

DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO

Case No. 2000 CR 3371

Division 2- LPA

AFFIDAVIT OF INFORMATION

I, Charles Harry Clements, after first being sworn, state as follows:

1. I am an adult, tell the truth and have first hand knowledge of this information.
2. I have read Judge Leland Anderson's ORDER RE: BASIS FOR ORDERING COMPETENCY EVALUATION and the attendant Exhibits.
3. I believe, and on the basis of that belief allege that I have material information in the instant matter.

And quotes: Order re: Basis for ordering competency evaluation

Page 4 begins with subsection 1 and proceeds;

1. That an investigator for the prosecution has criminal intentions and has compromised the judicial integrity of a Magistrate, a District Court Judge, and "many judicial officers and law enforcement officers..." Defendant continues "...there is no doubt that [agent Donald L. Estep] is capable of enlisting the criminal involvement of officials in several branches of government." See A-1.

That might well be the conclusion of a reasonable man who had, and has, been subject to Donald Estep in his professional capacity. Affiant has such knowledge of Don Estep and has reached a similar conclusion to that presented by Mr. Gartin.

Donald L. Estep presents as a multi-jurisdictional law enforcement officer; a Jefferson County Deputy Sheriff, an liaison agent to the Federal Bureau of Investigation, a special United States Marshal. He has, and has been observed using, special access to judicial officers.

Deputy Sheriff Estep is a member of the 'Multi-Jurisdictional Domestic Terrorism TaskForce, acting with Gary Clyman of the Colorado Attorney General's office, with Special Agent of the Federal Bureau of Investigation Curt Maleri, with FBI Special Agent Mark Hostlaw, with Senior Assistant Attorney General Marleen M. Langfield and others. Each of them is, or is representative of an agency that is, respondent to Complaints for Damages as filed in Federal District Court by Mr. Gartin.

I believe, and on the basis of that belief allege, that Don Estep has reserved, destroyed, neglected and ignored exculpatory evidence relating to Mr. Gartin. That would be; papers, computer data, documents and physical items gathered in the several police searches subsequent to the arrests of Mr. Gartin.

I know, of my own knowledge, that there were contracts, CAD/CAM drawings, HTML programs, business plans and structural models and legal documents at the 38th St. residence, and in California, as well as from the assault in Golden. I know that Glen

Anstine, Esq. admitted having them months after locking Mr. Gartin out of the property for no good reason; I know that some were taken in the raid on Carlos Bonilla at the 38th Ave. property in which Mr. Gartin rented an abode.

I believe, and on the basis of that belief allege, that Don Estep has suborned Perjury to the Grand Jury in the persons of Hector Bonilla, Arabella T. Bonilla, Victoria de Thouars-Tollman and perhaps others in Mr. Gartin's case. I have made such charges to the Attorney General's Office, the Denver District Attorney's Office, and the Jefferson County District Attorney's Office relating to mine own case and believe it to be true in Mr. Gartin's instance.

I believe, and on the basis of that belief allege, that Don Estep was instrumental and assisted in the filing of false and unfounded charges against Affiant, Charles Harry Clements, and did so knowingly, deliberately and fullknowing of my innocence.

I believe, and on the basis of that belief allege, that Don Estep knowingly and deliberately withheld and misrepresented exculpatory evidence against Affiant Charles Harry Clements in the nature of documents, contracts, CAD/CAM drawings, HTML code computer data, information from interviews, and such similar, with the intent of abusing process, denying Affiant his Constitutionally Guaranteed Rights and intimidating Affiant from giving truthful testimony to the Honorable Court in the instant matter of People v. Gartin.

2. Defendant asserts that cases have been filed that reveal "some detail of the underhanded tricks Don Estep, Judge Charles Hoppin, Judge William DuMoulin, Magistrate Marilyn Leonard, District Attorney David Thomas and other employed in order to gain prosecutorial advantage in that case." *See* A-2.

A reasonable man, looking objectively at this decade long record, might very well conclude that a few cronies in Jefferson County have worked together in conspiracy and meeting of minds, to act and enable an ongoing effort to gain an advantage in the civil suits lodged by Mr. Gartin against themselves and their associates.

A Motive of perceived liability to millions in damages, decades in prison and the attendant sanctions against law enforcement and judicial officers might very well provide the impetus and motivation for an abuse of process, selective prosecution, malicious prosecution, obstruction of justice, denial of equal protection, and all under color of their authority, armed and with attendant physical harm to Mr. Gartin.

