

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
January 14, 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**

[2021COA2](#)

Court of Appeals No. [19CA0438](#)  
Larimer County District Court No. 11CV1104  
Honorable Thomas R. French, Judge

McWhinney Centerra Lifestyle Center LLC, a Colorado limited liability company,

Plaintiff-Appellee and Cross-Appellant,

v.

Poag & McEwen Lifestyle Centers-Centerra LLC, a Delaware limited liability company,

Defendant-Appellant and Cross-Appellee.

JUDGMENT AFFIRMED, ORDER REVERSED,  
AND CASE REMANDED WITH DIRECTIONS

Division II  
Opinion by JUDGE ROMÁN  
Fox and Gomez, JJ., concur

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ANNOUNCEMENTS  
Colorado Court of Appeals  
January 14, 2021

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[2021COA3](#)

Court of Appeals No. [19CA2084](#)

La Plata County District Court No. 17DR30001

Honorable Suzanne F. Carlson, Judge

In re the Marriage of

Rebecca Greene Crouch,

Appellee,

and

William Blake Crouch,

Appellant.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE PAWAR  
J. Jones and Berger, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 15CA0536  
Logan County District Court No. 13CR10  
Honorable Charles M. Hobbs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael W. Struckmeyer,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE ROMÁN  
Richman and Berger, JJ., concur

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

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Court of Appeals No. 16CA0138  
Boulder County District Court No. 14CR1706  
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Derek Michael Rigsby,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN\*  
Terry and Fox, JJ., concur

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

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Court of Appeals No. 17CA0355  
Boulder County District Court No. 16CR7  
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Thomas Ludwig Fechtler,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 17CA0755  
Board of Assessment Appeals Case Nos. 68923 & 68967

William J. Spicer and Glen Lyon Development, Inc.,

Petitioners-Appellants,

v.

Board of County Commissioners of Eagle County, Colorado; and Board of  
Equalization of Eagle County, Colorado,

Respondents-Appellees,

and

Board of Assessment Appeals,

Appellee.

ORDERS AFFIRMED

Division IV  
Opinion by JUDGE HAWTHORNE\*  
Furman and Martinez\*, JJ., concur

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

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Court of Appeals No. 18CA0374  
El Paso County District Court No. 16CR5227  
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gilbert Howard Barker,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE JOHNSON  
Terry and Richman, JJ., concur

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

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Court of Appeals No. 18CA0384  
Douglas County District Court No. 17CR415  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Antron Fogler,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE WELLING  
J. Jones and Gomez, JJ., concur

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

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Court of Appeals No. 18CA0929  
Douglas County District Court No. 14CR520  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Lee Jones,

Defendant-Appellant.

ORDER AFFIRMED

Division I  
Opinion by JUSTICE MARTINEZ\*  
Dailey and Navarro, JJ., concur

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

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Court of Appeals No. 18CA0953  
Arapahoe County District Court No. 97CR3747  
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Jay Cox,

Defendant-Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE J. JONES  
Berger and Pawar, JJ., concur

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

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Court of Appeals No. 18CA1696  
Teller County District Court No. 17CR24  
Honorable Linda Billings Vela, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Donte Kaye Smith,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE DAILEY  
Welling and Grove, JJ., concur

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

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Court of Appeals No. 19CA0838  
Boulder County District Court No. 13CR1000  
Honorable Andrew Hartman, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Monty Ray Turner,  
  
Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 19CA1105  
Logan County District Court No. 18CV38  
Honorable Carl S. McGuire III, Judge

Calvin Johnson,

Plaintiff-Appellant,

v.

Nicole Wilson,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE WELLING  
J. Jones and Gomez, JJ., concur

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

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Court of Appeals No. 19CA1158  
Jefferson County District Court No. 10CR1532  
Honorable Lily W. Oeffler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher C. White,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 19CA1191  
City and County of Denver District Court No. 04CR3797  
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Orlando Eugene Thompson,

Defendant-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE JOHNSON  
Furman and Freyre, JJ., concur

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

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Court of Appeals No. 19CA1301  
City and County of Denver District Court No. 98CR3092  
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ronald Johnson,

Defendant-Appellant.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE CASEBOLT\*  
Bernard, C.J., and Hawthorne\*, J., concur

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

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Court of Appeals No. 19CA1555  
City and County of Denver District Court No. 08CR5005  
Honorable Kenneth M. Laff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rudolph Marc Garcia,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 19CA1659  
City and County of Denver District Court No. 18CR7138  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kimberly J. Deems,

Defendant-Appellant.

