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FILED
COMBINED COURT
JEFFERSON COUNTY, CO

County Court
Jefferson County
100 Jefferson County Parkway
Golden, Colorado 80401

STEVE D. GARTIN
Plaintiff
v.
SHERIFF JOHN P. STONE
CHIEF JEFFERY SHRADER
SERGEANT J.T. WARREN
LIEUTENANT DAVID TAYLOR
SERGEANT MUSE
DEPUTY HYJEK
COUNTY ATTORNEY WILLIAM TUTHILL, III
Deputy County Attorney LILLY OEFFLER
Defendants

▲ Court Use Only ▲

Case Number 02C01278

Division _____

CourtRoom: _____

Plaintiff in Propria Persona:
Steve D. Gartin
Political Prisoner #062265
c/o 200 Jefferson County Parkway
Golden, Colorado 80402

COMPLAINT FOR DAMAGES

1. John P. Stone, Jeffrey Shrader, William Tuthill, III, Lilly Oeffler, "Doe" Hyjek. "Doe" Muse, J.T. Warren and David Taylor; all in their individual capacities pursuant to unconstitutional acts complained of herein¹, conducted outside of their official capacity, which strip any quasi-immunity from them, Defendants, are residents of Jefferson County, with a business post office address of 200 Jefferson County Parkway, City of Golden, State of Colorado.

2. The amount claimed from each Defendant is Three Hundred dollars and no cents (\$300.00), in direct damages, plus punitive and exemplary damages due to willful and wanton anti-constitutional conduct, together with proper interest, costs, and any other items allocable by statute or specific agreement.

3. Such claim arises from the following events: Plaintiff was unlawfully arrested at his business location in his hometown of Fairfax, California on 13 March, 2001 and unlawfully imprisoned on invalid and unsigned Jefferson County warrants. Plaintiff was unlawfully incarcerated in California, without charges and without a Governor's Warrant from 13 March until 4 April, 2001. The Plaintiff was then unlawfully kidnapped from San Francisco, California by Jefferson County Sheriff's Deputies Lonnie Lock and Pete Derrick on 4 April 2001 and transported in interstate commerce (see R.I.C.O. 42 U.S.C. §1961 et seq.) to Jefferson County Detention Facility. On or about 4 April, 2001 Plaintiff was unlawfully incarcerated in the Jefferson County Detention Facility on an unsigned and invalid warrant.

¹ 234 F. Supp. 94 U.S. ex rel Brookfield Construction Co. "The officer may be sued only if he acts in excess of his statutory authority or in violation of the Constitution for then he ceases to represent the Government."

4. Defendant's co-conspirators had no signed and valid warrant, no mittimus, had not witnessed any felony in commission nor had any of the Defendants witnessed any breach of peace that would justify a warrantless arrest. **Defendant's co-conspirators were acting without their official capacity and within their own discretion, in conspiracy with STATE actors Marleen M. Langfield, Dennis Hall, Donald L. Estep and Gary Clyman,** to commit the crimes of false arrest, kidnapping unlawful imprisonment, criminal extortion, menacing with deadly weapons, peonage, domestic terrorism, and deprivation of constitutionally secured rights in color of STATE authority, and the above enumerated **Defendants** then joined the "enterprise" in a concerted effort to **cover-up** and **conceal** those criminal actions by obstructing, hindering and otherwise preventing Plaintiff from access to the courts and to justice by depriving, denying, obstructing and abridging Plaintiff's lawful access to the Jefferson County Detention Facility Law Library.

5. Subsequent to the unlawful kidnapping and interstate transport of Plaintiff, on or about 7 May 2001 Plaintiff appeared, shackled and handcuffed, in the court room of the most Honorable Leland P. Anderson who granted Plaintiff's oral motion for expanded Law Library Access in the interest of fundamental fairness, substantial justice and in recognition of Plaintiff's constitutionally secured Right to meaningful access to the Courts by way of meaningful access to the Detention Facility Law Library.

6. On May 22, 2001, when the Honorable Judge Leland P. Anderson was subsequently apprised that the Jefferson County Detention Facility Staff had **intentionally** and deliberately ignored his Court Order and refused and denied this Plaintiff **meaningful access to the Law Library**, he again Ordered compliance by the Jefferson County Detention Facility Staff and directed an order to the Sheriff's Deputy on Duty in the courtroom.

7. The continuing and intentional denial of the Honorable Court's Order and the malicious and deliberate callous indifference to the Plaintiff's constitutionally secured right to access the courts by way of meaningful access to the law library caused the Honorable Judge Anderson to tender several more verbal orders on subsequent court dates and he ultimately issued a written order on 22 August 2001. *These facts are documented by verified Contempt of Court notices to the Honorable Court by the Plaintiff and are incorporated within the Honorable Court's Official Record.*

8. Between the time of the first order, to-wit: 7 May and the written order on 22 August this Plaintiff was deprived of over **140 hours of Court-Ordered Law Library Access**. Since 22 August to present, Plaintiff has been directly deprived of another approximately **60 hours of Court-Ordered Law Library Access** and collaterally denied another 20 hours by intervention by the Acting County Attorney in an attempt to deprive Plaintiff of the access ordered by the Honorable Court. These deprivations total in excess of the jurisdictional amount of the County Court, so they will be addressed in other actions.

