

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
February 29, 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

[2024COA20](#)

Court of Appeals No. [21CA1699](#)
Adams County District Court No. 18CR4280
Honorable Sean Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Bryan Christopher Kirby,

Defendant-Appellant.

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

Division V
Opinion by JUDGE KUHN
Freyre and Yun, JJ., concur

[2024COA21](#)

Court of Appeals No. [22CA0058](#)
City and County of Denver District Court No. 07CR2501
Honorable Kandace C. Gerdes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gene Sterling Melendez,

Defendant-Appellant.

ORDER AFFIRMED

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

[2024COA22](#)

Court of Appeals No. [22CA1154](#)
Boulder County District Court No. 21CV30048
Honorable Patrick Butler, Judge

Gilbert Million,

Plaintiff-Appellant and Cross-Appellee,

v.

Carol Grasse; Chesed, LLC, a Colorado limited liability company; Rose Valley, LLC, a Colorado limited liability company; and Nugae, LLC, a Colorado limited liability company,

Defendants-Appellees and Cross-Appellants.

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

Division V
Opinion by JUDGE BERGER*
Yun, J., concurs
Kuhn, J., concurs in part and dissents in part

[2024COA23](#)

Court of Appeals No. [23CA0243](#)
Montrose County District Court No. 22CV30077
Honorable J. Steven Patrick, Judge

Pamela Barrett and Raymond M. Cossey,

Plaintiffs-Appellants,

v.

Division of Water Resources, State of Colorado; Office of the State Engineer;
Kevin Rein, P.E., as State Engineer, State of Colorado; Harold Priestley; Drue
Priestley; and HDP Revocable Trust,

Defendants-Appellees.

JUDGMENT AFFIRMED

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

[2024COA24](#)

Court of Appeals No. [23CA0522](#)
Kit Carson County District Court No. 21CV30012
Honorable Carl S. McGuire, III, Judge

Center for Wound Healing & Hyperbaric Medicine, LLC of Burlington Colorado,

Plaintiff-Appellant,

v.

Kit Carson County Health Service District,

Defendant-Appellee.

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

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

UNPUBLISHED OPINIONS

Court of Appeals No. 20CA0356
Boulder County District Court No. 18CR1632
Honorable Andrew Hartman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Martinez,

Defendant-Appellant.

JUDGMENT 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. 20CA0829
Arapahoe County District Court No. 18CR16
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Akeem Jawon Barther,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE GRAHAM*
Lipinsky and Schutz, JJ., concur

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

Court of Appeals No. 21CA1538
Yuma County District Court No. 19CR52
Honorable Carl S. McGuire, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason Henderson,

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 Nos. 21CA1948 & 22CA0893
State Personnel Board No. 19B044

Yoseph Yadessa Kenno,

Complainant-Appellant,

v.

Governor's Office of Information Technology,

Respondent-Appellee.

ORDER AFFIRMED

Division VII
Opinion by JUDGE BERGER*
Pawar and Martinez*, JJ., concur

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

Court of Appeals No. 21CA2017
El Paso County District Court No. 11CR334
Honorable Lin Billings Vela, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Leroy Herman Maestas,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 21CA2077
Weld County District Court No. 20CR1973
Honorable Julie C. Hoskins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Zachary Bowman,

Defendant-Appellant.

SENTENCE AND ORDER AFFIRMED

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

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

Court of Appeals No. 22CA0200
El Paso County District Court No. 13CR183
Honorable Michael P. McHenry, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Kevin James O'Rourke,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA0669
Mesa County District Court No. 18CR359
Honorable Gretchen B. Larson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jesus Villarruel,

Defendant-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. 22CA1458
El Paso County District Court No. 17CR2225
Honorable David Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott Joseph Sterling,

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)

Court of Appeals No. 22CA1637
Boulder County District Court No. 20CV31022
Honorable Andrew Hartman, Judge

Karen Rothrock,

Plaintiff-Appellee,

v.

