

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 2, 2023*

“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

[2023COA10](#)

Court of Appeals No. [21CA1525](#)
Ouray County District Court No. 19CV30000
Honorable J. Steven Patrick, Judge

San Juan Hut Systems, Inc.,

Intervenor-Appellant,

v.

Board of County Commissioners of the County of Ouray, Colorado,

Defendant-Appellee,

and

Wolf Land Company, LP; Stephen King; Christina King; Gary R. Hollowell Revocable Trust; Jenny Lee Philips Revocable Funded Living Trust; Sophia Arjana; English Enterprises II, LLC; Phillips Kelly, LLC; Clara C. Moore Trust Dated November 7, 2008; Eric C. Faust; Jennifer W. Faust; Mesa Preservation, LLC; Clay Alfred Hartmann; Steven Phillip Dieckmann; and Lapointe Joint Trust Dated December 12, 2016,

Appellees.

APPEAL DISMISSED IN PART AND ORDER AFFIRMED

Division I
Opinion by JUDGE FURMAN
Dailey and Davidson*, JJ., concur

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ANNOUNCEMENTS
Colorado Court of Appeals
February 2, 2023

[2023COA11](#)

Court of Appeals No. [21CA1781](#)

City and County of Denver District Court No. 21CV31722

Honorable Shelley I. Gilman, Judge

Colorado Stormwater Council,

Plaintiff-Appellant,

v.

Water Quality Control Division of the Colorado Department of Public Health
and Environment,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE JOHNSON
Navarro and Welling, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA1054
El Paso County District Court No. 18CR56
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Victor Joe McCullough, Jr.,

Defendant-Appellant.

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

Division VI
Opinion by JUDGE BERGER*
Freyre and Lipinsky, JJ., concur

Prior Opinion Announced October 20, 2022, WITHDRAWN
Petition for Rehearing GRANTED

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

Court of Appeals No. 19CA1178
Larimer County District Court No. 16CR2606
Honorable Susan J. Blanco, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesse Raul Frias,

Defendant-Appellant.

JUDGMENT AND SENTENCES AFFIRMED

Division VI
Opinion by JUDGE SCHUTZ
Navarro and Tow, JJ., concur

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

Court of Appeals No. 19CA1551
La Plata County District Court No. 17CR626
Honorable Suzanne F. Carlson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Johnathan Michael Wright,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA1932
Adams County District Court No. 17CR4123
Honorable Tomee Crespín, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Marvin Teron Mitchell,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE DUNN
Brown and Gomez, JJ., concur

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

Court of Appeals No. 19CA1967
El Paso County District Court No. 16CR5701
Honorable Jann P. DuBois, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Ellis,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 19CA2074
City and County of Denver District Court No. 04CR446
Honorable Jay S. Grant, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Doushay Wise,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE DAILEY
Lum and Bernard*, JJ., concur

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

Court of Appeals No. 20CA0357
El Paso County District Court No. 18CR7577
Honorable Robin L. Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kathryn Therese Oakes,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART AND VACATED IN PART

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

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

Court of Appeals No. 20CA1041
Adams County District Court No. 09CR3527
Honorable Tomee Crespín, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Cristina Wanda Sears,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 20CA1286
City and County of Denver District Court No. 18CR3712
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juan B. Figueroa-Lopez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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February 2, 2023

Court of Appeals No. 20CA1720
Jefferson County District Court No. 07CR3150
Honorable Robert Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary William Carrico, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE JOHNSON
Navarro, J., concurs
Welling, J., dissents

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

Court of Appeals No. 20CA1744
Arapahoe County District Court No. 19CR2058
Honorable John E. Scipione, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeremy Hasani Scott,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE TOW
Navarro and Schutz, JJ., concur

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

Court of Appeals No. 20CA1954
Adams County District Court No. 18CR3282
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Allen Datillo,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE FREYRE
Furman and Welling, JJ., concur

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

Court of Appeals No. 21CA0381
City and County of Denver Juvenile Court No. 19JV1351
Honorable Pax L. Moultrie, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning D.R.M.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE NAVARRO
Grove and Pawar, JJ., concur

Prior Opinion Announced December 16, 2021, Reversed in 22SC29

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

Court of Appeals No. 21CA0760
Arapahoe County District Court No. 20JV191
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of M.M. and E.M., Children,

and Concerning M.M. and T.M.,

Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Fox and Schutz, JJ., concur

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

Court of Appeals No. 21CA1003
Arapahoe County District Court No. 20JV447
Honorable Robert Lung, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.W. and D.W., Children,

and Concerning C.W.,

Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Johnson and Lum, JJ., concur

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

Court of Appeals No. 21CA1064
Jefferson County District Court No. 98CR4076
Honorable Jason Carrithers, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mary Berniece Johnson,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE BROWN
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 21CA1182
Colorado Racing Commission Case No. 20R-002

In the Matter of Kerry Lee Kemper, Licensee Type: Owner/Trainer, License
Number 201210184,

Appellant,

v.

Colorado Division of Racing Events and Colorado Racing Commission,

Appellees.

