Arapahoe County Court 1790 W. Littleton Boulevard Littleton, Colorado 80128	▲Court Use Only▲
PEOPLE OF THE STATE OF COLORADO - Plaintiff v. STEVE D. GARTIN - Defendant	Case Number: **00CR3371** Division 2
Defendant Pro-Se: Steve D. Gartin c/o 200 Jefferson County Parkway Golden, Colorado	CourtRoom: 5-A

Motion to Dismiss due to Outrageous Governmental Conduct

Comes now, Steve D. Gartin, pro-se and moves the Honorable Court to dismiss the charges against him based on the outrageous conduct of governmental officials, and as grounds states the following:

Defendant currently has one case pending before the District Court for the First Judicial District of the State of Colorado involving sixteen felonies and one misdemeanor.

Petitioner believes, and therefore alleges that there has been gross **prosecutorial** and **police misconduct** before, during and after the sitting of the Grand Jury which returned the True Bill, or Indictment, in the above captioned case that is so pernicious, pervasive and egregious as to demand the dismissal of the Grand Jury Indictment obtained by such outrageous conduct.

Misconduct

C.A.8 (Mo.) 1999.
In context of claim that government engaged in outrageous conduct to secure conviction, "outrageous conduct" is a term of art meaning conduct so outrageous and shocking that it exceed the bounds of fundamental fairness. U.S. v. Finley, 175 F.3d 645, rehearing and reahearing denied, certiorari denied 120 S.Ct. 832, 528 U.S. 1094, 145 L.Ed.2d 699.

C.A.1 (Mass.) 1993. Although moribund, doctrine of outrageous government misconduct is not entirely mummified. U.S v. Santana, 6 F.3d 1, appeal after remand U.S. v. Fuentes, 57 F3d 1061.

C.A.7 (Ill.) 1990. Outrageous governmental conduct defense must be made subject of pre-trial motion Fed.Rules Cr.Proc.Rule 12 (b)(2), 18 U.S.C.A. U.S v. Duncan, 896 F.2d 271.

C.A.9 (Ariz.) 1985 Judges and prosecutors are immune from civil suits for damages only for actions taken within scope of their official duty; thus, judge is NOT immune if his actions are deemed non-judicial, and prosecutor is only immune if he was acting within scope of his or her authority.

Allegations that judge and deputy attorney conspired to deprive prisoner of various constitutional rights while he was defending himself pro se in criminal action, that judge and attorney got in contact with each other and agreed that they would take steps to shut off his access to law library, deny him effective assistance of counsel, and deny him subpoenas for defense witnesses, as well as deprive him of other rights, stated claim by asserting judge and prosecutor were acting outside scope of their official duties in entering into such agreement, thereby depriving judge and prosecutor

of immunity. Ashelman v. Pope, 769 F.2d 1360, opinion withdrawn and rehearing granted 778 F.2d 539, on rehearing **793 F.2d 1072.**

C.A.7 1993. Courts will not inquire into prosecutor's ill motive unless there is showing of selective enforcement, or attempt to discriminate by arbitrary classification Schellenbach v. S.E.C., 989 F.2d 907.

C.A.9 (Ariz.) 1993. District court may dismiss indictment for violation of due process or pursuant to its supervisory powers.

Under court's supervisory powers dismissal for prosecutorial misconduct requires flagrant misbehavior and substantial prejudice. U.S.C.A. Const.Amends. 5, 14. U.S. v. Kearns, 5 F.3d 1251, appeal after remand 61 F.3d 1422.

C.A.9 (Ariz.) 1993. "Outrageous government conduct" warranting dismissal of indictment refers to behavior of investigators; this conduct is considered without reference to any predisposition on defendant's part.

Government's conduct may warrant dismissal of indictment if conduct is so excessive, flagrant, scandalous, intolerable and offensive as to violate due process. U.S. v. Garza-Juarez, 992 F.2d 896, certiorari denied 114 S.Ct. 724, 510 U.S. 1058, 126 L.Ed.2d 688.

C.A.9 (Ariz.) 1991. District court may dismiss indictment on grounds of outrageous government conduct amounting to due process violation.

Court's powers to dismiss indictment may be exercised to remedy constitutional or statutory violation, to protect judicial integrity by ensuring that conviction rests on appropriate circumstances validly before jury, or to deter future illegal conduct. U.S.C.A. const.Amends. 5, 14. U.S. v. Barrera-Moreno, 951 F.2d 1089, certiorari denied Kunkel v. U.S., 113 S.Ct 417, 506 U.S. 957, 121 L.Ed2d 340, certiorari denied Fuiz v. U.S., 113 S.Ct. 985, 506 U.S. 1055, 122 L.Ed.2d 137.

C.A.9 (Cal.) 1996. Government's conduct may warrant dismissal of incitement if that conduct is so excessive, flagrant, scandalous, intolerable, and offensive as to violate due process U.S.C.A. Const.Amend.5. U.S. v. Cuellar, 96 F.3d 1179, opinion supplemented 97 F3d 1461, certiorari denied 117 S.Ct. 1117, 520 U.S. 1109, 137 L.Ed.2d 318.

Perjured testimony and suppressed evidence constitute due process violations. The rights of the accused were violated when the prosecution offered perjured testimony and withheld evidence favorable to the accused. DeLuzio v. People, 177 Colo. 389, 494 P.2d 589 (1972)

C.A.9 (Cal.) 1995. Court has inherent supervisory powers to order dismissal of prosecution based on government misconduct only for three legitimate reasons: dismissal is only warranted to implement remedy for violation of recognized statutory or constitutional right, to preserve judicial integrity by ensuring that conviction rests on appropriate considerations validly before jury, and to deter future illegal conduct. U.S. v. Matta-Ballesteros, 71 F.3d 754, opinion amended on denial of rehearing 98 F.3d 1100, certiorari denied 117 S.Ct. 965, 519 U.S. 1118, 136 L.Ed.2d 850, certiorari denied 117 S.Ct. 965, 519 U.S. 1118, 136 L.Ed.2d 850.

C.A.9 (Cal.) 1995. "Outrageous government conduct" is not defense but rather claim that government conduct in securing indictment was so shocking to due process values that indictment must be dismissed. U.S. v. Montoya, 45 F.3d 1286, certiorari denied 116 S.Ct. 67, 516 U.S. 814, 133 L.Ed.2d 29.

C.A.11 (Fla.) 1987. Prejudice to defendant is essential element when criminal defendant seeks dismissal of indictment due to prosecutorial misconduct. U.S. v. O'Keefe, 825 F.2d 314.

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FACTUAL BACKGROUND

The genesis of this case and several others arose on January 30, 1997 when deputies with the Jefferson County Sheriffs Department took a report from Markus Merritt regarding an alleged violation of a restraining order on that evening. Specifically, Mr. Markus claimed that Accused left a message on Pastor Robert Victor Zehnder's answering machine at home stating "This is Steve Douglas, Gartin. Markus Bernard, Merritt I know you. I know what you are and what you do. We'll have plenty of fun." No threats were made, nor was this message in any way stated in a menacing manner. **Deputy Whitus** subsequently contacting the filing deputy at the **district attorneys office who, after reviewing the case, refused to accept it.** Despite the fact that **no case would be filed** took it upon himself arrangements to locate the Accused.

On February 5, 1997, Deputy Whitus contacted **Deputy Estep** requesting assistance in locating Accused**.**

Approximately one month later, on February 25. 1997. Mr. Merritt again contacted Jefferson County Sheriffs Department and reported a purported violation of a restraining order on that date. This allegation again involved messages left on a home answering machine. In three of these messages. **Accused asks to speak with his two children**. In two of the messages. Accused asks to speak with the brothers of Tamara Gartin in one message, Accused asks Tamara Gartin to put the Children on the phone.

None of these messages involve threats or violence or anything resembling threats or violence.

The following day approximately ten members of the Jefferson County Sheriffs Department **SWAT team,** deployed by the authority of **Donald L. Estep**, descend upon Accused's home *allegedly to arrest him on a misdemeanor warrant*. At the time, no misdemeanor warrant for his arrest existed. Accused has only one conviction on his record, a misdemeanor harassment conviction. This case was resolved prior to February, 1996 and no warrant existed. Accused has **no history of violence** which would lead a reasonable police officer to believe he was dangerous. In fact the only warrant which existed was an unsigned (*and therefore invalid*) warrant issued by this Court for failing to appear on a contempt citation. In addition, deputies had not obtained a warrant for his arrest in either of the two restraining order cases they had investigated. Further there was **no search warrant** authorizing these deputies to enter and search Accused's home.

Accused did not leave his home nor did he give anything which could possibly be construed as consent to enter his home. In fact, he remained silent within his home while deputies attempted for almost two hours to persuade him to leave. **Finally, without any legal authority whatsoever. deputies kicked in the door to the home, tearing through a barricade which had been set up on the other side of the door and damaging Accused's property in the process.** Accused was taken into custody without incident. His home was thoroughly searched by Mark Stadterman and his police

dog along with several other S.W.A.T. Agents. **There were no weapons, drugs or any dangerous implements found within the home. Deputy Estep** subsequently colluded with Jefferson County Sheriff's Deputy Lieutenant (*now Captain*) Terry Manwaring to complete and sign an **Affidavit in Support of Warrantless Arrest**, purportedly to validate the unlawful breaking and entry, assault and battery, search and seizure and subsequent unlawful arrest and imprisonment that were perpetrated upon the Accused by county government officials in color of state authority.

POLICE INTRUSION INTO ACCUSED'S HOME ON FEBRUARY 26,1997 WAS UNCONSTITUTIONAL, ILLEGAL AND SHOCKS THE CONSCIENCE

While in most circumstances involving illegal searches and seizures. suppression of the evidence and statements obtained may be an appropriate remedy to seek, this is not a meaningful remedy in this case. This case is worthy of dismissal based on the **egregious and outrageous conduct of the Jefferson County Sheriffs Department**.

