

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
July 1, 2021*

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PUBLISHED OPINIONS

[2021COA87](#)

Court of Appeals No. [19CA2076](#)

City and County of Denver District Court No. 17CV34787

Honorable Morris B. Hoffman, Judge

Anthony T. Accetta and Nancy Accetta,

Plaintiffs-Appellants,

v.

Brooks Towers Residences Condominium Association, Inc., a Colorado nonprofit corporation; Mark Trenka, in his capacity as a member of the Board of Directors of the Brooks Towers Residences Condominium Association, Inc.; Marla Grant, in her capacity as a member of the Board of Directors of the Brooks Towers Residences Condominium Association, Inc.; Bill Clarke, in his capacity as a member of the Board of Directors of the Brooks Towers Residences Condominium Association, Inc.; Clay Courter, in his capacity as a member of the Board of Directors of the Brooks Towers Residences Condominium Association, Inc.; Robb Green, in his capacity as a member of the Board of Directors of the Brooks Towers Residences Condominium Association, Inc.; and Joan Foster, in her capacity as a member of the Board of Directors of the Brooks Towers Residences Condominium Association, Inc.,

Defendants-Appellees.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE GOMEZ
Furman and Tow, JJ., concur

[2021COA88](#)

Court of Appeals No. [20CA0195](#)
El Paso County District Court No. 99JD2134
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

In the Interest of J.M.M.,

Juvenile-Appellee.

ORDER AFFIRMED

Division II
Opinion by JUDGE LIPINSKY
Román and Harris, JJ., concur

[2021COA89](#)

Court of Appeals No. [20CA0720](#)
City and County of Denver District Court No. 19CV32024
Honorable Eric M. Johnson, Judge

Julie Barnes,

Plaintiff-Appellant,

v.

State Farm Mutual Automobile Insurance Company, an Illinois Corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE BROWN
Navarro and Casebolt*, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
July 1, 2021

[21COA90](#)

Court of Appeals No. [21CA0079](#)

City and County of Denver District Court No. 20CV31823

Honorable Kandace C. Gerdes, Judge

Gary Winston, John Peckham, Matthew Aldaz, William Stevenson, and Dean Carbajal,

Plaintiffs-Appellants,

v.

Jared Polis, in his official capacity as Governor of the State of Colorado,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE FOX
Dunn and Graham*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 14CA1446
El Paso County District Court No. 95CR4541
Honorable Thomas K. Kane, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy John Kennedy,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE TOW
Furman and Gomez, JJ., concur

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

Court of Appeals No. 17CA1141
Larimer County District Court No. 15CR2146
Honorable Julie Kunce Field, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adam Joseph Stockley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE ROMÁN
Harris and Lipinsky, JJ., concur

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

Court of Appeals No. 17CA2397
El Paso County District Court No. 17CR2198
Honorable David A. Gilbert, Judge
Honorable Richard Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Edward Lyons,

Defendant-Appellant.

JUDGMENT AND ORDER AFFIRMED

Division VII
Opinion by JUDGE FOX
Dunn and Pawar, JJ., concur

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

Court of Appeals No. 18CA1693
Delta County District Court No. 17CR231
Honorable Steven L. Schultz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emilio Mario Martinez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE J. JONES
Grove and Johnson, JJ., concur

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

Court of Appeals No. 19CA0173
Jefferson County District Court No. 17CR2568
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Andrew Thomas,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE ROMÁN
Harris and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA0225
City and County of Denver District Court No. 17CR3449
Honorable William D. Robbins, Jr., Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gavin T. Lai,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE FOX
Freyre and Lipinsky, JJ., concur

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

Court of Appeals No. 19CA0801
City and County of Denver District Court No. 10CR10346
Honorable J. Eric Elliff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Lee Loepp,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE GROVE
J. Jones and Johnson, JJ., concur

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

Court of Appeals No. 19CA1320
Mesa County District Court No. 18CR1917
Honorable Gretchen B. Larson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Edward Thomas,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE YUN
Dailey and Freyre, JJ., concur

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

Court of Appeals No. 19CA1686
Gilpin County District Court No. 18CR206
Honorable Stephen M. Munsinger, Judge
Honorable David C. Taylor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Sergey Genadievich Novitskiy,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE RICHMAN
Berger and Welling, JJ., concur

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

Court of Appeals No. 19CA2101
City and County of Denver District Court No. 05CR5007
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Deonta Layshaun Roberts,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE J. JONES
Grove and Johnson, JJ., concur

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

Court of Appeals No. 19CA2218
El Paso County District Court No. 11CR4219
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Danny Ivyl Leroy Fields,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE J. JONES
Grove and Johnson, JJ., concur

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

Court of Appeals No. 20CA0166
La Plata County District Court No. 13PR30098
Honorable Suzanne F. Carlson, Judge

In the Matter of the Estate of Angela Marie Barry, deceased.

