

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
January 25, 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**

[2024COA9](#)

Court of Appeals No. [21CA0309](#)  
Boulder County District Court No. 19CR447  
Honorable Thomas F. Mulvahill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachary Orion Roper,

Defendant-Appellant.

ORDER OF LIMITED REMAND

Division VII  
Opinion by JUDGE TOW  
Brown and Schock, JJ., concur

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ANNOUNCEMENTS  
Colorado Court of Appeals  
January 25, 2024

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[2024COA10](#)

Court of Appeals No. [23CA0004](#)

Boulder County District Court No. 21CV30567

Honorable Dea M. Lindsey, Judge

Stone Group Holdings LLC, a Colorado limited liability company,

Plaintiff-Appellee,

v.

Todd Ellison and MC2 Boulder LLC, d/b/a Marquis Cannabis, a Colorado limited liability company,

Defendants-Appellants

and

D.J. Marcus

Attorney-Appellant.

APPEAL DISMISSED

Division IV  
Opinion by JUDGE GROVE  
Navarro and Lum, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 20CA1843  
City and County of Denver District Court No. 16CR2421  
Honorable Edward D. Bronfin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Amos Rogers,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE GROVE  
Navarro and Martinez\*, JJ., concur

Prior Opinion Announced October 5, 2023 WITHDRAWN  
Petition for Rehearing GRANTED IN PART

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

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Court of Appeals Nos. 21CA0604 & 21CA0704  
Jefferson County District Court No. 14CR3044  
Honorable Randall C. Arp, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Delano Marco Medina,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE FREYRE  
Brown and Bernard\*, JJ., concur

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

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Court of Appeals No. 21CA1194  
El Paso County District Court No. 19CR3670  
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael David Whyte,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE BERNARD\*  
Freyre and Brown, JJ., concur

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

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Court of Appeals No. 21CA1617  
Larimer County District Court No. 17CV30878  
Honorable C. Michelle Brinegar, Judge

Glenda J. Anderson, Terry R. Anderson, Pamela Buffington, Grant E. Hall,  
Joyce A. Hall, and Michael Knaub,

Plaintiffs-Appellees,

v.

Bernis Harold Hollaway,

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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Court of Appeals No. 21CA1858  
City and County of Denver District Court No. 20CR1652  
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roxanne Rodriguez-Hernandez,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 21CA2061  
Moffat County District Court No. 14CR107  
Honorable Sandra H. Gardner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Delano Marco Medina,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE FREYRE  
Brown and Bernard\*, JJ., concur

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

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Court of Appeals No. 22CA0556  
Larimer County District Court No. 21CR725  
Honorable Sarah B. Cure, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Lee Cook,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 22CA0973  
El Paso County District Court No. 20CR4257  
Honorable Robin Chittum, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Katie Charlotte Marsh,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE BROWN  
Freyre and Bernard\*, JJ., concur

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

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Court of Appeals No. 22CA1057  
Mesa County District Court No. 19CV30459  
Honorable Matthew D. Barrett, Judge

Cheryl Emmons and Marsha Davis-Wilmeth,

Plaintiffs-Appellees,

v.

Paul B. Jones and Gynecologic-Obstetrical Associates of Western Colorado,  
P.C., n/k/a Women's Healthcare of Western Colorado, P.C.

Defendants-Appellants.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division IV  
Opinion by JUDGE LUM  
Navarro and Grove, JJ., concur

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

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Court of Appeals No. 22CA1064  
El Paso County District Court No. 19CR2701  
Honorable Samuel A. Evig, Judge

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

v.

John Edward Smith,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE BERNARD\*  
Dunn and Harris, JJ., concur

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

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Court of Appeals No. 22CA1093  
City and County of Denver District Court No. 03CR713  
Honorable Brian R. Whitney, Judge

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

v.

