

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 10, 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

[2023COA74](#)
of Appeals No. [22CA1922](#)
Industrial Claim Appeals Office of the State of Colorado
DD No. 73871-2021

Jessica Simon,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Bayada Home
Health Care, Inc.,

Respondents.

ORDER AFFIRMED

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

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA1540
City and County of Denver District Court No. 18CR1218
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dalani D. Bland,

Defendant-Appellant.

JUDGMENT 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. 20CA0302
Arapahoe County District Court No. 17CR2526
Honorable Andrew C. Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Christopher Taylor,

Defendant-Appellant.

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. 21CA0314
Jefferson County District Court No. 11CR2740
Honorable Jason Carrithers, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Joey Martinez,

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. 21CA0643
City and County of Denver District Court No. 90CR1625
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clyde R. Morris,

Defendant-Appellant.

APPEAL DISMISSED

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. 21CA0713
El Paso County District Court No. 17CR3594
Honorable Erin Sokol, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Everett Brown,

Defendant-Appellant.

ORDER 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. 21CA0886
City and County of Broomfield District Court No. 15CR339
Honorable Sharon Holbrook, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Enrique Munoz-Diaz,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA0916
Arapahoe County District Court No. 19CR2410
Honorable Elizabeth Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Ruiz-Ruiz,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA0978
Weld County District Court No. 18CR1923
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Keith Ribble,

Defendant-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. 21CA1342
Lincoln County District Court No. 17CR101
Honorable Cynthia Mares, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edward A. Clutts,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Gomez and Martinez*, JJ., concur

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

Court of Appeals No. 21CA1371
City and County of Denver District Court No. 17CR8121
Honorable Jay S. Grant, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rudy R. Herrera,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by JUDGE FREYRE
Fox and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA1431
City and County of Denver District Court No. 19CV31911
Honorable A. Bruce Jones, Judge

West Edge, LLC, a Delaware limited liability company; Colorado Asphalt Services, LLC, a Colorado limited liability company; Asphalt Realty, LLC, a Delaware limited liability company; and Asphalt Holding Services, LLC, a Delaware limited liability company,

Plaintiffs-Appellees,

v.

John Boumeester, Arlo Anderson, and Spencer Anderson,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE JOHNSON
Lum and Vogt*, JJ., concur

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

Court of Appeals No. 21CA1575
Douglas County District Court No. 20CR720
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ditlev Andrew Hutchison,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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. 21CA1675
Arapahoe County District Court No. 18CR1568
Honorable Michael Spear, Judge
Honorable John E. Scipione, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Antonio Ruffin,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE YUN
Navarro and Brown, JJ., concur

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

Court of Appeals No. 22CA0518
Teller County District Court No. 21DR30007
Honorable Scott Sells, Judge

In re the Marriage of

Melissa Lindsay,

Appellee,

and

John Lindsay,

Appellant.

ORDER AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE TAUBMAN*
Lipinsky and Schutz, JJ., concur

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

Court of Appeals No. 22CA0581
Board of Assessment Appeals Case No. 20BAA262

Dakota Ridge RV Essential Group LLC,

Petitioner-Appellant,

v.

Jefferson County Board of Equalization,

Respondent-Appellee,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0658
Fremont County District Court No. 21CR357
Honorable Patrick W. Murphy, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Dreion M. Dearing,

Defendant-Appellee.

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. 22CA0807
Eagle County District Court No. 15CV30145
Honorable Russell H. Granger, Judge

Vail Clinic Inc. d/b/a Vail Valley Medical Center,

Plaintiff-Appellee,

v.

Sports Rehab Consulting LLC and Lindsay Winninger,

Appellants.

ORDER REVERSED 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)

Court of Appeals No. 22CA0932
Larimer County District Court No. 22CV30032
Honorable Gregory M. Lammons, Judge

Derek Mensah,

Plaintiff-Appellee,

v.

Hoss Lee's Auto Body Paint Repair, LLC, and Lee Tijerina,

Defendants-Appellants.

ORDER AFFIRMED

Division I
Opinion by JUDGE VOGT*
Dailey and Gomez, JJ., concur

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

Court of Appeals No. 22CA1089
Mesa County District Court No. 19CV30508
Honorable Gretchen B. Larson, Judge

Mary Doring,

Plaintiff-Appellee,

v.

