

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 26, 2022*

“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

[2022COA55](#)

Court of Appeals No. [18CA1409](#)
Arapahoe County District Court No. 17CR445
Honorable Phillip L. Douglass, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Glen Gary Montoya,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE JOHNSON
Fox, J., concurs
Welling, J., specially concurs

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ANNOUNCEMENTS
Colorado Court of Appeals
May 26, 2022

[2022COA56](#)

Court of Appeals No. [19CA2359](#)

Larimer County District Court No. 11CR1418

Honorable Gregory M. Lammons, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Robert Smith,

Defendant-Appellant.

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

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

[2022COA57](#)

Court of Appeals No. [20CA1545](#)

City and County of Denver District Court No. 19CV33640

Honorable Morris B. Hoffman, Judge

John Doe,

Plaintiff-Appellant,

v.

University of Denver; University of Denver Board of Trustees; Rebecca Chopp, individually and as an agent for University of Denver; Kristin Olson, individually and as an agent for University of Denver; Jean McAllister, individually and as an agent for University of Denver; Siri Slater, individually and as an agent for University of Denver; Eric Butler, individually and as an agent for University of Denver,

Defendants-Appellees.

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

Division VII
Opinion by JUDGE BERGER
Brown and Johnson, JJ., concur

[2022COA58](#)

Court of Appeals No. [21CA0263](#)

Alamosa County District Court No. 16PR30038

Honorable Martin A. Gonzales, Judge

In re the Estate of Deborah Gene Garcia, deceased.

Julius Garcia,

Appellant,

v.

Krysta Bialozor, as Personal Representative of the Estate of Deborah Gene Garcia, and Diana Strong,

Appellees.

JUDGMENT AFFIRMED IN PART
AND REVERSED IN PART

Division III
Opinion by JUDGE LIPINSKY
Gomez and Davidson*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA0694
Jefferson County District Court No. 16CR7283
Honorable Dennis J. Hall, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Rojas,

Defendant-Appellant.

JUDGMENT AFFIRMED, SENTENCE VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE DUNN
Harris and Johnson, JJ., concur

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

Court of Appeals No. 19CA0700
City and County of Denver District Court No. 17CR6047
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Omar Rodriguez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE BERGER
Brown and Johnson, JJ., concur

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

Court of Appeals No. 19CA1035
Montezuma County District Court No. 18CR85
Honorable Douglas S. Walker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Myra D. Tuttle,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART
AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FOX
Freyre and Gomez, JJ., concur

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

Court of Appeals No. 19CA1679
Jefferson County District Court No. 00CR2579
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stephen Wayne Fichter,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE DUNN
Harris and Johnson, JJ., concur

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

Court of Appeals No. 19CA2159
Jefferson County District Court No. 18CR2093
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Andrew Hanson,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE LIPINSKY
Navarro and Kuhn, JJ., concur

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

Court of Appeals No. 20CA0142
Bent County District Court No. 19CR40
Honorable Mark A. MacDonnell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Vincent Phillip January,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE JOHNSON
Dunn and Harris, JJ., concur

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

Court of Appeals No. 20CA0474
Gilpin County District Court No. 18CR75
Honorable Todd L. Vriesman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Serrano Jr.,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

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

Court of Appeals No. 20CA0898
Fremont County District Court No. 19CR426
Honorable Stephen A. Groome, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Sanders, Jr.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Fox and Gomez, JJ., concur

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

Court of Appeals No. 20CA0900
Jefferson County District Court No. 19CR1429
Honorable Jeffrey R. Pilkington, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joshua Polaske,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE BERGER
Brown and Johnson, JJ., concur

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

Court of Appeals No. 20CA1892
Arapahoe County District Court No. 92CR2019
Honorable Michael J. Spear, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles Jeffrey McMillian,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE PAWAR
Richman and Brown, JJ., concur

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

Court of Appeals No. 20CA2111
Arapahoe County District Court No. 19JD443
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of R.T.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE PAWAR
Richman and Brown, JJ., concur

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

Court of Appeals No. 21CA0276
City and County of Denver District Court No. 19CV34882
Honorable Morris B. Hoffman, Judge

Ranch and Home Supply, LLC, d/b/a Murdoch's Ranch and Home Supply,

Plaintiff-Appellee,

v.

Atlas Strategic Investments, LLC,

Defendant-Appellant.

