

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
March 25, 2021*

“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

[2021COA37](#)

Court of Appeals No. [17CA1132](#)

City and County of Denver District Court No. 14CR231

Honorable Andrew P. McCallin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dennis R. Chirinos-Raudales,

Defendant-Appellant.

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

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

[2021COA38](#)

Court of Appeals No. [18CA0007](#)

Weld County District Court No. 16CR2242

Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Manuel Ramos Rodriguez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII

Opinion by JUDGE HARRIS

Fox and Grove, JJ., concur

[2021COA39](#)

Court of Appeals No. [19CA1129](#)

City and County of Denver District Court No. 17CV34409

Honorable David H. Goldberg, Judge

Patricia Mitchell,

Plaintiff-Appellant,

v.

Chengbo Xu,

Defendant-Appellee.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A

Opinion by JUDGE FOX

Freyre J., concurs

Lipinsky, J., specially concurs

U N P U B L I S H E D O P I N I O N S

Court of Appeals No. 16CA1457
Boulder County District Court No. 15CR667
Honorable Maria E. Berkenkotter, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Andrew Bryant Souser,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Freyre and Johnson, JJ., concur

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

Court of Appeals No. 17CA1526
Jefferson County District Court No. 16CR2414
Honorable Philip J. McNulty, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ryan Michael Foley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE TERRY
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 17CA1843
City and County of Denver District Court No. 16CR4686
Honorable Sheila A. Rappaport, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angel A. Chavez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE YUN
J. Jones and Navarro, JJ., concur

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

Court of Appeals No. 17CA2031
Mesa County District Court No. 17CR770
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gabriel Lee Muniz,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE JOHNSON
Dailey and Harris, JJ., concur

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

Court of Appeals No. 17CA2248
City and County of Denver District Court No. 16CR8097
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Alan Strepka,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GRAHAM*
Furman and Johnson, JJ., concur

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

Court of Appeals No. 17CA2337
City and County of Denver District Court No. 10CR3824
Honorable Sheila A. Rappaport, Judge
Honorable John W. Madden IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dean Carbajal,

Defendant-Appellant.

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

Division VI
Opinion by JUDGE BROWN
Dunn and Freyre, JJ., concur

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

Court of Appeals No. 18CA0544
Jefferson County District Court No. 16CR7056
Honorable Margie L. Enquist, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Toussaint Lamar Hampton,

Defendant-Appellant.

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

Division V
Opinion by JUDGE YUN
J. Jones and Navarro, JJ., concur

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

Court of Appeals No. 18CA0595
Boulder County District Court No. 16CR100
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Leonel Orellana-Leon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE J. JONES
Navarro and Yun, JJ., concur

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

Court of Appeals No. 18CA0875
Jefferson County District Court No. 17CR1552
Honorable Laura A. Tighe, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Michael Waller,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE DAILEY
Berger and Tow, JJ., concur

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

Court of Appeals No. 18CA0906
El Paso County District Court No. 12CR2002
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Dwight Gordon,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE GOMEZ
Terry and Dunn, JJ., concur

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

Court of Appeals No. 18CA1687
Weld County District Court No. 17CR999
Honorable Timothy Kerns, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

David Allen Lobato,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE TERRY
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 18CA1911
El Paso County District Court No. 17CR3558
Honorable Larry E. Schwartz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jeramie Marrero,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

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

Court of Appeals No. 18CA2254
La Plata County District Court No. 17CR227
Honorable William L. Herrer, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Jones,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI
Opinion by JUDGE LIPINSKY
Richman and Casebolt*, JJ., concur

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

Court of Appeals No. 19CA0045
Pueblo County District Court No. 18CR158
Honorable Thomas B. Flesher, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chaz Patrick Todd,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division A
Opinion by CHIEF JUDGE BERNARD
Vogt* and Hawthorne*, JJ., concur

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

Court of Appeals No. 19CA1221
Adams County District Court No. 19CR128
Honorable Michael A. Cox, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Sebastian Heck,

Defendant-Appellant.

ORDER AFFIRMED

Division A
Opinion by JUDGE LIPINSKY
Richman and Tow, JJ., concur

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

Court of Appeals No. 19CA2169
Jefferson County District Court No. 14CR2805
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellant,

v.

