

ANNOUNCEMENTS  
Colorado Court of Appeals  
August 22, 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**

[2024COA94](#)  
Court of Appeals No. [22CA1805](#)  
Otero County District Court No. 21CR71  
Honorable Mark A. MacDonnell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Perez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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[2024COA95](#)

Court of Appeals No. [22CA2182](#)  
Boulder County District Court No. 20DR30188  
Honorable William G. Meyer, Judge

In re the Marriage of

Sarah Bland Smith,

Appellee,

and

James F. Butterworth,

Appellant.

JUDGMENT AFFIRMED

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

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[2024COA96](#)

Court of Appeals No. [23CA1214](#)  
Boulder County District Court No. 18CV30556  
Honorable Dea M. Lindsey, Judge

Dean Houser,

Plaintiff-Appellant,

v.

CenturyLink, Inc.; Glen F. Post, III; R. Stewart Ewing, Jr.; David D. Cole;  
William A. Owens; Martha H. Bejar; Virginia Boulet; Peter C. Brown; W. Bruce  
Hanks; Jeffrey K. Storey; Steven T. Clontz; Mary L. Landrieu; Gregory J.  
McCray; Harvey P. Perry; Michael J. Roberts; Laurie A. Siegel; and Sunit S.  
Patel,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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[2024COA97](#)

Court of Appeals No. [24CA0252](#)  
Pueblo County District Court No. 23CV58  
Honorable Stephen J. Sletta, Judge

Misty Bennett,

Plaintiff-Appellee,

v.

Colorado Department of Revenue, Division of Motor Vehicles,

Defendant-Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH INSTRUCTIONS

Division A  
Opinion by JUDGE KUHN  
Gomez and Schock, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 19CA2302  
Arapahoe County District Court No. 17CR3189  
Honorable Andrew C. Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Paul Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 21CA1498  
Mesa County District Court No. 20CR477  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Anthony Foster,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 22CA0188  
Arapahoe County District Court No. 03CR439  
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Robert Williams,

Defendant-Appellant.

ORDER AFFIRMED

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. 22CA0372  
El Paso County District Court No. 20CR5016  
Honorable Eric Bentley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Caleb Schwenk,

Defendant-Appellant.

JUDGMENT AFFIRMED

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. 22CA1055  
City and County of Denver District Court No. 20CR5702  
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ramon K. Nero,

Defendant-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. 22CA1230  
City and County of Denver District Court No. 17CR8121  
Honorable Jay S. Grant, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rudy R. Herrera,

Defendant-Appellant.

APPEAL DISMISSED

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

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

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Court of Appeals No. 22CA2005  
Broomfield County District Court No. 20DR30057  
Honorable Sean Finn, Judge

In re the Marriage of

Frederick Terry,

Appellant,

and

Michelle Terry,

Appellee.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 23CA0334  
City and County of Denver District Court No. 20CR2589  
Honorable Eric M. Johnson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Philipp Mendoza,

Defendant-Appellant.

ORDER AFFIRMED

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. 23CA1072  
Las Animas County District Court No. 18CV28  
Honorable Pierce L. Fowler, Judge

Michael Farrow,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of  
Trinidad Correctional Facility,

Defendants-Appellees.

JUDGMENT REVERSED 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)**

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Court of Appeals No. 23CA1222  
Weld County District Court No. 22DR30047  
Honorable Randall C. Lococo, Magistrate

In re the Marriage of

Anel Rangel,

Appellee,

and

Joel Rene Vazquez Vargas,

Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 23CA1260  
Jefferson County District Court No. 11CR2082  
Honorable Robert Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachariah Clark Dobler,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 23CA1299  
Board of Assessment Appeals Case No. 70454

Lodge Properties, Inc.,

Petitioner-Appellee,

v.

Eagle County Board of Equalization,

Respondent-Appellant

and

Board of Assessment Appeals,

Appellee.

ORDER REVERSED 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)**

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Court of Appeals No. 23CA1428  
Jefferson County District Court No. 21CV30839  
Honorable Randall C. Arp, Judge

Mile Hi Veterans, a Colorado nonprofit corporation, and Mile Hi Veterans  
Services, a Colorado nonprofit corporation,

Plaintiffs-Appellees and Cross-Appellants,

v.

Roberta Vigil Moreno,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 23CA1501  
Boulder County District Court No. 21CV30778  
Honorable Dea M. Lindsey, Judge

RBL Financial LLC,

Plaintiff,

v.

Main 434 LLC,

Defendant-Appellee,

and Concerning Angelique Layton,

Other Interested Party-Appellant.

JUDGMENT AFFIRMED 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. 23CA1562  
El Paso County District Court No. 22DR30262  
Honorable David Prince, Judge

In re the Marriage of

Allyson Ann McCale,

Appellant,

and

Donald Richard McCale, III,

Appellee.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,  
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)**

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Court of Appeals No. 23CA1679  
Routt County District Court No. 21CV30073  
Honorable Michael A. O'Hara III, Judge

Evanrich Investment Holdings LLC and Richard Gaines,

Plaintiffs-Appellees,

v.

Michele Evans and Timothy Evans,

Defendants-Appellants.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA1861  
Mesa County District Court No. 16JD5012  
Honorable Matthew D. Barrett, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.M.H.,

Juvenile-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE JOHNSON  
Graham\* and Hawthorne\*, JJ., concur

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

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Court of Appeals No. 23CA1871  
Mesa County District Court No. 17JD77  
Honorable Lance P. Timbreza Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of S.M.H.,

Juvenile-Appellant.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE JOHNSON  
Graham\* and Hawthorne\*, JJ., concur

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

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Court of Appeals No. 23CA1874  
Weld County District Court No. 22PR30540  
Honorable Julie C. Hoskins, Judge

In the Interest of,

Roberta Louise Green, Protected Person/Ward,

Anne B. Jorgensen, Jorgensen, Brownell & Pepin, P.C.,

Appellant,

v.

Roberta Louise Green,

Appellee.

ORDERS AFFIRMED

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. 23CA2238  
Adams County District Court No. 23JV30080  
Honorable Emily Lieberman, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning Jo.M.S.,

Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE JOHNSON  
Graham\* and Hawthorne\*, JJ., concur

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

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## **PETITIONS FOR REHEARING**

[2024COA37M](#)

Court of Appeals No. [21CA1539](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gilberto Andres Montoya,

Defendant-Appellant.

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

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Court of Appeals No. 21CA1822

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Michael Pride,

Defendant-Appellant.

Opinion Modified  
Petition for Rehearing GRANTED

**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. 2024.