

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 15, 2024*

“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

[2024COA13](#)

Court of Appeals No. [21CA1581](#)
Garfield County District Court No. 17CR368
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael William Wade,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE TAUBMAN*
Pawar and Graham*, JJ., concur

[2024COA14](#)

Court of Appeals No. [22CA2216](#)
Grand County District Court No. 16CR52
Honorable Sandra H. Gardner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Derek Abram Dulac,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE SCHOCK
Navarro and Kuhn, JJ., concur

[2024COA15](#)

Court of Appeals No. [23CA0117](#)
City and County of Denver District Court No. 21CV32904
Honorable Alex C. Myers, Judge

Stanislav Babayev and Oleg Chikov,

Plaintiffs-Appellants,

v.

Hertz Corporation,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE RICHMAN*
Dunn and Davidson*, JJ., concur

[2024COA16](#)

Court of Appeals No. [23CA0431](#)

City and County of Denver District Court No. 22CV30760

Honorable A. Bruce Jones, Judge

Christopher Thomas,

Plaintiff-Appellant,

v.

Childhelp, Inc.,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE REMANDED WITH DIRECTIONS

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

[2024COA17](#)

Court of Appeals No. [23CA1333](#)

Routt County District Court No. 22CV30074

Honorable Michael A. O'Hara III, Judge

Kaylee Schnelle,

Plaintiff-Appellee,

v.

Ralph Cantafio, David Feeder, Lilly Lentz, Mike Lazar, Cantafio & Song PLLC,
Mark Fischer, and Patricia Ann Scott,

Defendants-Appellants.

ORDER AFFIRMED AND CASE REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE GOMEZ
Fox and Kuhn, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 20CA0670
Jefferson County District Court No. 19CR735
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jarred Edward Burnett,

Defendant-Appellant.

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

Division V
Opinion by JUDGE HAWTHORNE*
Freyre and Brown, JJ., concur

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

Court of Appeals No. 21CA0495
Pueblo County District Court No. 17CR2491
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donthe Isiah Richard Lucas,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 21CA0927
City and County of Denver District Court No. 19CR3561
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kalvin J. Thompson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FOX
Schutz and Moultrie, JJ., concur

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

Court of Appeals No. 21CA1270
Jefferson County District Court No. 19CR657
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gilbert Joseph Romero,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE HARRIS
J. Jones and Gomez, JJ., concur

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

Court of Appeals No. 21CA1620
Arapahoe County District Court No. 19CR1497
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andre Stanley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE HARRIS
J. Jones and Gomez, JJ., concur

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

Court of Appeals No. 21CA1872
Mesa County District Court No. 19CR1943
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brett Allan Burke,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE KUHN
Yun and Graham*, JJ., concur

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

Court of Appeals No. 22CA0426
Jefferson County District Court No. 20CR955
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric Carlos Linkhart,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE NAVARRO
Kuhn and Schock, JJ., concur

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

Court of Appeals No. 22CA0613
Arapahoe County District Court No. 14CR2308
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Patrick Brandon Kreh,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE MOULTRIE
Fox and Schutz, JJ., concur

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

Court of Appeals No. 22CA0851
Adams County District Court No. 19CR148
Honorable Jeffrey Smith, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Benson,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1262
Jefferson County District Court No. 21CR2122
Honorable Jason Carrithers, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Paul Toth,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE LUM
Welling and Yun, JJ., concur

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

Court of Appeals No. 22CA1481
Adams County District Court No. 09CR626
Honorable Patrick H. Pugh, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eusebio Montero-Romero,

Defendant-Appellant.

ORDER AFFRIMED

Division I
Opinion by JUDGE GOMEZ
J. Jones and Harris, JJ., concur

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

Court of Appeals No. 22CA1529
Pueblo County District Court No. 21CR1067
Honorable Amiel Markenson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Demetrio Junior Rivera,

Defendant-Appellant.

SENTENCE AFFIRMED

Division VI
Opinion by JUDGE LUM
Welling and Yun, JJ., concur

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

Court of Appeals No. 22CA1540
Mineral County District Court No. 20CV30003
Honorable Kimberly Karn, Judge (presided at trial)
Honorable Crista Newmyer-Olsen, Judge (ruled on pertinent motions)

Bristol Head Electronic Site Technologies, LLC, a Colorado limited liability company; Zero Error Networks, LLC, a Colorado limited liability company; and Kenneth D. Swinehart,

Plaintiffs-Appellees,

v.

Aero Marketing and Logistics, LLC, a Colorado limited liability company; Christopher Charles Stryker, a/k/a Chris Stryker; and Stryker Site Services, LLC, a Colorado limited liability company,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE LIPINSKY
Tow and Grove, JJ., concur

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

Court of Appeals No. 22CA2155
Pitkin County District Court No. 21DR30015
Honorable Christopher G. Seldin, Judge

In re the Marriage of

Eva C. Pekkala,

Appellee,

and

Eric W. Pekkala,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA0037
City and County of Denver Probate Court Nos. 22PR308 & 22PR309
Honorable Elizabeth D. Leith, Judge

In the Matter of Pay.B.T. and Pax.B.T., Children.