ORDER AFFIRMED

Division II
Opinion by JUDGE WELLING
Furman and Freyre, JJ., concur

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

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ANNOUNCEMENTS
Colorado Court of Appeals
February 2, 2023

Court of Appeals No. 21CA1192
El Paso County District Court No. 05DR2192
Honorable Michael P. McHenry, Judge

In re the Marriage of

Jeffrey C. Humeny,

Appellee,

and

Daisy Jean Ortiz,

Appellant.

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

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

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

Court of Appeals No. 21CA1284
Grand County District Court No. 20CV30025
Honorable Mary C. Hoak, Judge

Bruce Feigelson and Heather Feigelson,
Plaintiffs-Appellees,

v.

Bowen Banbury and Lana Banbury,
Defendants-Appellants.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE SCHOCK
Fox and Lipinsky, JJ., concur

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

Court of Appeals No. 21CA1494
Arapahoe County District Court No. 21CV30265
Honorable Frederick T. Martinez, Judge

Clifford Celestin,
Plaintiff-Appellant,

v.

Stephen Walko,
Intervenor-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE GOMEZ
Dunn and Brown, JJ., concur

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

Court of Appeals No. 21CA1626
City and County of Denver District Court No. 19CV32278
Honorable Alex C. Myers, Judge

Spencer Estrella,
Plaintiff-Appellee,

v.

Buffalo Bill's Wings and Things LLC, Zachariah Gabani, and Yasir Gabani,
Defendants-Appellants.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE JOHNSON
Dailey and Lum, JJ., concur

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

Court of Appeals No. 21CA1627
City and County of Denver District Court No. 20CR2221
Honorable Eric M. Johnson, Judge

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

v.

Aurelio DeSantiago,
Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE YUN
Pawar, J., concurs
J. Jones, J., specially concurs

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

Court of Appeals No. 21CA1812
El Paso County District Court No. 19CV22
Honorable David Prince, Judge

Michael Smith,

Plaintiff-Appellant,

v.

Set Group, LLC,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE DUNN
Brown and Gomez, JJ., concur

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

Court of Appeals No. 22CA0039
Douglas County District Court No. 13DR376
Honorable Robert Lung, Judge

In re the Marriage of

Michelle Stich, n/k/a Michelle Camilletti,

Appellee,

and

Stephen Stich,

Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE SCHOCK
Fox and Lipinsky, JJ., concur

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

Court of Appeals No. 22CA0155
Fremont County District Court No. 20DR164
Honorable Michael W. Meyrick, Magistrate

In re the Marriage of

Melanie Lynn Mason,

Appellee,

and

Simon George Mason,

Appellant.

JUDGMENT AND ORDER AFFIRMED
AND CASE REMANDED WITH DIRECTIONS

Division A
Opinion by CHIEF JUDGE ROMÁN
Davidson* and Bernard*, JJ., concur

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

Court of Appeals No. 22CA0239
El Paso County District Court No. 18JV798
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.M. and P.B.,

Appellants.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE JOHNSON
Dailey and Lum, JJ., concur

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

Court of Appeals No. 22CA0363
Adams County District Court No. 20JV324
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning B.D.,

Appellant,

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0571
El Paso County District Court No. 18JV760
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning D.M. and M.M.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0944
Adams County District Court No. 19JV339
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Appellee,

In the Interest of X.P.G., and M.P.G., Children,

and Concerning J.P-R.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE DAVIDSON*
Román, C.J., and Bernard*, JJ., concur

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

Court of Appeals No. 22CA0992
Weld County District Court No. 20JV372
Honorable Meghan P. Saleeby, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning C.W. III and A.N.,

Appellants.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1322
Weld County District Court No. 22CR897
Honorable Allison J. Esser, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Steven Michael Regalado, Jr.,

Defendant-Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE TOW
Navarro and Schutz, JJ., concur

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

Court of Appeals No. 22CA1972
Pueblo County District Court No. 22MH335
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Adrian Ross,

Respondent-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE TOW
Navarro and Schutz, 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. 18CA1877

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rachel Ann Niemeyer,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 18CA2297

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lamont Danell Ford,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA0169

The People of the State of Colorado

Plaintiff-Appellee,

v.

Audra Jean Krug,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA0207

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Samuel Oscarpeter Yeiser,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1527

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hazhar A. Sayed,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 20CA1864

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of C.M.,

Juvenile-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0873

Chuck O. Egbune,

Plaintiff-Appellant,

v.

Monique Robinson-Hines, Iyona Walton, Evans Case, LLP, f/k/a Benson & Case, LLP, Aaron Evans, and Kari Jones,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1746

Cedar Cove Condominium Association, Inc.,

Plaintiff-Appellant,

v.

Country Mutual Insurance Company,

Defendant-Appellee.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1778

Keith Clayton Brooks,

Plaintiff-Appellant,

v.

Dean Williams, Executive Director of the Colorado Department of Corrections;
and Siobhan Burtlow, Warden of the Fremont Correctional Facility,

Defendants-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals Nos. 21CA1908 & 22CA0289

F. Guthrie Castle, Jr.,

Plaintiff-Appellant,

v.

Shari R. Braund,

Defendant-Appellee.

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. 2022.