

ANNOUNCEMENTS
Colorado Court of Appeals
August 8, 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

[2024COA84](#)
Court of Appeals No. [21CA1256](#)
Pueblo County District Court No. 19CR2075
Honorable Allison Patricia P. Ernst, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Christopher Cuevas,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN*
Welling and Schock, JJ., concur

[2024COA85](#)

Court of Appeals No. [22CA0822](#)

City and County of Denver District Court No. 19CV32022

Honorable Andrew P. McCallin, Judge

HMLL LLC, a Florida limited liability company,

Plaintiff-Appellant,

v.

MJM Holdings Limited, a Colorado limited liability company, Avniel Wellner,
and ORAM, LLC, a Colorado limited liability company,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI

Opinion by JUDGE WELLING
Lipinsky and Gomez, JJ., concur

[2024COA86](#)

Court of Appeals No. [23CA0873](#)

Douglas County District Court No. 06DR1123

Honorable Robert Lung, Judge

In re the Marriage of

Kathleen M. Gallo,

Appellee,

and

James E. Gallo,

Appellant.

ORDER AFFIRMED

Division VI

Opinion by JUDGE SCHUTZ
Freyre and Lipinsky, JJ., concur

[2024COA87](#)

Court of Appeals No. [23CA1141](#)

City and County of Denver District Court No. 19CV30732

Honorable Shelley I. Gilman, Judge

Barbara Trudgian,

Plaintiff-Appellant and Cross-Appellee,

v.

LM General Insurance Company,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED AND
CROSS-APPEAL DISMISSED

Division IV

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

[2024COA88](#)

Court of Appeals No. [23CA1316](#)

El Paso County District Court No. 22JV30307

Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.B. and J.S.,

Appellants.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II

Opinion by JUDGE GROVE
Sullivan, J., concurs
Fox, J., dissents

[2024COA89](#)

Court of Appeals No. [23CA1704](#)

Mesa County District Court No. 21CV30108

Honorable Valerie J. Robison, Judge

Grand Junction Peace Officers' Association, a/k/a Grand Junction Police Officers' FOP Lodge 68, on behalf of its members and on behalf of all others similarly situated,

Plaintiff-Appellant,

v.

City of Grand Junction; Claudia Hazelhurst, in her individual and official capacity; Jodilyn Romero, n/k/a Jodilyn Welch, in her individual and official capacity; and Gregory Caton, in his individual and official capacity,

Defendants-Appellees.

APPEAL DISMISSED IN PART, JUDGMENT AFFIRMED,
AND CASE REMANDED WITH DIRECTIONS

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

[2024COA90](#)

Court of Appeals No. [23CA1761](#)

Montrose County District Court No. 22JV30033

Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.M., L.M., M.M., P.M., and D.H., Children,

and Concerning V.M. and T.M.,

Appellants.

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

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

UNPUBLISHED OPINIONS

Court of Appeals No. 20CA0764
Jefferson County District Court No. 19CR2061
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Clayton Johnson,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA1324
Mesa County District Court No. 19CR1631
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Bingham,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE RICHMAN*
Lipinsky and Gomez, JJ., concur

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

Court of Appeals No. 22CA0472
Routt County District Court No. 19CR113
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Susan Cheryl Driggers,

Defendant-Appellant.

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

Division I
Opinion by JUDGE SCHOCK
J. Jones and Welling, JJ., concur

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

Court of Appeals No. 22CA0508
Weld County District Court No. 19CR1391
Honorable Timothy Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stephen D. Garcia,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BROWN
Harris and Lum, JJ., concur

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

Court of Appeals No. 22CA0748
City and County of Denver District Court No. 15CR5700
Honorable Jennifer B. Torrington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Damon D. Newman,

Defendant-Appellant.

ORDER REVERSED, JUDGMENT REVERSED,
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BROWN
Harris and Lum, JJ., concur

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

Court of Appeals No. 22CA1056
Pitkin County District Court No. 20CR76
Honorable Christopher G. Seldin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anton Tower Thompson,

Defendant-Appellant.

SENTENCE AFFIRMED

Division I
Opinion by JUDGE SCHOCK
J. Jones and Welling, JJ., concur

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

Court of Appeals No. 22CA1507
Larimer District Court No. 20CR219
Honorable Stephen J. Jouard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Susan Anne Holmes,

Defendant-Appellant.

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

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

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

Court of Appeals No. 22CA1767
Jefferson County District Court No. 21CR1812
Honorable Russell Klein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kent David Sanchez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA2148
Pueblo County District Court No. 21CR1583
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fred Joe Martinez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE HARRIS
Brown and Lum, JJ., concur

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

Court of Appeals No. 23CA0746
Delta County District Court No. 21JV62
Honorable Steven L. Schultz, Judge

The People of the State of Colorado,

Appellee,

In the Interest of B.S.P. and J.N.A., Children,

and Concerning S.N.K.,

Appellant.

JUDGMENT REVERSED 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. 23CA0750
Jefferson County District Court No. 14CR2357
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Mark Dalton,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE TOW
Gomez and Kuhn, JJ., concur

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

Court of Appeals No. 23CA0945
City and County of Denver District Court No. 22CV30400
Honorable Kandace C. Gerdes, Judge

Todd Carrasco,

Plaintiff-Appellant,

v.