Nancy Brass,

Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 22CA1899
City and County of Denver District Court No. 12CR2640
Honorable Brian R. Whitney, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jason J. Martinez,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 22CA2059
Jefferson County District Court No. 21DR30938
Honorable Christopher C. Zenisek, Judge

In re the Marriage of

Corey J. Billups,

Appellant,

and

Laura A. Billups,

Appellee.

JUDGMENT AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE FOX
SCHUTZ and BERGER*, JJ., concur

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

Court of Appeals No. 22CA2065
El Paso County District Court No. 17CR2682
Honorable Frances R. Johnson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Manuel Barnett,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE DUNN
Pawar and Sullivan, JJ., concur

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

Court of Appeals No. 22CA2243
Park County District Court No. 22CV30006
Honorable Stephen A. Groome, Judge
Honorable Amanda Hunter, Judge

Elinor Dvir-Schaedler,

Plaintiff-Appellant,

v.

Board of County Commissioners of Park County, Colorado,

Defendant-Appellee.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0082
El Paso County District Court No. 16CR1244
Honorable David Shakes, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Roy Michael Billingsley,

Defendant-Appellant.

ORDER 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. 23CA0192
El Paso County District Court No. 20JV303
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

In the Interest of O.F., a Child,

and Concerning R.M.,

Appellant.

ORDER 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. 23CA0255
Mesa County District Court No. 16CR5465
Honorable Jeremy L. Chaffin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rebekah Joy Wallin,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE DUNN
Pawar and Sullivan, JJ., concur

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

Court of Appeals No. 23CA0327
Arapahoe County District Court No. 88CR1472
Honorable Michelle E. Jones, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Terry Allen Lambert,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 23CA0350
Boulder County District Court No. 22CV112
Honorable Timothy Lee Johnson, Judge

Nicole Anderson, as Trustee, and Anderson Family Trust,
Plaintiffs-Appellees,

v.

Christopher B. Anderson and Heidi D. Anderson,
Defendants-Appellants.

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

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

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

Court of Appeals No. 23CA0366
Jefferson County District Court No. 21CV31038
Honorable Diego G. Hunt, Judge

Jenene Cook,
Plaintiff-Appellee,

v.

Dallas Kort,
Defendant-Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA0413
Mesa County District Court No. 22DR207
Honorable Daniel M. Garcia, Magistrate

In re the Marriage of

Paige Elizabeth Russo, n/k/a Paige Elizabeth Cady,

Appellee,

v.

Antonio Robert Russo,

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. 23CA0455
Arapahoe County District Court No. 03CR3513
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Smith,

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. 23CA0553
Larimer County District Court No. 21CV30682
Honorable Gregory M. Lammons, Judge

Transportation Commission and Department of Transportation, State of
Colorado,

Petitioners-Appellees,

v.

Jensen Investments, LLC,

Respondent-Appellant.

JUDGMENT 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. 23CA0796
City and County of Denver District Court No. 92CR1583
Honorable Karen L. Brody, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Patrick Fletcher,

Defendant-Appellant.

ORDER AFFIRMED

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

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

Court of Appeals No. 23CA0867
Clear Creek County District Court No. 21JV13
Honorable Catherine J. Cheroutes, Judge

The People of the State of Colorado,

Appellee,

In the Interest of K.L.E-B., a Child,

and Concerning A.C.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE TAUBMAN*
Román, C.J., and Hawthorne*, J., concur

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

Court of Appeals No. 23CA1332
Larimer County District Court No. 19JV75
Honorable Joseph D. Findley, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning A.S.,

Appellant.

JUDGMENT AFFIRMED

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

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

Court of Appeals No. 23CA1400
City and County of Denver Juvenile Court No. 21JV828
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Appellee,

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

and Concerning T.L.C.,

Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by JUDGE HAWTHORNE*
Román, C.J., and Taubman*, 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. 22CA1579

In re the Marriage of

Alexandra Marshall,

Appellee,

and

Terrence Marshall,

Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 22CA2041

In re the Estate of Virgil L. Schaal, deceased.

Timothy Schaal,

Appellee,

v.

Daniel L. Schaal,

Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 23CA1694

Kelly Hill,

Petitioner,

v.

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

Respondents.

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.