

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
October 26, 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

[2023COA98](#)

Court of Appeals No. [22CA0600](#)
Larimer County District Court No. 18CR1868
Honorable Stephen J. Jouard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick Thomas Bice,

Defendant-Appellant.

ORDER AFFIRMED

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

[2023COA99](#)

Court of Appeals No. [22CA1298](#)
Summit County District Court No. 19CV30136
Honorable Karen A. Romeo, Judge

Far Horizons Farm, LLC, a Missouri limited liability company,

Plaintiff-Appellant,

v.

Flying Dutchman Condominium Association Inc., a Colorado nonprofit
corporation,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE J. JONES
Johnson and Schutz, JJ., concur

[2023COA100](#)

Court of Appeals No. [22CA2021](#)
Huerfano County District Court No. 22CV30002
Honorable M. Jon Kolomitz, Judge

Brian Puerta,

Plaintiff-Appellant,

v.

Bruce Newman, Sheriff; Milan Rapo, Undersheriff; Craig Lessar, Captain; and
Roman Hajar, Deputy,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA1080
Arapahoe County District Court No. 17CR1464
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mikhail Anthony Purpera,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Kuhn and Taubman*, JJ., concur

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

Court of Appeals No. 21CA0797
Douglas County District Court No. 19CR633
Honorable Patricia D. Herron, 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
Freyre and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1369
Arapahoe County District Court No. 20CR3
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Francisco Lugo,

Defendant-Appellant.

ORDER VACATED

Division III
Opinion by JUDGE J. JONES
Johnson and Schutz, JJ., concur

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

Court of Appeals No. 22CA0071
Boulder County District Court No. 12CR575
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Magallan,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0470
El Paso County District Court No. 16CR3959
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew James Heller,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE FREYRE
Kuhn and Taubman*, JJ., concur

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

Court of Appeals No. 22CA0561
El Paso County District Court No. 21CR3453
Honorable Chad Miller, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Dakota Milan Wallace,

Defendant-Appellee.

RULING APPROVED

Division IV
Opinion by JUDGE GROVE
Navarro and Bernard*, JJ., concur

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

Court of Appeals No. 22CA0954
Arapahoe County District Court No. 99CR3065
Honorable Elizabeth Weishaupl, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Earl James Campbell, Jr.,

Defendant-Appellant.

ORDER 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. 22CA1415
City and County of Denver District Court No. 20CV348
Honorable Alex C. Myers, Judge

Karl Heinz Singleton,

Plaintiff-Appellant,

v.

Deputy Sheriff Courtney Brown,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

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ANNOUNCEMENTS
Colorado Court of Appeals
October 26, 2023

Court of Appeals No. 22CA1495
Jefferson County District Court No. 22CV84
Honorable Philip J. McNulty, Judge

Ronald Chaffin and Nancy Uszko,

Plaintiffs-Appellants,

v.

Judith Ber, Arlene Kuntz, Sally Griffin, Michael Kilgore, Teresa Hayes, Orten
Cavanaugh Holmes & Hunt, LLC, a Colorado corporation, Joseph A. Bucceri,
and Jonah G. Hunt,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE J. JONES
Johnson and Schutz, JJ., concur

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

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ANNOUNCEMENTS
Colorado Court of Appeals
October 26, 2023

Court of Appeals No. 22CA1810
El Paso County District Court No. 13CR1357
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

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

Court of Appeals No. 22CA1863
Arapahoe County District Court No. 12CR106
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alexander Noel Garcia,

Defendant-Appellant.

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

Division III
Opinion by JUDGE J. JONES
Johnson and Schutz, JJ., concur

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

Court of Appeals No. 22CA1967
Montrose County District Court No. 19PR34
Honorable Mary E. Deganhart, Judge

In re the Estate of Harold William Emick, III, deceased.

Diana Emick,

Appellant,

v.

Robert Emick,

Appellee.

ORDERS AFFIRMED

Division IV
Opinion by JUDGE GROVE
Navarro and Bernard*, JJ., concur

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

Court of Appeals No. 22CA1970
San Miguel County District Court No. 20CV30020
Honorable Keri A. Yoder, Judge

EM Fine Finishes, LLC,
Plaintiff-Appellee,

v.

8121 Preserve, LLC,
Defendant-Appellant,

v.

Eric Mueffelmann,
Third-Party Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA2079
City and County of Denver District Court No. 20JV407
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.A.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA2142
El Paso County District Court No. 21CV31993
Honorable Marla R. Prudek, Judge

Broad Street Realty, LLC,

Plaintiff-Appellant,

v.

Michael R. Thibault and Dutch Brother Garrett LLC, a Colorado limited liability
company,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA2173
City and County of Denver District Court No. 12DR1367
Honorable Andrew P. McCallin, Judge

In re the Marriage of

Joseph Cody Stockwell,

Appellee,

and

Jennifer L. Dees,

Appellant.

ORDERS 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. 23CA0159
Adams County District Court Nos. 21CV68 & 21CV88
Honorable Teri Lynn Vasquez, Judge

William Montgomery,

Plaintiff-Appellant,

v.

Walmart Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division B
Opinion by JUDGE SCHUTZ
Tow and Grove, JJ., concur

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

Court of Appeals No. 23CA0296
Adams County District Court No. 21JV265
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.B. and R.J.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0370
Mesa County District Court No. 21JV151
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Appellee,

In the Interest of N.F., M.J.F., and C.W-S., Children,

and Concerning T.W. and B.R.F.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0492
City and County of Denver Juvenile Court No. 21JV646
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.R.R-B.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE TAUBMAN*
Freyre and Kuhn, JJ., concur

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

Court of Appeals No. 23CA0497
Garfield County District Court No. 19JV48
Honorable John F. Neiley, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning T.C. and J.F.,

Appellants.

JUDGMENT 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. 23CA0708
Weld County District Court No. 22JV11
Honorable Anita Jain Crowther, Judge

The People of the State of Colorado,

Appellee,

In the Interest of F.V., Child,

and Concerning S.V.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE RICHMAN*
J. Jones and Schutz, JJ., concur

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

Court of Appeals No. 23CA0710
City and County of Denver Juvenile Court No. 21JV1042
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning O.S.R.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE SCHUTZ
J. Jones and Richman*, 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. 21CA0254

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kelly Rae Partee,

Defendant-Appellant.

Petition for Rehearing DENIED

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

[2023COA83M](#)

Court of Appeals No. [21CA1203](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kari Mobley Kennedy,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 21CA1543

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tomas O'Malley McDonald,

Defendant-Appellant.

Opinion Modified and
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.