Copenna Corporation d/b/a Anthony's Pizza and Pasta,

Defendant-Appellee.

JUDGMENT REVERSED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA1322
City and County of Denver District Court No. 22CV32956
Honorable Kandace C. Gerdes, Judge

Frank Sturgell,

Plaintiff-Appellant,

v.

Colorado Department of Public Health and Environment, the State Health Department; Jill Ryan, in her official capacity; Randy Kuykendall, in his official capacity; Jeff Beckman, in his official capacity; Eric France, in his official capacity; Shelley Sanderman, in her official capacity; and Monica Wilkerson, in her official capacity,

Defendants-Appellees.

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

Division VI
Opinion by JUDGE SCHUTZ
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 23CA1354
Boulder County District Court No. 19PR631
Honorable Dea M. Lindsey, Judge

In re the Estate of Mark Stephen Russell, deceased.

Shawn S. Russell,

Appellant,

v.

Libby Peevy,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 23CA1399
Garfield County District Court No. 22CV30143
Honorable Anne K. Norrdin, Judge

Alonso Serrano-Saenz,

Plaintiff-Appellant,

v.

Marta Gisela Gutierrez,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA1462
El Paso County District Court No. 15DR30082
Honorable Catherine Mitchell Helton, Judge

In re the Marriage of

Amanda L. Taylor, n/k/a Amanda L. Camilleri,

Appellant,

and

Adam Joseph Mae Rucker,

Appellee,

and Concerning

Jorge D. Lopez,

Intervenor-Appellee

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE WELLING

J. Jones and Schock, JJ., concur

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

Court of Appeals No. 23CA1622
Eagle County District Court No. 22CV30163
Honorable Paul R. Dunkelman, Judge

Vail Corporation, a Colorado corporation,

Plaintiff-Appellant,

v.

Vail Town Council, the governing body of the Town of Vail,

and

Town of Vail, a home rule municipality in the State of Colorado,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA1720
El Paso County District Court No. 20JV536
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning H.C.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE GOMEZ
Tow and Kuhn, JJ., concur

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

Court of Appeals No. 23CA1738
City and County of Denver District Court No. 23CV76
Honorable Kandace C. Gerdes, Judge

Metro West Housing Solutions,

Plaintiff-Appellee,

v.

Genesis Romero,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA1872
El Paso County District Court No. 21PR31521
Honorable Kristen Hoffecker, Magistrate

In the Matter of Iryna Hermanovna Mokhnoshchokova, a/k/a Iryna
Hermanovna Stone, Protected Person,

Appellant,

v.

Patrick Mazza,

Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE KUHN
Tow and Gomez, JJ., concur

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

Court of Appeals No. 23CA1989
Fremont County District Court No. 2023CV46
Honorable Larry D. Allen, Magistrate

Charles McMillian,

Plaintiff-Appellant,

v.

Executive Director of Colorado Department of Corrections,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 24CA0022 and 24CA0023
Adams County District Court No. 22JV101 and 22JV31
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.B.H.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 24CA0055
City and County of Denver Juvenile Court No. 22JV229
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Z.L.W.G-J., a Child,

and Concerning H.M.V.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 24CA0126
Jefferson County District Court No. 21JV287
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of B.B., II, a Child,

and Concerning B.B.,

Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE J. JONES
Welling and Schock, JJ., concur

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

Court of Appeals No. 24CA0300
Douglas County District Court No. 21JV126
Honorable H. Clay Hurst, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.A-V., Jr.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 24CA0910
Pueblo County District Court No. 24MH30025
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Jarrod Taylor Rothwell,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE SCHOCK
J. Jones and Welling, JJ., concur

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

PETITIONS FOR REHEARING

Court of Appeals No. 21CA1967

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Karrar Noaman Al-Khammasi,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0077

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emily Elizabeth Cohen,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA2184

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angel Adrian Castro-Velasquez,

Defendant-Appellant.

Opinion Modified
Petition for Rehearing DENIED

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

2024COA73

Court of Appeals No. 23CA0106

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Thomas Hupke,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 23CA1034

Benjamin E. Davenport and Kirk A. Smith,

Plaintiffs-Appellants,

v.

Phillip A. Parrott and Campbell Killin Brittan & Ray, LLC, a Colorado limited liability company,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA1697

In re the Parental Responsibilities Concerning S.S., a Child,

and Concerning FNU Rajinder Kaur,

Appellant,

and

Dalbir Kaur and Gurbhej Singh,

Appellees.

Petition for Rehearing DENIED

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

2024COA74
Court of Appeals No. 23CA1827

Craig Hospital, a Colorado non-profit corporation,
Plaintiff-Appellant,

v.

Blue Cross Blue Shield of Kansas, a Kansas
corporation,

Defendant-Appellee.

Petition for Rehearing DENIED

Court of Appeals No. 24CA0118

Santiagos Chambers, LLC, and Fire Insurance Exchange,
Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Roman Calderon
Araiza,

Respondents.

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.