

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
September 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

[2023COA78](#)

Court of Appeals No. [19CA0376](#)
Jefferson County District Court No. 16CR2265
Honorable Tamara Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jacob Benjamin Woodyard,

Defendant-Appellant.

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

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

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ANNOUNCEMENTS
Colorado Court of Appeals
September 14, 2023

[2023COA79](#)

Court of Appeals No. [22CA0463](#)

City and County of Denver District Court No. 19CV32345

Honorable Michael J. Vallejos, Judge

Honorable Stephanie L. Scoville, Judge

Carmelita Gomez,

Plaintiff-Appellant,

v.

Ryan Walker,

Defendant-Appellee.

JUDGMENT AND ORDER AFFIRMED,
AND CASE REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE LUM
Bernard* and Graham*, JJ., concur

Prior Opinion Announced July 13, 2023, WITHDRAWN
Petition for Rehearing GRANTED

[2023COA80](#)

Court of Appeals No. [22CA1260](#)

City and County of Denver District Court No. 21CV32782

Honorable A. Bruce Jones, Judge

Colorado Workers for Innovative and New Solutions,

Plaintiff-Appellant,

v.

Anthony Gherardini, in his official capacity as State Personnel Director, and
Colorado Department of Labor and Employment, Division of Labor Standards
and Statistics,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2023COA81](#)

Court of Appeals No. [22CA1578](#)

Adams County District Court No. 21JV106

Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.R.M. and L.P-S., Children,

and Concerning D.R.P.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 20CA1910
Douglas County District Court Nos. 18CR1033 & 18CR800
Honorable Theresa M. Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Abraham Manule Lopez,

Defendant-Appellant.

JUDGMENT REVERSED IN PART AND VACATED IN PART
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. 21CA0233
City and County of Denver District Court No. 14CR4201
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rigoberto E. Fernandez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FURMAN
Johnson, J., concurs
Tow, J., concurs in part and dissents in part

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

Court of Appeals No. 21CA0744
Weld County District Court Nos. 20CR1152 & 20CR1324
Honorable Vicente G. Vigil, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victorino Lagunas, Jr.,

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. 21CA1217
El Paso County District Court No. 94CR3509
Honorable Chad Miller, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Philip C. Butler,

Defendant-Appellant.

ORDER 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. 21CA1543
Arapahoe County District Court No. 19CR2183
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tomas O'Malley McDonald,

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. 21CA1790
Adams County District Court No. 19CR3799
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan Villalobos-Contreras,

Defendant-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. 22CA0391
City and County of Denver District Court No. 21CV151
Honorable Marie Avery Moses, Judge

William Muhr,

Plaintiff-Appellant,

v.

Colorado Department of Human Services, Office of Economic Security, Division
of Child Support Services,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE RICHMAN*
Furman and Fox, JJ., concur

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

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ANNOUNCEMENTS
Colorado Court of Appeals
September 14, 2023

Court of Appeals No. 22CA0433
Jefferson County District Court No. 21CR1777
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Dennis Carl Bothwell,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0785
El Paso County District Court No. 21CV14
Honorable Sheila A. Rappaport, Judge

Kevin James O'Rourke,

Plaintiff-Appellant,

v.

Honorable Justice Nathan Coats, Honorable Justice Carlos A. Samour Jr.,
Honorable Justice Richard Gabriel, Honorable Justice Monica Márquez,
Honorable Justice Melissa Hart, Honorable Justice Brian Boatright, and
Honorable Justice William W. Hood III; Rachel Herlihy, MD; Honorable Judge
Billings Vela, Honorable Judge David Prince, Honorable Judge Thomas Kane,
Honorable Judge David Shakes, Honorable Judge Jessica Curtis, Honorable
Judge Chad Miller, Honorable Judge David Gilbert, Honorable Judge Eric
Bentley, Honorable Judge Timothy Schutz, Honorable Judge Erin Sokol,
Honorable Judge Scott Sells, Honorable Judge Robert Lowery, Honorable Judge
Marcus Henson, Honorable Judge Marla Prudek, Honorable Judge Gregory
Werner, Honorable Judge David Miller, Honorable Judge Jann Dubois,
Honorable Judge Deborah Grohs, Honorable Judge Robin Chittum, and
Honorable Judge Jill Brady; and Honorable Judges Michael McHenry, William
Bain, Catherine Mitchel Helton, and Frances Johnson,

Defendants-Appellees.

ORDERS 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. 22CA0931
Douglas County District Court No. 20DR30618
Honorable Andrew C. Baum, Judge

In re the Marriage of

Lindsi Gulli,

Appellee,

and

Carmine Gulli,

Appellant.

JUDGEMENT 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. 22CA0933
Boulder County District Court No. 20CR944
Honorable Norma A. Sierra, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roy Alexander Stewart, III,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0959
El Paso County District Court No. 08CR1674
Honorable Marcus S. Henson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bruce Alan Bastien,

Defendant-Appellant.