An examination of the record generated by Judge Charles Hoppin, Magistrate Marilyn Leonard, District Attorney David Thomas, and their associates and subordinates in Jefferson County Administration, would reflect very unusual applications of law, peremptory and whimsical process, serious allegations of misconduct, impropriety, bias and neglect.

3. Defendant identifies murder threats against his life by law enforcement officials. "The two actual Failures to Appear in case #98M811, that were not intentionally created by governmental actors, were the direct result of imminent credible threat of murder by S.W.A.T., or excessive, unlawful, **draconian and debilitating** imprisonment, both of which have NOW, repeatedly, become a **glaring reality** and not some vague and nebulous fear." *See* A-3.

Defendant Steve Gartin is perhaps unique in Colorado history in having multiple SWAT assaults against him for non-violent activities and without warrants in hand.

Don Estep was required to file an Affidavit of Warrantless Arrest after the first SWAT assault.

A reasonable man might well conclude that the harassment, physical threats, provocative assaults, lack of due process and Constitutional protections, reflect a recklessness and disregard for the law on the part of the Multi-Jurisdictional Domestic Terrorism TaskForce members that could lead to impetuous and injudicious activity on their part.

4. The Defendant claims his fears forced him to go underground for three years to avoid detection by law enforcement. "There is no concrete reality to support the credible fear that let Accused NO choice but to abandon twenty-five years of yeoman effort in the Front Range business community and first, to go

(begins page 5)

'underground' for three years, in fear for life and freedom, and ultimately to return home to California, *where I immediately published my business address on the World Wide Web; only to be followed, in interstate commerce, by Donald Estep and the **Multijurisdictional Domestic Terrorism TaskForce** and assaulted like a rabid animal in the presence of thirty young, impressionable students and their mothers at my place of business. A business that is now defunct as a direct result of that unconscionable terrorist S.W.A.T. assault."* See A-4

Defendant Gartin returned to California in the intent of filing charges against some law enforcement and judicial officers in Colorado, and in the hope of finding a neutral court who would consider the situation in other than a light of their exposure to broad judgment for damages and the charging of officials, law enforcement personnel, civilian accomplices with serious allegations of Criminal Misconduct under Color of Authority.

He was not 'fugitive from justice' and didn't go to his Republic in flight to avoid proper judgment for any 'crimes', but stated that it was because he was in fear of malicious prosecution and retribution for his allegations of gross misconduct against his Public Defender Kathleen McGuire and Deputy District Attorney Chris Penney for collusion, as presented to the Grievance Committee of the Colorado State Supreme Court, as well as his actions taken in Federal Court, his complaints of criminal misconduct to the United States Department of Justice and the Federal Bureau of Investigation about the abuse of power by officials in Jefferson County Colorado and other such petitions to the Government for redress of grievance.

5. Defendant continues focusing on Agent Donald Estep: "Donald L. Estep has solidly established an unmistakable pattern of **outrageous** and **anarchistic conduct** that would cause any reasonable person to fear for their life were they to become the object of his baleful clandestine cadre of corrupt government accomplices, known only as the **Multi-Jurisdictional domestic Terrorism TaskForce.**" See A-4

Don Estep presents as a Jefferson County Deputy Sheriff, an agent of the Federal Bureau of Investigation, a special Deputy United States Marshal. The Multi-Jurisdictional TaskForce gives him access to a number of law enforcement agencies and jurisdictions in which to act on behalf of his confrere` and to exert influence and to dole out selective information.

Affiant believes, and on the basis of that belief alleges, that Don Estep has behaved outrageously, in reckless disregard for the law, contrary to his holy oath and to any code or canon of professional conduct and performance.

An example would be the appearance of subornation of perjury from Victoria de Thouars-Tollman. Don Estep knew, of Affiant's certain knowledge, that Victoria de Thouars-Tollman was respondent in a Complaint of Defamation by Affiant long prior to her information given him or in any testimony or deposition or interview. Don Estep knew that Affiant had not gone forward with the Complaint upon application by her Family, long-time friends of the Affiant to forebear in compassion and honoring a deep friendship between families. Don Estep knew that Victoria's story of Affiant going to some woman's place of business and threatening her of some bodily harm is a fabrication without substance or any basis in fact.