Amberlee Elizabeth Theodoratos,

Defendant-Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE TERRY
Dunn and Gomez, JJ., concur

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

Court of Appeals No. 19CA2210
Pueblo County District Court Nos. 07PR256 & 10PR271
Honorable Allison P. Ernst, Judge

In the Matter of Robert S. Tekavich, deceased.

Robert Boyd, Personal Representative,

Appellee,

v.

Judy Knight,

Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE BROWN
Román and Welling, JJ., concur

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

Court of Appeals No. 19CA2390
Douglas County District Court No. 12DR1522
Honorable Cynthia Mares, Judge

In re the Marriage of

Delinda Evans,

Appellee,

and

Kenneth Evans,

Appellant.

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

Division V
Opinion by JUDGE NAVARRO
J. Jones and Yun, JJ., concur

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

Court of Appeals No. 20CA0191
Arapahoe County District Court No. 14CR1663
Honorable Michelle A. Amico, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fermin Azpeitia-Perez,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE HARRIS
Fox and Grove, JJ., concur

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

Court of Appeals No. 20CA0252
Arapahoe County District Court No. 02CR1429
Honorable Ryan J. Stuart, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Walter Lacedric Rodgers,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE GROVE
Fox and Harris, JJ., concur

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

Court of Appeals No. 20CA0310
Adams County District Court No. 17CR3474
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Angelo Michael Rodriguez,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE DAVIDSON*
Bernard, C.J., and Taubman*, J., concur

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

Court of Appeals No. 20CA0326
Jefferson County District Court No. 12DR2307
Honorable Diego G. Hunt, Judge

In re the Marriage of

Eugene James Giron,

Appellant,

and

Daria Frances Drago Giron,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE FREYRE
Furman and Vogt*, JJ., concur

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

Court of Appeals No. 20CA0347
City and County of Denver District Court No. 18CV33812
Honorable Martin F. Egelhoff, Judge

Camie Randall, as mother and lineal heir to Terrin Spitz (now deceased),
Plaintiff-Appellant,

v.

Justin Schwear and Denver Transfer Group, a/k/a Gentle Hands Moving and
Delivery, a Colorado limited liability company,

Defendants-Appellees.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division A
Opinion by JUDGE TOW
Richman and Lipinsky, JJ., concur

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

Court of Appeals No. 20CA0648
Weld County District Court No. 05CR72
Honorable Thomas J. Quammen, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Norman Vasquez, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE TAUBMAN*
Bernard, C.J., and Davidson*, J., concur

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

Court of Appeals No. 20CA1214
El Paso County District Court No. 11DR2755
Honorable Deborah J. Grohs, Judge

In re the Marriage of

Hale Perry Brownlee,

Appellant,

and

Rose Butler Brownlee,

Appellee.

ORDERS REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE FREYRE
Furman and Johnson, JJ., concur

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

Court of Appeals No. 20CA1215
Arapahoe County District Court No. 19DR30262
Honorable Cynthia Mares, Judge

In re the Marriage of

Mikhail Babinskiy,

Appellant,

and

Sofiya Rozenberg,

Appellee.

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

Division III
Opinion by JUDGE JOHNSON
Furman and Freyre, JJ., concur

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

Court of Appeals No. 20CA1224
Garfield County District Court No. 18JV57
Honorable James B. Boyd, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.V., C.V., and M.V., Children,

and Concerning F.V.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE FOX
Harris and Grove, JJ., concur

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

Court of Appeals No. 20CA1529
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-009-761

Larry E. Webster,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Czarnowski Display
Service, Inc., and Trumbull Insurance Company,

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE TOW
Dailey and Berger, JJ., concur

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

Court of Appeals No. 20CA1700
City and County of Denver Juvenile Court No. 19JV507
Honorable Laurie A. Clark, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.J.T., a Child,

and Concerning C.R.H.,

Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE GOMEZ
Terry and Dunn, JJ., concur

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

Court of Appeals No. 20CA2037
Industrial Claim Appeals Office of the State of Colorado
DD No. 24999-2020

Katherine L. Dowd,

Petitioner,

v.

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

Respondents.

ORDER AFFIRMED

Division I
Opinion by JUDGE DAILEY
Berger and Tow, 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. 18CA1956

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rarlin Michael Barbin,

Defendant-Appellant.

Petition for Rehearing DENIED

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

Court of Appeals No. 19CA0986

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Philip Christopher Butler,

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. 2020.