ORDER AFFIRMED

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

Prior Opinion Announced August 3, 2023, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 22CA1359
Arapahoe County District Court No. 17CV31105
Honorable Peter F. Michaelson, Judge

Plus One Enterprises Inc. and Trinity 38 Capital Enterprises Inc.,
Plaintiffs-Appellants,

v.

DR78 LLC,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA1388
Chaffee County District Court No. 20CV26
Honorable Patrick W. Murphy, Judge

Zachariah Dobler,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of
Buena Vista Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1472
City and County of Denver District Court No. 19CV33495
Honorable J. Eric Elliff, Judge

Donald Geiser and Joan Geiser,

Plaintiffs-Appellants,

v.

Portico Homeowners Association, Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division C
Opinion by JUDGE J. JONES
Dunn and Kuhn, JJ., concur

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

Court of Appeals No. 22CA1886
Jefferson County District Court No. 22CV107
Honorable Jason Carrithers, Judge

Delano Medina,

Plaintiff-Appellant,

v.

Jeffrey Gillio,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division C
Opinion by JUDGE KUHN
J. Jones and Dunn, JJ., concur

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

Court of Appeals No. 22CA1944
El Paso County District Court No. 18DR2166
Honorable Marla Prudek, Judge

In re the Marriage of

Challon Shavon Williams,

Appellant,

and

Delecia Jana Washington,

Respondent,

and Concerning El Paso County Child Support Services Unit,

Intervenor-Appellee.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA2162
El Paso County District Court No. 21DR31366
Honorable Marla Prudek, Judge

In re the Marriage of

Elizabeth Ann Armstrong, n/k/a Elizabeth Dowden,

Appellee,

and

Christopher Eli Armstrong,

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. 23CA0043
Adams County District Court No. 95JV1021
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.N.G.,

Appellant.

ORDER 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. 23CA0210
Arapahoe County District Court No. 22CV190
Honorable Elizabeth Beebe Volz, Judge

In the Matter of James William Aleks,

Petitioner.

APPEAL DISMISSED

Division II
Opinion by JUDGE FOX
Furman and Richman*, JJ., concur

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

Court of Appeals No. 23CA0244
Industrial Claim Appeals Office of the State of Colorado
DD No. 43286-2022

Lori Gooden,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Norton Rose
Fulbright US LLP,

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE GRAHAM*
Román, C.J., and Martinez*, J., concur
NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0343
City and County of Denver Juvenile Court No. 22JV30403
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.A.S. and A.R.S., Children,

and Concerning A.A.,

Appellant.

JUDGMENT 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. 23CA0402
Industrial Claim Appeals Office of the State of Colorado
DD No. 3544-2023

Cameron J. Rhea,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Temporary
Network, Inc.,

Respondents.

ORDER 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. 23CA0415
City and County of Denver Juvenile Court No. 22JV23
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning T.J.,

Appellant.

JUDGMENT 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. 23CA0443
Jefferson County District Court No. 21JV524
Honorable Ann Gail Meister, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.G., Child,

and Concerning H.C.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0548
Industrial Claim Appeals Office of the State of Colorado
DD Nos. 3330-2023, 3332-2023, 3333-2023 & 3334-2023

Shana Phillips,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Unemployment
Insurance Benefit Payment Control,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 23CA0549
Industrial Claim Appeals Office of the State of Colorado
DD No. 3329-2023

Shana Phillips,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Paradies Shops
LLC,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 23CA0627
Denver County District Court No. 22JV30546
Honorable Pax Leia Moultrie, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning O.N.A,

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. 23CA0688
Industrial Claim Appeals Office of the State of Colorado
DD No. 4346-2023

Spencer Allen Adams,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and MBR Electric Inc.,

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE GRAHAM*
Román, C.J., and Bernard*, J., concur

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

Court of Appeals No. 23CA0761
Industrial Claim Appeals Office of the State of Colorado
DD No. 3407-2023

Eldridge Mangrum, Jr.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Tradesmen
International Inc.,

Respondents.

ORDER 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. 23CA1168
Pueblo County District Court No. 23MH215
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Jerry Bailey,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE J. JONES
Dunn and Lum, 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. 21CA1116

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shay Dion Martin,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0463

Carmelita Gomez,

Plaintiff-Appellant,

v.

Ryan Walker,

Defendant-Appellee.

Prior Opinion Announced July 13, 2023, WITHDRAWN
Petition for Rehearing GRANTED

Court of Appeals No. 22CA0959

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bruce Alan Bastien,

Defendant-Appellant.

Prior Opinion Announced August 3, 2023, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 23CA0440

Robert Potts,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance (Customer Service Center),

Respondents.

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. 2023.