Don Estep knew, or should have known, that such a story would be easy to verify and failed, neglected or refrained from doing so, or in the alternative, concealed exculpatory evidence from his associates to their professional detriment, or in the alternative, colluded with his associates to conceal that exculpatory evidence from the Grand Jury or the Honorable Jefferson County Combined Court where groundless charges were laid by the Office of the District Attorney at the behest of the Senior Assistant Attorney General presenting for the Colorado State Attorney General's Office in Attorney General Salazar's name.

Seeing his capacity for recklessness, heedless of the law, and that exhibited over a number of years, a reasonable man might well fear for his life from such a man. A demonstrated proclivity to engage others in his efforts, dating to his inclusion of the SWAT team and his spurious claim of a Warrant of Arrest during the 26 FEB 97 assault, generates a several year history of dubious conduct on his part culminating in the present circumstances.

6. Defendant asserts, "The Accused has spent over a year in **draconian prison conditions**, has been **unlawfully arrested** on at least five separate occasions and has been **threatened, molested, harassed, intimidated, unlawfully searched**, had private and business property **unlawfully seized** and had friends, relatives and business associates **terrorized** for over five years...." *See A-4.*

A reasonable man could come to that conclusion based on the perceived actions of various law enforcement officers, judicial officers, officers of the court; participating as they seemingly have in witness intimidation, withholding exculpatory evidence, filing of false charges, selective prosecution, malicious prosecution and the attempt to intimidate some witnesses and to suborn perjury from others, refusing to act or to stop, or to report or investigate deprivations of the civil rights of Mr. Gartin and his Witnesses to Federal Crimes.

7. With reference to pending sentencing by Judge Tina Olsen, Defendant said, “The Accused was in justifiable fear that if he was relinquished into the control of the Jefferson County Detention Facility on an unlawful and excessive sentence that he would be **murdered by COP**, or inmate; or **unlawfully confined** for life in **draconian conditions**, without hope of access to legal process, as has been continuously and dramatically demonstrated by blatant disregard of the Honorable court’s Order for Meaningful Access to the Law Library since 7 May 2001 until very recently.” *See* A-5.

Mr. Gartin’s fears would seem to be well founded.

Affiant remembers that Mr. Gartin was tried on charges that Judge Olsen first refused to accept; that there were serious questions about the propriety of the professional conduct of Public Defender Kathleen McGuire and that of the Deputy District Attorney Chris Penney as acting in collusion and contrary to the attorney-client privilege and rights to due process enjoyed by Mr. Gartin; that the charges were unique in their application of the statute, that the action that Mr. Gartin did wouldn’t seem to violate Judge Charles Hoppin’s guarantee of Mr. Gartin’s access to his children not being affected by the Court’s order of restraint; that the deliberate baiting and entrapment of Mr. Gartin by the complainant’s denial of access to his children was at the behest of officers of the court and law enforcement officers, that there were rulings by Judge Charles Hoppin after his recusal from the matter; that Mr. Gartin’s complaints of Contempt of the Court’s Orders went ignored and unrefuted, and noting the unprecedented sentence hazard for such an incident.

A reasonable man, seeing the opportunity for revenge and obstruction of the prosecution of Federal complaints alleging denial of civil rights under color of authority against friends, associates, subordinates and superiors, which actions expose such fellows to significant fines, long prison sentences and exposure to civil suit for damages upon the loss of their immunity from prosecution, might well come to the conclusion, erroneous or not, from all appearances and indications, that his exposure to additional bias by such actors might not be well advised.

8. Defendant asserts further fears of investigating law enforcement agents: “No speculation remains that Donald L. Estep and Gary Clyman are willing and able to murder the Accused. **Three times**, hair-triggered SWATzis have deployed upon the Accused, heavily-armed, completely trained and prepared to bring the Accused down in a firestorm of high-capacity firepower. Their intent is documented in the audio tape of the first SWATzi Assault on Accused’s residence on Golden Circle, across from the Hall of Justice, when officer **Grant Whitus** warned, **‘Do ANYTHING and you will be SHOT!’ Sergeant Whitus, a friend and associate of Donald Estep, is now on supervisory duty** at the Jefferson County Detention Facility and is in a position of power, control and responsibility.” *See* A-6.

Mr. Gartin’s fears would seem to be well founded. He has made complaints, both Administrative and by filing charges, of the Contempt of the Order of the Honorable Court held by the Deputies of the Jefferson County Sheriff’s Department. The records

and logs reflecting such access and it's denial or accommodation should be available to the Honorable Court at it's summons.

