

ANNOUNCEMENTS  
Colorado Court of Appeals  
July 3, 2024

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“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**

[2024COA67](#)  
Court of Appeals No. [23CA0450](#)  
Phillips County District Court No. 21CR29  
Honorable Justin B. Haenlein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Eredelio Martinez Rubier,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE LIPINSKY  
Freyre and Schutz, JJ., concur

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[2024COA68](#)

Court of Appeals No. [23CA0589](#)

Teller County District Court No. 19CV30051

Honorable Scott Sells, Judge

Berck Nash, Joanna Nash, Rodney Saunders, Paul Michael Stewart, and Janet Gould,

Plaintiffs-Appellants,

v.

Jason Mikesell, in his official capacity as Sheriff of Teller County, Colorado,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE MOULTRIE  
Dunn and Yun, JJ., concur

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[2024COA69](#)

Court of Appeals No. [23CA1035](#)

San Miguel County District Court No. 20CV30023

Honorable Mary E. Deganhart, Judge

Telluride Locals Coalition Petitioners' Committee; Matthew Hintermeister; Ian Wilson; Daniel Aurand; and Brighton Properties, LLC, a Colorado limited liability company,

Plaintiffs-Appellants,

v.

Tiffany Kavannaugh in her official capacity as Telluride Town Clerk; Charles Parrish; Ashley Parrish; Butcher Creek Partners, LLC, a Texas limited liability company; Emil P. Sante; and Pamela Sante,

Defendants-Appellees,

and

Gregory C. Simpson; Elizabeth B. Burk; Richard C. Stevens, Jr.; Melody B. Stevens; Wells Management Trust Investments, LLC, a Texas limited liability company; Mark A. Mitchell; Robert G. Efaw; Lars D. Carlson; Annie K. Carlson; Lori S. Quick, Mark C. Quick; and 330 Telluride Condo, LLC, a Colorado limited liability company,

Intervenors-Defendants-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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[2024COA70](#)

Court of Appeals No. [23CA1338](#)

El Paso County District Court No. 04DR1691

Honorable William H. Moller, Judge

In re the Marriage of

Jane Elizabeth McClure,

Appellee,

and

Riley Sinclair McClure,

Appellant.

ORDER AFFIRMED

Division III

Opinion by JUDGE YUN

Dunn and Moultrie, JJ., concur

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## **UNPUBLISHED OPINIONS**

Court of Appeals No. 21CA1822  
Jefferson County District Court No. 19CR2677  
Honorable Jason Carrithers, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Michael Pride,

Defendant-Appellant.

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

Division VII  
Opinion by JUDGE TAUBMAN\*  
Tow and Kuhn, JJ., concur

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

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Court of Appeals No. 21CA1967  
El Paso County District Court No. 18CR4614  
Honorable Jann P. DuBois, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Karrar Noaman Al-Khammasi,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 22CA1618  
Mesa County District Court No. 11CR128  
Honorable Gretchen B. Larson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

William Germain,

Defendant-Appellant.

APPEAL DISMISSED

Division VI  
Opinion by JUDGE BERNARD\*  
Lipinsky and Schutz, JJ., concur

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

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Court of Appeals No. 22CA1725  
City and County of Denver District Court Nos. 89CR207, 89CR208 & 89CR209  
Honorable Christopher J. Baumann, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Reginald M. Porter,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUSTICE MARTINEZ\*  
Lipinsky and Schutz, JJ., concur

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

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Court of Appeals No. 22CA1892  
El Paso County District Court No. 10CR1604  
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricardo Chalchi-Sevilla,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE NAVARRO  
Pawar and Johnson, JJ., concur

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

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Court of Appeals No. 22CA1895  
El Paso County District Court No. 21CR7100  
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rodney Leonard Melton,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE KUHN  
Tow and Taubman\*, JJ., concur

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

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Court of Appeals No. 22CA1905  
Boulder County District Court No. 11CR126  
Honorable Norma A. Sierra, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Keith McCoy,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE GROVE  
Fox and Sullivan, JJ., concur