JUDGMENT AFFIRMED, ORDER AFFIRMED,
AND CASE REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE RICHMAN
Pawar and Brown, JJ., concur

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

Court of Appeals No. 21CA0502
City and County of Denver District Court No. 83CR1095
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Horacio Arraz Saenz,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Martinez* and Taubman*, JJ., concur

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

Court of Appeals No. 21CA0571
Weld County District Court No. 19CA30780
Honorable Shannon D. Lyons, Judge

Moonbeam Capital Investments LLC,

Plaintiff-Appellee,

v.

City of Greeley, Colorado,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FOX
Gomez and Martinez*, JJ., concur

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

Court of Appeals No. 21CA0759
Chaffee County District Court No. 15DR30034
Honorable Patrick W. Murphy, Judge

In re the Marriage of

William Burdette Berringer, by and through Brenda Berringer as Guardian,

Appellant,

and

Shellee Lin Berringer,

Appellee.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE GRAHAM*
Grove and Yun, JJ., concur

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

Court of Appeals No. 21CA0899
El Paso County District Court No. 13DR30843
Honorable Marla Prudek, Judge

In re the Marriage of

James Noble Tilley, III,

Appellee.

and

Diana Marie Tilley,

Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Lipinsky and Kuhn, JJ., concur

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

Court of Appeals No. 21CA1140
Arapahoe County District Court No. 20JV146
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.G., a/k/a A.A. and S.W., Jr.,

Appellants.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE ROMÁN
Martinez* and Taubman*, JJ., concur

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

Court of Appeals No. 21CA1373
Arapahoe County District Court No. 20DR31534
Honorable Don J. Toussaint, Judge

In re the Marriage of

James J. Bien,

Appellant,

and

Judith A. Newman,

Appellee.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE HAWTHORNE*
Dailey and Tow, JJ., concur

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

Court of Appeals No. 21CA1435
Mesa County District Court No. 17JV120
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.B., a Child,

and Concerning K.C.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUSTICE MARTINEZ*
Román, C.J., and Taubman*, J., concur

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

Court of Appeals No. 21CA1486
City and County of Denver Juvenile Court No. 19JV825
Honorable Dinsmore Tuttle, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning L.F.S., a/k/a L.L.S.,

Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE ROTHENBERG*
Grove and Yun, JJ., concur

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

Court of Appeals No. 22CA0356
Pueblo County District Court No. 22MH27
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Michael Anthony Tovar,

Respondent-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Lipinsky and Kuhn, JJ., concur

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

Court of Appeals No. 22CA0428
Pueblo County District Court No. 22MH73
Honorable Tim O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Adrian Ross,

Respondent-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE BERGER
Dailey and Tow, 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. 18CA1073

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jordan Taggart LeMarinel,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA1191

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Yury Sudakov,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA0505

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Allison Thomson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0711

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Joseph Chapel,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1150

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Kansas,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1426

Sheldon Spiegelman,

Plaintiff-Appellee and Cross-Appellant,

v.

Barbara Currie Carlson, a/k/a Barbara Carlson, a/k/a Barbara Currie, and
Jurgen Denk,

Defendants-Appellants and Cross-Appellees.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1808

Delmart E.J.M. Vreeland, II,

Plaintiff-Appellant,

v.

Patrick J. Mulligan; Mulligan Breit, LLC; R. Scott Reisch; and Reisch Law Firm,
LLC,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA2002

In re the Estate of Vincent G. Santucci, deceased.

Barry W. Lancett,

Appellant,

v.

Richard A. Knezevich,

Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0366

Murphy Creek Development, Inc., a Colorado limited liability company, and
Murphy Creek, LLC, a Wyoming limited liability company,

Plaintiffs-Appellants,

v.

Murphy Creek Metropolitan District No. 3, a quasi-municipal corporation and
political subdivision of the State of Colorado,

Defendant-Appellee.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

Court of Appeals No. 20CA1874
Jefferson County District Court No. 18CV31962
Honorable Christopher C. Zenisek, Judge

Sheldon Spiegelman,

Plaintiff-Appellee,

v.

Barbara Currie Carlson, a/k/a Barbara Carlson, a/k/a Barbara Currie, and
Jurgen Denk,

Defendants-Appellants.

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

Division III
Opinion by JUDGE LIPINSKY
J. Jones and Gomez, JJ., concur

Opinion Modified
On the Court's Own Motion

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

[2021COA109M2](#)

Court of Appeals No. [21CA0282](#)

Huerfano County District Court No. 19CR282

Honorable Leslie J. Gerbracht, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Chad W. Brothers,

Defendant-Appellee.

ORDER AFFIRMED

Division I

Opinion by JUDGE YUN

Dailey and Freyre, JJ., concur

Opinion Modified

On the Court's Own Motion

Announced August 12, 2021

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2021.