9. Defendant reiterates, "S.W.A.T. Teams have now deployed upon Accused on three separate occasions **without lawful warrants** and have lain in wait on at least three other documented occasions, **prepared for murder or mayhem.**" *See* A-7.

The SWAT teams have proceeded without warrant (as in the 26 FEB 97 incident), have o'er stepped their authority in the confiscation of exculpatory evidence and property unaccounted for in the 38th Avenue break-in, in the Lakewood assault and in the Fairfax assault in California.

10. Defendant charges that "On or about **February, 26, 1997**, by command of **Sheriff's Deputy Donald L. Estep**, the Jefferson County Special Weapons and Tactics Military Unit, did **unlawfully** attack the Domicile of the sovereign California Inhabitant, Steve Douglas, Gartin at the mailing location of 1400 Golden Circle #108 in Golden, Colorado in full force of arms to include: Fully Automatic Weapons with Laser sights, semi-automatic side-arms, full Riot Gear, S.W.A.T. 'Shields' and Body Armor. These Military Troops, in disguise as Jefferson County Sheriff Deputies, clothed in Black Ninja Uniforms, Black NAZI Ski Masks and bearing NO IDENTIFYING MARKINGS DID UNLAWFULLY go in disguise upon the highways AND on the premises of another (**18 U.S.C. Sections 241 & 242**), in conspiracy, in full knowledge of their criminal actions, with the specific INTENT, the means, and with the motive to MURDER, or in the alternative, to UNLAWFULLY ARREST Plaintiff, who had committed no crime, either within or without the sight or knowledge of those Cops." *See* A-8.

The command operator of the SWAT team, as was witnessed by me on the telephone and by audio tape of the event, repeatedly told Mr. Gartin that there was a Warrant for his arrest, and called him repeatedly by the name 'Mr. Gardner'.

There proved to be no Warrant. Don Estep swore an Affidavit of Warrantless Arrest some good time after the incident, and for another name than 'Gardner'. There have been serious questions raised about the information sworn to by Deputy Sheriff Estep and it's foundation in any fact whatsoever.

11. Defendant summarizes concerns he has as follows; "A clandestine quasi-military, quasi-judicial association identified by its members as the **Multi-Jurisdictional Domestic Terrorism TaskForce** with associate members in the Federal Bureau of Investigation, Jefferson County Sheriff's Department and the Colorado STATE Attorney General's Office, currently identified, appear to be conducting an inquisition-style witch-hunt for anyone they label as 'patriots.' They apparently have re-defined the word 'patriot' to mean 'terrorist' and have conspired to profile regular citizens, like me, into demons worthy of persecution." *See* A-9.

The Multi-Jurisdictional Domestic Terrorism TaskForce (sic), so called, seems to consist of Senior Assistant Colorado Attorney General Marleen M. Langfield, Jefferson County

Deputy Sheriff Don Estep, Colorado Attorney General's Office Investigator Gary Clyman, Federal Bureau of Investigation Special Agent Curt Maleri, FBI Special Agent Mark Hostlaw and such others. No authorization, charter, directive or other such governance or oversight seems to be in evidence for the existence of such an agency or its operation on behalf of any legitimizing authority.

Affiant had been threatened on numerous occasions with broad overtones of antagonism to a perceived 'patriot' stance. This in direct contradiction to the fact that Affiant has never associated with anyone taking a 'Patriot' stance, never attended a meeting of such persons, never participated in any activity with any such persons, and had never been accused by any credible witness.

The fruition of that threat was the lodging of seventeen criminal charges against Affiant-sixteen of which reflected activities that Affiant had never been accused of, no testimony charged Affiant's participation, no victim had complained of Affiant's damage and the single charge remaining was complained of by a member of organized crime, Hector Bonilla, a man with a large self interest in escaping liability for a large amount of his Family substance. Further, a perjury would benefit his brother, Carlos Bonilla, and his mother, Arabella T. Bonilla, in retaining the fruits of their criminal endeavor, a Racketeering Influenced Corrupt Organization well known to the Multi-Jurisdictional Domestic Terrorism TaskForce as Confidential Informants to the DoJ in whatever agency name, as with Rocky Mountain Drug Task Force agent, Stephanie Villafuentes or such other agent unknown.