Bernadine Barry,

Appellant,

v.

Sheryl Barry DeFrancisci, Personal Representative of the Estate of Angela M.
Barry,

Appellee.

ORDER AFFIRMED
AND APPEAL DISMISSED IN PART

Division VI
Opinion by JUDGE BERGER
Richman and Welling, JJ., concur

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

Court of Appeals No. 20CA0179
El Paso County District Court No. 19CR19
Honorable Marcus S. Henson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ricky Lane Hodge,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by CHIEF JUDGE BERNARD
Martinez* and Vogt*, JJ., concur

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

Court of Appeals No. 20CA0373
Colorado Medical Board Case No. ME 2017-0012

Colorado Medical Board,

Petitioner-Appellee,

v.

Michael Joseph Gesquiere, M.D., License No. DR-42608,

Respondent-Appellant.

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

Division VI
Opinion by JUDGE BERGER
Richman and Welling, JJ., concur

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

Court of Appeals No. 20CA0379
Arapahoe County District Court No. 19CV32083
Honorable Elizabeth Beebe Volz, Judge

Adams-Arapahoe 28J School District, a/k/a Aurora Public Schools,
Plaintiff-Appellant,

v.

HOPE Online Learning Academy Co Op,
Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GROVE
Johnson and Vogt*, JJ., concur

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

Court of Appeals No. 20CA0613
Arapahoe County District Court No. 19DR30213
Honorable Cynthia D. Mares, Judge

In re the Marriage of

Renee Michelle Hamm,

Appellee,

and

Jeremy Matthew Hamm,

Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE WELLING
Richman and Berger, JJ., concur

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

Court of Appeals No. 20CA0703
Pueblo County District Court No. 17CV30474
Honorable Allison P. Ernst, Judge

Ronald N. Landon,

Plaintiff-Appellee,

v.

Colorado Leaf, LLC, a Colorado limited liability company,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Furman and Tow, JJ., concur

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

Court of Appeals No. 20CA0833
Board of Assessment Appeals Case No. 75796

Paul R. Thomas,

Plaintiff-Appellant,

v.

Arapahoe County Board of Equalization,

Respondent-Appellee,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

Division II
Opinion by JUDGE LIPINSKY
Román and Harris, JJ., concur

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

Court of Appeals No. 20CA1000
Jefferson County District Court No. 18DR30524
Honorable Lily W. Oeffler, Judge

In re the Parental Responsibilities Concerning J.C.A.H., a Child,
and Concerning Adriana Alvidrez,

Appellee,

and

Jeffrey Charles Herman,

Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE WELLING
Richman and Berger, JJ., concur

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

Court of Appeals No. 20CA1061
San Miguel County District Court No. 20CV3
Honorable J. Steven Patrick, Judge

Mark Halper,

Plaintiff-Appellant,

v.

San Miguel County Board of County Commissioners,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 20CA1319
El Paso County District Court No. 19DR30467
Honorable Michael P. McHenry, Judge

In re the Marriage of

Kristina Reavis,

Appellee,

and

Raymond Todd Reavis,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE ROMÁN
Harris and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA1550
Adams County District Court No. 17DR30389
Honorable Jeffrey Smith, Judge

In re the Marriage of

Amanda K. Cornett,

Appellant,

and

Christopher M. Cornett,

Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE DUNN
Fox and Pawar, JJ., concur

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

Court of Appeals No. 20CA1690
Larimer County District Court No. 18JV233
Honorable Linda K. Connors, Magistrate

The People of the State of Colorado,

Appellee,

In the Interest of J.R. and N.R., Children,

and Concerning R.H.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE JOHNSON
Grove and Vogt*, JJ., concur

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

Court of Appeals No. 20CA1883
Industrial Claim Appeals Office of the State of Colorado
DD No. 23837-2020

Maria De L González,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Summit Building
Services, Inc.,

Respondents.

ORDER AFFIRMED

Division II
Opinion by JUDGE ROMÁN
Harris and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA1935
Adams County District Court No. 19JV57
Honorable Patrick H. Pugh, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.P-L.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE J. JONES
Grove and Johnson, JJ., concur

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

Court of Appeals No. 20CA2089
Clear Creek County District Court No. 19JV9
Honorable Catherine J. Cheroutes, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning M.P.R.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE JOHNSON
J. Jones and Grove, 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. 17CA1910

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cristobal Fernando Garcia,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 18CA0614

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Heather Ann Simpson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA2434

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jonathan Robert Bailey,

Defendant-Appellant.

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.