

ANNOUNCEMENTS
Colorado Court of Appeals
August 15, 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

[2024COA91](#)
Court of Appeals No. [19CA1629](#)
Saguache County District Court No. 17CR27
Honorable Amanda C. Hopkins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald L. Garcia,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TOW
Berger* and Richman*, JJ., concur

Prior Opinion Announced July 28, 2022, Reversed in 22SC633

[2024COA92](#)

Court of Appeals No. [22CA1327](#)

San Miguel County District Court No. 10DR38

Honorable Mary E. Deganhart, Judge

In re the Marriage of

John Michael Humphries,

Appellee,

and

Elizabeth Marshall Covington,

Appellant.

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

Division V

Opinion by JUDGE JOHNSON

Freyre and Brown, JJ., concur

[2024COA93](#)

Court of Appeals No. [23CA1406](#)

Huerfano County District Court No. 21CV30020

Honorable M. Jon Kolomitz, Judge

Henry L. Solano, District Attorney for the Third Judicial District, in his official capacity and on behalf of the Third Judicial District Attorney's Office,

Plaintiff-Appellee,

v.

Bruce Newman, Huerfano County Sherriff and Huerfano County Sheriff's Office,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE JOHNSON

Navarro and Pawar, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 21CA1146
Adams County District Court No. 20CR1011
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ruben Melendez-Carrera,

Defendant-Appellant.

ORDER VACATED

Division III
Opinion by JUDGE DUNN
Yun and Moultrie, JJ., concur

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

Court of Appeals No. 21CA1711
Jefferson County District Court No. 20CR2228
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Robin Day,

Defendant-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. 21CA1789
El Paso County District Court No. 19CR6848
Honorable Erin Sokol, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fredrick Stanley Young,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE DUNN
Yun and Moultrie, JJ., concur

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

Court of Appeals No. 22CA0107
Araphoe County District Court No. 21CR81
Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Acevedo,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
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. 22CA0921
Weld County District Court No. 19CR1392 & 20CR1480
Honorable Vincente G. Vigil, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mauricio Madrid,

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)

Court of Appeals No. 22CA1048
Mesa County District Court No. 20CR1712
Honorable Gretchen B. Larson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Todd Le Ber,

Defendant-Appellant.

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

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. 22CA1065
Boulder County District Court No. 20CR925
Honorable Norma A. Sierra, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Lawrence Martinez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1130
El Paso County District Court No. 21CR6963
Honorable Frances R. Johnson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jaimer Jonique Johnson,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by JUSTICE MARTINEZ*
Román, C.J., and Richman*, J., concur

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

Court of Appeals No. 22CA1768
Pueblo County District Court No. 20CR7
Honorable Amiel Markenson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ysidro Derrick Longoria Jr.,

Defendant-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. 22CA2110
El Paso County District Court No. 21CR5711
Honorable Eric Bentley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Madison Woodford,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0033
El Paso County District Court No. 04CR607
Honorable David A. Gilbert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sidney Marion Blake,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 23CA0101
Arapahoe County District Court No. 01CR1925
Honorable Joseph Whitfield, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bradley K. Hogue,

Defendant-Appellant.

ORDER 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. 23CA0467
Eagle County District Court No. 05CR324
Honorable Paul R. Dunkelman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles A. Gross,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE HAWTHORNE*
Johnson and Graham*, JJ., concur

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

Court of Appeals No. 23CA0820
Jefferson County District Court No. 22DR30455
Honorable Russell Klein, Judge

In re the Marriage of

Thomas Albert Beck,

Appellant,

and

Tina Marie Beck,

Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0982
Archuleta County District Court No. 18JV12
Honorable Jeffrey R. Wilson, Judge

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

and Concerning C.D.,

Appellee,

and

A.H.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA1171
Arapahoe County District Court No. 21DR31538
Honorable Cynthia Mares, Judge

In re the Marriage of

Ashenafi Hydebo Madebo,

Appellee and Cross-Appellant,

and

Sedey Abate Mersha,

Appellant and Cross-Appellee.

