

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
August 29, 2019*

“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

[2019COA131](#)

Court of Appeals No. [15CA1898](#)
Boulder County District Court No. 14CR1657
Honorable Andrew R. Macdonald, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy West,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TAUBMAN
Hawthorne and Grove, JJ., concur

[2019COA132](#)

Court of Appeals No. [16CA0651](#)
Mesa County District Court No. 92CR95
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Genrich,

Defendant-Appellant.

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

Division I
Opinion by JUDGE TAUBMAN
Berger, J., specially concurs
Tow, J., concurs in part and dissents in part

[2019COA133](#)

Court of Appeals No. [18CA0264](#)
Adams County District Court No. 11CR1307
Honorable Ted C. Tow, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Harley David Sharp,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE J. JONES
Román and Rothenberg*, JJ., concur

[2019COA134](#)

Court of Appeals No. [18CA0535](#)

Board of Assessment Appeals Case No. 69880

Rare Air Limited, LLC,

Petitioner-Appellant,

v.

Property Tax Administrator,

Respondent-Appellee,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

Division II

Opinion by JUDGE TERRY

Pawar and Márquez*, JJ., concur

Prior Opinion Announced July 18, 2019, WITHDRAWN

OPINION PREVIOUSLY ANNOUNCED AS “NOT PUBLISHED PURSUANT TO
C.A.R. 35(e)” ON JULY 18, 2019, IS NOW DESIGNATED FOR PUBLICATION

[2019COA135](#)

Court of Appeals No. [18CA0575](#)
El Paso County District Court No. 16JD742
Honorable G. David Miller, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.L.C.,

Juvenile-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE HAWTHORNE
Taubman and Grove, JJ., concur

[2019COA136](#)

Court of Appeals No. [18CA1164](#)
City and County of Denver Juvenile Court No. 17JV542
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning S.A.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE ROMÁN
J. Jones and Lipinsky, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 16CA0528
Mesa County District Court No. 14CR1224
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald George Study, Jr.,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE BERGER
Dunn and Navarro, JJ., concur

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

Court of Appeals No. 16CA1512
Arapahoe County District Court No. 15CR321
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Edgar Ibarra-Rodriguez,

Defendant-Appellant.

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

Division III
Opinion by JUDGE BROWN
Webb and Furman, JJ., concur

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

Court of Appeals No. 16CA1829
Mesa County District Court No. 15CR1415
Honorable David A. Bottger, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Fernandez,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE TOW
Harris and Márquez*, JJ., concur

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

Court of Appeals No. 16CA2141
Weld County District Court No. 15CR1564
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luke Donovan Braziel,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE ROMÁN
J. Jones and Lipinsky, JJ., concur

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

Court of Appeals No. 17CA0224
Weld County District Court No. 15CR1578
Honorable Shannon D. Lyons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Nacole Lee Grim,

Defendant-Appellant.

JUDGMENT AFFIRMED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE RICHMAN
Harris and Tow, JJ., concur

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

Court of Appeals No. 17CA0396
Lincoln County District Court No. 16CR18
Honorable Jeffrey K. Holmes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joey Rivera,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE MILLER*
Navarro and Berger, JJ., concur

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

Court of Appeals No. 17CA0681
Mesa County District Court No. 15CR1264
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Adam Meyers,

Defendant-Appellant.

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

Division II
Opinion by JUDGE PAWAR
Dailey, J., concurs
Terry, J., concurs in part and dissents in part

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

Court of Appeals No. 17CA1365
Boulder County District Court No. 11CR1121
Honorable Patrick Butler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Luke Irvin Chrisco,

Defendant-Appellant.

ORDERS AFFIRMED

Division IV
Opinion by JUDGE ROMÁN
J. Jones and Lipinsky, JJ., concur

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

Court of Appeals No. 17CA1417
City and County of Denver District Court No. 13CR2365
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan G. Guerrero,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE TERRY
Pawar, J., concurs
Dailey, J., concurs in part and dissents in part

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

Court of Appeals No. 17CA1598
Prowers County District Court No. 16CR207
Honorable Mike Davidson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Edward Rose, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE MILLER*
Navarro and Berger, JJ., concur

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

Court of Appeals No. 17CA1848
Weld County District Court No. 13CR45
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremy Cadwell-Lively,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE WELLING
Fox and Freyre, JJ., concur

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

Court of Appeals No. 17CA1860
Boulder County District Court No. 10CR1113
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Scott Carter,

Defendant-Appellant.