12. Defendant lists crimes purportedly committed by the Federal Bureau of Investigation, the U.S. Attorney in Denver, the Colorado State Attorney General, and several local and county law enforcement officers and internal affairs, including, but not limited to crimes such as Attempted Murder by S.W.A.T. Team- on three occasions; Felony Menacing with Deadly Weapons; Kidnapping by threat of deadly weapons; Torture and deprivation of Rights in color of State Authority; Criminal Extortion; First Degree Kidnapping, Retaliation against a witness, etc. *See A-9.*

And one might add to those crimes, accusations of tampering with and concealing exculpatory evidence, as well as Neglecting to Stop a Denial of Civil Rights under the Color of Authority, Failure to Report a Denial of Civil Rights under the Color of Authority, a failure of due diligence and a failure to perform to minimal standards of professional responsibility and to standards set by Ethical Canons and codes of conduct.

13. Defendant asserts that "I have seen the havoc wrecked upon Families and young men who will be scarred for life as the result of a criminal government cabal run amuck. I have committed to do something about this criminal conspiracy by running for Jefferson County Sheriff in the next election, but the chances are good that the **powers that be** will find a way to murder me by then. As you will

(ends Page 6)

discern from the attachments, they have attempted my **murder** by **S.W.A.T.** three times now." *See A-1* The Court cannot conclude at this time whether the

Defendant actually believes law enforcement officers are seeking to murder him or whether he is simply using vituperative and inflammatory rhetoric in an attempt to incite passion in the court or delay the proceedings against him. Thus far, the Court heard no reasonable basis for the Defendant's asserted belief in conspiracies and attempts by law enforcement to murder him despite a small mountain of pleadings and motions filed by the Defendant.

The Court, nor any other law enforcement agency or court official, has ever asked Mr. Gartin why he believes such things and no investigation has been initiated upon his complaints.

There, in fact, does seem to be a conspiracy or meeting of minds between co-respondents to Mr. Gartin's filings in Federal Court and those mentioned in his Criminal Complaints. The perception of a failure to provide equal protection under the law for Mr. Gartin is difficult to escape. Mr. Gartin has lodged well-founded criminal complaints, with witnesses and documentary evidence, with several law enforcement agencies and operations without success.

He has, in fact, been hunted and assaulted as if he were dangerous, and in spite of his having no history of any such behaviour. The justification for these armed assaults has been very thin. There have been threats of 'you will be shot!' and inappropriate and unprecedented treatment of Mr. Gartin whilst in custody, contrary to all exhibited behaviour history.

A reasonable man might well view the history of events and make a reasoned and rational conclusion that the level of violence might well escalate, resulting in his homicide. The object of the homicide might well have viewed it as a 'murder' had he contemplated the event from some objectivity.

14. Throughout the many pleadings filed by the Defendant in this Court, he has made specious and incomprehensible arguments that are without foundation in American jurisprudence or more specifically Colorado law. For example, he asserts: '**Steve Douglas, Gartin**, the flesh & blood man, holds title to the strawman transmitting utility STEVE D. GARTIN pursuant to **Private Security Agreement # SDG09112000-SA**, REGISTERED WITH THE U.C.C. Division of the Colorado Secretary of State, but does that, as an operation of law, create a surety relationship where the flesh & blood **sovereign Inhabitant of the California Republic** can be held prisoner and charged with crimes purportedly indicted against the strawman transmitting utility to which he is First Secured Party?' See A-11. Mr. Gartin asks; "If that be the fact of the matter, why then would legal process **not** be initiated in the proper legal appellation of the surety, rather than in a fictional **nom de guerre** for the transmitting utility?" He continues, "Petitioner's legal Christian appellation does not appear in the title of the above captioned case. The **nom de guerre** of the 'strawman' transmitting utility is named as the 'defendant' and the Petitioner is unsure if it is lawful and proper to joinder the issues and/or controversy, *if one exists*, before the Honorable Court. Petitioner is the First Secured Party for the 'strawman' captioned above, but none of the process which purportedly forms the genesis of this matter was produced nor generated by that transmitting utility and all

process that was generated was done pursuant to the Laws of the State of California.” See A-11

The Defendant’s admissions of some confusion with the issue and controversy would surely call for a Declaratory Judgment by the Honorable Court of the nature of the event and the nature of the participants in that event.

