

ANNOUNCEMENTS
COLORADO COURT OF APPEALS
May 2, 2024

“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

[2024COA45](#)

Court of Appeals No. [21CA1584](#)

Adams County District Court Nos. 19CR4352, 20CR2217 & 20CR3032

Honorable Mark D. Warner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roy Matthew Miller,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I

Opinion by JUDGE J. JONES
Harris and Gomez, JJ., concur

[2024COA46](#)

Court of Appeals No. [23CA0247](#)
Weld County District Court No. 21CR2471
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jessie Rodriguez, Sr.,

Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE FOX
Schutz and Moultrie, JJ., concur

[2024COA47](#)

Court of Appeals No. [23CA1295](#)
Industrial Claim Appeals Office of the State of Colorado
WC Nos. 5-140-113 & 5-205-197

Life Care Centers of America, d/b/a University Park Care Center, and Old
Republic Insurance Company,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado and Vincent Gaines,
(Deceased), by appointed representative and surviving spouse, Sheila
Jackson,

Respondents.

ORDER AFFIRMED

Division VII
Opinion by JUDGE TOW
Lipinsky and Grove, JJ., concur

[2024COA48](#)

Court of Appeals No. [23CA1538](#)

El Paso County District Court No. 23CV30866

Honorable Gregory R. Werner, Judge

Raymond Edward Moore,

Plaintiff-Appellant,

v.

4th Judicial District Attorney,

Defendant-Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE YUN
Welling and Lum, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 21CA1513
Arapahoe County District Court No. 18CR572
Honorable Eric B. White, Judge
Honorable Andrew C. Baum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gustavo Andazola-Burciaga,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE SCHUTZ
Fox and Moultrie, JJ., concur

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

Court of Appeals No. 21CA1860
City and County of Denver District Court No. 20CR2860
Honorable Ericka F. H. Englert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Guadalupe Vigil,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUSTICE MARTINEZ*
J. Jones and Gomez, JJ., concur

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

Court of Appeals No. 22CA0588
Arapahoe County District Court No. 19CR4067
Honorable Darren L. Vahle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Curtis Eugene Davis-Barnes,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE BROWN
Freyre and Johnson, JJ., concur

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

Court of Appeals No. 22CA0595
Arapahoe County District Court No. 19CR2031
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ralph Edward Ford,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Brown and Johnson, JJ., concur

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

Court of Appeals No. 22CA0963
Boulder County District Court Nos. 19CR2327 & 21CR1962
Honorable Norma A. Sierra, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Timothy Schwennesen,

Defendant-Appellant.

SENTENCE AFFIRMED

Division VI
Opinion by JUDGE WELLING
Yun and Lum, JJ., concur

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

Court of Appeals No. 22CA1461
City and County of Denver District Court No. 10CR4556
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Hector Abraham Paez,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GOMEZ
J. Jones and Harris, JJ., concur

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

Court of Appeals No. 22CA2195
Adams County District Court No. 20CR3466
Honorable Patrick H. Pugh, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joe Santini Cartagena,

Defendant-Appellant.

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

Division III
Opinion by JUDGE PAWAR
Dunn and Richman*, JJ., concur

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

Court of Appeals No. 23CA0227
Custer County District Court No. 21DR30006
Honorable Lynette M. Wenner, Judge

In re the Marriage of

Barbara Darlene Gierhart n/k/a Anderson,

Appellee,

and

Kenneth Lang Gierhart,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE HARRIS
J. Jones and Gomez, JJ., concur

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

Court of Appeals No. 23CA0323
El Paso County District Court No. 21DR31972
Honorable Chad Miller, Judge

In re the Marriage of

Lori West,

Appellant,

and

Kenneth P. West,

Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE YUN
Welling and Lum, JJ., concur

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

Court of Appeals No. 23CA0634
Arapahoe County District Court No. 18DR30088
Honorable Cajardo Lindsey, Judge

In re the Marriage of

Abdellatif Benchiheb,

Appellant,

and

Laila Makari,

Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA0660
Las Animas County District Court No. 20CV18
Honorable J. Clay McKisson, Judge

Norman Ray Reed, Jr.,

Plaintiff-Appellant,

v.

Mt. San Rafael Hospital and James Ashley Ward, LPC,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE NAVARRO
Kuhn and Schock, JJ., concur

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

Court of Appeals No. 23CA0736
El Paso County District Court No. 22DR1742
Honorable Erin Sokol, Judge

In re the Marriage of

Brian David Trani,

Appellant,

and

Judy Ann Marquez,

Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE LUM
Welling and Yun, JJ., concur

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

Court of Appeals No. 23CA1005
City and County of Denver District Court No. 21CV32605
Honorable Andrew J. Luxen, Judge

Sawkins Investments, LLC,

Plaintiff-Appellant,

v.

AJS Inc.,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE NAVARRO
Kuhn and Schock, JJ., concur

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

Court of Appeals No. 23CA1064
Jefferson County District Court No. 22CV31389
Honorable Robert Lochary, Judge

Charles J. Braun,

Plaintiff-Appellant,

v.

WG Golden, LLC, a Colorado limited liability company,

Defendant-Appellee.

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

Division VII
Opinion by JUDGE TOW
Lipinsky and Grove, JJ., concur

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

Court of Appeals No. 23CA1230
Fremont County District Court No. 23CV1032
Honorable Lynette M. Wenner, Judge

Byron T. Cortez,

Plaintiff-Appellant,

v.

Colorado Territorial Correctional Facility, San Carlos Correctional Facility, and
Executive Director of the Colorado Department of Corrections,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE LIPINSKY
Tow and Grove, JJ., concur

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

Court of Appeals No. 23CA1284
Arapahoe County District Court No. 20CV32320
Honorable Ben L. Leutwyler III, Judge

Alpertcook Venture II LLC,

Plaintiff-Appellant,

v.

Jack Alan Prather Trust; Nathan White Jr. as Trustee of the Jack Alan Prather Trust; Xiangdong Guo; and Tao Zhang,

Defendants-Appellees.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART

Division III
Opinion by JUDGE RICHMAN*
Dunn and Pawar, JJ., concur

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

Court of Appeals No. 23CA1616
Board of Assessment Appeals No. 22BAA965

Englewood Dental Center, PC,

Petitioner-Appellant,

v.

Arapahoe County Board of Equalization,

Respondent-Appellee,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

Division VI
Opinion by JUDGE YUN
Welling and Graham*, JJ., concur

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

Court of Appeals No. 23CA1641
City and County of Denver District Court No. 22CV333
Honorable Christopher J. Baumann, Judge

Leonard English, Jr.,

Plaintiff-Appellant,

v.

Denver District Attorney's Office, Beth McCann, and Joe Morales,

Defendants-Appellees.

ORDER AFFIRMED

Division VII
Opinion by JUDGE TOW
Lipinsky and Grove, JJ., concur

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

Court of Appeals No. 23CA2195
Industrial Claim Appeals Office of the State of Colorado
DD No. 24271-2023

Wanda Thesing,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and One Source
Lighting Inc.,

Respondents.

ORDER AFFIRMED

Division VII
Opinion by JUDGE GROVE
Tow and Lipinsky, 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. 22CA0146

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Andrew Rizo,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA0200

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin James O'Rourke,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA2254

State of Colorado, ex rel. Philip J. Weiser, Attorney General,

Plaintiff-Appellee,

v.

Adam Cole Shryock,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA0759

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Damon Dares Keys,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA1007

Master Homeowners Association for Green Valley Ranch, a Colorado non-profit corporation,

Plaintiff-Appellee,

v.

Ella M. Coney,

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. 2022.