

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 21, 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

[2024COA28](#)

Court of Appeals No. [23CA0138](#)
Logan County District Court No. 21CV30049
Honorable Robert C. James, Judge

James Aranci, Jack Darnell, Charles Miller, William Lauck, and Curtis Werner,
Plaintiffs-Appellants,

v.

Lower South Platte Water Conservancy District,
Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE HAWTHORNE*
Pawar and Taubman*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 21CA1106
City and County of Denver District Court No. 19CR6422
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles J. Turner,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1540
Adams County District Court No. 18CR3170
Honorable Sean Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luis Lopez,

Defendant-Appellant.

JUDGMENT 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. 21CA1714
Weld County District Court No. 06CR1812
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos David Valenzuela,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

Court of Appeals No. 21CA1947
Douglas County District Court No. 20CR205
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael James Loupe,

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. 21CA2014
Fremont County District Court No. 19CR526
Honorable Ramsey L. Lama, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Travis E. Cox,

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. 21CA2092
Arapahoe County District Court No. 15CR3031
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Yakas,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0113
Arapahoe County District Court No. 19CR3873
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jamie Wayne Hale,

Defendant-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. 22CA0190
Jefferson County District Court No. 14CR741
Honorable Jason Carrithers, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lonnie Lee Unruh,

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. 22CA0366
Boulder County District Court No. 18CR2769
Honorable Dea M. Lindsey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Nicolai Aaker,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0770
Douglas County District Court No. 18CR1247
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clyde Lee Bradford III,

Defendant-Appellant.

ORDER 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. 22CA1166
El Paso County District Court No. 13CR1027
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachary Justin Fournier,

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. 22CA1456
El Paso County District Court No. 21CR130
Honorable Marla Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Wayne Barker,

Defendant-Appellant.

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

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

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

Court of Appeals No. 22CA1459
El Paso County District Court No. 20CR4011
Honorable Marla Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Wayne Barker,

Defendant-Appellant.

ORDER 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. 22CA1463
Adams County District Court No. 00CR638
Honorable Roberto Ramírez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesse Lee Wilkinson,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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ANNOUNCEMENTS
Colorado Court of Appeals
March 21, 2024

Court of Appeals No. 22CA1577
Jefferson County District Court No. 18CR1292
Honorable Jason Carrithers, Judge
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ruben Joe Muniz,

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. 22CA1794
Jefferson County District Court No. 15DR31001
Honorable Diego G. Hunt, Judge

In re the Marriage of

Gloria Martha Truax,

Appellee,

and

James Leonard Truax,

Appellant.

ORDER AFFIRMED IN PART AND DISMISSED IN PART, AND CASE
REMANDED FOR FURTHER PROCEEDINGS

Division V
Opinion by JUDGE JOHNSON
Brown and Taubman*, JJ., concur

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

Court of Appeals No. 22CA1953
Arapahoe County District Court No. 20CV31398
Honorable Peter F. Michaelson, Judge

Gil Gerstein,

Plaintiff-Appellant and Cross-Appellee,

v.

Robins Kaplan LLP and Sanders Law Firm LLC,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE PAWAR
Graham* and Taubman*, JJ., concur

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

Court of Appeals No. 22CA2115
Larimer County District Court No. 20CV30313
Honorable Juan G. Villaseñor, Judge

Cristina Quigley,

Plaintiff-Appellant,

v.

Wendy DeYoung,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE J. JONES
Harris and Gomez, JJ., concur

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

Court of Appeals No. 22CA2151
El Paso County District Court No. 18CR3178
Honorable Marla Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Baptiste Williams Jr.,

Defendant-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. 22CA2207
Weld County District Court No. 07CR2229
Honorable Timothy Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dominic John Duvall,

Defendant-Appellant.

ORDER 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. 22CA2239
Garfield County District Court No. 20DR30031
Honorable Anne K. Norrdin, Judge

In re the Marriage of

Kenneth David Zellar,

Appellant,

and

Adeline May Zellar,

Appellee.

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. 23CA0025
Arapahoe County District Court No. 20CV31595
Honorable Frederick T. Martinez, Judge

Ezekiel Rankin,

Plaintiff-Appellee,

v.

Towing Done Right LLC,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0032
El Paso County District Court No. 15CV30098
Honorable Marla Prudek, Judge

John Dorsey and LAD Holdings, LLLP,

Plaintiffs-Appellants,

v.

Stephen Michael Pollock,

Defendant-Appellee.

JUDGMENT REVERSED 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. 23CA0135
City and County of Denver District Court No. 05CR955
Honorable Jennifer B. Torrington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Warren T. Deegan a/k/a Richard Sanchez,

Defendant-Appellant.