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. 23CA1176
Mesa County District Court No. 20CR167
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Erik Shane Craig,

Defendant-Appellant.

SENTENCES AFFIRMED

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

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

Court of Appeals No. 23CA1198
Arapahoe County District Court No. 21JV362
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.H.,

Appellant.

JUDGMENT REVERSED

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. 23CA1318
Archuleta County District Court No. 12JV35
Honorable Jeffrey R. Wilson, Judge

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

and Concerning N.F.,

Appellant,

and

L.L.S,

Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA1536
City and County of Denver District Court No. 23CV417
Honorable Andrew J. Luxen, Judge

Mercy Housing Management Group, Inc.,

Plaintiff-Appellee,

v.

Devette Johnson,

Defendant-Appellant.

JUDGMENT REVERSED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA1667
City and County of Denver District Court No. 22CV31893
Honorable Mark T. Bailey, Judge

Jennifer GaNun and Andrew Thomas,

Plaintiffs-Appellants,

v.

Epic on the Park Homeowners Association, Inc., a Colorado nonprofit
corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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. 23CA1677
Jefferson County District Court No. 23CV98
Honorable Lindsay VanGilder, Judge

Amanda Schreiber,

Plaintiff-Appellant,

v.

Colorado Department of Revenue, Division of Motor Vehicles,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA1688
Montrose County District Court No. 21CR415
Honorable Keri A. Yoder, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Justin Franklin Davenport,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA1839
Pitkin County District Court No. 22DR30019
Honorable Christopher G. Seldin, Judge

In re the Marriage of

Tharyn Dean Mulberry,

Appellee,

and

Narendra Geneva Kristine Conway,

Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE FREYRE
Schutz and Martinez*, JJ., concur

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

Court of Appeals No. 23CA1876
Jefferson County District Court No. 22JV30228
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning T.S.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA2055
Jefferson County District Court No. 20CV30241
Honorable Todd L. Vriesman, Judge

Albert Gonzales,

Plaintiff-Appellant,

v.

Fresh Beets Kitchen, LLC, a Colorado limited liability company; Nicholas
Allmond; and Olivia Dungey,

Defendants-Appellees.

JUDGMENT 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. 24CA0088
Larimer County District Court No. 22JV30064
Honorable C. Michelle Brinegar, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.H., III, a Child,

and Concerning A. S.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 24CA0281
El Paso County District Court No. 22JV218
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.F.J. and K.N.J., Children,

and Concerning A.L.J.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 24CA0805
Kiowa County District Court No. 24MH1
Honorable Samuel S. Vigil, Judge

In the Matter of Laura Catherine Lindholm, Ward,

Kenneth Lindholm and Nora Elaine Lindholm,

Petitioners-Appellees,

v.

Laura Catherine Lindholm,

Respondent-Appellant.

ORDER AFFIRMED

Division IV

Opinion by JUDGE HAWTHORNE*
Navarro and Johnson, JJ., concur

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

PETITIONS FOR REHEARING

Court of Appeals No. 22CA0688

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Willow Muth,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA1905

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Keith McCoy,

Defendant-Appellant.

Opinion Modified on the Court's Own Motion
and Petition for Rehearing DENIED

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

Court of Appeals Nos. 22CA2186 & 23CA0663

Joseph Duran,

Plaintiff-Appellee,

v.

Jaclyn Montoya, John Kosmicki, and Kosmicki Investment Services, LLC,

Defendants-Appellants.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA0840

Jeremiah Casper,

Plaintiff-Appellant,

v.

Lou Vallario, Garfield County Sheriff; Jim Myer, Jail Commander; and Sgt. Brassfield,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA1645

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

Plaintiff-Appellee,

v.

Renee Sweet,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA2005

Quarky, LLC, a Texas limited liability company,

Plaintiff-Appellant,

v.

Norman M. Gabrick,

Defendant-Appellee,

and

Han Sarah Glickman,

Intervenor-Appellee.

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. 2023.