

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 8, 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

[2024COA11](#)

Court of Appeals No. [20CA0727](#)
Jefferson County District Court No. 18CR1985
Honorable Christie A. Bachmeyer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Toni Theresa Torrez,

Defendant-Appellant.

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

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

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ANNOUNCEMENTS
Colorado Court of Appeals
February 8, 2024

[2024COA12](#)

Court of Appeals No. [22CA1714](#)

City and County of Denver District Court No. 14DR30919

Honorable Christine C. Antoun, Judge

In re the Parental Responsibilities Concerning E.E.L-T., a Child,

and Concerning Robert Sean Larkin,

Appellee,

and

Lydia Dawn Toupin,

Appellant.

ORDER AFFIRMED

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

UNPUBLISHED OPINIONS

Court of Appeals No. 20CA1677
Adams County District Court No. 19CR636
Honorable Caryn A. Datz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ruben Melendez,

Defendant-Appellant.

ORDER VACATED, APPEAL DISMISSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 21CA1496
Arapahoe County District Court No. 18CR1934
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Allen Fresquez,

Defendant-Appellant.

JUDGMENT 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. 21CA1497
El Paso County District Court No. 20CR631
Honorable Chad Miller, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rosa Raquel Sanchez-Diaz,

Defendant-Appellant.

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. 22CA0187
Huerfano County District Court No. 19CR290
Honorable Leslie J. Gerbracht, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mike Encina,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0196
Park County District Court No. 17CR62
Honorable Stephen A. Groome, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Everett Miles Klomann,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE SCHOCK
Navarro and Kuhn, JJ., concur

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

Court of Appeals No. 22CA0325
El Paso County District Court No. 20CR2519
Honorable Marcus S. Henson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Emanuel Kalob Joseph Gomez,

Defendant-Appellant.

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

Division IV
Opinion by JUDGE KUHN
Navarro and Schock, JJ., concur

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

Court of Appeals No. 22CA0709
Pueblo County District Court No. 20CR1038
Honorable Allison P. Ernst, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Crystal Ann Lucero,

Defendant-Appellant.

ORDER VACATED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA0726
Arapahoe County District Court No. 19CR357
Honorable Joseph Whitfield, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brian Eugene Barcelona,

Defendant-Appellant.

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. 22CA0769
Logan County District Court No. 16CR16
Honorable Justin B. Haenlein, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Timothy Eugene Ford,

Defendant-Appellant.

ORDERS AFFIRMED

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

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

Court of Appeals No. 22CA0884
Adams County District Court No. 19CR3158
Honorable Jeffrey Smith, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Alejandro Macias,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1132
Elbert County District Court No. 20CR5
Honorable Gary M. Kramer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Douglas Shrader,

Defendant-Appellant.

SENTENCE REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 22CA1482
Boulder County District Court No. 12CR1798
Honorable Norma A. Sierra, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Michael Budd,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE MOULTRIE
Fox and Schutz, JJ., concur

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

Court of Appeals No. 22CA1587
Pueblo County District Court No. 21CR1887
Honorable Deborah R. Eyler, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Frank Daniel Mascarenas,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA2044
Douglas County District Court No. 21CV30330
Honorable Andrew C. Baum, Judge

South Village, LLC, a Colorado limited liability company, f/k/a Frederick
Ranch, LLC,

Plaintiff-Appellant,

v.

D.R. Horton, Inc., a Delaware corporation, and Melody Homes, Inc., a Delaware
corporation,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA2157
Jefferson County District Court No. 21CR3514
Honorable Robert Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tanner J. Vanderslice,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE KUHN
Navarro and Schock, JJ., concur

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

Court of Appeals No. 23CA0506
Park County District Court No. 21DR30027
Honorable Amanda Hunter, Judge

In re the Parental Responsibilities Concerning B.V.C. and D.A.C., Children,
and Concerning Jesse Vincent Crivello,

Appellee,

and

Catherine Ann Martin,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

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

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

Court of Appeals No. 23CA0555
Grand County District Court No. 22DR12
Honorable Mary C. Hoak, Judge

In re the Marriage of

Christie Alison Justice,

Appellant,

and

Paul Duane Rinkel,

Appellee.

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

Division I
Opinion by JUDGE HARRIS
Dunn and Bernard*, JJ., concur

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

Court of Appeals No. 23CA1110
City and County of Broomfield District Court No. 18MH39
Honorable Sean Finn, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Peter L. Prunskunas,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE LIPINSKY
Fox and Freyre, JJ., concur

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

Court of Appeals No. 23CA1329
City and County of Denver Juvenile Court No. 21JV825
Honorable Pax Moultrie, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.De.B-F. and A.Du.B-F., Children,

and Concerning F.M.J.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA1377
Delta County District Court No. 23JV30006
Honorable Martin A. Gonzales, Judge

The People of the State of Colorado,

Appellee,

In the Interest of J.A.K. and T.K., Children,

and Concerning R.K.,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE SCHOCK
Navarro and Kuhn, 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. 21CA1578

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mohammed Diawarra,

Defendant-Appellant.

Opinion Modified and
Petition for Rehearing DENIED

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

Court of Appeals Nos. 22CA1433 & 22CA1891

Western Development, Inc., Keith A. Novick, as Trustee of the Novick Family Irrevocable Trust dated 10/9/2009, and Keith A. Novick in his individual capacity,

Plaintiffs-Appellees and Cross-Appellants,

v.

Sabalos, LLC, a Colorado limited liability company, and Lionshead Inn, LLC, a Colorado limited liability company,

Defendants-Appellants and Cross-Appellees.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA0118
El Paso County District Court No. 16DR30155
Honorable Chad Miller, Judge

In re the Parental Responsibilities Concerning M.M., a Child,
and Concerning Kristin Lee,
Appellee,
and
William Muhr,
Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA0156

Michael D. Farrow,
Plaintiff-Appellant,

v.

Vickie Nira, Health Service Administrator for Sterling Correctional Facility,
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. 2023.