The Fourth and Fourteenth Amendments to the United States Constitution and Art. II. subsec. 7 and 25 or the Colorado Constitution protect citizens from unreasonable searches and seizures. The Fourth Amendment applies **"to all invasions on the part of the government and its employees of the sanctity of a man's home and the privacies of life."** *Bond v. United States. 116 U.S.* 616., 630, 6 S.Ct. 5~~. 53~. ~9 L.Ed.2d 746. **Unreasonable searches or seizures conducted without any warrant at all are condemned by the plain language of the first clause of the Amendment**. *Payton v. New York 100* S.Ct. 1371. 1379 (1980).

When an arrest warrant is invalid, an arresting officer must have **both probable cause** to believe an offense had been committed by the individual apart from the complaint and **exigent circumstances must exist**. *People v. Moreno* 491 P.2d 575 (solo. 1971).

9. Determining whether exigent circumstances exists requires an evaluation of the facts and circumstances known at the time of the **warrantless** entry and search. *People v. Miller.* 773 P.2d 1053 (solo. 1989). There are *three General categories of exigent circumstances. Id.* at 1057. The first is when there is a **bona fide pursuit** of a fleeing suspect. *Id.* The second exigent circumstance is presented if there is **a risk of immediate destruction of evidence**. Id. The third type of exigent circumstance involves **a colorable claim of emergency threatening the life or safety of another**. *Id. Any doubt* as to whether a *warrantless search* was justified **must be resolved in favor of the accused whose property was searched**. Id.

Voluntary consent to search waives the search warrant requirement. *People v. Reynolds.* 672 P.2d 529 (solo. 1983). Either the person whose property is to be searched. or a third party who possesses common authority over the property may consent to a search. *People v. Breidenbach.* 875 P.2d 879 (solo. 1994). The court must consider the totality of the circumstances surrounding the individual's consent in determining whether the consent is voluntary. *People* v. *Drake.* 785 P.2d

(Colo. 1990). The *prosecution has the burden of proving* by clear and convincing evidence that consent was voluntary. *Id.*

In this case, the **warrant was invalid** since it had never been signed by a judge. There were **no exigent circumstances** to justify this arrest and the significant intrusion into the Accused's home.

Taken as a whole, the actions of the Jefferson County Sheriffs Department in conducting the arrest of Accused was unconstitutional, illegal and shocks the conscience of any reasonable person.

Background:

On or about February 26, 1997 the Jefferson County Special Weapons and Tactics Military Unit, standing and paid for over two years, in violation of the Constitution of the United States of America, did unlawfully attack the Home of 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, 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, Nazi Ski Masks and bearing NO IDENTIFYING MARKINGS DID UNLAWFULLY go in disguise upon the highways AND on the premises of another, in conspiracy, in full knowledge of their actions, with the specific INTENT, the means, and with the motive to UNLAWFULLY ARREST Accused, who had committed no crime, within or without the sight or knowledge of these "Cops" et al.

Said "SWATzis" resorted to the use of a BATTERING RAM to break down the locked Door at the above noted home residence; without probable cause, without a lawful warrant, and without any knowledge of; who was inside the private residence, or whom they intended to unlawfully arrest after smashing in the door. Defendant Jefferson County Deputy Sheriffs and other Defendant Law Enforcement Officers called out the name of a person who was not known or present in the premises, claimed to have an Arrest Warrant that they did not possess, aimed at least six Laser-sighted Automatic weapons on this Accused and threatened him . . . "If you do ANYTHING -you WILL BE SHOT" . . . that, a direct quote from the audio tape recording of the Assault and Criminal Trespass, Attempted Murder and Unlawful Arrest, and all under Color of Law and Color of Authority, which are the subject of Federal Civil Rights Complaint #97D1036. Said Audio Tape is included as sure evidence of the criminal actions of "SWATzis" known as Jefferson County Special Weapons and Tactics team at 1400 Golden Circle #108 in Golden, Colorado on the 26th day of February in the year of our Lord, Jesus, Nineteen Hundred and Ninety Seven in the Colorado Republic.

After unlawfully arresting, assaulting, battering, and committing mayhem upon the person and property of Accused and the resident of the property, Defendant Sheriff Deputies then HANDCUFFED this Totally Compliant and unresisting Accused with torturous bone-tight "Riot Cuffs, although regular steel handcuffs were available and are preferred, and transferred Accused to another Defendant Sheriff Deputy who unlawfully Forcibly Kidnapped Accused, and illegally transported Accused to the Jefferson County Sheriff Department Detention Center without knowledge of the Identity or the alleged crime committed by the Accused as there was no Arrest Warrant or other proper order of any court.

Accused was tortured by riot handcuffs for over SIX HOURS while "terrorists" disguised as the Defendant Sheriffs Deputies attempted to extort and torture information from Accused. Accused knew that his Liberty and Freedom had been trespassed and Fully Informed each and every Defendant Deputy and Defendant Law Enforcement Officer within hearing of their Violations of Accused's Civil Rights and

their numerous CRIMES against the Accused, and their Deprivation of Rights of the Accused. Each and every "Cop" refused to Cease and Desist their Criminal Actions even after being fully informed of the Law; and failed and neglected to prevent or correct wrongs and to do their Sworn Duty to uphold the Constitution of the United States of America and the Colorado Constitution.

Rather than relenting, the "Cops" further engaged in torture and torment of Accused for the directly expressed purpose of Extorting a Waiver of Accused's Rights in Color of Authority and under Color of Law, in Conspiracy and in full knowledge; each Police Actor having the ability to prevent or correct, witnessing the Deprivations being committed against the Accused and REFUSING and NEGLECTING and FAILING to Correct or Prevent the WRONGS being COMMITTED in each actor's direct presence, when each Actor, "COP," had a Duty to protect and defend Accused's Rights.

Donald L. Estep did then collude and conspire with another Sheriff's Deputy to knowingly and intentionally construct two false documents, to-wit: purported charging documents in #97M811 and #97M812 and filed them with the Jefferson County District Court, knowing that they would become part of the public record with the intent to defraud the Accused of $2000 Bond in each case and the constitutionally secured right to freedom, liberty and due process of law.

Donald L. Estep did then collude and conspire with Mark Stadtermann and John Carr of the Greenwood Village Police Department and James Peters, Esquire and Ted Macklinberg, Esquire of the Arapahoe County District Attorney's Office to construct a false document, to-wit: #97M472 and to cause said document to be filed with the Arapahoe County Court, knowing that it would become part of the public record with the intent to defraud the Accused of constitutionally secured rights to freedom, liberty and due process of law.

Those fraudulent documents became the foundational charging instruments for two separate cases for the alleged violation of restraining orders by design and intent to increase the amount of bond by double and therefore create an even greater hardship upon the Accused and a cruel and unusual punishment and excessive bond before adjudication.

Ted Mackelroy, *Esquire* and James Peters, *Esquire* did then unlawfully collude with Judge Ethan Feldman and agree, in a meeting of the minds, to impose a $5,000 bond in Arapahoe County case #97M472 which they all knew was excessive for the alleged violation of a purported restraining order that the court's records clearly document was never served upon the Accused and the Accused had no knowledge of the contents thereof, or even if such a document existed.

The Court's Record clearly establishes that there has been no service of any permanent restraining orders upon the Accused.

UNLAWFUL WARRANTLESS ARREST _ Denial of Due Process

Heavily Armed Military Troops, in disguise as Multi-Jurisdictional Jefferson County Special Weapons and Tactics Team Division of the Jefferson County Sheriff's Department did unlawfully ATTACK a private residence in order to illegally arrest Accused.

Supporting Facts: Through an elaborate Conspiracy and meeting of minds of; Defendant Private Citizens who **intended and stated with**

malice and aforethought to unlawfully murder Accused by use of government financed quasi-military troops or otherwise; Defendant Officers of the Court who instigated, designed, masterminded and implemented said conspiracy; compliant quasi-judicial and de facto Defendant Judicial Officers for hire, military troops in disguise as the Defendant Officers of the Law, and Defendant Corporate Officers with specific fiduciary and other interests to protect from the light of truth; ALL conspired and colluded with foul intent to develop a false-persona of Accused whereby the "government" would view Accused as a threat, and deploy Heavily Armed Troops to NEUTRALIZE the DANGER.

Criminal Trespass: Breaking and Entering - Denial of Due Process

Military Troops in disguise as Officers of the Law, termed Jefferson County Sheriff's Department, and Special Weapons and Tactics Team "Made Entry" unlawfully into private residence.

Supporting Facts: On or about February 26, 1997 Jefferson County S.W.A.T. Team did apply the "Department Ram" to the private residence located at 1400 Golden Circle #108 in Golden Colorado.

Sheriff Deputies did then unlawfully bash in the residence door and invaded the residence in an "overwhelming" force of arms and with numerous armed military troops. Defendant Sheriff Deputies did not have in their possession any Warrant, either lawful or unlawful. Defendant Sheriff Deputies did at that time completely destroy the residence door, which was private property, with the "Department Battering Ram." Sheriff Deputies did make open threats of direct murder upon the person of Accused. The audio tape of the Criminal Trespass confirms the ultimate fact that Defendant Sheriff Deputies broke into this private residence with the INTENT to commit murder upon the Accused.

ASSAULT & BATTERY UNDER COLOR OF AUTHORITY

Immediately after Sheriff's Deputies Trespassed by Unlawful Breaking & Entering into a private residence, Defendants did unlawfully Assault Accused with fully automatic weapons by jamming the muzzles of those automatic weapons into Accused's spine, ribs and head with unjustifiable force. Accused offered NO resistance. Sheriff's Deputies then unlawfully HANDCUFFED Accused, who was NOT charged with a felony, for NO VALID reason or purpose, other than to torture and humiliate Accused. Said unlawful actions being committed under Color of Law, caused Accused damages including but not limited to, Physical Trauma, Psychological Trauma, Physical Pain, enduring physical injuries, humiliation, and deep emotional trauma.

