

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 11, 2021*

“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

[2021COA28](#)

Court of Appeals No. [17CA0720](#)
Jefferson County District Court No. 15CR3357
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Jay Grosko,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE ROMÁN
Welling and Brown, JJ., concur

[2021COA29](#)

Court of Appeals No. [17CA2331](#)
Arapahoe County District Court No. 17CR435
Honorable Andrew C. Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Wayne Henderson Carter,

Defendant-Appellant.

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

Division V
Opinion by JUDGE J. JONES
Berger, J., concurs
Pawar, J., concurs in part and dissents in part

[2021COA30](#)

Court of Appeals No. [18CA0783](#)
El Paso County District Court No. 17CR4502
Honorable Barbara L. Hughes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Steven Michael Nevelik,

Defendant-Appellant.

JUDGMENT VACATED

Division III
Opinion by JUDGE FREYRE
Furman and Johnson, JJ., concur

[2021COA31](#)

Court of Appeals No. [19CA1132](#)
Teller County District Court No. 18PR5
Honorable Scott Sells, Judge

In re the Estate of Carol Ann Colby, deceased.

Kathryn Gail Town-Statham,

Appellant,

v.

Kellie Marie Johnson, in her fiduciary capacity as Personal Representative,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
J. Jones and Yun, JJ., concur

[2021COA32](#)

Court of Appeals No. [19CA1913](#)
San Miguel County District Court No. 18CV30004
Honorable Kari A. Yoder, Judge

Jerud Butler,

Plaintiff-Appellant,

v.

Board of County Commissioners for San Miguel County, Colorado,

Defendant-Appellee.

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

Division IV
Opinion by JUDGE GOMEZ
Terry and Dunn, JJ., concur

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March 11, 2021

[2021COA33](#)

Court of Appeals No. [20CA0695](#)

City and County of Denver Juvenile Court No. 16JV1388

Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Appellee,

In the Interest of My.K.M. and Ma.K.M, Children,

and Concerning V.K.L. and T.A.M.,

Respondent-Appellants.

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

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 17CA0640
Arapahoe County District Court No. 15CR3027
Honorable Peter F. Michaelson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Melvin Laurice Dixon,

Defendant-Appellant.

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

Division VI
Opinion by JUDGE FREYRE
Dunn and Brown, JJ., concur

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

Court of Appeals No. 17CA0679
Jefferson County District Court No. 16CR1424
Honorable Christopher C. Zenisek, Judge
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rufino Nino-Solano,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE BERNARD
Tow and Grove, JJ., concur

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

Court of Appeals No. 17CA1464
Jefferson County District Court No. 16CR3646
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Preston Lee Hamsher,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FREYRE
Furman and Johnson, JJ., concur

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

Court of Appeals No. 17CA2395
El Paso County District Court No. 16CR6033
Honorable Lin Billings Vela, Judge
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Joseph Montoya,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE BROWN
Román and Welling, JJ., concur

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

Court of Appeals No. 18CA0034
Arapahoe County District Court No. 16CR975
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Nicholas Cruse,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE FOX
Román and Gomez, JJ., concur

Prior Opinion Announced December 24, 2020, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 18CA0436
El Paso County District Court No. 17CR207
Honorable Theresa M. Cisneros, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymonde Ernest Beverly IV,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 18CA0683
El Paso County District Court No. 08CR1909
Honorable Scott Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Allen Clapp,

Defendant-Appellant.

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

Division II
Opinion by JUDGE WELLING
Román and Brown, JJ., concur

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

Court of Appeals No. 18CA1329
Pueblo County District Court No. 16CR2535
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tyler Eugene Richards,

Defendant-Appellant.

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

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 18CA2057
El Paso County District Court No. 17CR5707
Honorable Scott Sells, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marisa Gail Garrett,

Defendant-Appellant.

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

Division II
Opinion by JUDGE BROWN
Román and Welling, JJ., concur

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

Court of Appeals No. 18CA2186
Weld County District Court No. 17CR2239
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Cantu,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE RICHMAN
Lipinsky and Pawar, JJ., concur

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

Court of Appeals No. 19CA0540
Adams County District Court No. 17CR4821
Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Gregory Leamon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 19CA0729
Adams County District Court No. 12CR2918
Honorable Tomee Crespín, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Joseph Kessler,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

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

Court of Appeals No. 19CA1057
El Paso County District Court No. 16CR3315
Honorable Robert L. Lowrey, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Manuel Barnett,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE DUNN
Gomez and Rothenberg*, JJ., concur

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

Court of Appeals Nos. 19CA1179 & 19CA1180
Mesa County District Court Nos. 18CR2288 & 18CR2359
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brad A. Novlesky,

Defendant-Appellant.

SENTENCES AFFIRMED

Division V
Opinion by JUDGE YUN
J. Jones and Navarro, JJ., concur

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

Court of Appeals No. 19CA1749
Boulder County District Court No. 16DR30374
Honorable Ingrid S. Bakke, Judge

In re the Marriage of

Jennifer Hope Knowlton,

Appellant,

and

Peter Eric Waldheim,

Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE FOX
Harris and Grove, JJ., concur

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

Court of Appeals No. 19CA1825
El Paso County District Court No. 17CR5606
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Joseph Maslowski II,

Defendant-Appellant.