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

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Court of Appeals No. 23CA0186  
Larimer County District Court No. 20CR2100  
Honorable Susan Blanco, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carlos Geovanny Florez-Molina,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE LIPINSKY  
Schutz and Bernard\*, JJ., concur

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

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Court of Appeals No. 23CA0353  
El Paso County District Court No. 10CR2483  
Honorable Laura N. Findorff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tnias Dmitri Pike,

Defendant-Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE YUN  
Moultrie and Davidson\*, JJ., concur

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

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Court of Appeals No. 23CA0495  
El Paso County District Court No. 21JV106  
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

In the Interest of O.P., a Child,

and Concerning K.P.,

Appellant,

and

Z.L.,

Appellee.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE JOHNSON  
Navarro and Pawar, JJ., concur

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

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Court of Appeals No. 23CA0559  
Larimer County District Court Nos. 20CR1816, 21CR424 & 21CR77  
Honorable Laurie K. Dean, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Michael Warro,

Defendant-Appellant.

ORDER REVERSED AND CASE REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE LUM  
Harris and Brown, JJ., concur

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

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Court of Appeals No. 23CA0594  
City and County of Denver District Court No. 20CV33803  
Honorable Marie Avery Moses, Judge  
Honorable Martin F. Egelhoff, Judge

Justin Junda and Big Toe Ventures, LLC, a Delaware limited liability company,

Plaintiffs-Appellants and Cross-Appellees,

v.

Beyond Broadway, LLC d/b/a Livwell Enlightened Health, a Colorado limited liability company, Delt Services LLC, Green Brands Canada Ltd, Green Brands LLC, Green Kiwi 1 LLC, Green Kiwi 2 LLC, Green Kiwi 3 LLC, Green Kiwi 4 LLC, Green Kiwi 5 LLC, John Lord, Kiwi LLC, Livwell Holdings Inc., Livwell I LLC, Livwell II LLC, Livwell III LLC, Livwell Inc., Livwell IV LLC, Livwell IX LLC, Livwell Michigan LLC, Livwell V LLC, Livwell VI LLC, Livwell VII LLC, and Livwell VIII LLC,

Defendants-Appellees and Cross-Appellants.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE FOX  
Grove and Sullivan, JJ., concur

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

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Court of Appeals No. 23CA0703  
Moffat County District Court No. 21CR121  
Honorable Sandra H. Gardner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christina Garcia,

Defendant-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE RICHMAN\*  
Navarro and Pawar, JJ., concur

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

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Court of Appeals No. 23CA0769  
City and County of Denver District Court No. 21CV30077  
Honorable Andrew J. Luxen, Judge

Kathleen Marie Morales Vega, as next friend of O.M., a minor, and Nicole Ulrich, as next friend of Bianca Ulrich and Gianna Jarvis, minors,

Plaintiffs-Appellants,

v.

Leprino Foods Company, a Colorado corporation, and Refrigeration Concepts, Inc., a Michigan corporation,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE GROVE  
Sullivan and Martinez\*, JJ., concur

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

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Court of Appeals No. 23CA0847  
Weld County District Court No. 22CV30111  
Honorable Shannon D. Lyons, Judge

Vincent John Lucero,

Plaintiff-Appellant,

v.

J. Pedro Morales,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE NAVARRO  
Pawar and Johnson, JJ., concur

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

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Court of Appeals No. 23CA0997  
El Paso County District Court No. 17DR3699  
Honorable Monica J. Gomez, Judge

In re the Marriage of

Tracy Lynn Brookham

Appellee,

and

William Lawrence Derengowski,

Appellant.

APPEAL DISMISSED IN PART  
AND ORDER AFFIRMED

Division I  
Opinion by JUDGE WELLING  
J. Jones and Schock, JJ., concur

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

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Court of Appeals No. 23CA1146  
Jefferson County District Court No. 22PR30393  
Honorable Ryan P. Loewer, Magistrate

In the Interest of William B. Colburn, Protected Person.

