

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 14, 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

[2024COA26](#)

Court of Appeals No. [19CA2313](#)
Boulder County District Court No. 18CR1290
Honorable Andrew Hartman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gustavo Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE HARRIS
Lipinsky, J., concurs
Schutz, J., dissents

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ANNOUNCEMENTS
Colorado Court of Appeals
March 14, 2024

[2024COA27](#)

Court of Appeals No. [21CA1808](#)
Douglas County District Court No. 20CR318
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clayton Angus Hood,

Defendant-Appellant.

JUDGMENT REVERSED
AND CASE REMANDED WITH DIRECTIONS

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

U N P U B L I S H E D O P I N I O N S

Court of Appeals Nos. 19CA2220 & 19CA2221
El Paso County District Court Nos. 18CR4350 & 18CR6965
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Collin Matthew Kellett,

Defendant-Appellant.

JUDGMENT AFFIRMED AND ORDER VACATED

Division I
Opinion by JUDGE GOMEZ
Harris, J., concurs
J. Jones, J. specially concurs

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

Court of Appeals No. 20CA1409
Arapahoe County District Court No. 18CR1007
Honorable Darren L. Vahle, Judge
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nicholas Edward Brown,

Defendant-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. 20CA1958
Jefferson County District Court No. 17CR127
Honorable Robert Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lawrence Angelo Arellano,

Defendant-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. 21CA2116
City and County of Denver District Court No. 20CR4029
Honorable Edward D. Bronfin, Judge
Honorable Andrew P. McCallin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel J. Adler,

Defendant-Appellant.

JUDGMENT 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. 22CA0146
Mesa County District Court No. 21CR701
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Andrew Rizo,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0432
Weld County District Court No. 20CR1551
Honorable Vincente G. Vigil, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Geoffrey Charles Landers,

Defendant-Appellant.

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. 22CA0643
City and County of Denver Juvenile Court No. 20JD195
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

In the Interest of D.L-M.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE KUHN
Navarro and Schock, JJ., concur

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

Court of Appeals No. 22CA0781
El Paso County District Court No. 19CR3042
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joelene Hartman,

Defendant-Appellant.

ORDER 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. 22CA1052
Arapahoe County District Court No. 05CR547
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael William Pierson,

Defendant-Appellant.

ORDER 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. 22CA1101
Douglas County District Court No. 20CR1038
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fernando Xavier Verdoza,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1115
Adams County District Court No. 21CR1979
Honorable Patrick H. Pugh, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Isaias Rogelio Ayala,

Defendant-Appellant.

JUDGMENT AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA1532
Pitkin County District Court No. 15CR74
Honorable Christopher G. Seldin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marcus Eugene Trujillo,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE TOW
Lipinsky and Grove, JJ., concur

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

Court of Appeals No. 22CA1546
Lake County District Court No. 20CR55
Honorable Catherine J. Cheroutes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eric Christopher Gurule,

Defendant-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. 22CA1872
Weld County District Court No. 06CR322
Honorable Allison J. Esser, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Louis Joseph Espinosa, Jr.,

Defendant-Appellant.

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. 23CA0180
City and County of Denver District Court No. 21CV33523
Honorable Marie Avery Moses, Judge

James Stern,

Plaintiff-Appellant,

v.

Robin A. Mann,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0241
El Paso County District Court No. 20CV30706
Honorable Gregory R. Werner, Judge

JanKat Services, LLC, a Colorado limited liability company,
Plaintiff-Appellee,

v.

Audubon Ambulatory Surgery Center, LLC, a Colorado limited liability
company,

Defendant-Appellant.

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

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

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

Court of Appeals No. 23CA0260
Alamosa County District Court No. 21PR30028
Honorable Crista Newmyer-Olsen, Judge

In the Matter of the Wolf Family Trust dated January 20, 1993.

Janis M. Rutgers,

Appellant,

v.

Lavonne Palmer, as Trustee of the Wolf Family Trust,

Appellee.

ORDERS AFFIRMED

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. 23CA0307
Weld County District Court No. 14CR1799
Honorable Timothy Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John A. Silva,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 23CA0526
Delta County District Court No. 20CV30036
Honorable Mary E. Deganhart, Judge

James Thomas Dunphy III,
Plaintiff-Appellant,

v.

American Heritage Title Agency, Inc., d/b/a Heritage Title Company, Inc., a
Colorado corporation,

Defendant-Appellee.

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. 23CA0613
Gilpin County District Court No. 99CR28
Honorable Todd L. Vriesman, Judge

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

v.

Claudio Rodriguez De La Riva,

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. 23CA0835
El Paso County District Court No. 22CV31552
Honorable David Prince, Judge

Michele Wilson,

Plaintiff-Appellant,

v.

Progressive Direct Insurance Company,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE TOW
Lipinsky and Grove, JJ., concur

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

Court of Appeals No. 23CA1108
City and County of Denver District Court No. 19CV18
Honorable Marie Avery Moses, Judge

4500 Steele Street, LLC

Plaintiff-Appellee,

and

Robin A. Mann

Appellee,

v.

James Stern,

Appellant.

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. 23CA1464
Jefferson County District Court No. 22JV30116
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.W., Jr., a Child,

and Concerning I.B.,

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. 23CA1560
Douglas County District Court No. 22JV25
Honorable H. Clay Hurst, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.J.T., a Child,

and Concerning E.J.T.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 24CA0052
Pueblo County District Court No. 23MH371
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.D.K.,

Respondent-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE YUN
Welling 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. 20CA1568

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Heather Palmer Jones,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 21CA0298

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dana Wayne Kunane Johnson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA0514

Erin O’Connell,

Plaintiff-Appellee,

v.

Woodland Park School District; Woodland Park School District Board of Education; Mike Bates, in his official capacity as a Board Member; David Illingworth, II, in his official capacity as a Board Member; Cassie Kimbrell, in her official capacity as a Board Member; Suzanne Patterson, in her official capacity as a Board Member; and David Rusterholtz, in his official capacity as a Board Member,

Defendants-Appellants.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA0536

In the Matter of the Petition of J.A.M.,

Appellee,

for the Adoption of S.A.M.M.C, a Child,

and Concerning J.R.,

Appellant.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

[2024COA21M](#)

Court of Appeals No. [22CA0058](#)

City and County of Denver District Court No. 07CR2501

Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gene Sterling Melendez,

Defendant-Appellant.

ORDER AFFIRMED

Division VII

Opinion by JUDGE LIPINSKY

Tow and Grove, JJ., concur

Opinion Modified

on a motion to Amend the Caption Page

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