APPEAL DISMISSED IN PART  
AND ORDER AFFIRMED

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

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

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Court of Appeals No. 19CA1755  
Costilla County District Court No. 18CV30009  
Honorable Pattie P. Swift, Judge

Forbes Park Land Owners Association,

Plaintiff-Appellee,

v.

David Bayly Trust, David H. Bayly, Trustee, and David H. Bayly,

Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE HAWTHORNE\*  
Furman and Yun, JJ., concur

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

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Court of Appeals No. 19CA1899  
El Paso County District Court No. 05DR4016  
Honorable Jann P. DuBois, Judge

In re the Marriage of

Scott Robert Saunders,

Appellant,

and

Debra Lee Saunders, n/k/a Debra Quesenbury Mignola,

Appellee.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE TERRY  
Richman and Johnson, JJ., concur

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

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Court of Appeals No. 19CA1933  
Arapahoe County District Court No. 19CR1023  
Honorable Anne M. Ollada, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shaquille Laneil Brown,

Defendant-Appellant.

ORDER REVERSED 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)**

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Court of Appeals No. 19CA1950  
Montezuma County District Court No. 19CR115  
Honorable Douglas S. Walker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Tena-Ruiz,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE HAWTHORNE\*  
Furman, J., concurs  
Yun, J., dissents

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

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Court of Appeals No. 19CA2328  
City and County of Denver District Court No. 19CV388  
Honorable Kandace C. Gerdes, Judge

Kanal Van Gaston,

Plaintiff-Appellant,

v.

Walmart Stores, Inc.; and Kent International, Inc.,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 20CA0370  
Jefferson County District Court No. 18JV605  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.M.,

Appellant,

and M.M.,

Intervenor-Appellant.

APPEAL DISMISSED IN PART  
AND JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 20CA0777  
City and County of Denver Juvenile Court No. 18JV1088  
Honorable Donna J. Schmalberger, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning L.L.S.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 20CA1072  
Douglas County District Court No. 08CR71  
Honorable Patricia D. Herron, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Craig Fair,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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**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. 17CA2200

The People of the State of Colorado,

Plaintiff-Appellee,

v.

George Osonau Tiba,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 17CA2228

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dennis Spencer,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA0594

Arthur Dodson Wisehart, a/k/a Arthur D. Wisehart, co-trustee of the Dorothy R. Wisehart Trust,

Plaintiff-Appellee and Cross-Appellant,

v.

Arthur McKee Wisehart and Joan Carol Lipin,

Defendants-Appellants and Cross-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA1209

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert H. Dixon,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA1365

David E. Webb,

Plaintiff-Appellant,

v.

Robin Gregory and Park Estates Homeowners Association,

Defendants-Appellees,

and

Nicholas Webb,

Third-Party Defendant-Appellant.

Petitions for Rehearing DENIED

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

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Court of Appeals No. 19CA1464

Riggs Oil & Gas Corporation, Gasconade Oil Company, Helm Energy, LLC;  
McLish Resources, L.P., LLLP, and W. Clifton Arbuckle Trust Dated 1/1/1996,

Plaintiffs-Appellees,

and

Los Feliz Oil Company, LLC, Samis Oil Company, Inc., MKB Energy, LLC,  
Westar Oil & Gas, Inc., JJB Energy Ventures, LC, Callaway Oil, L.L.C.,  
Anadarko Partners II, L.P., Cartel Petroleum, Inc., Castlebay Energy LLC,  
Coyote Energy LLC, S.N.S. Oil & Gas Properties, Inc., Winchester Energy, LLC,  
El Dorado Corporation, and Ridgeview Exploration, Inc.,

Plaintiffs-Intervenors-Appellees,

v.

Jonah Energy LLC,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA1537

In re the Parental Responsibilities Concerning A.F., a Child,

and Concerning Converse Smith Fields,

Appellant,

and

Monique Joy Cressey,

Appellee,

and Concerning Bryan C. Cressey and Christina Cressey,

Intervenors-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 19CA2289

In re the Parental Responsibilities Concerning H.C.H. II, and C.J.H., Children,

and Concerning Jennifer Jenkins,

Appellant,

and

Diana Marie Hand and James C. Hand,

Appellees.

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. 2020.