William B. Colburn,

Appellant,

v.

Kennedy Naquin, as the Community Executive Director for Peak Medical  
Colorado No. 3, Inc. d/b/a Bear Creek Center,

Appellee.

ORDER AFFIRMED

Division V  
Opinion by JUDGE GRAHAM\*  
Harris and Lum, JJ., concur

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

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Court of Appeals No. 23CA1237  
Larimer County District Court No. 21DR1024  
Honorable Susan Blanco, Judge

In re the Marriage of

Pamela Sunderman,

Appellee,

and

Steven Sunderman,

Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE WELLING  
Schock and Berger\*, JJ., concur

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

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Court of Appeals No. 23CA1518  
Mesa County District Court No. 21DR210  
Honorable Gretchen B. Larson, Judge

In re the Marriage of

Elizabeth Eileen Weathers, n/k/a Elizabeth Eileen Kruger,

Appellee,

and

Dusten Ray Weathers,

Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE YUN  
Dunn and Moultrie, JJ., concur

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

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Court of Appeals No. 23CA1523  
Weld County District Court No. 17JV682  
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Appellee,

In the Interest of An.A. and Ar.A., Childs-Appellants,

and Concerning R.C.,

Appellee.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE MOULTRIE  
Yun and Davidson\*, JJ., concur

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

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Court of Appeals No. 23CA1533  
Jefferson County District Court No. 21CV30491  
Honorable Tamara S. Russell, Judge

Resort Valley Ranch East Inc., a Colorado corporation,

Plaintiff-Appellant,

v.

Dorothy Bartoletti; Vincent Bartoletti; Jefferson County, Colorado; and Bradley  
Allen Sims,

Defendants-Appellees,

Daniel Daru; Fredda Sibley; and Randy Sibley,

Defendants.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE YUN  
Moultrie and Davidson\*, JJ., concur

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

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Court of Appeals No. 23CA1629  
Elbert County District Court No. 23CV30047  
Honorable Theresa Slade, Judge

Carlton Bert and Shari Bert,

Plaintiffs-Appellees,

v.

Chad E. Evans and Evans Performance Horses, LLC,

Defendants-Appellants.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE PAWAR  
Navarro and Johnson, JJ., concur

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

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Court of Appeals No. 23CA1645  
Douglas County District Court No. 20CV30437  
Honorable Gary M. Kramer, Judge

Board of County Commissioners of the County of Douglas, Colorado,

Plaintiff-Appellee,

v.

Renee Sweet,

Defendant-Appellant.

ORDERS AFFIRMED

Division VI  
Opinion by JUDGE SCHUTZ  
Lipinsky and Bernard\*, JJ., concur

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

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Court of Appeals No. 23CA1817  
Weld County District Court No. 19JV765  
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Jay. P., Jae. P., and J.S., Children,

and Concerning K.P.,

Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE SULLIVAN  
Fox and Grove, JJ., concur

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

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Court of Appeals No. 23CA1832  
Adams County District Court No. 21JV277  
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

In the Interest of P.G-E., a Child,

and Concerning C.T.,

Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE LUM  
Harris and Brown, JJ., concur

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

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Court of Appeals No. 23CA1971  
Arapahoe County District Court No. 20JV540  
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning G.L.A.,

Appellant.

JUDGMENT AFFIRMED

Division A

Opinion by JUDGE GRAHAM\*  
Román, C.J., and Richman\*, J., concur

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

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Court of Appeals No. 23CA2023  
Mesa County District Court No. 23JV62  
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.H., E.H., A.H., and V.H., Children,

and Concerning S.K.,

Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE SCHOCK  
Welling and Taubman\*, JJ., concur

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

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Court of Appeals No. 24CA0167  
Otero County District Court No. 23JV30007  
Honorable Samuel S. Vigil, Judge

The People of the State of Colorado,

Appellee,

In the Interest of N.R. and E.A.R., Children,

and Concerning V.V.,

Appellant.

JUDGMENT AFFIRMED

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

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

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