Elest Carlos Marquez,  
  
Defendant-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE JOHNSON  
J. Jones and Schutz, JJ., concur

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

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Court of Appeals No. 22CA1135  
City and County of Denver District Court No. 10CR4626  
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Juan Gee,

Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 22CA1448  
Adams County District Court No. 18DR30413  
Honorable Emily Lieberman, Judge

In re the Parental Responsibilities Concerning B.J.W., a Child,

Robert J. Wade,

Petitioner,

and

Sarah A. Ward,

Appellant,

and Concerning Virginia Ward,

Intervenor-Appellee.

ORDER AFFIRMED

Division V  
Opinion by JUDGE BROWN  
Freyre and Hawthorne\*, JJ., concur

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

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Court of Appeals No. 22CA1679  
Weld County District Court No. 08CR1866  
Honorable Marcelo A. Kopcow, Judge

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

v.

Antonio N. Manzanares,  
  
Defendant-Appellant.

ORDER AFFIRMED

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

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

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Court of Appeals No. 22CA1874  
El Paso County District Court No. 21CR3330  
Honorable David Shakes, Judge

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

v.

Roberto Carlo Delgado-Cruz,  
  
Defendant-Appellee.

ORDER AFFIRMED

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

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

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Court of Appeals No. 22CA2230  
El Paso County District Court No. 21DR32297  
Honorable Frances Johnson, Judge

In re the Parental Responsibilities Concerning A.T.W., a Child,  
and Concerning Matthew Kent Williams,

Appellant,

and

Jacqueline Percy,

Appellee.

ORDER AFFIRMED

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

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

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Court of Appeals No. 23CA0081  
Jefferson County District Court No. 15CV31262  
Honorable Tamara S. Russell, Judge

Terrence M. Wyles,

Plaintiff-Appellant,

v.

Williams Law, P.C., d/b/a The Vasilco Law Group; Patrick Vasilco; Michael  
Williams; and T.J. Carney,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA0096  
City and County of Denver District Court No. 12CR1562  
Honorable W. Terry Ruckriegle, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Stephen J. Ahuero,

Defendant-Appellee.

ORDER REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division V  
Opinion by JUDGE BERNARD\*  
Brown and Graham\*, JJ., concur

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

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Court of Appeals No. 23CA0147  
City and County of Denver District Court No. 20CV32541  
Honorable Stephanie L. Scoville, Judge

Nancy A. Leprino, as Co-Trustee, of Nancy A. Leprino Irrevocable Grantor Trust; and Denis Patrick Gibbs, as Independent Trustee of Nancy A. Leprino Irrevocable Grantor Trust; the Nancy A. Leprino GST Exempt Trust Under Agreement Creating the Nancy A. Leprino Irrevocable Grantor Trust Dated December 20, 2012; and the Nancy A. Leprino GST Non-Exempt Trust Under Agreement Creating the Nancy A. Leprino Irrevocable Grantor Trust Dated December 20, 2012; and Nancy A. Leprino as Personal Representative of the Estate of Mike A. Leprino, a/k/a Mike Leprino, a/k/a Mike Andrew Leprino, Deceased,

Plaintiffs-Appellants,

v.

Leprino Foods Company, a Colorado corporation; James G. Leprino; Terry L. Leprino; Gina M. Vecchiarelli; Daniel A. Vecchiarelli; and Terry L. Leprino, as trustee on behalf of the James G. Leprino Irrevocable Trust #4; Gina M. Vecchiarelli, as trustee on behalf of the James G. Leprino Irrevocable Trust #4; and Daniel A. Vecchiarelli, as trustee on behalf of the James G. Leprino Irrevocable Trust #4; JGL 2014 GRAT; JGL-GMV 2011 GST Trust; JGL-TLL 2011 GST Trust; TLL 2011 GST Trust; TLL 2014 GRAT; Terry Leprino Trust #1; Terry Lynn Leprino Irrevocable Trust #4; Terry Lynn Leprino Irrevocable Trust #5; Gina Vecchiarelli Trust #1; Gina Marie Vecchiarelli Irrevocable Trust #4; Gina Marie Vecchiarelli Irrevocable Trust #5; GMV 2011 GST Trust; GMV 2014 GRAT; Francesca Rae Vecchiarelli 2008 Trust; and Gianna Marie Vecchiarelli 2008 Trust,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE SCHOCK  
Tow and Brown, JJ., concur