ORDERS AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Berger and Graham*, JJ., concur

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

Court of Appeals No. 17CA2142
Arapahoe County District Court No. 11CR261
Honorable Kurt A. Horton, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donnell D. Littleton,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE HAWTHORNE
Taubman and Grove, JJ., concur

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

Court of Appeals No. 18CA0002
Adams County District Court No. 16CR4363
Honorable Thomas R. Ensor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Herman Melvin Hinojosa,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division IV
Opinion by JUDGE J. JONES
Román and Lipinsky, JJ., concur

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

Court of Appeals No. 18CA0009
City and County of Denver District Court No. 89CR1808
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Vernell Mitchell,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE RICHMAN
Harris and Tow, JJ., concur

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

Court of Appeals No. 18CA0036
Adams County District Court No. 16CR2519
Honorable Donald S. Quick, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Ian Martinez,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GROVE
Hawthorne, J., concurs
Taubman, J., specially concurs

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

Court of Appeals No. 18CA0461
Jefferson County District Court No. 17CR586
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Christopher Kennedy,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Berger and Miller*, JJ., concur

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

Court of Appeals No. 18CA0574
El Paso County District Court No. 17JD487
Honorable G. David Miller, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.L.C.,

Juvenile-Appellant.

APPEAL DISMISSED

Division I
Opinion by JUDGE HAWTHORNE
Taubman and Grove, JJ., concur

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

Court of Appeals No. 18CA0913
City and County of Denver District Court No. 01CR3059
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Vaughn,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE HARRIS
Richman and Tow, JJ., concur

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

Court of Appeals No. 18CA0985
Jefferson County District Court No. 91CR583
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thien H. Nguyen,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE TOW
Richman and Harris, JJ., concur

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

Court of Appeals No. 18CA1045
Jefferson County District Court No. 14CR3164
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Efrain Juarez Gonzales,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GROVE
Taubman and Hawthorne, JJ., concur

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

Court of Appeals No. 18CA1117
Larimer County District Court No. 15DR287
Honorable Julie K. Field, Judge

In re the Marriage of

Shari Lynn Arduini, f/k/a Shari Lynn Erickson,

Appellant,

and

Russell Keith Erickson,

Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE PAWAR
Dailey and Terry, JJ., concur

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

Court of Appeals No. 18CA1345
Kit Carson County District Court No. 16JV7
Honorable Kevin L. Hoyer, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning C.F. and C.L.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE RICHMAN
Harris and Tow, JJ., concur

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

Court of Appeals No. 18CA1419
Routt County District Court No. 14DR51
Honorable Shelley A. Hill, Judge

In re the Marriage of

James Arthur Martin,

Appellee,

and

Sharon Rose Dumas, f/k/a Sharon Martin,

Appellant.

APPEAL DISMISSED

Division III
Opinion by JUDGE WEBB
Furman and Brown, JJ., concur

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

Court of Appeals No. 18CA1438
Bent County District Court No. 18CV11
Honorable Michael A. Schiferl, Judge

Roy Shipley,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director of the Colorado Department of Corrections,
Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
Terry and Pawar, JJ., concur

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

Court of Appeals No. 18CA1542
Douglas County District Court No. 17CV30435
Honorable Paul A. King, Judge

Cherie D. Jeffrey,

Plaintiff-Appellee,

v.

Daniel R. Garzelloni,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GROVE
Taubman and Hawthorne, JJ., concur

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

Court of Appeals No. 18CA1585
Fremont County District Court No. 18CV10
Honorable Robert Freeman, Magistrate

Howell F. Roberts, III,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director, Colorado Department of Corrections; and
Mike Romero, Warden of the Colorado Territorial Correctional Facility

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Berger and Miller*, JJ., concur

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

Court of Appeals No. 18CA1729
City and County of Denver District Court No. 12CV1404
Honorable Ross B. Buchanan, Judge

F & K Investments, a Colorado partnership, and Eugene Pomeroy, a/k/a Gene
Pomeroy,

Plaintiffs-Appellants,

v.