Hailey Douglas,

Appellant,

v.

John Arthur Lewis and Patty Kayelean Lewis,

Appellees.

ORDERS AFFIRMED

Division II
Opinion by JUDGE SCHUTZ
Fox and Martinez*, JJ., concur

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

Court of Appeals No. 23CA0114
City and County of Denver District Court No. 20CV33768
Honorable James F. Hartmann, Jr. Judge

Beth Hueser,

Plaintiff-Appellant,

v.

Taina Blagg,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE SCHUTZ
Fox and Martinez*, JJ., concur

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

Court of Appeals No. 23CA0130
Jefferson County District Court No. 21CV30007
Honorable Russell Klein, Judge

Todd Schaefer, Fred Baxter, and Susan Monika Pahan,

Plaintiffs-Appellants,

v.

Board of County Commissioners of the County of Jefferson, State of Colorado;
DHSC, Inc., f/k/a David's House Sober Community, Inc., a Colorado nonprofit
corporation, d/b/a Spero Recovery Center,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE WELLING
Yun and Lum, JJ., concur

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

Court of Appeals No. 23CA0168
City and County of Denver District Court Nos. 22CV293 & 22CV294
Honorable Marie Avery Moses, Judge

Billy Edwin Reid,

Plaintiff-Appellant,

v.

Colorado Department of Corrections; Andre Stancil, in his capacity as
Executive Director; Jeff Long, Warden of Sterling Correctional Facility; and
Accounting Department of Sterling Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division D
Opinion by JUDGE TOW
Román, C.J., and Freyre, J., concur

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

Court of Appeals No. 23CA0169
Pueblo County District Court No. 16DR30116
Honorable Gregory J. Styduhar, Judge

In re the Marriage of

Joseph Dazley,

Appellee,

and

Kaylynn Dazley n/k/a Rasmussen,

Appellant.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

Division II
Opinion by JUDGE FOX
Schutz and Moultrie, JJ., concur

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

Court of Appeals No. 23CA0225
Summit County District Court No. 21CV30072
Honorable Mark D. Thompson, Judge

Elk Run Ski Pad, LLC, an Arizona limited liability company,
Plaintiff-Appellee and Cross-Appellant,

v.

Elk Run at Copper Mountain Condominiums Homeowners Association, a
Colorado nonprofit corporation,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE YUN
Welling and Lum, JJ., concur

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

Court of Appeals No. 23CA0386
Pueblo County District Court Nos. 20JV239 & 20JV360
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.B., E.C., D.C. III, A.C., and A.A.K.C., Children,
and Concerning D.C. II, and A.B.,

Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE NAVARRO
Kuhn and Schock, JJ., concur

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

Court of Appeals No. 23CA0423
Jefferson County District Court No. 22CV30360
Honorable Christopher C. Zenisek, Judge

Eric Schultz, Mary Lou Mobley, Joshua Moles, and Philip Skaff,

Plaintiffs-Appellants,

v.

Jefferson County, Colorado, a political subdivision of the State of Colorado,

Defendant,

and

Board of County Commissioners of the County of Jefferson Colorado, a political subdivision of the State of Colorado; Tracy Kraft-Tharp, in her official capacity as a Jefferson County Commissioner; Andy Kerr, in his official capacity as a Jefferson County Commissioner; Lesley Dahlkemper, in her official capacity as a Jefferson County Commissioner; and Planning Commission of the County of Jefferson, a political subdivision of the State of Colorado,

Defendants-Appellees,

and

NexMetro Development, LLC,

Defendant-Intervenor-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FOX
Schutz and Moultrie, JJ., concur

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

Court of Appeals No. 23CA0424
Pitkin County District Court No. 13CV30088
Honorable Anne K. Norrdin, Judge

Felix A. DeJean, III and Carolyne DeJean,

Plaintiffs-Appellants,

v.

Lake View Townhome Condominium Association, Inc., a Colorado nonprofit
corporation and Collen A. Grosz,

Defendants-Appellees.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE GROVE
Tow and Lipinsky, JJ., concur

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

Court of Appeals No. 23CA0648
City and County of Denver Juvenile Court No. 22JA30009
Honorable D. Brett Woods, Judge

In re the Petition of M.K.R.,

Appellee,

for the Adoption of V.M., a Child,

and Concerning R.E.S.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0875
Mesa County District Court No. 21JV51
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.S. a/k/a N.S., a Child,

and Concerning C.L.S.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE WELLING
Yun and Lum, JJ., concur

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

Court of Appeals No. 23CA0895
Jefferson County District Court No. 22CV31461
Honorable Robert Lochary, Judge

Gillian Dunning,

Plaintiff-Appellant,

v.