There has been no cogent refutation of his stance or his perception of his standing before the Honorable Court, and no defining declaration of his nature. Mr. Gartin’s forma would seem to be drawn from existing law, cited and quoted. It is a matter of slight diligence on the part of those opposing that they fail to respond with law and depend on ad hominem attack in preference. It has been a consistent theme throughout that his filings go unread and, in particular, without a reasonable nor well-founded response from the Prosecution. In his petition for restraining order of the Court under Judge Roy Olsen, he was refused the order because he didn’t have the proper name on the request; Marcus ‘Merrick’ instead of Marcus Merritt. That error on his part allowed the opposing counsel, A.T. Ciccarelli, Esq., his wife Tamara Zehnder, and her lover, Marcus Merritt the opportunity to initiate the event at the Golden Recreation Center that included Sergeant Michael Moler and the Jefferson County Sheriff’s Department. That event is the seminal stimulus for the actions taken by Mr. Gartin against police misconduct that have snowballed into the circumstance as it is presently.

A reasonable man might well conclude that the ‘naming’, and the ‘standing’, and the ‘jurisdiction’ are very important, and assert specifics in lieu of mindless acceptance or unintentional waiver.

15. Elsewhere, Mr. Gartin refers to himself as ‘the Child of the EverLiving [Apparent foreign language notation] (YHVH) See A-12.

Mr. Gartin’s religious beliefs have long been a source of irritation to the Honorable Court, from Magistrate Russell Stuska, who denied Mr. Gartin the right to speak before the Court, to present submissions to the Court, to give testimony or make a defense to accusations.

The denigration of Mr. Gartin’s religion was a primary focus of his estranged wife’s lawyer, Antonio Troy Ciccarelli, Esq. Mr. Ciccarelli was censured by the Regulatory Counsel of the Colorado State Supreme Court for his actions in Mr. Gartin’s instance. Although the action by the Counsel was sealed, the public allegations of misconduct were concerning deliberate and misleading false statements to Hon. Lewis Babcock. Other sorts of misinformation and deliberate misleading are still being used by the prosecution to justify their posture against Mr. Gartin.

The submission by Mr. Gartin to his God first, and to earthly organizations or groups next, is a requirement of his religion and is shared by many people of like belief. He states his nature for the Honorable Court as his religious practices require.

16. The Defendant’s pleadings reflect minimally a lack of understanding by the Defendant of ordinary criminal law procedures. The Defendant’s pleadings reflect an imaginary understanding of the law and its procedures having no solid basis in American jurisprudence.

Mr. Gartin has consistently cited authorities and case law, asked the Court for declaratory judgments, definitions, articulations of jurisdiction and guides or models of procedure. His allegations, allegations, statements of fact; cites of law, precedent and procedure, are not a figment of his imagination, nor is he alone in his view of the law and the rights and jurisprudence available to him.

The Prosecution has chosen to fixate on trivialities rather than on the matters of substance raised by his allegations of misconduct and the affirmation of Witnesses in his support. This scant diligence to the points of law and fact that Mr. Gartin raises, and the substitution of ad hominem attack, seems to delay and obfuscate the process needlessly.

17. Defendant's insistence on pursuing imaginative legal theories suggest to this Court doubt as to whether his is competent to represent himself and whether he is
(ends page 7)

competent to understand the nature and course of the proceedings against him or of participating in or assisting in his defense.

Mr. Gartin's first two lawyers; Lyle Robinson and Jim de Rose, were disbarred for cause. His wife's lawyer, Antonio Troy Ciccarelli, Esq., the source of the calumnies about his 'eighth degree black belt' and his political posture as a 'Christian Constitutionalist Patriot with Freeman Tendencies', or some such similar, continues to be treated as 'fact' by the prosecution in the face of evidence and 3rd Party testimony to the contrary as well as the questions raised by the sealed sanction by the Grievance Committee. This perception is the source of much of the abusive treatment of Mr. Gartin by all accounts and indications.

18. Because of the nature of the pleadings filed by Defendant and highly unusual statements Defendant has made concerning actions and intentions of law enforcement officials in these proceedings, a doubt is raised whether Defendant can, in any meaningful way, participate in or assist in his defense or cooperate with defense counsel, whether that he be advisory counsel or any other assigned counsel.

Mr. Gartin has repeatedly lodged complaints of criminal wrongdoing, malfeasance, misfeasance, misconduct, negligence and enabling of RICO criminal enterprise to the appropriate authorities; bringing 3rd Party witnesses, supporting documentation, related audio recorded evidence, and such related material as to support and initiate vigorous investigations into the activities of only a few cronies in a small group of individuals of common purpose and intent. Such filings have been fruitless, if the initiation of an investigation would present as the desired result of such filings.

