

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 9, 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

[2023COA12](#)

Court of Appeals No. [20CA0090](#)
Pueblo County District Court No. 12CR1410
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Eulogio Vigil,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

[2023COA13](#)

Court of Appeals No. [20CA1607](#)
Arapahoe County District Court No. 18CR1425
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Yusuf Mawiye Omar,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE YUN
Pawar and Davidson*, JJ., concur

[2023COA14](#)

Court of Appeals No. [20CA1998](#)
City and County of Denver District Court No. 19CV30557
Honorable Michael J. Vallejos, Judge

Air Solutions, Inc., d/b/a Airpro Incorporated, a Colorado corporation, and
Benjamin Vrbancic, an individual,

Plaintiffs-Appellees

v.

Christopher R. Spivey,

Defendant-Appellant

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

Division III
Opinion by JUDGE J. JONES
Welling, J., concurs
Schutz, J., concurs in part and dissents in part

-3-
ANNOUNCEMENTS
Colorado Court of Appeals
February 9, 2023

[2023COA15](#)

Court of Appeals No. [21CA1021](#)

Mesa County District Court No. 20CV30077

Honorable Brian J. Flynn, Judge

Rudolph Fontanari, Trustee of the Fontanari Family Revocable Trust,

Plaintiff-Appellant,

v.

Colorado Mined Land Reclamation Board; Colorado Division of Reclamation,
Mining and Safety; and Snowcap Coal Company, Inc.,

Defendants-Appellees.

APPEAL DISMISSED IN PART AND JUDGMENT AFFIRMED

Division II
Opinion by JUDGE J. JONES
Brown and Kuhn, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 19CA1739
Jefferson County District Court No. 18CR1374
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alicia Valdez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones and Pawar, JJ., concur

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

Court of Appeals No. 19CA1926
El Paso County District Court No. 17CR3101
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Derric Elijah Cooper,

Defendant-Appellant.

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. 20CA0363
City and County of Denver District Court No. 18CR9827
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jacob M. Barrett,

Defendant-Appellant.

JUDGMENT 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. 20CA1505
Boulder County District Court No. 19CV31158
Honorable Andrew R. Macdonald, Judge

Travis Morrow,

Plaintiff-Appellant,

v.

David Lewis, bankruptcy trustee for Nicole Schmidt,

Defendant-Appellee.

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

Division VI
Opinion by JUDGE HARRIS
Navarro and Freyre, JJ., concur

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

Court of Appeals No. 20CA1531
Boulder County District Court No. 17CR1619
Honorable Andrew Hartman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Oreste Benitez-Dermas,

Defendant-Appellant.

SENTENCE AFFIRMED

Division II
Opinion by JUDGE FURMAN
Freyre and Welling, JJ., concur

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

Court of Appeals No. 20CA2020
Jefferson County District Court No. 19CR2389
Honorable Robert Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mikhail Aaron Durall,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE LIPINSKY
Fox and Schock, JJ., concur

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

Court of Appeals No. 21CA0235
City and County of Denver District Court No. 17CR1666
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Constance M. Volz,

Defendant-Appellant.

ORDER VACATED

Division III
Opinion by JUDGE J. JONES
Pawar and Yun, JJ., concur

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

Court of Appeals No. 21CA0378
Douglas County District Court No. 11CR75
Honorable Theresa Slade, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Grant Petta,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 21CA0431
Weld County District Court No. 20CR614
Honorable Vincente G. Vigil, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Albert Pallotto,

Defendant-Appellant.

SENTENCE AFFIRMED IN PART
AND CASE REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE FOX
Lipinsky and Schock, JJ., concur

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

Court of Appeals No. 21CA1184
Colorado Racing Commission Case No. 20R-003

In the Matter of Miguel Pena, Licensee Type: Owner/Trainer, License Number
201601424,

Appellant,

v.

Colorado Division of Racing Events and Colorado Racing Commission,

Appellees.

ORDER AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones and Martinez*, JJ., concur

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

Court of Appeals No. 21CA1189
Garfield County District Court No. 17CR240
Honorable John F. Neiley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gerald Ronald Hulsey,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE YUN
J. Jones and Pawar, JJ., concur

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

Court of Appeals No. 21CA1249
Arapahoe County District Court No. 18CV32241
Honorable Elizabeth Beebe Volz, Judge

William McGreevy and Colleen McGreevy,

Plaintiffs-Appellants,

v.

Justin Tobias Jenkins,

Defendant-Appellee.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
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. 21CA1288
Jefferson County District Court No. 19CV30388
Honorable Tamara S. Russell, Judge

Board of County Commissioners of the County of Jefferson, State of Colorado,
a body politic and corporate,

Plaintiff-Appellee and Cross-Appellant,

v.

Bear Creek Development Corporation, a Colorado corporation; LNB & PBQ Real
Estate Ventures I, LLC, a South Dakota limited liability company; Native Suns
LLC, Table Mountain, a Colorado limited liability company,

Defendants-Appellants and Cross-Appellees,

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
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. 21CA1434
Larimer County District Court No. 18CV30861
Honorable Julie Kunce Field, Judge

Whitney Mitchell and Levi Mitchell,
Plaintiffs-Appellants,

v.

Sarah Jess, M.D., and Christy L. Young, M.D.,
Defendants-Appellees.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE LUM
Dailey and Graham*, JJ., concur

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

Court of Appeals No. 21CA1459
Arapahoe County District Court No. 12CR2305
Honorable Elizabeth Weishaupl, Judge

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

v.

Dion M. Rankin,
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. 21CA1462
City and County of Denver District Court No. 18CV32834
Honorable Darryl F. Shockley, Judge

Matthew Casey,

Plaintiff-Appellant,

v.

Jacob Robl and M & R Roofing, Inc.,

Defendants-Appellees.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE FURMAN
Freyre and Welling, JJ., concur

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

Court of Appeals No. 21CA1709
Arapahoe County District Court No. 21CV30922
Honorable Elizabeth Beebe Volz, Judge

Matthew Snider,

Plaintiff-Appellant,

v.

City of Aurora, Colorado,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE WELLING
Freyre, J., concurs
Furman, J., dissents

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

Court of Appeals No. 21CA1744
Adams County District Court No. 20CR1301
Honorable Roberto Ramirez, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ahkeem Jamall Powell,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE LIPINSKY
Fox and Schock, JJ., concur

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

Court of Appeals No. 21CA1755
Arapahoe County District Court No. 05CR3424
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roderick D. Bracken,

Defendant-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. 21CA2049
Arapahoe County District Court No. 84CR99
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Charles J. McMillian,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0115
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-165-265

Benedict Butch Donati,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Michael Joseph Heinz
d/b/a Trees R Us, and Pinnacol Assurance,

Respondents.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA1178
Industrial Claim Appeals Office of the State of Colorado
DD No. 12357-2022

Anthony W. Price,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance Customer Service Center,

Respondents.

ORDER AFFIRMED

Division A
Opinion by JUDGE VOGT*
Román, C.J., and Bernard*, J., 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. 20CA0633

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Michael Wilson,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 20CA0646

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Audrey Lee Tennyson,

Defendant-Appellant.

Petition for Rehearing DENIED

Court of Appeals No. 20CA1128

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ana Leyva,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 21CA0253

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terry Eugene Owen,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals No. 21CA1219

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chappell Rafiq Abdul Al-Siddiq,

Defendant-Appellant.

Petition for Rehearing DENIED

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

MODIFIED OPINIONS

Court of Appeals No. 21CA1627

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Aurelio DeSantiago,

Defendant-Appellant.

Opinion Modified
On the Court's Own Motion

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.