

ANNOUNCEMENTS
Colorado Court of Appeals
August 29, 2024

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PUBLISHED OPINIONS

[2024COA98](#)
Court of Appeals No. [22CA0897](#)
Mesa County District Court No. 20CR1535
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mackenzie Anne Gillespie,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

UNPUBLISHED OPINIONS

Court of Appeals No. 22CA0913
Summit County District Court No. 20CV30124
Honorable Mark D. Thompson, Judge

Holly Crystal,

Plaintiff-Appellant,

v.

Kathryn Marrone, Billy Joe North, Marilyn North, Gail M O'Malley Revocable
Trust, and Parkside Townhomes 1,

Defendants-Appellees.

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

Division III
Opinion by JUDGE SCHUTZ
J. Jones, J concurs
Johnson, J., concurs in part and dissents in part

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

Court of Appeals No. 22CA0920
City and County of Broomfield District Court No. 20CR153
Honorable Sharon Holbrook, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kyle Bradley Case,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1035
El Paso County District Court No. 21CR142
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shannon Evette Burton,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1084
Jefferson County District Court No. 21CR1581
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Phillip Marcus Albritton,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1847
Summit County District Court No. 20CV30124
Honorable Mark D. Thompson, Judge

Holly Crystal,

Plaintiff-Appellant,

v.

Kathryn Marrone, Billy Joe North, Marilyn North, Gail M. O'Malley Revocable
Trust, and Parkside Townhomes 1,

Defendants-Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE SCHUTZ
J. Jones, J., concurs
Johnson, J., dissents

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

Court of Appeals No. 22CA1968
Larimer County District Court No. 21CR460
Honorable Laurie K. Dean, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dennis J. Gist,

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. 23CA0515
Mesa County District Court No. 22CR644
Honorable Jeremy L. Chaffin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremy Allen Richards,

Defendant-Appellant.

ORDER 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. 23CA1099
El Paso County District Court No. 20CV31169
Honorable Michael P. McHenry, Judge

Shawn A. Smith,

Plaintiff-Appellee,

v.

Ronald S. Bowman; Ronald S. Burgar, as Trustee of the Lois M. Burgar Trust dated December 2, 1998; Marian G. Carter; Bruce Bradley Schardt; Lori Anne Schardt; Michal Railsback; Lindsay Ann Railsback; James F. Higgins, Jr.; and Audrey M. Higgins f/k/a Audrey M. Miller,

Defendants-Appellants.

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)

Court of Appeals No. 23CA1126
Boulder County District Court No. 22CV162
Honorable Timothy L. Johnson, Magistrate

Steven Lawrence Pacheco,

Plaintiff-Appellant,

v.

Alexandra Deanne Pacheco,

Defendant-Appellee.

JUDGMENT 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. 23CA1135
Jefferson County District Court No. 16CV30654
Honorable Diego G. Hunt, Judge

Laurie Nakauchi,

Plaintiff-Appellant,

v.

Larry Desbien, in his official capacity as State Director of Colorado Child Support Services, and Michelle Barnes, in her official capacity as Executive Director of the Colorado Department of Human Services,

Defendants-Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE WELLING
Martinez* and Taubman*, JJ., concur

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

Court of Appeals No. 23CA1269
Larimer County District Court No. 12DR150
Honorable Joseph D. Findley, Judge

In re the Parental Responsibilities Concerning S.L., a Child,
and Concerning Susan McClain,

Appellee,

and

Lisa Lipsie,

Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE GOMEZ
Kuhn, J., concurs
Richman*, J., dissents

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

Court of Appeals No. 23CA1402
City and County of Denver District Court No. 08CR5807
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dexter Harris,

Defendant-Appellant.

ORDER 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. 23CA1606
Jefferson County District Court No. 22CV30839
Honorable Meegan A. Miloud, Judge

Michael Wright,

Plaintiff-Appellant,

v.

Trina Boyd,

Defendant-Appellee.

JUDGMENT AFFIRMED 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. 23CA1786
Adams County District Court No. 22DR30393
Honorable Rayna Gokli McIntyre, Judge

In re the Marriage of

Alexander Porter,

Appellant,

and

Bianca Porter,

Appellee.

JUDGMENT 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)

Court of Appeals No. 23CA2018
City and County of Denver Juvenile Court No. 23JV30160
Honorable Pax Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of D.M-K.B., a Child,

and Concerning T.L.T., a/k/a T.L.S.T.,

Appellant.

JUDGMENT AFFIRMED

Division V

Opinion by JUDGE RICHMAN*
Brown and Graham*, JJ., concur

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

Court of Appeals No. 23CA2106
El Paso County District Court No. 21JV365
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Kay.W., Kai.W., E.W., D.W., and S.W., Children,

and Concerning K.L.W.,

Appellant.

JUDGMENT 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)

Court of Appeals No. 23CA2126
El Paso County District Court No. 22JV30200
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning T.H. and T.L.L.,

Appellants.

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. 23CA2198
La Plata County District Court No. 23CR239
Honorable Suzanne F. Carlson, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Anthony Rudolfo Martinez,

Defendant-Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE YUN
Graham, J., concurs
Welling, J., dissents

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

Court of Appeals No. 24CA0130
El Paso County District Court No. 22JV30080
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.W.C., a Child,

and Concerning C.C.,

Appellant.

JUDGMENT AFFIRMED

Division IV

Opinion by JUDGE JOHNSON
Navarro and Hawthorne*, JJ., concur

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

Court of Appeals No. 24CA0224
Fremont County District Court No. 22JV30030
Honorable Kaitlin B. Turner, Judge

The People of the State of Colorado,

Appellee,

In the Interest of G.A.R.L., a Child,

and Concerning P.R., and M.T.L.,

Appellants.

JUDGMENT AFFIRMED

Division III

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

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

Court of Appeals No. 24CA0248
Industrial Claim Appeals Office of the State of Colorado
DD No. 29839-2023

Rayna Albaugh,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Twin Creeks Quad
Sisters, Inc,

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE BERGER*
Román, C.J., and Hawthorne*, J., concur

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

Court of Appeals No. 24CA0533
Industrial Claim Appeals Office of the State of Colorado
DD No. 637-2024

Cindy Barstow,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and City of Redlands,

Respondents.

ORDER 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. 24CA0727
Industrial Claim Appeals Office of the State of Colorado
DD No. 2965-2024

Melissa Malczewski,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Colorado State
Department of Corrections 440001,

Respondents.

ORDER AFFIRMED

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

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

PETITIONS FOR REHEARING

Court of Appeals No. 22CA2213

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marshall M. Hughes,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA2273

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin Eugene Davenport,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA2274

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kirk Adam Smith,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA1226

HCPI/CO Springs Ltd. Partnership,

Petitioner-Appellee,

v.

El Paso County Board of Commissioners,

Respondent-Appellant,

and

Board of Assessment Appeals,

Appellee.

Petition for Rehearing DENIED

Court of Appeals No. 23CA1872

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

Appellant,

v.

Patrick Mazza,

Appellee.

Petition for Rehearing DENIED

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

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MODIFIED OPINIONS

[2024COA92M](#)

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

Opinion Modified
on the Court's Own Motion

[2024COA93M](#)

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

Opinion Modified
On the Court's Own Motion

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2024.