Jefferson County School District R-1,

Defendant-Appellee.

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. 23CA0951
Larimer County District Court No. 21DR30034
Honorable Kandace Bradner Majoros, Magistrate
Honorable Susan Blanco, Judge

In re the Marriage of

Danielle Ziebinski, n/k/a Danielle Curry,

Appellee,

and

Marek Ziebinski,

Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 23CA0970
Douglas County District Court No. 22JV30065
Honorable H. Clay Hurst, Judge

The People of the State of Colorado,

Appellee,

In the Interest of F.L.G., a Child,

and Concerning A.G.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE DUNN
Pawar and Sullivan, JJ., concur

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

Court of Appeals No. 23CA1129
El Paso County District Court No. 20JV850
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.M.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE YUN
Welling and Lum, JJ., concur

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

Court of Appeals No. 23CA1132
Arapahoe County District Court No. 20JV447
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.W. and D.W., Children,

and Concerning C.W.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE SCHOCK
Navarro and Kuhn, JJ., concur

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

Court of Appeals No. 23CA1187
Adams County District Court No. 22JV159
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.M.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Brown and Bernard*, JJ., concur

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

Court of Appeals No. 23CA1195
Adams County District Court No. 21JV17
Honorable Emily Lieberman, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.S.B.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE PAWAR
Dunn and Sullivan, JJ., concur

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

Court of Appeals No. 23CA1319
Industrial Claim Appeals Office of the State of Colorado
DD No. 8526-2023

Plan-et Creations LLC d/b/a Deuces Wild Casino Rentals,
Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Insurance Audits,
Division of Unemployment Insurance,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE FREYRE
Brown and Bernard*, JJ., concur

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

Court of Appeals No. 23CA1361
Bent County District Court No. 23JV2
Honorable Samuel S. Vigil, Judge

The People of the State of Colorado,

Appellee,

In the Interest of D.G. and D.A., Children,

and Concerning M.A.,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE LUM
Welling and Yun, JJ., concur

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

Court of Appeals No. 23CA1363
City and County of Denver Juvenile Court No. 22JV162
Honorable Pax Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of D.Q.W. and E.A-S.W., Children,

and Concerning D.M.S. and J.A.W.,

Appellants.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BROWN
Freyre and Bernard*, JJ., concur

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

Court of Appeals No. 23CA1405
Industrial Claim Appeals Office of the State of Colorado
DD No. 8094-2023

Ginae Smith,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and MMC Limited
Liability Company,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE MOULTRIE
Fox and Schutz, 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

[2023COA124M](#)

Court of Appeals No. [21CA1229](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jaime Gonzalez-Quezada,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

Court of Appeals No. 22CA1692

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.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 23CA0147

Nancy A. Leprino, as Co-Trustee, of Nancy A. Leprino Irrevocable Grantor Trust; and Denis Patrick Gibbs, as Independent Trustee of Nancy A. Leprino Irrevocable Grantor Trust; the Nancy A. Leprino GST Exempt Trust Under Agreement Creating the Nancy A. Leprino Irrevocable Grantor Trust Dated December 20, 2012; and the Nancy A. Leprino GST Non-Exempt Trust Under Agreement Creating the Nancy A. Leprino Irrevocable Grantor Trust Dated December 20, 2012; and Nancy A. Leprino as Personal Representative of the Estate of Mike A. Leprino, a/k/a Mike Leprino, a/k/a Mike Andrew Leprino, Deceased,

Plaintiffs-Appellants,

v.

Leprino Foods Company, a Colorado corporation; James G. Leprino; Terry L. Leprino; Gina M. Vecchiarelli; Daniel A. Vecchiarelli; and Terry L. Leprino, as trustee on behalf of the James G. Leprino Irrevocable Trust #4; Gina M. Vecchiarelli, as trustee on behalf of the James G. Leprino Irrevocable Trust #4; and Daniel A. Vecchiarelli, as trustee on behalf of the James G. Leprino Irrevocable Trust #4; JGL 2014 GRAT; JGL-GMV 2011 GST Trust; JGL-TLL 2011 GST Trust; TLL 2011 GST Trust; TLL 2014 GRAT; Terry Leprino Trust #1; Terry Lynn Leprino Irrevocable Trust #4; Terry Lynn Leprino Irrevocable Trust #5; Gina Vecchiarelli Trust #1; Gina Marie Vecchiarelli Irrevocable Trust #4; Gina Marie Vecchiarelli Irrevocable Trust #5; GMV 2011 GST Trust; GMV 2014 GRAT; Francesca Rae Vecchiarelli 2008 Trust; and Gianna Marie Vecchiarelli 2008 Trust,

Defendants-Appellees.

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.