Cruel and Unusual Punishment and Sadistic Treatment under color of authority

Deputies applied 'temporary' Riot Handcuffs with excessive force, thus cutting off the blood circulation to Accused's arms and hands, a known method of torture. The Riot Handcuffs were then also 'cranked up' in such a manner as to initiate intense pain in Accuseds arms, shoulders and spine. Accused was totally compliant, offered NO RESISTANCE and made NO effort to escape the unlawful arrest. Said excessive force, being committed in color of authority caused Accused damages.

KIDNAPPING - Deprivation of Accuseds Right to Due Process of Law or Equal Protection of the Law

Defendant Sheriff's Deputies, forcibly removed Accused from the private residence in which they unlawfully arrested him - IN HANDCUFFS and placed Accused in another Deputy's automobile. Said Defendant Deputy Martin; did not have knowledge of Accused's identity, had not witnessed a crime, did not have a valid warrant, and refused to loosen the 'temporary use' Riot Handcuffs that were, by then, causing Accused even greater pain and suffering as Accused was now forced to sit in the back seat with his arms and hands painfully cranked up behind his back. Defendant Sheriff Deputy Martin repeatedly refused to loosen or adjust the handcuffs.

Deputy Martin transported Accused directly to the Jefferson County Detention Facility although Defendant was informed by Accused that he is required by Law to take any arrested person DIRECTLY before the nearest magistrate of competent jurisdiction - which Magistrate, Accused had reason to believe, was directly across the street from the Detention Facility. Defendant Martin did knowingly and willfully kidnap the Accused in reckless and wanton disregard for the Law of the Land in furtherance of the 'Conspiracy'. Said acts, committed in Color of Authority, caused the Accused damages, including, but not limited to, Physical Trauma, enduring physical injuries, psychological pain and suffering, loss of time, loss of income, loss of FREEDOM, deep emotional trauma, humiliation and distress.

DENIAL OF DUE PROCESS - Unlawful Booking procedures

Defendant Deputy Sheriff Martin refused to take Accused before the nearest magistrate and instead took Accused into the Jefferson County Detention Facility for interrogation, booking, fingerprinting, photographing and immediate, unjustified and unlawful incarceration. Defendant Deputy Sheriff Martin did not know whom he had arrested, he was aware of NO CRIME committed by the unknown detainee, and yet he repeatedly refused to release Accused or loosen the HANDCUFFS to prevent additional pain and suffering to Accused, a totally compliant Citizen whom NO ONE had seen commit ANY CRIME whatsoever.

Deputy Martin continued to attempt to Extort Accused into telling him the unlawfully detained Accused's identity by threats, attempts to humiliate, denial of and the failure to provide basic human necessities and the riot handcuffs. Said extortion and deprivation of Accused's Rights being in Color of Authority caused Accused damages including but not limited to loss of time, damage to reputation, loss of income, intense pain and suffering, loss of FREEDOM, deep emotional trauma, humiliation and distress.

Deputy Martin was fully informed by Accused during the Kidnapping of the trespass upon the Rights of the Accused by the unlawful Arrest and above stated deprivation of Accused's Constitutionally guaranteed rights. Defendant Martin had NO EXCUSE!

Denial of access to the courts

Defendant Sheriffs Deputies' Reports, on file, confirm that the Accused was unlawfully arrested at approximately 3 PM on a Wednesday. The Courts were open and Defendant Deputy Martin neglected and failed to take Accused before the nearest Magistrate, and without unnecessary delay, as required by law; depriving Accused of Due Process of law. Defendants deprivation of Accused's Constitutionally Guaranteed rights under color of state law caused Accused damages including but not limited to physical trauma, emotional distress, psychological distress, pain and suffering, lost income, loss of

Family, loss of career, damage to reputation and other collateral and related damages.

Sadistic Treatment, Cruel and unusual punishment for no crime and without due process of the law, failure to neglect or prevent wrongs or to provide equal protection of the law to Accused and in conspiracy.

Defendant Deputy Sheriff Martin witnessed no crime committed, and yet Deputy Martin paraded Accused around the Booking Rooms while Accused was tightly restrained unnecessarily, still in riot handcuffs and for an extended period of time. Accused politely and repeatedly informed Defendant Martin and all the other Defendant Cops present of the gross deprivation of Accuseds Rights; delineated and described each Sworn Law Enforcement Officers' Duty to Correct and Prevent wrongs and Fully Informed each Defendant Officer of the Law present of his/her responsibility under the Constitution, USC. 42 1986, 1985 & 1983 as well as 18 USC 241 & 242.

Defendant Martin became emotional and angry, resorting to excessive and brutal force to throw the already handcuffed and restrained Accused into a "sound proof" room to prevent and obstruct Accused from informing all sworn Peace Officers present of their Duty under the U.S.C., the Constitutions and the Law of the Land. Deputy Martin repeatedly refused to loosen the Riot Cuffs even after Accused's arms and hands had grown numb and purple from swelling. Although Accused cried out for relief from the Torture caused by the "Bone-tight" riot-cuffs- all the sworn Sheriffs Deputies present refused and neglected and failed to correct or prevent serious and permanent injury to Accused. Such willful and malicious torture being in Color of Authority caused Accused Damages. Defendants deprivation of Accused's Constitutionally Guaranteed rights under color of state law caused Accused damages including but not limited to physical trauma, emotional distress, psychological distress, pain and suffering, lost income, loss of Family, loss of career, damage to reputation and other collateral and related damages.

Defendant Martin had tried for several hours to Extort a Waiver of Fifth Amendment Rights from Accused by torture in "Bone tight" Riot cuffs. After some six hours, Deputy Martin eventually gave up his efforts and shoved Accused into a "Booking Room" where a fresh set of Interrogators, Defendant Jefferson County Sheriffs Deputies, finally needed to cut the 'temporary use' Riot Cuffs off of Accused's arms with heavy Wire Cutters.

Both Accused's arms were purple and swollen, the left arm was immobile due to the trauma caused by the 5-6 Hours in Bone-tight Riot Cuffs.

Accused repeatedly requested medical triage and treatment for his obvious and painful injuries and was repeatedly Denied by Defendants.

Accused was then stripped, intrusively searched and further interrogated, continuously threatened by Deputies to Extort a Waiver of Fifth Amendment Rights and thrown into the "rubber room" as further and continued torture in order to extort a Waiver or Joinder which Accused would NOT concede.

Accused was held for many hours in this punitive confinement; in an injured condition, without any food or any water, in deliberately frigid conditions, without any bed or blanket, without any toilet and without access to a telephone or any Presentment to a Magistrate all night and into the next day in an attempt to extort by

TORTURE a Waiver of Rights or a permissive joinder by speaking Accused's name. Accused refused to waiver or joinder, but did fully inform each Defendant Deputy present of his/her Duty under the law and the Constitutions.

All the Defendants present refused and neglected and failed to prevent or to correct the wrongs they each witnessed; such wrongs committed in Color of Authority caused Accused damages. Defendants deprivation of Accused's Constitutionally Guaranteed rights under color of state law caused Accused damages including but not limited to physical trauma, emotional distress, psychological distress, pain and suffering, lost income, loss of Family, loss of career, damage to Accused's reputation and other collateral and related damages.

Denial and deprivation of Due Process of Law

Late Thursday morning, an unknown Defendant Deputy Sheriff told Accused that Defendant Judge Charles T. Hoppin 'had issued a Judicial Order' that 'required' Accused to relinquish a Fingerprint before the Court would 'allow any appearance' by Accused. Fearing not to comply, Accused provided a fingerprint "under duress" and "without prejudice" pursuant to U.C.C. 1-207 & C.R.S. 4-1-207.

Upon the extorted and fraudulently obtained "compliance", Accused was moved to "Classification", only then, after many hours in detention, was Accused allowed toilet, food, water and very restricted access to a "Gateway Technology" telephone pursuant to R.I.C.O. statutes 42 USC 1961. Accused was never presented this so-called "court order" in writing and further has good reason to believe said Deputy Lied and Perpetrated a FRAUD upon Accused.

Said FRAUD by Defendant Sworn Law Enforcement Officer constituting a deprivation of Constitutionally protected Rights causing Accused damages in Color of Authority. Defendants deprivation of Accused's Constitutionally Guaranteed rights under color of state law caused Accused damages.

"Force March" in shackles, chains & handcuffs.

Mid-Thursday afternoon Armed Military Troops in disguise as Defendant Sheriffs' Deputies came in force to Accused's jail cell; bound and shackled Accused, hand, waist and ankles and forced him to march hundreds of yards from the Jefferson County Jail to the Jefferson County Courthouse. Each and every step caused the ankle shackles to tear into Accused's Achilles tendon, causing permanent scars and injuries. None of the shackles, chains or handcuffs was removed upon entry to the courtroom or later in the holding area. Accused repeatedly informed each and every Defendant Deputy Sheriff of the injuries and each and every Defendant directly refused or failed or neglected to correct or to prevent further injuries. Said acts committed in Color of Authority caused Accused injuries and damages. Defendants deprivation of Accused's Constitutionally Guaranteed rights under color of state law caused Accused damages including but not limited to physical trauma, emotional distress, psychological distress, pain and suffering, lost income, loss of Family, loss of career, damage to reputation and other collateral and related damages.

Deprivation of Due Process- the Presumption of Innocence

Judicial Officer Charles T. Hoppin, having a superior knowledge of the law and a high standard of the law as confirmed by his oath of office, under arms, and witnessing the fraud committed by Defendant

"Attorneys," when those Attorneys deprived Accused of his Constitutionally Guaranteed right to be provided an Indictment, a Summons/Complaint or Information of the Accusation.

