

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
April 18, 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

[2024COA37](#)

Court of Appeals No. [21CA1539](#)
Alamosa County District Court No. 20CR301
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gilberto Andres Montoya,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE REMANDED WITH DIRECTIONS

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

[2024COA38](#)

Court of Appeals No. [21CA2075](#)

Arapahoe County District Court No. 19CR3149

Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Scott Burdette,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III

Opinion by JUDGE SULLIVAN

Dunn and Pawar, JJ., concur

[2024COA39](#)

Court of Appeals No. [22CA0946](#)

City and County of Denver District Court Nos. 20CV33204 & 21CV33546

Honorable J. Eric Elliff, Judge

Brightstar LLC,

Petitioner-Appellee and Cross-Appellant,

v.

Rhett Jordan and Josh Ginsberg,

Respondents-Appellants and Cross-Appellees,

v.

Peter Knobel,

Intervenor-Appellee and Cross-Appellant.

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

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

[2024COA40](#)

Court of Appeals No. [23CA1327](#)

El Paso County District Court No. 21CV31587

Honorable Marla Prudek, Judge

Anthony Wenzell,

Plaintiff-Appellant,

v.

United Services Automobile Association and State Farm Mutual Automobile
Insurance Company,

Defendants-Appellees,

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 21CA0683
Adams County District Court No. 11CR396
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Jean Scarlett,

Defendant-Appellant.

ORDER 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. 21CA1946
Douglas County District Court No. 20CR671
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shari Leigh Dooley,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0059
El Paso County District Court No. 08CR3036
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul T. Diperri,

Defendant-Appellant.

ORDER 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. 22CA0116
Pueblo County District Court No. 20CR1437
Honorable Deborah R. Eyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gina Renee Vinson-DeHerrera,

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. 22CA0281
Pueblo County District Court No. 20CR1771
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Lee Apodaca,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0791
Mesa County District Court No. 21CR1713
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Seth Michael Porter,

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. 22CA0924
El Paso County District Court No. 19CR1912
Honorable Samuel A. Evig, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James W. Hanlon, II,

Defendant-Appellant.

JUDGMENT 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. 22CA1314
Douglas County District Court No. 08CR33
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Warren Emery Worthington,

Defendant-Appellant.

ORDER AFFIRMED IN PART AND REVERSED IN PART,
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. 22CA1397
Douglas County District Court No. 18CR1293
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jonathan Robert Morris,

Defendant-Appellant.

ORDER VACATED

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

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

Court of Appeals No. 22CA1707
Mesa County District Court No. 21DR30034
Honorable Gretchen B. Larson, Judge

In re the Marriage of

Sylvia Fowler,

Appellant,

and

Don Kenneth Fowler,

Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA2086
El Paso County District Court No. 21CV31761
Honorable Thomas K. Kane, Judge

Adam Strange,

Plaintiff-Appellant and Cross-Appellee,

v.

GA HC Reit Liberty CRCC, LLC,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
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. 23CA0068
El Paso County District Court No. 21CV30340
Honorable Marla Prudek, Judge

American Express National Bank,

Plaintiff-Appellee,

v.

David K. Nienaber,

Defendant-Appellant.

JUDGMENT 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. 23CA0077
Jefferson County District Court No. 22CV14
Honorable Jason Carrithers, Judge

Barbara A. Ford and Richard A. Dechant,

Plaintiffs-Appellants,

v.

Jefferson County Board of County Commissioners, Susan E. Badrena, and
William E. Badrena,

Defendants-Appellees.

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. 23CA0102
El Paso County District Court No. 19CR6534
Honorable William H. Moller, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Dana Stiern,

Defendant-Appellant.

APPEAL DISMISSED IN PART, ORDER REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA0126
Eagle County District Court No. 21CR109
Honorable Reed W. Owens, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel J. Lujan-Estrada,

Defendant-Appellant.

ORDER 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. 23CA0190
Adams County District Court No. 20CR2757
Honorable Kyle Seedorf, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gediyon Fantaye Assefa,

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. 23CA0647
El Paso County District Court No. 22DR31313
Honorable William H. Moller, Judge

In re the Marriage of

Michael Aram Creighton,

Appellee,

and

Erica Renee Creighton,

Appellant.

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

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. 23CA0815
Weld County District Court No. 08CR1227
Honorable Timothy Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Larry Eugene Fuller,

Defendant-Appellant.

ORDERS 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. 23CA1106
Douglas County District Court No. 19JV137
Honorable H. Clay Hurst, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.A.,

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. 23CA1312
Douglas County District Court No. 20CV52
Honorable Andrew C. Baum, Judge

DTM Real Estate, LLC,

Plaintiff-Appellee,

v.

Deborah H. Foreman,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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. 23CA1359
City and County of Denver Probate Court No. 22PR654
Honorable Elizabeth D. Leith, Judge

In the Interest of Lawrence W. McGary, Ward.

Lawrence W. McGary,

Appellant,

v.

Safronia R. McGary,

Appellee.

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. 23CA1443
Weld County District Court No. 21CV7
Honorable Judith L. LaBuda, Judge

Bernard Kenneth Rivers, Jr.,

Plaintiff-Appellant,

v.

Todd Taylor, Dana Nichols, Jeffrey Romeo, Troy Hause, James Hartmann,
State of Colorado, and Michael Rourke,

Defendants-Appellees,

and

Kenneth Barker,

Defendant.

ORDERS AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA1455
El Paso County District Court No. 22JV30025
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.G., a Child,

and Concerning C.R.,

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. 23CA1457
Adams County District Court No. 22JV44
Honorable Emily Lieberman, Judge

The People of the State of Colorado,

Appellee,

In the Interest of N.M.T., J.B.S., I.A.M., and E.T., Children,

and Concerning C.M. and L.T.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA1613
Arapahoe County District Court No. 23JV3006
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.G. and N.G., Children,

and Concerning R.G.,

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. 23CA1731
Jefferson County District Court No. 22JV30115
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.B. and G.B., Children,

and Concerning L.G. and R.B.,

Appellants.

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. 23CA1758
Boulder County District Court No. 22JV30240
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.W.,

Appellant.

JUDGMENT 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. 24CA0200
Pueblo County District Court No. 24MH11
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Casey Michelle Halpern,

Respondent-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. 24CA0272
Pueblo County District Court No. 24MH44
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Ronald Eugene Speaker,

Respondent-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. 24CA0278
Pueblo County District Court No. 24MH20
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Jake Hunter Payne,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE SULLIVAN
Dunn and Pawar, 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. 21CA1538

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Henderson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1714

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos David Valenzuela,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA1429

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lonnie Ray Robertson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA1953

Gil Gerstein,

Plaintiff-Appellant and Cross-Appellee,

v.

Robins Kaplan LLP and Sanders Law Firm LLC,

Defendants-Appellees and Cross-Appellants.

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.