

ANNOUNCEMENTS  
Colorado Court of Appeals  
December 26, 2024

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COLORADO COURT OF APPEALS  
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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**

[2024COA128](#)

Court of Appeals No. [24CA0190](#)  
Arapahoe County District Court No. 23CV198  
Honorable Elizabeth Beebe Volz, Judge

Alim Al-Hamim,

Plaintiff-Appellant,

v.

Star Hearthstone, LLC, and IRT Living,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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[2024COA129](#)

Court of Appeals No. [24CA1584](#)

City and County of Denver Probate Court No. 22MH229

Honorable Beth A. Tomerlin, Magistrate

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.N.W.,

Respondent-Appellant.

ORDER AFFIRMED

Division A

Opinion by JUDGE BERGER\*

Román, C.J., and Hawthorne\*, J., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 22CA0975  
Arapahoe County District Court No. 19CR2080  
Honorable Eric B. White, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Alan Mathews, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 22CA1355  
City and County of Denver District Court No. 21CR2074  
Honorable Christopher J. Baumann, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Alden Corey,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE TOW  
Pawar, J., concurs  
Schutz, J., specially concurs

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

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Court of Appeals No. 22CA2119  
Jefferson County District Court No. 21CR1403  
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne Darrell Nelson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE FREYRE  
Grove and Lum, JJ., concur

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

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Court of Appeals No. 23CA0083  
Mesa County District Court No. 21CA1934  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mary Catherine Brophy,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE J. JONES  
Lipinsky and Sullivan, JJ., concur

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

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Court of Appeals No. 23CA0967  
Douglas County District Court No. 22CR557  
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Courtland Walker,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA1053  
City and County of Broomfield District Court No. 22CR123  
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Aaron Medina,

Defendant-Appellant.

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

Division II  
Opinion by JUDGE FOX  
Johnson and Schock, JJ., concur

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

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Court of Appeals No. 23CA1881  
Summit County District Court No. 18CV30171  
Honorable Reed W. Owens, Judge

David C. Bradford and Anne E. Bradford,

Plaintiffs-Appellees and Cross-Appellants,

v.

Michelle Hart and Michelle Hart Trust,

Defendants-Appellants and Cross-Appellees.

ORDERS AFFIRMED

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

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

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Court of Appeals No. 23CA1945  
El Paso County District Court No. 19PR30166  
Honorable Vincent N. Rahaman, Magistrate

In the Interest of Martin Diego Acosta, Ward.

Alisa Acosta,

Appellant,

v.

Raul Acosta, Guardian for Martin Diego Acosta,

Appellee.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE YUN  
Harris and Kuhn, JJ., concur

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

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Court of Appeals No. 23CA1956  
City and County of Denver Probate Court No. 23PR30408  
Honorable Elizabeth D. Leith, Judge

In the Matter of the Estate of Dorene Gayla Whiteside, deceased.

Shlonda Butts-Cosby,

Appellant,

v.

Shellisa L. Holloway, Melissa Schwartz, and Ta'Sha Burt,

Appellees.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE KUHN  
Harris and Yun, JJ., concur

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

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Court of Appeals No. 23CA2028  
Arapahoe County District Court No. 22CR41  
Honorable Jacob A. Edson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shantail Horton,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE MOULTRIE  
Welling and Brown, JJ., concur

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

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Court of Appeals No. 23CA2130  
El Paso County District Court No. 22PR31869  
Honorable Vincent N. Rahaman, Magistrate

In the Matter of the Estate of Johnny B. Rice, deceased.

Harvey Sender, Bankruptcy Trustee,

Intervenor-Appellant,

v.

Annette Kunovic,

Appellee.

ORDER REVERSED AND CASE REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE MOULTRIE  
Welling and Brown, JJ., concur

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

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Court of Appeals No. 23CA2152  
Elbert County District Court No. 20CV30061  
Honorable Andrew C. Baum, Judge

Anthony Puca and Laura Puca,

Plaintiffs-Appellants,

v.