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

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Court of Appeals No. 23CA0199  
El Paso County District Court No. 21DR32062  
Honorable David Prince, Judge

In re the Marriage of

Jannette Huismann,

Appellant,

and

Mark Huismann,

Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

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

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

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Court of Appeals No. 23CA0314  
City and County of Denver District Court Nos. 91CR1554, 91CR1555,  
91CR1557, 91CR1558 & 91CR1563  
Honorable Ericka F. H. Englert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Byron T. Cortez,

Defendant-Appellant.

ORDER AFFIRMED

Division A  
Opinion by JUDGE DAVIDSON\*  
Román, C.J., and Graham\*, J., concur

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

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Court of Appeals No. 23CA0534  
Mesa County District Court No. 13CR1336  
Honorable Richard T. Gurley, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Allen Jompp,

Defendant-Appellant.

APPEAL DISMISSED

Division A  
Opinion by JUDGE GRAHAM\*  
Román, C.J., and Davidson\*, J., concur

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

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Court of Appeals No. 23CA0892  
Larimer County District Court No. 21JV249  
Honorable Laurie K. Dean, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning S.J.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA1033  
Jefferson County District Court No. 22JV30011  
Honorable Ann Gail Meinster, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning J.A.C.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA1193  
City and County of Denver Juvenile Court No. 21JV395  
Honorable Laurie A. Clerk, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.S.D., a Child,

and Concerning D.L.D. and S.R.B.,

Appellants.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE BROWN  
Freyre and Bernard\*, JJ., concur

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

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Court of Appeals No. 23CA1274  
City and County of Denver Juvenile Court No. 21JV725  
Honorable Kimberly Karn, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.E-J.R. and A.L.R., Children,

and Concerning S.L.B. and D.J.R.,

Appellants.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE GROVE  
Tow and Lipinsky, JJ., concur

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

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Court of Appeals No. 23CA1315  
Arapahoe County District Court Nos. 21JV306 & 22JV162  
Honorable Bonnie H. McLean, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.C. and J.S., Children,

and Concerning J.C.,

Appellant.

JUDGMENT AFFIRMED

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

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

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Court of Appeals No. 23CA1323  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 11788-2023

Lisa M. LeTavish,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Echosphere, LLC,

Respondents.

ORDER AFFIRMED

Division II  
Opinion by JUDGE SCHUTZ  
Fox and Graham\*, JJ., concur

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

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**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. 20CA0127

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Howard Butterfield,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 20CA1291

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Mark Gemelli,

Defendant-Appellant.

Petition for Rehearing DENIED

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Court of Appeals No. 20CA1843

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Amos Rogers,

Defendant-Appellant.

Petition for Rehearing GRANTED IN PART

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

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Court of Appeals No. 21CA1738

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher G. Smith,

Defendant-Appellant.

Petition for Rehearing DENIED

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

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Court of Appeals No. 22CA1388

Zachariah Dobler,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections and Warden of  
Buena Vista Correctional Facility,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 22CA1389

Zachariah Dobler,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections, and Warden of  
Buena Vista Correctional Facility,

Defendants-Appellees.

Petition for Rehearing DENIED

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

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Court of Appeals No. 22CA1772

William Airy,

Plaintiff-Appellant,

v.

Guy-Icon, Inc.,

Defendant-Appellee,

and

Leanne Airy,

Third-Party Defendant-Appellant.

Petition for Rehearing DENIED

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

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2023.