Apyx Medical Corporation,

Defendant-Appellant,

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE VOGT*
Dailey and Gomez, JJ., concur

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

Court of Appeals No. 22CA1106
Montrose County District Court No. 21CV4
Honorable D. Cory Jackson, Judge

Black Canyon Seed LLC,

Plaintiff-Appellee,

v.

Hank Williams,

Defendant-Appellant.

JUDGMENT 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. 22CA1125
Weld County District Court No. 21CV30372
Honorable Todd Taylor, Judge

Miguel Martinez and Law Offices of Miguel Martinez P.C.,

Plaintiffs-Appellants,

v.

1102 Fifth Street LLC, a Colorado limited liability company,

Defendant-Appellee.

JUDGMENT 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. 22CA1159
Eagle County District Court No. 19CV6
Honorable Russel H. Granger, Judge

Breakaway West Association, Inc.,

Plaintiff-Appellee,

v.

Mark L. Halstead,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BROWN
Navarro and Yun, JJ., concur

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

Court of Appeals No. 22CA1645
Adams County District Court No. 21JV177
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning B.N.F. and D.D.M.,

Appellants.

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. 22CA2042
El Paso County District Court No. 20JV302
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

In the Interest of I.D., J.B., P.B., G.B., and D.F., Children,

and Concerning M.B. and K.D.,

Appellants.

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. 22CA2208
Adams County District Court No. 21JV285
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

In the Interest of O.L-F. and C.L-F., Children,

and Concerning J.F.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA2235
Montrose County District Court No. 21JV58
Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.I.D., T.E.D., and A.S.F., Children,

and Concerning D.F.,

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. 22CA2262
El Paso County District Court No. 20JV386
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.A,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
Navarro and Brown, JJ., concur

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

Court of Appeals No. 22CA2269
El Paso County District Court No. 21JV94
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.J.,

Appellant.

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. 23CA0029
Adams County District Court No. 20JV68
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.T-O., a Child,

and Concerning R.T-O.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0030
Jefferson County District Court No. 22CV162
Honorable Jeffrey R. Pilkington, Judge

William Jesse Adams,

Plaintiff-Appellant,

v.

ENT Credit Union and Kendall Wilson,

Defendants-Appellees,

and

All-Star Retrievers and Ryan Lendrum,

Defendants.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE FOX
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 23CA0936
Pueblo County District Court No. 22MH143
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of John Gideon Lillibridge,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE LUM
J. Jones and Dunn, 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. 19CA2402

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Camille Rose Wasinger-Konrad,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0558

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luis Salinas-Martinez,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1365

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Travon Jamir Sanders,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0159

JTC Holdings, LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Peter F. Gary,

Defendant-Appellant.

Petition for Rehearing DENIED

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

[2023COA64M](#)

Court of Appeals Nos. [22CA0301](#) & [22CA1108](#)

Francisco Cuevas,

Plaintiff-Appellant and Cross-Appellee,

v.

Public Service Company of Colorado, d/b/a Xcel Energy,

Defendant-Appellee and Cross-Appellant,

and

Outdoor Design Landscaping, LLC,

Third-Party Defendant-Appellant and Cross-Appellee.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 22CA0376

Jordan Drake,

Plaintiff-Appellant,

v.

Derek Stadie, M.D.; Robert Mosiman, M.D.; and Poudre Valley Healthcare Inc.,
d/b/a Poudre Valley Hospital,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0685

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Aberaham Issac Feser,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0916

Hagerty Insurance Agency, LLC, as subrogee of Robert W.J. Mortenson; and
Robert W. J. Mortenson,

Plaintiffs-Appellees,

v.

Luxury Asset Capital, LLC, a foreign limited liability company,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 22CA1170

Christopher Young,

Plaintiff-Appellant,

v.

Warren Edward Buffett and GEICO Insurance Company,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA1418

Chad Propst; K.P., Minor Child; L.P., Minor Child; and M.P., Minor Child,

Plaintiffs-Appellees,

v.

Courtney Propst,

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. 2022.