appellant,

v.

WT Construction LLC, d/b/a Resort Concepts,

Defendant-Appellee.

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

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

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

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Court of Appeals No. 22CA1951  
Colorado State Board of Chiropractic Examiners Case No. CH2019-0007

Colorado State Board of Chiropractic Examiners,

Petitioner-Appellee,

v.

Michael Louis Viscarelli, D.C., License No. CHR 6800,

Respondent-Appellant.

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)**

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Court of Appeals No. 23CA0317  
City and County of Denver District Court No. 86CR1039  
Honorable Ericka F.H. Englert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nelson Stubblefield,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 23CA0504  
Arapahoe County District Court No. 22CV31716  
Honorable Elizabeth Beebe Volz, Judge

Taylor Hardy-Roy,

Plaintiff-Appellant,

v.

University of Colorado,

Defendant-Appellee.

ORDER AFFIRMED

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

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

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Court of Appeals No. 23CA0774  
Arapahoe County District Court No. 19JV638  
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning T.S. and M.S.,

Appellants,

and

M.T. and W.T.,

Intervenors.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA0805  
Boulder County District Court No. 21JV518  
Honorable Robert Gunning, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.M.,

Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUSTICE MARTINEZ\*  
Dunn and Harris, JJ., concur

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

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Court of Appeals No. 23CA0868  
Pueblo County District Court No. 22JV30136  
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.R.L, n/k/a L.R.W., a Child,

and Concerning P.W.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA0872  
El Paso County District Court No. 20JV870  
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning L.B.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA1130  
Mesa County District Court No. 22JV32  
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.S. and M.N.,

Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA1140  
Fremont County District Court No. 23JV30000  
Honorable Kaitlin B. Turner, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.E., and A.E., Children,

and Concerning M.A.E., Sr.,

Appellant.

JUDGMENT AFFIRMED

Division A  
Opinion by JUDGE TAUBMAN\*  
Román, C.J., and Martinez\*, J., concur

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

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Court of Appeals No. 23CA1148  
Jefferson County District Court No. 22JV30154  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.R.,

Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE LIPINSKY  
Welling and Gomez, JJ., concur

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

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Court of Appeals No. 23CA1149  
El Paso County Court No. 21JV761  
Honorable Jessica Lyn Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.Y.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA1194  
Weld County District Court No. 22JV21  
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning F.S.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA1668  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 24050-2023

Nichole Andrews,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of  
Unemployment Insurance Claims Processing/Federal Interstate Team,

Respondents.

ORDER AFFIRMED

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

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

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**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. 21CA0338

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Alexander Shelton,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 22CA1361

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rodney Douglas Eaves,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 22CA1695

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willard Clayton Smith,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 22CA1934

The Sentinel Colorado,

Plaintiff-Appellant,

v.

Kadee Rodriguez, City Clerk, in her official capacity as Records Custodian for  
City of Aurora,

Defendant-Appellee.

Petition for Rehearing DENIED

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Court of Appeals No. 22CA2117

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Evan Michael Platteel,

Defendant-Appellee.

Petition for Rehearing DENIED

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

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Court of Appeals No. 23CA0322

Carlos R. Hull,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Midwest Floor Coverings, Inc., and CopperPoint General Insurance Company,

Respondents.

Opinion Modified and  
Petition for Rehearing DENIED

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

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2023.