SENTENCE AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Richman and Pawar, JJ., concur

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

Court of Appeals No. 19CA1867
City and County of Denver District Court No. 16CV32835
Honorable Kandace C. Gerdes, Judge

Donald Geiser and Joan Geiser,

Plaintiffs-Appellants,

v.

David Lehman,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE J. JONES
Navarro and Yun, JJ., concur

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

Court of Appeals No. 19CA1922
City and County of Denver District Court No. 07CR3121
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Freddy Anthony Aguilera-Zamora,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

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

Court of Appeals No. 19CA2011
Crowley County District Court No. 19CV21
Honorable Sarah E. Zane, Judge

Cody Joseph Finch,

Plaintiff-Appellant,

v.

Executive Director of Colorado Department of Corrections and Warden of
Arkansas Valley Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE ROTHENBERG*
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 19CA2229
Adams County District Court No. 18CV31205
Honorable Edward C. Moss, Judge

Nickii Dragoo,

Plaintiff-Appellant,

v.

Adams 12 Five Star Schools,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE PAWAR
Richman and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA2269
Jefferson County District Court No. 18CV31551
Honorable Lily W. Oeffler, Judge

Nationstar Mortgage LLC,

Plaintiff-Appellee,

v.

Matthew J. Theriot,

Defendant-Appellant.

APPEAL DISMISSED

Division A
Opinion by JUDGE LIPINSKY
Fox and Freyre, JJ., concur

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

Court of Appeals No. 20CA0107
City and County of Denver District Court No. 18CV32663
Honorable Ross B. Buchanan, Judge

Phazaria Koonce,

Plaintiff-Appellant,

v.

Department of Safety for the City and County of Denver, Colorado; and City
and County of Denver, a Colorado Municipal Corporation,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

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

Court of Appeals No. 20CA0219
Douglas County District Court No. 18DR30416
Honorable Robert Lung, Judge

In re the Marriage of

Debbie L. Pugliano,

Appellee and Cross-Appellant,

and

Frank D. Pugliano, Jr.,

Appellant and Cross-Appellee.

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

Division VI
Opinion by JUDGE RICHMAN
Lipinsky and Pawar, JJ., concur

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

Court of Appeals No. 20CA0337
El Paso County District Court No. 15CR2163
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Raymond Randall,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE PAWAR
Richman and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA0744
City and County of Denver Juvenile Court No. 17JV370
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.F.P.S.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE HAWTHORNE*
Bernard, C.J., and Davidson*, J., concur

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

Court of Appeals No. 20CA0768
La Plata County District Court No. 20CV30054
Honorable Todd P. Norvell, Judge

William Valters Smith,

Petitioner-Appellant,

v.

The People of the State of Colorado,

Appellee.

ORDERS AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Richman and Pawar, JJ., concur

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

Court of Appeals No. 20CA1380
La Plata County District Court No. 17JV57
Honorable William L. Herringer, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.J. and D.T.,

Appellants.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FRYERE
Furman and Johnson, JJ., concur

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

Court of Appeals No. 20CA1440
Arapahoe County District Court No. 18JV276
Honorable Natalie T. Chase, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Z.P., a Child,

and Concerning L.H. a/k/a L.P.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE NAVARRO
J. Jones and Yun, JJ., concur

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

Court of Appeals No. 20CA1441
City and County of Denver Juvenile Court No. 19JV614
Honorable Pax L. Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of C.N.P.-C., a Child,

and Concerning C.N.P.-C.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE WELLING
Román and Brown, JJ., concur

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

Court of Appeals No. 20CA1472
Mesa County District Court No. 19JV32
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.E.R., L.I., and T.I., Children,

and Concerning J.I.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE BROWN
Román and Welling, JJ., concur

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

Court of Appeals No. 20CA1509
Adams County District Court No. 18JV394
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

In the Interest of Z.E.E., Z.N.E., and D.X.T., Children,

and Concerning A.S.Z.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
J. Jones and Navarro, JJ., concur

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

Court of Appeals No. 20CA1587
Adams County District Court No. 19JV146
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning D.M.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE HAWTHORNE*
Bernard, C.J., and Casebolt*, J., concur

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

Court of Appeals No. 20CA1612
El Paso County District Court No. 18JV1274
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.O.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Fox and Grove, JJ., concur

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

Court of Appeals No. 20CA1719
City and County of Denver Juvenile Court No. 19JV1443
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.C.W., III, a Child,

and Concerning E.G.J.,

Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE GROVE
Fox and Harris, JJ., 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. 18CA0034

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Nicholas Cruse,

Defendant-Appellant.

Prior Opinion Announced December 24, 2020, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 19CA0290

Netzer Group, LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Elet Valentine,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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ANNOUNCEMENTS
Colorado Court of Appeals
March 11, 2021

Court of Appeals No. 20CA0241

The Preserve at Deerfield Homeowners Association, Inc., a Colorado nonprofit corporation,

Plaintiff-Appellee,

v.

Nikita Utkin and Marianna Utkin,

Defendants-Appellants.

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. 2020.