9. A brief, *with Exhibits and Affidavits attached*, will follow in a timely manner, enumerating each Defendant's mens rea and actus reus and the conspiratorial nexus and agreements between the Defendants along with copies of the Motions for issuance of contempt of court citation and the on-going and continuing conspiracy to obstruct, hinder and impede Plaintiff's constitutionally guaranteed due process right to meaningful access to the courts by way of access to the detention facility law library.

10. **Each hour of Law Library access is valued by the Plaintiff at \$100** in direct value and is additionally valued by the additional time spent in unlawful imprisonment directly attributable to the deprivation of the Plaintiff's constitutionally guaranteed right to access the courts in order to present Habeas Corpus and other remedies in redress of unlawful imprisonment and to gain lawful release from that unconstitutional and unlawful incarceration in overcrowded, draconian prison conditions.

11. Plaintiff additionally places the standard value of **\$10,000 per day** for each day of unlawful imprisonment as established by the United States Congress in the Victims of Trafficking and Violence Protection Act².

12. In this instant matter, *which relates ONLY to the willful and wanton, callous and deliberate deprivation of law library access pursuant to the lawful Court Order by the Honorable Leland P. Anderson*, that **\$10,000 per day**, *in collateral damages*, will be calculated from the time the Plaintiff was originally unlawfully incarcerated in California awaiting unlawful extradition, without Governor's Warrant on March 13, 2001 until the present, to-wit: Monday, January 21, 2002 and *each day hereafter* until Plaintiff is released from unlawful imprisonment. Each Actor's culpability will be enumerated in related actions in Federal and State Court and will be calculated and charged accordingly.

13. **On 19 January, 2002 Plaintiff filed a Law Library Kite for the Pro Se Session** on Sunday, 20 January, 2002 with **Deputy Montano** in Module 7A. Plaintiff's cell-mate Donald Hogue and two inmate workers witnessed the filing of the Law Library Kite.

14. At 7PM on 20 January, 2002 when the Pro Se Session was called – Plaintiff was not called for Law Library.

15. Due to deliberate overcrowding Pre-Trial Detainees are confined to overcrowded one-man cells for eighteen hours per day and on this particular day locked-down without access to the "day-room" until two hours after the commencement of the Pro-Se Law Library Session.

16. Plaintiff pushed the button to open the overcrowded cell door during med-call at approximately 8:45PM and asked the POD Deputy, Deputy Renfro to call the Law Library and find out why Plaintiff had not been called to the Law Library and what the problem was.

17. At approximately 9:10PM **Deputy Renfro** informed Plaintiff that he had spoken with **Deputy Hyjek**, *who was on duty at the law library*, and she stated that there was no kite on file, so she refused call Plaintiff, even though there was only two Pro-Se Prisoners in the Law Library and there was no penological purpose for NOT calling Plaintiff. Plaintiff explained to Deputy Renfro that a kite had been filed but he stated that Deputy Hyjek was adamant about NOT CALLING Plaintiff.

18. Plaintiff then filed a Kite to the Watch Sergeant explaining the situation and requesting immediate law library access during the Pro-Se Session to which Plaintiff is entitled by Three Court Orders from various judges in several jurisdictions.

19. **Sergeant Muse** responded that Plaintiff should "file another kite for next Pro-Se Session," and refused to correct the obvious deprivation of Plaintiff's right to due process of law by way of meaningful, court-ordered access to the Detention Facility Law Library.

² An American hostage of the Lebanese terrorist group Hizbollah, which was supported by the Islamic Republic of Iran, would be awarded compensatory damages of \$23, 540,000 for battery, false imprisonment, emotional distress, economic loss and loss of consortium, representing **\$10,000 for each** of the 2,354 days of his captivity. **The rate was the standard rate used for determining compensation for other hostages** held at the same time. Moreover, Congress implicitly approved the rate when it enacted the Victims of Trafficking and Violence Protection Act, providing for compensation at the amounts established in trials. *Sutherland v. Islamic Republic of Iran*, 2001 WL 705838 (D.C.C.) (Opinion by District Judge Royce C. Lamberth).

20. NO ACCESS to the Law Library was provided Plaintiff despite Court-Orders, designated Detention Facility access schedules and Kites on file with witnesses to that fact.

21. Plaintiff was deliberately and callously denied court-ordered and constitutionally guaranteed access to the Jefferson County Detention Facility Law Library for **THREE HOURS**.

22. There were only TWO prisoners in the Law Library during the Pro-Se Session on Sunday, January 20, 2002.

23. There was no valid penological purpose for NOT CALLING Plaintiff to the Law Library during the Pro-Se Session on Sunday, January 20, 2002.