19. Defendant has failed to meet court deadlines for filing pleadings. Despite an inordinate amount of time given to him to use the law library at the Jefferson County Detention Facility, he has filed numerous confusing motions with the Court that are not supportable in the law.

Mr. Gartin has complained of the Contempt of the Honorable Court's Orders relative to his access to study time and materials on many occasions. His allegations would seem to be supported by his logs of time available to him, instant reports and 'kites' grieving the activities at the time, a comparison and contrasting of the work product generated by Mr. Gartin when he has access and when they deny him access.

Being as the substance of Mr. Gartin's work would be considered antagonistic to the Jefferson County Sheriff's Department, and the particular men now in charge of his custody, it cannot be a far fetch for a reasonable man to consider their failures to be deliberate obstruction of justice and a denial of due process of the law and the right to mount a defense to charges.

20. The Court cannot determine whether Defendant is simply articulating a political position at odds with Colorado criminal law and procedure or is subject to a disease or defect of mind that interferes with his ability to comprehend the criminal charges he faces and to competently defend himself or assist his advisory counsel in a meaningful manner.

Mr. Gartin has asked the Honorable Court for declaratory judgments on a number of salient questions. His stated political position is antagonism to corrupt administrators of the legal system by which he, involuntarily, is detained and charged. He certainly has never alluded to any political beliefs that would be antagonistic to the seeking of justice, the redress of grievances or punishment for the culpability for crimes.

21. The confusing multiple pleadings and extraordinary time invested by this Defendant in preparing these pleadings in attempting to defend himself in these these proceedings compel this Court to question whether he is competent to marshal the facts, evidence and legal authority in a timely, efficient and persuasive manner so as to meaningfully assist in his own defense.

Mr. Gartin has repeatedly petitioned the Honorable Court, informed the Honorable Court as to matters of fact, made credible and specific complaints of misconduct and abuse of process and authority. To date, no action has been taken, no declarations made, and no action in authority to initiate any investigation or prosecution relative to the Criminal Charges made by him. This condition has obtained whether he has been free or incarcerated.

Exculpatory evidence cited by Mr. Gartin as in the hands of police, investigators, the prosecutor Att'y Langfield, in the hands of Glen R. Anstine II, Esq. is well known to Affiant as are some of the circumstances of it's theft, destruction and concealment.

22. In the most recent meeting, Defendant again reiterated his claim that Estep and Clyman "have sent hair trigger people, these people are prepared to murder. There is no question about it. They're trained to kill. This is the third time that the people have sent the SWAT Team." *See* A-13, select pages of transcript. He reiterated at the hearing that there were very real and credible threats of murder by law enforcement officers against him. Later, at the same hearing, he suddenly changes

his tone and states "There is no longer any justification for them trying to murder me." See A-13.

Dating from the time of the first SWAT team assault on Mr. Gartin; with no Warrant, no exigent circumstances, no crime committed in the presence of any law enforcement officer, no affidavit of probable cause for issuance of a Warrant for Arrest, nor served in his own name (as opposed to 'Mr. Gardner'), Mr. Gartin has been repeatedly assaulted by dynamic entry and anti-terrorist arrest tactics with no justification nor probable cause as articulated by any sworn law enforcement officer.

He has no record of violence, no allegations of violence against him, has made no threats of violence, has not resisted arrest nor offered any violence whatsoever to any law enforcement officer nor civilian. Yet, they have repeatedly assaulted him with threats of imminent death, burned his eyes with lasers, handcuffed him cruelly and left him in cuffs until his hands suffered permanent injury, kept him without food, water, sanitary facility access, in deliberately frigid conditions without adequate clothing or blanket, denied him access to charging documents so as to mount an informed defense to charges, lied to him, stolen his goods, destroyed his exculpatory evidence, withheld it, secreted it, and conspired with others to hide their misdeeds and abuse of process and power.

Their 'justification', if it was a means to keep their misdeeds from becoming charges leveled by 'the People', has become moot. Gartin's public stance about these positions has rendered any hope for secrecy useless.

Respectfully submitted to the Honorable Court with no intent to deceive, mislead or evade the truth of the matter.

Affiant: **Charles Harry Clements**

State of Colorado)
) ss.
County of _____)

Affirmed and Attested to before me by Charles Harry Clements on this _____ day of _____, 2001.

Notary Public

My commission expires: