

ANNOUNCEMENTS
Colorado Court of Appeals
September 19, 2024

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PUBLISHED OPINIONS

[2024COA103](#)
Court of Appeals No. [23CA1114](#)
Boulder County District Court No. 21DR30454
Honorable Bruce Langer, Judge

In re the Marriage of

Marcello Capparelli,

Appellant,

and

Catherine Cho Capparelli,

Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2024COA104](#)

Court of Appeals No. [23CA1288](#)

Washington County District Court No. 22CV4

Honorable Justin B. Haenlein, Judge

April Katri Arnold,

Plaintiff-Appellant,

v.

Nelson Brent,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE MOULTRIE
Fox and Schutz, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 22CA0105
El Paso County District Court No. 21CR335
Honorable Jill M. Brady, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Lee Silva,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE DUNN
Navarro and Gomez, JJ., concur

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

Court of Appeals No. 22CA0351
City and County of Denver District Court No. 21CR2577
Honorable Ericka F.H. Englert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Randul L. Skinner,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE DUNN
Navarro and Gomez, JJ., concur

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

Court of Appeals No. 22CA0502
City and County of Denver District Court No. 19CR8720
Honorable Eric M. Johnson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gene J. Barber,

Defendant-Appellant.

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

Division III
Opinion by JUDGE GOMEZ
Dunn and Navarro, JJ., concur

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

Court of Appeals No. 22CA1304
Jefferson County District Court No. 21CR590
Honorable Robert Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Modesto Hernandez Flores,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE NAVARRO
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 22CA1427
La Plata County District Court No. 16CR224
Honorable Kim S. Shropshire, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Nelson Wright,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE BROWN
Welling and Moultrie, JJ., concur

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

Court of Appeals Nos. 22CA2275 & 23CA0621
Fremont County District Court No. 21DR30106
Honorable Lynette M. Wenner, Judge

Devon Deyarman Herndon,

Appellant,

v.

Clancy James Clark,

Appellee.

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

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

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

Court of Appeals No. 23CA0669
Arapahoe County District Court No. 21CR2207
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee

v.

Luis Martin Estrada,

Defendant-Appellant.

JUDGEMENT AFFIRMED

Division V
Opinion by JUDGE GROVE
Freyre and Lum, JJ., concur

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

Court of Appeals No. 23CA0756
Fremont County District Court No. 22CV72
Honorable Lynette M. Wenner, Judge

David Ruffin,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of
Colorado State Penitentiary,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE GROVE
Tow and Lipinsky, JJ., concur

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

Court of Appeals No. 23CA0891
El Paso County District Court No. 21CV31668
Honorable William B. Bain, Judge

TCPA Litigator List,

Plaintiff-Appellant,

v.

Adam Young; Tubmanburg Limited, a Bahamas corporation a/k/a Ringba; and
Ringba, LLC, a Delaware limited liability company,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE JOHNSON
Fox and Schock, JJ., concur

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

Court of Appeals No. 23CA1427
Jefferson County District Court No. 21CV30882
Honorable Jeffrey R. Pilkington, Judge

Mark Beard,

Plaintiff-Appellant,

v.

Max Parry,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Dunn and Navarro, JJ., concur

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

Court of Appeals No. 23CA1602
City and County of Denver District Court No. 22DR30695
Honorable Andrew P. McCallin, Judge

In re the Marriage of

Michael John Fibiger,

Appellee,

and

Tristen Anne Rogers,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE TOW
Pawar and Schutz, JJ., concur

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

Court of Appeals No. 23CA1689
Mesa County District Court No. 19CV30439
Honorable Matthew D. Barrett, Judge

Skeescorp, a Colorado corporation, Martin T. Skees, and Jodi Skees,

Plaintiffs-Appellees,

v.

Bo D. Simon and Bo Simon, Inc., a Colorado corporation,

Defendants-Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE SCHOCK
Fox and Johnson, JJ., concur

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

Court of Appeals No. 23CA1708
Weld County District Court No. 12DR787
Honorable Anita Crowther, Judge

In re the Marriage of

Shad Harold Byarlay,

Appellee,

and

Rachael Tippmann,

Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE KUHN
Gomez, J., concurs
Tow, J., dissents

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

Court of Appeals No. 23CA1760
Arapahoe County District Court No. 21JV229
Honorable Don J. Toussaint, Judge

The People of the State of Colorado,

Appellee,

In the Interest of P.M., Child-Appellant,

and L.M-J., a Child,

and Concerning A.M.,

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. 23CA1785
City and County of Denver District Court No. 22CV31321
Honorable Martin F. Egelhoff, Judge

Sisters of Color United for Education, d/b/a HEAL Denver, a Colorado
nonprofit corporation,

Plaintiff-Appellee,

v.

ACM Park Hill JV VII, LLC, a Delaware limited liability company,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE SCHUTZ
Tow and Pawar, JJ., concur

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

Court of Appeals No. 23CA1808
Mesa County District Court No. 20CV30321
Honorable Richard T. Gurley, Judge

Frank Payne, Katherine Payne, Jim Brincefield, Linda Brincefield, Claudia
Flight, Debby Warner, and Teresa Garner,

Plaintiffs-Appellants,

v.

The Ridgewood Heights Homeowners Association, Dennis Hoefler, Barbara
Hoefler, Kim Suplizio, Vonnie Folkers, and Jan Logan,

Defendants-Appellees.

JUDGMENT AFFIRMED 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)

Court of Appeals No. 23CA2022
Arapahoe County District Court No. 22CV226
Honorable Elizabeth Beebe Volz, Judge

Park View Community Association, Inc.,

Plaintiff-Appellant,

v.

Sandra L. Miller and Timothy Miller,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE TOW
Pawar and Schutz, JJ., concur

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

Court of Appeals No. 23CA2073
Boulder County District Court No. 17DR30329
Honorable Thomas F. Mulvahill, Judge

In re the Marriage of

Karla Rosete Kowalski, n/k/a Karla Rosete Nunez,

Appellee,

and

Robert Gerard Kowalski,

Appellant.

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

Division VII
Opinion by JUDGE TOW
Pawar and Schutz, JJ., concur

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

Court of Appeals No. 23CA2093
City and County of Denver District Court No. 23CV131
Honorable Shelley I. Gilman, Judge

Kerry Dyles,

Plaintiff-Appellant,

v.

Cost Fund 1, LLC, a Colorado limited liability company,

Defendant-Appellee.

JUDGMENT AND ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA2103
Boulder County District Court Nos. 19JV290 & 20JV283
Honorable Dea M. Lindsey, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Es.M.G., Ez.M.G., V.E.M. and Vi.M, Children,

and Concerning C.M.H.,

Appellant,

and V.M.,

Appellee.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE SCHUTZ
Tow and Pawar, JJ., concur

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

Court of Appeals No. 23CA2129
City and County of Denver District Court No. 22CV31321
Honorable Martin F. Egelhoff, Judge

Sisters of Color United for Education, d/b/a HEAL Denver, a Colorado
nonprofit corporation

Plaintiff-Appellee,

v.

ACM Park Hill JV VII, LLC, a Delaware limited liability company,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE SCHUTZ
Tow and Pawar, JJ., concur

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

Court of Appeals No. 24CA0012
El Paso County District Court No. 21JV701
Honorable Diana K. May, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.W., a Child,

and Concerning N.W.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Martinez* and Richman*, JJ., concur

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

Court of Appeals No. 24CA0125
Larimer County District Court No. 23CV160
Honorable Joseph D. Findley, Judge

James Frazier,

Plaintiff-Appellant,

v.

SummitStone Health Partners, a Colorado nonprofit corporation,

Defendant-Appellee.

APPEAL DISMISSED IN PART AND JUDGMENT AFFIRMED

Division I
Opinion by JUDGE LIPINSKY
J. Jones and Sullivan, JJ., concur

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

Court of Appeals No. 24CA0146
El Paso County District Court No. 23CV32007
Honorable William B. Bain, Judge

Exit Strategies Institute, LLC, as Trustee of the Craig W. Butterfield Family
Trust dated May 13, 1983,

Plaintiff-Appellee,

v.

Hause Associates, LLC, a Colorado limited liability company, d/b/a Nestago,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE DUNN
Navarro and Gomez, JJ., concur

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

Court of Appeals No. 24CA0385
Arapahoe County District Court No. 22JV30234
Honorable Victoria Klingensmith, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.M. Child,

and Concerning M.M.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE NAVARRO
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 24CA0623
Delta County District Court No. 23JV30007
Honorable Mary E. Deganhart, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.S.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Dunn and Navarro, JJ., concur

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

Court of Appeals No. 24CA1082
Pueblo County District Court No. 24MH30033
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Armand De Shaun Hayes,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE JOHNSON
Fox and Schock, JJ., concur

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

Court of Appeals No. 24CA1231
Pueblo County District Court No. 24MH30046
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of B.A.H.,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE LIPINSKY
J. Jones and Sullivan, JJ., concur

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. 2024.