Earl E. Peterson, Caroline R. Peterson a/k/a Carol Peterson, and Elkhorn  
Ranch Homeowner's Association, Inc.,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE SULLIVAN  
J. Jones and Lipinsky, JJ., concur

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

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Court of Appeals No. 24CA0001  
Adams County District Court No. 21DR30567  
Honorable Rayna Gokli McIntyre, Judge

In re the Parental Responsibilities Concerning N.M.D., a Child,  
and Concerning Gary Lynn Duerksen,

Appellant,

and

Sara Rae Hanson,

Appellee.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 24CA0082  
Jefferson County District Court No. 22DR126  
Honorable Tamara S. Russell, Judge

In re the Marriage of

Erik G. Bradberry,

Appellee,

and

Heidi L. Bradberry,

Appellant.

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

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

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

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Court of Appeals No. 24CA0242  
Jefferson County District Court No. 21JV493  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

In the Interest of T.S., X.J.S., Al. S., and An. S., Children,  
and Concerning D.A., S.M.S., and H.S.,

Appellants.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE HARRIS  
Yun and Kuhn, JJ., concur

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

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Court of Appeals No. 24CA0282  
City and County of Denver Juvenile Court No. 22JV30734  
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.C. III and T.C., Children,  
and Concerning J.A.C. II,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 24CA0443  
Larimer County District Court No. 23CV30389  
Honorable Juan G. Villaseñor, Judge

Denice Anderson,

Plaintiff-Appellee,

v.

Shawn Gegus-Brown, a/k/a Shawn Brown,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 24CA0777  
Weld County District Court No. 23PR264  
Honorable Julie C. Hoskins, Judge

In the Matter of the Estate of Evelyn L. Enderson, deceased.

Keith Enderson,

Appellant,

v.

Larry Enderson and Carolyn Ragsdale,

Appellees.

ORDER AFFIRMED

Division V  
Opinion by JUDGE FREYRE  
Grove and Lum, JJ., concur

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

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Court of Appeals No. 24CA0892  
Montrose County District Court No. 19JV61  
Honorable D. Cory Jackson, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.A.E., a Child,

and Concerning K.L.E.,

Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE WELLING  
Brown and Moultrie, JJ., concur

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

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Court of Appeals No. 24CA0939  
Jefferson County District Court No. 22JV8  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.S.C.,

Appellant.

JUDGMENT AFFIRMED

Division A  
Opinion by JUDGE BERNARD\*  
Román, C.J., and Richman\*, J., concur

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

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Court of Appeals No. 24CA1128  
Adams County District Court No. 23JV30158  
Honorable Emily Lieberman, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.W.G-B., a Child,

and Concerning D.L.B.,

Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE FREYRE  
Grove and Lum, JJ., concur

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

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Court of Appeals No. 24CA1622  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 5553-2024

Jillian Gardner,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and RB American  
Group LLC,

Respondents.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE MOULTRIE  
Welling and Brown, JJ., concur

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

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Court of Appeals No. 24CA1914  
Pueblo County District Court No. 24MH30074  
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of E.M.E.,

Respondent-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE LUM  
Freyre and Grove, JJ., concur

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

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## **PETITIONS FOR REHEARING**

Court of Appeals No. 22CA0130

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Antonio Lewis,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals Nos. 23CA1037 & 23CA1038

Brown & Caldwell, a California corporation,

Defendant-Appellee and Cross-Appellant,

v.

Smith Environmental & Engineering, Inc., a Colorado corporation,

Third-Party Defendant-Appellant and Cross-Appellee.

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

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

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Court of Appeals No. 23CA1879

In re the Marriage of

Meghann Mary Ward Battles, n/k/a Meghann Mary Ward McPherson,

Appellee,

and

Cort Owen Battles,

Appellant.

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

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

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Court of Appeals No. 24CA0038

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Mark Owens,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 24CA1061

Chris Morrison,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Stolle Machinery  
Company, LLC,

Respondents.

Petition for Rehearing DENIED

**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.