ORDER 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. 23CA0262
Mesa County District Court No. 22JA4
Honorable Brian J. Flynn, Judge

In re the Petition of L.D.P.,

Appellee,

for the Adoption of S.E.P-S., a Child,

and Concerning E.L.S.,

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. 23CA0293
City and County of Denver District Court No. 20CV30547
Honorable Darryl F. Shockley, Judge

Appliance Depot, Inc., Jacob Meza, and Professional Appliance Recycling, Inc.,
Plaintiffs-Appellants,

v.

Cody Allen Hinsz and APH LLC, d/b/a Denver Washer Dryer, a Colorado
limited liability company,

Defendants-Appellees.

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

Division III
Opinion by JUDGE SULLIVAN
Dunn and Pawar, JJ., concur

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

Court of Appeals No. 23CA0501
City and County of Denver District Court No. 21CV31235
Honorable Jill D. Dorancy, Judge

Suzanne Taheri,

Plaintiff-Appellant,

v.

Christopher Beall, in his official capacity as Colorado Deputy Secretary of State
and Jena Griswold, in her official capacity as Colorado Secretary of State,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE HARRIS
Gomez, J., concurs
J. Jones, J., specially concurs

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

Court of Appeals No. 23CA0610
Adams County District Court No. 22JV25
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning T.M.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0674
City and County of Denver District Court No. 18CV32385
Honorable Andrew P. McCallin, Judge

Martha Masko, on behalf of herself and other members of The Denver Headquarters Condominium Association, acting on a member derivative basis and individually, Richard Garcia, on behalf of himself and other members of The Denver Headquarters Condominium Association, acting on a member derivative basis and individually,

Plaintiffs-Appellants,

v.

Estate of Robert Calvert, Estate of Joan Calvert, and Teresa Petersen,

Defendants-Appellees.

ORDERS AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA0797
City and County of Denver District Court No. 22CV390
Honorable Christopher J. Baumann, Judge

John Patrick Fletcher,
Plaintiff-Appellant,

v.

Jared Polis and Dean Williams,
Defendants-Appellees.

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. 23CA0811
City and County of Denver District Court No. 19CV233
Honorable Stephanie L. Scoville, Judge

Viaduct Farms, LLC, a Colorado limited liability company,
Plaintiff-Appellant,

v.

Abigail C Sparks, LLC, a Colorado limited liability company, and Abigail C.
Sparks,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE J. JONES
Harris and Gomez, JJ., concur

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

Court of Appeals No. 23CA0846
Mesa County District Court No. 21CV30030
Honorable Jeremy L. Chaffin, Judge

State of Colorado, Department of Natural Resources, Division of Parks and
Wildlife, and Parks and Wildlife Commission,

Plaintiffs-Appellees,

v.

Jeffrey P. Rigg,

Defendant-Appellant.

JUDGMENT 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. 23CA1401
Arapahoe County District Court No. 21JV655
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.R., S.S., and H.S., Children

and Concerning K.A.,

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. 23CA1480
Adams County District Court No. 21JV170
Honorable Emily Lieberman, Judge

The People of the State of Colorado,

Appellee,

In the Interest of I.E.B. and A.B.B.T., Children,

and Concerning B.B.,

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. 23CA1514
City and County of Denver Juvenile Court No. 21JV970
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning N.C.C.,

Appellant.

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. 23CA1515
Adams County District Court No. 22JV73
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning K.M.D.,

Appellant.

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. 23CA2100
Industrial Claim Appeals Office of the State of Colorado
DD No. 24460-2023

Norman Mallory,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Mountain Temp
Services, LLC,

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE SULLIVAN
Dunn and Pawar, JJ., concur

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

Court of Appeals No. 23CA2234
Pueblo County District Court No. 18MH194
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Seth Ayden Lawrence,

Respondent-Appellant.

ORDER 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. 23CA2241
Pueblo County District Court No. 23MH473
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Samuel Candela Herrera,

Respondent-Appellant.

ORDER 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. 24CA0048
Pueblo County District Court No. 23MH480
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Cristal Dawn McNabb,

Respondent-Appellant.

ORDER 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. 24CA0049
Pueblo County District Court No. 23MH261
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Joshua Munoz,

Respondent-Appellant.

ORDER 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. 24CA0051
Pueblo County District Court No. 24MH5
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Rodney Phenis Thompson,

Respondent-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE JOHNSON
Freyre and Brown, 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. 22CA1540

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.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA0058

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Skylan M. Brassill,

Defendant-Appellant.

Petition for Rehearing DENIED

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2022.