24. Deputy Hyjek knowingly, deliberately and intentionally deprived the Plaintiff of Constitutionally secured and court-ordered due process rights in conspiracy with Sergeant **Muse**, *Watch Sergeant* and in a meeting of the minds with Administrative Sergeant **J.T. Warren**, Administrative Lieutenant **David Taylor**, Administrative Chief **Jeffrey Shrader** and Sheriff **John P. Stone** who all agreed to deliberately and intentionally deprive Plaintiff of law library access in an attempt to prevent Plaintiff from seeking Redress of Grievance relating to sub-human, inhumane and overcrowded prison conditions deliberately designed to increase prison-profits at the expense of Prisoner's Rights.

25. Sergeant J.T. Warren, Lieutenant David Taylor and Chief Jeffrey Shrader have conspired and agreed in a meeting of the minds with Acting County Attorney William Tuthill, III and Lilly Oeffler to devise a policy whereby simply "loosing" a Law Library Kite, or temporarily "misplacing" them will provide an excuse for NOT CALLING prisoners to law library during designated sessions for no other reason than to obstruct, impede and hinder prisoner's access to the courts and to punish them for seeking redress of grievance.

26. Plaintiff has formally and directly spoken, written and established the fact that Plaintiff NEVER refuses to come to the Law Library, NEVER leaves early and ALWAYS works diligently through the entire session. There is NO DOUBT that Plaintiff desires and demands all available Law Library time and has NEVER waived or otherwise declined any opportunity for such access.

27. Plaintiff further believes, and therefore alleges, that the primary motive and purpose underlying the conspiracy involving the Acting County Attorney's all out effort to overturn the Honorable Court's Order for meaningful access to the Law Library is related to the County Attorney's position as Defense Counsel for the tortfeasors in many on-going Civil Rights Actions in the Federal Court naming Jefferson County Detention Facility Staff as Defendants and secondarily to punish this Plaintiff for having exerted his Constitutional right to Petition the Government for Redress of Grievance. The County Attorney acts in the capacity as "advisor" to the Jefferson County Detention Facility Staff concerning law library issues. William Tuthill, III has consistently advised Jefferson County Detention Facility Staff to limit, impede, hinder and obstruct access to the courts in every possible manner in an effort to limit the number of Civil Rights suits filed by prisoners seeking remedy and relief from the deliberate and callous indifference of Jefferson County Detention Facility Staff to the constitutionally secured rights of prisoners in favor of the profit reaped by cutting corners, denying rights, privileges and **overcrowding** the facility for profit. Sergeant J.T. Warren and Lieutenant David Taylor have consistently aided and abetted this unconstitutional conspiracy by implementing unconstitutional policies designed to further assist Sheriff John P. Stone cover-up and conceal the draconian prison conditions and overcrowding which generates huge profits for the Jefferson County Board of County Commissioners, the Sheriff's Office and the First Colorado Judicial District.

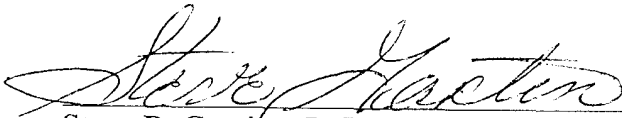
The total of damages sought from each Defendant is \$300.00. Plus punitive & exemplary damages.

28. The Defendants are not in the military service of the United States, *but due to their titles*, to-wit: Sergeant, Chief, Captain & Lieutenant, **may** be in some un-disclosed military service. To the knowledge of the Plaintiff, none of the above enumerated Defendants are currently in the U.S. military service.

29. The Plaintiff **does demand trial by jury, will require the issuance of subpoenas for documents and witnesses** and requests the Honorable Court to assign costs to the State, *or to defer costs*, pursuant to the current incarceration of the Plaintiff on constitutionally excessive bond and the fact that Plaintiff has no revenue with which to pay jury fees due to the incarceration at issue in this complaint.

Humbly submitted in good faith,

on this Twenty First Day of the First Month in the Year
of our Lord Two Thousand and Two, Anno Domini
[Monday, January 21, 2002]



Steve D. Gartin – In Propria Persona

Domicile:
Steve Douglas Gartin
Post Office Box 37
Fairfax, California [94978-0037]

Return Mail to temporary Mailing Location:
Steve D. Gartin - *Strawman*
Political Prisoner #062265
c/o Jefferson County Detention Facility
Golden, Colorado 80401

**CERTIFICATE OF SERVICE
VIA DEPOSIT IN JAIL MAIL SYSTEM**

I, Steve D. Gartin, oversigned, do hereby certify that a true and correct copy of the foregoing, **Complaint for Damages** was personally deposited in the Jefferson County Detention Facility “Jail Mail” System on the Twenty First day of the First month in the Year of our Lord Two Thousand and Two, A.D. addressed to the following parties:

Jefferson County Combined Court
100 Jefferson County Parkway
Golden, Colorado 80401

Acting County Attorney
William Tuthill III, Esquire
Lilly Oeffler, *Esquire*
100 Jefferson County Parkway
Golden, Colorado 80401

Sheriff **John P. Stone**
Chief **Jeffrey Shrader**
Lieutenant **D. Taylor**
Sergeant **J.T. Warren**
Sergeant **Muse**
Deputy **Hyjek**
200 Jefferson County Parkway
Golden, Colorado 80401