Mark Pomeroy and Larry Pomeroy,

Defendants-Appellees.

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

Division IV
Opinion by JUDGE LIPINSKY
Román and J. Jones, JJ., concur

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

Court of Appeals No. 18CA1756
Morgan County District Court No. 17JV23
Honorable Charles M. Hobbs, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of H.M.H. and H.L.H., Children,

and Concerning S.M.P and J.A.H.,

Respondents-Appellants.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE WELLING
Bernard, C.J., and Furman, J., concur

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

Court of Appeals No. 18CA1787
Routt County District Court No. 17JV7
Honorable Stephen J. Schapanski, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.F.M-A. and J.K.M-M., Children,

and Concerning M.A.M-M. and F.N.A.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division VII
Opinion by CHIEF JUDGE BERNARD
Vogt* and Graham*, JJ., concur

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

Court of Appeals No. 18CA1808
Arapahoe County District Court No. 13CV31773
Honorable Elizabeth Beebe Volz, Judge

Michele Alpert,
Plaintiff-Appellee,

v.

William H. Houtz,
Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE LIPINSKY
Román and J. Jones, JJ., concur

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

Court of Appeals No. 18CA1885
El Paso County District Court No. 17JV62
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.G.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE WEBB
Bernard, C.J., and Vogt*, J., concur

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

Court of Appeals No. 18CA2033
El Paso County District Court No. 03CR4983
Honorable Maria R. Prudek, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hugo A. Duenas-Garcia,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE GRAHAM*
Navarro and Berger, JJ., concur

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

Court of Appeals No. 18CA2074
Clear Creek County District Court No. 17JV6
Honorable Daniel J. Kaup, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of J.S.W., a/k/a J.S.W-H., a Child,

and Concerning J.M.W.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE DAILEY
Terry and Pawar, JJ., concur

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

Court of Appeals No. 18CA2167
Jefferson County District Court No. 17JV777
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of D.R., G.R., R.R., Children,

and Concerning L.K. and J.R.,

Respondents-Appellants.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE TERRY
Dailey and Pawar, JJ., concur

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

Court of Appeals No. 18CA2224
City and County of Denver Juvenile Court No. 15JV1322
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.L.T., a Child,

and Concerning L.T.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE HARRIS
Richman and Tow, JJ., concur

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

Court of Appeals No. 18CA2416
City and County of Denver Juvenile Court No. 17JV1350
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.K.F.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE TOW
Richman and Harris, JJ., concur

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

Court of Appeals No. 19CA0245
Mesa County District Court No. 18JV351
Honorable Lance P. Timbreza, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Z.H. a Child,

and Concerning S.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE PAWAR
Dailey and Terry, JJ., concur

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

Court of Appeals No. 19CA0271
Adams County District Court No. 17JV212
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Petitioner-Appellee,

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

and Concerning M.M.H.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division A
Bernard, C.J., Webb, and Vogt*, JJ.
PER CURIAM

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

Court of Appeals No. 19CA0636
Industrial Claim Appeals Office of the State of Colorado
DD No. 48979-2018

Rebecca E. Blay,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Wish for Wheels,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAVIDSON*
Bernard, C.J., and Carparelli*, J., concur

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

P E T I T I O N S F O R R E H E A R I N G

Court of Appeals No. 15CA0097

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Carol Joyce Weigum,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 15CA2013

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Allen D. Dietz,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA0189

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Dean Clutter,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 16CA2178

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Danny Lee Villela,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 17CA1633

Patrick Duray Portley-El,

Plaintiff-Appellant,

v.

Chaplain Dycus, Kevin Winslow, Kit Carson Correctional Center, Alison Morgan, Kim Beicker, and Colorado Department of Corrections,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA0865

Robert D. Gandy,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director, Colorado Department of Corrections; and Travis Trani, Director of Prisons, Colorado Department of Corrections,

Defendants-Appellees.

Petition for Rehearing DENIED

Court of Appeals No. 18CA1522

Robert Mountz,

Plaintiff-Appellant,

v.

Rick Quijada, Matthew Hansen, John Reilly, Brian Graham, and Andy
Klinkerman,

Defendants-Appellees.

Petition for Rehearing DENIED

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. 2018.