Accused was forcibly taken to a "Courtroom" whilst standing in chains and jail clothes, without counsel, surprised; thus denying and removing the Constitutionally guaranteed presumption of innocence and indicating 'guilt'. No advisement of charges was provided, No Indictment - No Summons/Complaint or Information was served upon the Accused in deprivation of Accused's Constitutionally Guaranteed rights under color of state law.

Excessive Bail on 2/27/97: Charles T. Hoppin

Judicial Officer Charles T. Hoppin, hereinafter referred to as "Judge," having superior knowledge of the law and a high standard of the law as confirmed by his oath of office, and witnessing the fraud committed by "Attorneys," when those Attorneys deliberately and maliciously deprived the un-represented and un-counseled and indigent Accused of Accused's Constitutionally Guaranteed right to a reasonable Bail under color of state law, caused Accused damages.

Deprivation: Constitutional Right to Face Witnesses

Judicial Officer Charles T. Hoppin, having superior knowledge of the law and a high standard of the law as confirmed by his oath of office, under arms, and witnessing the Fraud committed by Attorneys, in conspiracy with Defendant Private Citizens, to deprive Accused of the right to confront and examine witnesses against him. Defendant 'Private Citizens' Tamara Ann Zehnder and Marcus Bernard Merritt advanced on the court docket as Witnesses in Complaint. They deliberately chose not to be present at a proper time, obstructing justice and manipulating the Court, depriving Accused the opportunity to confront these 'Witnesses' against him, as guaranteed in the Constitutions.

On 7 April 1997 the Accused was invited into court by a curiously defective paper bearing the proper Christian Appellation of the Accused, to-wit: Steve Douglas, Gartin – not the usual nom de guerre for the strawman transmitting utililty cestui que trust entitled STEVE D. GARTIN.

The Accused was unlawfully incarcerated, without charges, during that clearly unlawful event by the quasi-judicial magistrate **Marilyn Leonard** who pronounced an unlawfully excessive sentence of SIX MONTHS – NO GOOD TIME for some undisclosed "contempt" of an unlawful "court."

Accused inquired of the Court to define the jurisdiction in which the Court was moving, but was denied by Magistrate Marilyn Leonard any definite statement of jurisdiction. Magistrate Leonard stated that she would not get into a discussion of Jurisdiction and **ordered** Accused to cross the BAR and joinder with the Court. Accused feared not to obey due to the fact that armed military troops disguised as Sheriff's Deputies were standing by to arrest Accused when the quasi-judicial tribunal had reached its predetermined verdict of Guilty.

Accused inquired of the Court if it was legal to engage in a legal action in which all the supporting documentation and previous actions were not in Accused's name. Accused was concerned with the fact that this was the **first and only** document that had ever used Accused's

true Christian appellation. There was no supporting documents or contracts or agreements that could lead the Court to the point of SHOW CAUSE why Accused should not be punished for an alleged violation of a contract or some other quasi-legal paper he was not familiar with and had never received service or notification of. Magistrate Leonard ignored this question of law as well and demanded that the Accused enter the sanctity of the BAR and demanded that the Accused joinder with the Court. Accused feared not to acquiesce as armed military troops in disguise as Sheriff's Deputies were standing by, paid by the STATE in repugnance to the Constitution of the United States and the Colorado Constitution.

Accused specifically reserved all Rights and entered the BAR at the demand of Magistrate Leonard, a de facto judicial officer.

Prior to entering the courtroom of the de facto judicial officer Magistrate Marilyn Leonard, Accused filed into the official court record several official documents relating to the material facts involved in case #95-DR-27l8. Since the Accused is presently unlawfully incarcerated in the Jefferson County Detention Facility, Inc. and access to the official court file Denied to Accused, best memory must serve in relating the official papers filed, which are:

1.) Declaration of Invalidity for Fraud - STATECHURCH "marriage" of 11-16-85
2.) Refusal for Fraud - Original "marriage certificate"
3.) Refusal for Cause without dishonor U.C.C. 3-501 - Defendant's Complaint
4.) Notice of Foreign Law - Non-waiver of Common Law Constitutional Rights
5.) Private Security Agreement - Notice of **42 U.S.C. 1986,1985,1983**
6.) Notice of appeal filed June 18, 1996 and January 27, 1996

The point being, Accused has actively resisted, objected, appealed, applied for review and in all manner and methods known or learned by active and intensive research. Accused stands on his Constitutional guarantee of Due Process of Law and the right to redress the government for grievances. Defendant Magistrate Marilyn Leonard knew or should have known these facts, and Defendant should have been fully apprised of the record in this case before trying to assume any sort of jurisdiction over Accused in this instant matter.

Magistrate Marilyn Leonard then proceeded to call witnesses, cross-examine witnesses, lead witnesses, deny the admission of pertinent testimony and in all aspects take on the mantle of the Prosecutor. Defendant Leonard presented evidence for the prosecution, denied testimony of the accused and proved beyond any shadow of doubt that the Bench was **biased, prejudiced** and fully intended to impose an excessive sentence upon the alleged accused no matter what evidence or testimony was presented by either party to the controversy before the Court.

Magistrate Marilyn Leonard, in her high knowledge of the law pursuant to her Oath to the Judicial Canons, and her high standard of law pursuant to her oath to the Ethical Rules, and her high responsibility to the law pursuant to her oath to support and defend the United States Constitution as the **supreme** law of the land; either **knew or should have known that IN RE** actions are non-adversarial proceedings regarding things and not a real controversy between opposing parties with distinct and differing positions on a point of law.

Magistrate Marilyn Leonard, Esquire in her high knowledge of the law as defined in the foregoing paragraph, either knew, or should have known what an **agreement** is. As she prosecuted case #95-DR-2718

and questioned the alleged accused concerning an alleged **"agreement"** which the alleged accused denied having entered into willingly and knowingly. Accused does not need to direct the Honorable Court to Black's Law 6th Edition to understand the meaning of **agreement** as Accused had to do, being a layman not trained nor educated in the Law.

Magistrate Marilyn Leonard in her high knowledge of the law as confirmed above, as she proceeded to prosecute case #95-DR-2718, either knew or should have known what a **signature** is. As Defendant Leonard prosecuted the case in an advocatory capacity and interrogated the alleged accused concerning a "signature" on some undisclosed paper, which alleged accused denied; Magistrate Leonard either knew, or should have known at that point that according to law, there could be no valid signature according the definition in Black's Law 6th Edition of "signature," which stipulates intent to validate a writing.

Magistrate Leonard, in a state of mind **reckless to the law** and repugnant to the Judicial Canons continued to prosecute case #95-DR-2718 by calling Tamara Ann Zehnder to identify alleged "signature" in full knowledge that Tamara Ann Zehnder, proceeding in a fictitious nom de guerre, strawman, TAMARA A. GARTIN, was not and is not a signature expert and does not have any standing to testify in such a capacity. Magistrate Leonard, in her high knowledge of the law, either knew, or should have known that any Prosecutor, and especially a judicial officer **acting in a prosecutorial capacity from** the Bench, presenting false and misleading testimony to the Court is guilty of a Federal Felony in addition to State Law violations, and that such a reprehensible action was a grievous deprivation of the alleged accused **rights to Due Process of Law.** Such deprivation of Constitutionally protected rights being a tortious violation of 42 U.S.C. §§ 1986, 1985 ~ 1983 and carries Criminal penalties pursuant to 18 U.S.C.§§241 & 242 and is in direct violation of the Judicial Canons.

Access to the Courts – 5th and 14th Amendment Violation

Background: The First Week of my Unlawful Incarceration - April 7 to 12, 1997 I was DENIED all access to the Law Library.

Supporting Facts: This FACT is established by the Jail Logs and also by my personal records. Deputies on duty informed me that this was not a grievable matter and would not provide me with a Grievance Form.

Denial of Access to the Courts:

Background: Sheriff Ronald L. Beckham in a "meeting of the minds" with Detention Facility Administrator Captain Raymond Fleer and in Conspiracy with Chief Judge Henry Nieto of the First Judicial District for the STATE OF COLORADO have agreed to institute a policy of restricting the copying of Legal Manuals, i.e. Colorado Revised Statutes, to Inmate Defendants who are Proceeding Pro se. This custom and policy unconstitutionally restricts the study time a Defendant has to the already limited time allowed in the Law Library, thus abridging the Constitutionally Guaranteed Right of the Defendant to be INFORMED of the nature of the charges against him. This Policy is a violation of Constitutionally Guaranteed Rights.

Supporting Facts: During the First Week of my unlawful Incarceration - April 7 to 12, 1997 I was also denied the Right to copy the

Statutes that were supporting the charges against me even though I was **defending myself without an Attorney.** These facts can be substantiated by records in the Law Library and Accused hereby requests that those records be Subpoenaed for Trial on these issues. Pro se "**privileges**" were DENIED this Accused during the week of April 7-1, 1997 and can be surely proven by subpoena of the Law Library Inmate Worker, Michael Leabold who was witness to the events of that period in the Jefferson County Detention Center's Law Library. He will testify that I provided Court Documents as sure proof of my status as "pro se" and was denied in spite of such proof. This denial **ripens into a CAUSE of ACTION** when Judge William DeMoulin later DENIES my Appeal as UNTIMELY.

Deprivation of Due Process of Law - Amendment VI

Background: Warrant of Commitment (Mittimus) was Denied to Accused after being subjected to quasi-Judicial tribunal of undisclosed and secret Jurisdiction. Nature of charges was denied.

Supporting Facts: During the week of April 7 through the 12th, 1997, Accused, in unlawful imprisonment, petitioned the **Deputies on Duty** for some form, any form of a **Warrant of Commitment** so that Accused could commence **Appeal Procedures.** Accused was repeatedly denied this **Right to be Informed of the nature of the charges against him,** for the specific purpose of preventing Accused from making a timely appeal. This purpose continues to unfold during the ensuing weeks of Accused's unlawful incarceration in Jefferson County Detention Facility. These actions with the **intent to deprive Rights** secured by the Constitution were committed under Color of Authority and in **Conspiracy with Judicial Actors and Officers of the Court** and caused the Accused damages, to-wit: ultimate denial of appeal, as untimely.

Custom and Policy of limiting Law Library access

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally participated in a meeting of the minds with **Officers of the Court**, to wit: David J. Thomas, Esquire, **Judicial Officers**, to wit: Henry Nieto, Esquire, and **Officers of the Law**, to wit: Sheriff Ronald Beckham and Captain Raymond Fleer, instituting a Policy as has been agreed upon wherein to capriciously, knowingly maliciously and deliberately limit Law Library Access to Accused to only eight (8) hours maximum per week.

This policy falls short of required standards and is an Intentional, Malicious and Knowing Deprivation of the Right to Access the Courts in the Due Process of the Law and thereby violates Constitutional guarantees to Due Process of Law. Said Conspiracy to Deny and Failure to Secure Accused's Constitutional Rights, being committed under Color of Authority constitutes a violation of 42 U.S.C. §§1986, 1985, & 1983 and has caused this Accused damages.

- **Rights of Prisoners II 11.04** page 24 states: "While there is no settled rule as to the number of hours that is sufficient, courts have generally required that **general population inmates** be permitted approximately **10 to 12 hours** of time a week in the law library. Less than that is considered insufficient time to engage in serious legal research. Moreover, the law library schedule must have flexibility built into it to permit prisoners who are facing court deadlines extra time to meet their deadlines. (authorities quoted)

The library schedule cannot be a capricious or whimsical one for the inmates involved, nor can deprivation of library time be used

as punishment as Courts have held that intentionally scheduling library time to conflict with other inmate activities violates the right of access to the courts. The right of access is also violated when prison officials arbitrarily deny requests for use of the library by inmates.

A mere eight hour average per week of Law Library Access falls significantly short of **"meaningful" access**, particularly when segmented into daily increments.

Moreover, Accused believes and on the basis of such belief claims and alleges that; Defendants, each of them and them all jointly and severally conspired and colluded in malice and in retaliation to limit Accused in his proper prosecution of Federal District Court Complaints against their cronies, co-conspirators, accomplices and associates in criminal enterprise by limiting law library access.

Due Process - Access to the Courts

Accused incorporates the preceding claims herein by reference as if fully reproduced; At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally, acted as a matter of custom and policy; Sheriff Ronald L. Beckham and Captain Raymond Fleer, Jail Administrator, in a meeting of the minds with STATE OFFICERS, District Attorney David J. Thomas, Esquire and Chief Judicial Officer Henry Nieto, Esquire in collusion and by conspiracy have agreed upon a policy preventing Accused, and all inmate/detainees from possessing **Writing pens**. This constitutes a direct assault upon the basic **First Amendment** Constitutional Guarantee of the **Right to Petition Redress** from the Government by limiting access to even the basic tools of communication. This reckless and outrageous policy and custom, devised in full knowledge of the negative impact upon Access to the Courts, a Right secured by the Constitution, and in malice and in Color of Authority has caused Accused damages including but not limited to, increased time incarcerated, Denial of Motions as "untimely filed," time lost in preparation of Official Court Documents, aggravated complication in the production of Court Documents, mental anguish, physical discomfort, increased chance of Dismissal of Motions for Forma Defect, lost time, lost income, loss of Family time, loss of Freedom and other pain and suffering.

Petitioner is not convicted of any crime; is no risk to himself or any other Inmate or Staff; and no valid reason exists for denying access to a simple writing implement.

Constitutional Right to Due Process - Access to the Courts

At all times relevant to the allegations in this complaint, Accused believes, and on the basis of that belief claims and alleges that; Defendants, each of them and them all, jointly and severally acted as a matter of custom and policy within the scope of their employment; Jefferson County Detention Facility has a policy and custom of improperly training and supervising by action and neglect of action, Duty Deputies regarding court mandated use of the Law Library and such administrative rules relating to it. Deputies routinely "log Inmates out" when they leave the "POD" and log them in when they return. This creates a major discrepancy in the amount of time Inmates actually spend in the Law Library, since many other factors are involved in the equation; e.g. Accused has spent up to a half of an hour waiting; for the elevator, waiting for a female inmate to

clear the area, waiting for the Nurse to clear the area, waiting for the floors to dry, and a veritable panoply of intransigent and mendacious excuses deliberately designed and maliciously intended to limit Inmate time in the Law Library. Deputies have also been observed on numerous occasions to "pad the books" by intentionally "rounding off" to the highest hour, e.g. 1 ½ hour becomes 2 hours. These knowing and intentional policies, developed, managed and administrated under Color of Law, are the proximate cause for Accused's damages to include, but not limited to, missed Court filing deadlines, loss of time, loss of Freedom, increased time incarcerated, loss of income, loss of Family time, mental anguish and other damages subject to amendment.

Right to Redress Government for Grievances

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally acted as a matter of custom and policy and within the scope of their employment; Jefferson County Detention Facility management and administration has developed a standard failure of response and capricious and whimsical denial of Inmate Grievances. No matter what the problem an Inmate brings to the attention of the Deputies, the standard response is; "**That is not a grievable matter**." During the entire month of April, Accused requested Law Library access every day. Even though access fell short of the eight hours found in the Blue Book Policy Manual, Deputies refused to give Accused a Grievance Form by which to address complaint to the proper Administrative Venue. Said actions being committed in Color of Authority, caused Accused damages incorporated above VI & VII and referenced as if reproduced fully herein.

Denial of Access to the Courts

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally , acting within the scope of their employment as Jefferson County Detention Facility Staff has conspired with foreign business agents and agreed upon the exclusive use of ONLY GATEWAY TECHNOLOGY telephones in the facility. This communication monopoly defined by 42 U.S.C. 1961 & 1962, allows calls only to select telephone numbers, restricts time allowed to 10-15 minutes, denies access except by reversed charges, charges excessive rates, ten times the standard local call rates, records private conversations and maintains a record of numbers called. All of these intrusions into the Right to Privacy are paid for by the party accepting the call. This R.I.C.O. Enterprise is operating in conspiracy to create an unbearable burden upon an indigent inmate and has deprived this Accused of access to the courts by design and intent by STATE OFFICIALS acting in Color of Authority and has caused this Accused damages including, but not limited to, loss of time, burdensome debt, loss of consortium, mental distress, missed Court deadlines, denial of effective communication and access to legal materials contained in Court Records and in personal files.

Access to the Law

At all times relevant to the allegations in this complaint, Defendant Jefferson County Detention Facility Staff, each of them and them all, jointly and severally acting within the scope of their employment as Jefferson County Sheriff's Deputies have designed a policy intended to limit Inmate Access to the Courts by limiting the photocopy of legal statutes to only those Inmates proceeding Pro se. From April 7,

1997 to May 5, 1997 each and every Staff Member in the Law Library refused to accept a **Court Register of Actions** referring to Accused as appearing **Pro se** as sufficient proof of Pro se status. This capricious and whimsical denial provided erroneous grounds to refuse Accused access to photocopies of the law relative to the Appeals Process. This malicious and intentional denial, made in a high knowledge of the Law and full knowledge of the Constitutionally secured Right to be informed of the nature of the charges against the citizen have caused the Accused damages including, but not limited to, loss of freedom, missed appeal deadlines, denial of appeals, mental suffering, extended incarceration, physical suffering and other damages.

Malicious Denial of Due Process of Law:

On May 5, 1997 in the courtroom of the Honorable Judge Charles T. Hoppin, Accused **requested a signed and stamped affidavit from the Court proclaiming that Accused was proceeding Pro se** so access to photocopies of the law would be made available according to the custom and policy of the Jefferson County Detention Facility to provide copies of the Law only to pro se Inmates. **Judge Charles T. Hoppin did deny that request. Accused also requested "meaningful access" to the Law Library and was also denied that request**. This denial by the Honorable Judge Charles T. Hoppin constitutes a deprivation of the right to access to the Courts by effectively denying access to the Law Library in a meaningful sense. Accused is not trained in the Law and requires time and access in order to understand even the rudiments of an effective defense. This specific and direct denial has caused the Accused damages including but not limited to increased incarceration time, loss of income, loss of Family time, loss of consortium, mental anguish, physical suffering and loss of Freedom. This direct act, being committed in Color of Authority, by an Actor with a high knowledge of the Law, who is sworn to uphold the Constitution of the United States and Colorado, having taken an Oath to the Judicial Canons, and having a high standard of the Law to uphold creates an even greater trespass against unalienable rights secured by Constitution.

Due Process. Access to the Law, Contempt of Courts' Order

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally acted within the scope of their employment to deny Accused after Accused finally established Pro se status in spite of the above stated denial by Judge Charles T. Hoppin and was allowed the "privilege" of obtaining photocopies of pertinent codes and statutes to study in lockdown, Deputy J.D. Rose further abused Accused's right to access the Law by once again refusing to allow Accused to obtain a copy of the Judicial Canons. Accused provided Deputy Rose copies of the Federal Civil Rights Complaint pertinent to the Canons requested, but Deputy Rose refused to allow the photocopies to be made in spite of custom and policy to the contrary. Thus Deputy Rose, in Color of Authority trespassed in even greater measure than was already designed and agreed upon to deny ALL Inmates access to the Law. This action, in excess of Authority and in Color of State Law caused Accused damages as included above in Claim X and in even greater measure because of the malicious intent.

Mail Tampering

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally and in high knowledge of the law and fullknowing and in deliberation and with malicious intent acted within the scope of their employment to tamper with Accused's mail to effect a reckless, heedless, deliberate and malicious obstruction of justice; On or about April 16, 1997 Accused placed several motions to the Jefferson County District Court into the Detention Mail System for immediate mailing to the Court.

Those Motions were not logged into the Court's Record until April 24, 1997. Judge William P. DeMoulin denied each of those motions based on "untimely filing" as a direct result of an obvious meeting of the minds and agreement between Detention Staff and Judicial Staff to develop a policy and procedure contrary to expedient and efficient handling of the mail.

The Court is right across the street from this Detention Facility, yet it takes up to **two weeks to send or receive mail**. This constitutes an obstruction of justice and a deprivation of Accused's Right to Redress, Right to access the Courts, and Right to Due Process of Law. These deprivations by the Defendant's were knowingly and intentionally committed in conspiracy and in Color of Authority and has caused Accused damages, including but not limited to, missed Appeal Deadlines, denial of Motions, increased incarceration, mental anguish, physical pain and suffering and other damages.

Obstruction of Justice - Mail Tampering

Accused incorporates and references all Claims as if fully reproduced herein and claims and alleges; at all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally and in high knowledge of the law and full knowledge and in deliberation and with malicious intent acted within the scope of their employment to tamper with Accused's mail to effect a reckless, heedless, deliberate and malicious **obstruction of justice**; On or about April 21, 1997 Accused placed several Motions to the Jefferson County District Court into the Detention Mail System for immediate mailing to the Court.

Those Motions were logged into the Court's Record on May 5, 1997. Each of those motions were denied by Judge William DeMoulin based on "untimely filing" as a direct result of the above stated - CLAIM XII - conspiracy. This additional occurrence of Mail Tampering and the ultimate denial of Accused's Motions based on untimely filing aggravates the above stated damages and constitutes a pattern of conduct designed to deprive Accused of the Right to Privacy, the Right to Access the Courts, the Right to a Speedy Trial and the deliberate and malicious obstruction of justice.

Access to the Courts Denied: Indigent Copy Requirements

At all times relevant to the allegations in this complaint and incorporating all the forgoing paragraphs by reference and as if fully reproduced herein, the **Copy requirements of the Honorable Court**, stating that One Copy must be made to be served upon each Defendant present an insurmountable burden upon an indigent Accused, incarcerated and unable to pay for such services. This requirement effectively creates a bar to the Courts of Justice and has caused the Accused damages to include but not limited to, lost time, increased indebtedness, mental anguish, increased time incarcerated and other collateral damages.

Access to the Courts Denied: 20 Copy Limit

Accused incorporates herein by reference all forgoing claims as if reproduced completely. At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally and in high knowledge of the law, fullknowing and in deliberation and with malicious intent acted within the scope of their employment to effect a reckless, heedless, deliberate and malicious obstruction of justice; Jefferson County Detention Center, Inc. through a "meeting of the minds" with Administrator Raymond Fleer, Lt. Schroeder (vie), Sheriff Ronald Beckham and others to be discovered have designed a policy intended to deprive Accused access to the Courts by placing an arbitrary limit on photocopies of twenty copies. This policy creates an effective and insurmountable obstacle to access of the Courts. Any Document presented to the United States District Court requires a minimum of three copies and a minimum of eight pages; this immediately exceeds the policy limit set by Jail Administration in a direct and knowing Deprivation of Accused's Right to Access the Courts. Said Deprivation committed by Actors in Color of State Law, in Color of Authority, in collusion and conspiracy have caused Accused damages including but not limited to, lost time, increased expense, additional time incarcerated, mental anguish, increased indebtedness and collateral and associated damages.

Denial of Due Process - Lack of suitable equipment

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally and in high knowledge of the law, full knowledge and in deliberation and with malicious intent acted within the scope of their employment to effect a reckless, heedless, deliberate and malicious obstruction of justice; As is easily discernable from many of the copies within this ORIGINAL complaint, to-wit: 97S1523, the copy machine provided by the Jefferson County Detention Center, Inc. Law Library is inadequately maintained and produces unacceptably erratic copies of legal papers required for filing with the Honorable Court. This equipment is substandard. Captain Raymond Fleer's callous disregard for the requirements of the Court or for a Pro se Inmate's proper defense is proven by the policies of flagrant disregard and callous indifference for the Rights of the accused to present a proper defense, or appeal. This intentional action of Deprivation of the Right to access the Courts is committed in Color of Authority and under Color of STATE Law and has caused Accused damages to include, but not limited to, loss of time, increased incarceration, missed/or nearly missed court deadlines, mental anguish, physical suffering and other collateral damages.

Denial of Copies for Filing with Court

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally and in high knowledge of the law, full knowledge and in deliberation and with malicious intent acted, within the scope of their employment, to effect a reckless, heedless, deliberate and malicious obstruction of justice; After a meeting with Counselor James Marston, informing him how many copies would be required for filing case #97-D-1036, and an agreement that he would provide those copies required by the Court. We discussed and agreed upon the amount of copies that would be required. Mr. Marston explained that he would have to "run it by" his superiors and 'would make the necessary arrangements'.

On June 18, 1997 I met Mr. Marston in the Law Library and asked about the copies required for the filing deadline of June 20th. He informed me that his superiors told him that the Court's requirements were excessive and that he would only be able to provide me with three copies of the Federal Suit # 97-D-1036. Mr. Marston apologized for being unable to "keep his word," and explained that he was only doing as he was instructed. Mr. Marston's superiors, **Captain Raymond Fleer** and **Sheriff Ronald Beckham** did willfully and intentionally, by agreement, and a meeting of the minds design a plan to prevent the timely filing of case #97-D-1036 for the expressed purpose of Obstructing Justice to the realized benefit of their cronies and associates, named as Defendants in that complaint. These acts, committed in conspiracy, and in Color of Authority and under Color of STATE Law has cause Accused damages, to include but not limited to, mental anguish, increased debt for Court required copies, emotional trauma, increased incarceration and collateral damages.

Denial of Appeals without Cause

At all times relevant to the allegations in this complaint, Defendant Judge William DeMoulin, in high knowledge of the law, fullknowing and in deliberation and with malicious intent acted within the scope of his position and employment to effect a reckless, heedless, deliberate and malicious obstruction of justice; Defendant Judge William DeMoulin did improperly deny Accused's appeals as untimely filed in callous disregard for the Law that states that a Prisoner's appeal is considered filed when it is "logged into the facility mail record." Judge William DeMoulin either knew or should have known pursuant to his high knowledge of the law and his high standards of the law as reflected in his Oath of Office pursuant to the -Constitution and the Judicial Canons. This knowingly callous act, committed in Color of Authority ant in Color of State Law has caused Accused damage to include, but not limited to, additional time incarcerated, mental anguish, physical distress, pain and suffering, loss of Family time, loss of income and other collateral damages. [See Attachment #5 – Original Complaint]

Due Process of the law: Denial of the Nature of Charges

At all times relevant to the allegations in this complaint, Defendant Marilyn Leonard, in high knowledge of the law, fullknowing and in deliberation and with malicious intent acted within the scope of her position and employment to effect a reckless, capricious, heedless, deliberate and malicious obstruction of justice; Magistrate Marilyn Leonard, did deny Accused a Warrant of Commitment or other official document stating the nature of the charges against him with the direct and knowing intent of preventing Accused from making a timely appeal of the charges against him. Magistrate Leonard did subject Accused to an excessive sentence, "**six months – no good time**", in a high knowledge of the Law and a flagrant disregard for the Law. Magistrate Leonard then sent Accused a letter stating that "recent case law" prevented her from imposing a sentence denying "Good Time" but said letter did not include the CORRECTION OF SENTENCE that she claimed was enclosed. No such correction has been received by the Jefferson County Detention Center, Inc. Accused has reason to believe that Magistrate Leonard intentionally designed and intended to sentence Accused to an excessive sentence and is operating in conspiracy and collusion with Judge William DeMoulin and Chief Judge Henry Nieto, and to the benefit of cronies and co-conspirators and accomplices, to unlawfully incarcerate Accused. Said actions, being committed in Color of Authority and under Color of STATE law, has

caused Accused damages including, but not limited to increased incarceration, loss of income, loss of Family time, mental anguish, physical pain and suffering and a litany of collateral damages.

Right to Due Process of the Law: Access to Attorney

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally and in high knowledge of the law and fullknowing and in deliberation and with malicious intent acted within the scope of their employment to effect a reckless, heedless, deliberate and malicious obstruction of justice; On Monday, June 23, 1997 Accused was consulting with Court appointed Attorney at approximately 3:10 PM. Attorney advised Accused to call back without fail at 3:45 PM to complete advisement. As Accused hung up the GATEWAY Technology coinless telephone, pursuant to 42 U.S.C. 1961 & 1962, Specialist Watts intercommed Accused to invite him to "rec." Accused knew that rec periods lasted approximately & hour, so Accused accepted "Rec" period, but explained to Specialist Watts that it was imperative that Accused return Attorney call at 3:45 PM and to make absolutely sure that Accused was provided access to GATEWAY TECHNOLOGY telephone at the proper time. Accused then went to "Rec" and then inquired of Specialist Watts as to the time, and again reminded him of the Attorney Call at 3:45 PM. Accused believes, and claims and alleges on the basis of that belief, that Specialist Watts intentionally, deliberately, recklessly and maliciously left Accused locked out in the Rec Area until 4:05 PM in order to prevent Accused from making the scheduled and appointed call to attorney. Accused believes, and claims and alleges on the basis of that belief, that Specialist Watts was listening to the call over the intercom system and planned to circumvent the return call as directed by Attorney. Specialist Watts repeatedly and deliberately refused to provide Accused with a Grievance Form with which Accused could procure Redress and made further insulting and degrading comments to Accused and again deliberately and maliciously refused to allow Accused to make a call at a later time when Attorney was available. To date, Accused has been unable to reconnect with Attorney to procure counsel and assistance and legal defense. This knowing action, committed by Defendant Watts in color of authority and under color of STATE law is outrageous, heedless and reckless of the law, and has caused Accused damages including, but not limited to, increased incarceration, loss of income, loss of Family time, loss of consortium, mental anguish, physical pain and suffering and collateral damages.

Denial of Right to Redress for Grievances

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally and in high knowledge of the law, fullknowing and in deliberation and with malicious intent acted within the scope of their employment to effect a reckless, heedless, deliberate and malicious obstruction of justice, denying Accused of the right to petition for redress of grievances as guaranteed in the Constitution for the United States; In addition to the above deprivation of Accused's right to access to the Courts, Specialist Watts denied Accused access to the Grievance procedure with the standard response, "**That is not a grievable matter**." This standard response is intentionally designed by the Staff at the Jefferson County Detention Facility, Inc. to deny and deprive Accused of the Constitutionally secured right to redress of grievances and is committed in Color of authority and under color of STATE law and has caused Accused damages.

Missing Required Publications

At all times relevant to the allegations in this complaint, Defendants, each of them and them all, jointly and severally and in high knowledge of the law and fullknowing and in deliberation and with malicious intent acted within the scope of their employment to effect a reckless, heedless, deliberate and malicious obstruction of justice; As a matter of custom and policy Jefferson County Detention Facility Staff has agreed to deny access to Legal Research material such as Shepard's Citation, District Attorneys Handbook and American Law Library List for Law Libraries. Each of these critical manuals have been requested and the request denied. Such denial constitutes a deliberate deprivation of an Inmate's Right to access the research material existing in the Law Library and severely limits research efficiency. Said deprivation, agreed upon in conspiracy, and committed under Color of Authority has caused Accused damage to include, but not limited to, loss of time, missed legal keys, inefficient research, increased incarceration, loss of Freedom and other collateral damages.

Summary of First Unlawful Incarceration

Accused has reason to believe that ALL Inmate/Detainees at the Jefferson County Detention Facility, Inc. are constantly subjected to many deprivations of Constitutionally secured Rights by Actors, in conspiracy, by agreement, by design and in Color of Authority and acting under Color of STATE Law. Not the least of these deprivations is that of Access to the Courts. This Complaint addresses many of the issues relating to the knowing and intentional deprivation of Accused's Right to Redress the Government for Grievances, the Accused's Right to Access the Courts and the Accused's Right to Know and Understand the Charges against him and to Present a Defense Against those Charges.

Accused has reason to believe that the Deprivations enumerated herein are common to ALL Inmate/Detainees in the Jefferson County Detention Facility, Inc. and are designed in conspiracy to cover-up and conceal gross mis-justice and illegal activities committed in high knowledge of the Law by actors in positions of Trust and Responsibility to the People. Those Actors listed as Defendants in this action are only a few of the Actors in the greater conspiracy.

This Complaint is brought forward first, although it is in fact the last in a long string of Deprivations of this Accused's Rights and Liberties because the deprivation of Access to the Tools of Communication effectively bar the Accused from bringing other actions before the Honorable Court to address the grievances raised. These grievances, being common among Inmate/Detainees at this facility, are in dire need of attention by the Honorable Court because of the vast number of Citizens affected by these deprivations.

Therefore, this Accused requests the Honorable Court to move with all speed and dispatch to provide a remedy for this Accused and all others requesting access to the Honorable Court.

Accused was released from unlawful confinement on 22 September, 1997

Accused has been in **constructive imprisonment** since 6 January 1998 until actual imprisonment on 13 March 2001. Due to the unlawful incarceration, both constructive and actual, Accused has been deprived of the Right to meaningful access to the courts and has therefore been unable to prosecute this case #97S1523 or 97N1501 or 97D1036 or 95B1747 in Federal Court to completion.

On or about, **6 June 2001**, Accused re-filed case number 97S1523, which was given a new case number, to-wit: **01-ES-1145**. The callous and deliberate indifference to the constitutionally secured rights of incarcerated citizens displayed by the Jefferson County Detention Facility Staff has

continued unabated since the original filing and has confirmed, by repetition and refinement, the INTENT and DELIBERATION by the J.C.S.D. Staff to continue depriving incarcerated citizens of their right to due process of law in order to cover-up and conceal blatant constitutional violations instituted by custom and policy into Facility Procedures.

Amended Claims – Unlawful Incarceration 4 April through 24 September, 2001

Sheriff John P. Stone, Chief Raymond Fleer, Captain Terry Manwaring, District Attorney David J. Thomas, Esquire, Henry E. Nieto, Esquire and the Jefferson County Board of County Commissioners have obviously agreed, in a meeting of the minds, to impose excessive sentences for minor infractions in order to over-crowd the county prison for profit. Over-crowding creates Eighth Amendment Constitutional deprivations that have injured the Accused by way of inhumane conditions of imprisonment.

Prison overcrowding:

Prison overcrowding creates unsanitary and sub-human sleeping and eating conditions, to-wit: cramming two people into a one-man cell with less than 70 square feet total space with a "sled bed" on the floor for the second occupant causes the usable floor space to be less than 10 square feet and causes one man to have to sleep and eat within a few inches of an open toilet.

Over-crowding is blamed for the custom and policy of **18 hours per-day "lock-down"** where two men must exist within that less than 10 square feet of usable floor space.

Deprivation of the right to exercise:

Over-crowding is blamed for the custom and policy of allowing prisoners only two hours per week of outdoor exercise. No equipment is provided.

Inadequate Nutritional Program:

Jefferson County Detention Facility Staff have intentionally conspired with Canteen Corporation, Inc. to serve prisoners a very limited diet consisting primarily of denature noodles, beans, processes meat parts and sugar saturated desserts of the cheapest quality obtainable. No penological purpose is served by preparing cheap, nutritionless food; the only purpose attributable to such a policy is profit.

Contempt of Court – Denial of Court Ordered Access:

Despite the best efforts of the Honorable Leland P. Anderson, who on four separate occasions tendered verbal orders in open court to make all law library sessions available to Accused, Jefferson County Deputy Sheriffs, operating under color of State Authority have found various surreptitious and nefarious means of circumventing the Court's Order and to deprive Accused of the constitutionally secured right to meaningful access to the courts, VIA meaningful access to the Detention Facility Law Library.

Jefferson County Detention Facility Staff Deputies have conspired, in a meeting of the minds, to callously and deliberately obstruct justice by depriving Accused of Court Ordered access to the courts VIA meaningful access to the law library.

Obstructing Justice: Contempt of Court Order

Mysteriously, Sheriff's Deputies became aware of Federal Civil Suit 01-ES-1145 even **before it was filed** in Federal Court. Accused suspects that mail tampering is involved. For a few days after the mailing of this suit, the Court's Orders were implemented. Then my Law Library Kites started getting "Lost." They then began to re-appear and the Deputies wanted me to "sign" kites for times that were denied to me. On, or about 22 June 2001, A deputy was on duty in the law library. He displayed open hostility toward me for having "extra" time available to me pursuant to court order. After verbally harassing me, he began calling supervisors on the telephone and appeared to be receiving instruction from the supervisors. Witnesses observed that deputy removing my kites from the Sehedule Folder. At approximately 2 A.M. the following morning, a Deputy entered my cell to harass me about filling out my kites wrong. The following evening, 23 June, the deputy on-duty in the law library found all the missing kites, mysteriously mis-filed in the wrong place. Accused believes, and therefore alleges, that Jefferson County Detention Facility Staff Deputies are involved in a conspiracy to obstruct justice and to knowingly and intentionally, with callous and deliberate indifference to deprive Accused of the constitutionally secured right to access the courts.

Unequal application of the law. Due Process Violation

Recent new coverage of the **Douglas Dean Domestic Violence** Incident has brought to light the prima facie unequal application of the law regarding Domestic Violence laws. Accused was sentenced to 365 Days Imprisonment in the Jefferson County Detention Facility for exercising the Constitutionally secured Right to telephone and converse with his Children. No restraining order prohibited such contact. No restraining order of any sort had ever been served upon Accused. No violence was alleged, no threats were made and no prohibition exists against Accused's actions. *See Jefferson County Case #97M811.*

Supporting Facts: Accused has been unlawfully imprisoned on a case that is void ab initio for deficient charging document, non-service of permanent restraining order, lack of speedy trial, ineffective assistance of counsel and other fatal flaws. No acts constituting an offense were charged or proven, yet Accused is now in jail! Accused believes, and therefore alleges, that Douglas Dean and other members of the State Legislature are operating in conspiracy with Jefferson County District Attorney David J. Thomas, Esquire and the members of the First Judicial District Judiciary, the Office of the Public Defender, the Jefferson County Sheriff's Department and the Jefferson County Board of County Commissioners to enforce unconstitutional legislation for profit pursuant to 42 U.S.C. 1961, et. Seq. This custom and policy of making and enforcing unconstitutional statutes, to-wit: "Domestic Violence" legislation has caused Accused over a year of actual and over four years of constructive imprisonment.

Background: Jefferson County Board of County Commissioners, in a meeting of the minds and by agreement with the Jefferson County Sheriff, the Jefferson County District Attorney and the Jefferson County Attorney, have designed and engineered policies and implement them as customs and procedures within the Jefferson County Detention Facility that intentionally deprive incarcerated People of constitutionally guaranteed Rights. Defendants, operating under color of authority and in

color of State Law have callously and deliberately engineered policies and customs to deliberately degrade and demoralize incarcerated People without any penological purpose to justify those policies.

Intrusive Search & Seizure: "Shake-down" Searches

Jefferson County Detention Facility Sheriff's Deputies routinely conduct extensive and intrusive searches of prisoner's quarters. Private property, purchased through the Facility commissary is routinely destroyed. Prisoner's quarters are trashed and left in a state of total disarray. These routinely conducted searches are a custom and policy of the Jefferson County Detention Facility Staff instituted for no penological purpose; but soley for the purpose of harassing, molesting and intimidating prisoners and is a violation of the Right to be secure in person, property & papers.

Intrusive body searches

Jefferson County Detention Facility Staff routinely conduct "strip-searches" of prisoners without any articulable suspicion that the prisoner is carrying any contraband or other prohibited material. These searches are not conducted by a supervisor, nor are they conducted in a private place. There is no penological purpose relative to the "strip-searches" and body cavity inspection other than to harass, degrade, intimidate and demoralize prisoners. No written permission is ever granted for such intrusive body searches.

Intrustive search on in-coming and out-going prisoner mail:

Jefferson County Detention Facility Mail Room routinely, as a matter of custom & policy open and inspect prisoner mail. There is no articulable justification for such intrusive custom and polity. Mail Room policy delays mail for several days in-coming and out-going. There is no penological purpose in delaying prisoner mail other than to make copies; making copies without a specific court order is unlawful.

Deliberate loss of Law Library Kites:

The Honorable Judge Leland Anderson ordered specific extended law library access for the Accused on 7 May 2001. He re-affirmed that order on 12 May and again on 22 May. When Accused received Court Transcripts, copies were made and provided to the Law Library and On-Duty Deputies. Accused meticulously provided Law Library Duty Deputies with Kites for the following day's schedule in the presence of witnesses. Those kites have consistently been mis-placed or lost and Accused has NOT been called to the next session and those Kites have re-appeared, stapled to other kites turned in at the POD as back-up for the ones turned in at the Law Library. Accused believes and therefore alleges that there is a conspiracy among the Jefferson County Detention Facility Staff to deprive him of Court ordered access to the Law Library, and thereby, Due Process of Law.

7-22-2001 Criminal Complaint to State Attorney General – U.S. Attorney General – Federal bureau of Investigation & Sheriff John P. Stone

The Basis of my Criminal complaint is as follows:

On **22 July 2001** the copy machine in the Jefferson County Detention Facility Law Library was inoperable and I could not make copies of **Exhibits** for case #00CR3371. The Inmate Worker in the Law Library was given two exhibits to copy at the next session, *in case I was not called or my*

kite "got lost." One was an exhibit entitled Class Schedule for the **American KunTao Silat** project at 2456 W. 38th Avenue in Denver, the other was an exhibit entitled **Memorandum on WarrantLESS Arrest** for Bond Hearing.

The Law Library Inmate Worker, Alan Anderson, placed the files in a folder and carried them with him to his cell and back that night in order to protect them from loss in the Law Library. Things have habitually been known to disappear overnight in the Law Library, especially "Kites" and Legal forms.

Sheriff's Deputy D. Coffman subsequently conducted an intrusive search and seizure upon I/W Alan Anderson's files, presumably *without authorization of a Supervisor*, and unlawfully removed those Legal Exhibits from his folder and maintains control of those records to date. None have been returned to me.

Therefore, I, a Victim and Witness of Federal Crimes, pursuant to C.R.S. 18-8-115, hereby bring to the attention of State of Colorado Judicial and Law Enforcement Officials, as well as Federal Law Enforcement Officials, the unlawful actions and conduct of the following persons pursuant to the Colorado Revised Statutes:

18-8-111 False Reporting to authorities

Deputy D. Coffman did, knowingly and intentionally, (b) make a report to law enforcement of a purported incident, to wit: "disrupting programs," (no specific date or time is alleged) charging Steve D. Gartin of an offense which Deputy D. Coffman knows did not occur and that the report was patently false.

(c) False reporting to authorities is a Class 3 misdemeanor.

18-8-502: Perjury in the first degree

Deputy D. Coffman did knowingly, deliberately and intentionally in an official proceeding, to-wit: Disciplinary Board hearing, charge Steve D. Gartin with "disrupting programs," when Deputy D. Coffman knew those charges to be unsupported and false.

Perjury in the first degree is a class 4 felony.

18-8-610: Tampering with physical evidence

Deputy D. Coffman did, intentionally, knowing that Federal, State and District Judicial Actions were pending and others about to be instituted, act without legal right or authority when he (a) removed physical evidence, to-wit: **Complainants Exhibits** American KunTao Silat and Memorandum of Law on Warrantless Arrests by way of unauthorized search and seizure and concealed those Exhibits with the intent to prevent their availability in Cases #00CR3371 and 01-ES-1145. *Tampering with physical evidence is a class 6 felony.*

18-8-704: Intimidating a witness or victim:

Deputy D. Coffman did unlawfully, with the **intent** to **harass**, **injure** and **harm** a **victim and witness** to Federal Crimes, to-wit: Steve D. Gartin, who has **reported** governmental crimes committed by agents and assigns of the Jefferson County Government in color of their authority and has **filed Federal Civil Rights suits** against Jefferson County Government Officials, in an attempt to induce Steve D. Gartin to refrain and desist from exercising his First Amendment Right to Petition the Government for Redress of Grievance

Intimidating a witness or victim is a class 4 felony.

18-8-706: Retaliation against a witness or victim:

Deputy D. Coffman did unlawfully retaliate by use of an act of harassment, to-wit: a frivolous and fraudulent Disciplinary Board, against Steve D. Gartin, *a victim and witness of Federal Crimes*, to-wit: Federal Case #01-ES-1145, Complaint to F.B.I., Complaint to U.S. Attorney General, Case #97-D-1036 & 97-N-1501, as retaliation and retribution against said witness and victim for Exercising his First Amendment Right to Petition the Government for Redress of Grievance

Retaliation against a witness or victim is a class 3 felony.

Complainant suspects that **Deputy D. Coffman** may be acting in concert and collusion with **Sergeant Gerlach**, Sheriff's Investigator **Donald L. Estep**, State Attorney General Investigator **Gary Clyman**, Judge **Charles T. Hoppin**, Judge **Tina Louise Olsen**, Judge **Roy Olson** and District Attorney **David J. Thomas** and Deputy District Attorney **Dennis Hall**. Other actors may be involved in this conspiracy to deprive Complainant of Constitutionally guaranteed and secured rights, by abuse of their color of office and under color of State law. Complainant will amend Defendants during the process of Discovery in pending litigation.

8-15-2001: Verified Motion for Contempt of Court Citation

[Excerpts]

Jefferson County Detention Facility Staff appears to be operating in conspiracy with the Prosecution, in the above captioned case, to deprive the Accused of Due Process of Law by depriving the Accused of Court Ordered Law Library Access.

To date, J.C.S.D. Staff has conspired to, and succeeded in, depriving Accused of over **140 hours** of Court Ordered Law Library Access and has directly and intentionally caused Accused to expend another **20-40 hours** of valuable time and to expend an entire **printer cartridge** petitioning the Honorable Court for relief from the continuing unconstitutional deprivation of due process that the Honorable Court endeavored, in good faith, *by judicial order*, to fashion a remedy for. The latest deprivation of Court Ordered Law Library Access was perpetrated upon the Accused by **Deputy Rose**, who contemptuously disregarded the Honorable Court's Order on August 15, 2001 and did not call the Accused for the Court Ordered 7B session, although kites were on file and access was ordered.

Access to the Courts VIA meaningful access to the Law Library is a fundamental Right upon which the exercise of **all other Rights depends**. When access to the Law Library is denied, abrogated, truncated or abridged all time requirements for filings, follow-ups and appeals are endangered.

In this instant matter, and in three other cases in which the Accused is proceeding in propria persona, the willful and wanton deprivation of due process by the Staff of the Jefferson County Detention Facility has caused denial of motions, untimely filings and increased time incarcerated.

Therefore, the Accused moves the Honorable Court to take Judicial Notice of the impediments to Due Process deliberately and intentionally inflicted upon the Defense by the Prosecution and **Donald L. Estep** in conspiracy with known cronies employed as Jefferson County Detention Facility Staff.

8-22-2001: Verified Motion for Contempt of Court Citation

[Excerpts]

Jefferson County Detention Facility Staff appears to be operating in conspiracy with the Prosecution, to-wit: *Marleen M. Langfield, Esquire, Donald L. Estep and Gary Clyman,* in the above captioned case, and with the **County Attorney, William Tuthill III, Esquire**, defending the Jefferson County Sheriff's Department in civil rights deprivation case in the Federal District Court, to-wit: **01-ES-1145** and **pending** civil rights cases before the Colorado State Supreme Court, to deprive the Accused of Due Process of Law by depriving the Accused of Court Ordered Law Library Access, in order to gain an unfair advantage in these several cases at bar and in those pending.

To date, J.C.S.D. Staff has conspired to, *and succeeded in*, depriving Accused of over **150 hours** of Court Ordered Law Library Access and has directly and intentionally caused Accused to expend another approximately **20-40 hours** of **valuable time** and to expend an entire **printer cartridge** petitioning the Honorable Court for relief from the **continuing unconstitutional deprivation of due process** that the Honorable Court endeavored, in good faith, *by judicial order,* to fashion a remedy for.

The latest deprivation of Court Ordered Law Library Access was perpetrated upon the Accused by **Sheriff John P. Stone** and **Jefferson County Detention Facility Staff,** *including, but not limited to*: **Chief Raymond Fleer, Captain Terry Manwaring, Lieutenant Smith, Lieutenant Taylor, Sergeant Warren, Sergeant Gerlach, Sergeant Whitus** and others yet undiscovered, who contemptuously disregarded the Honorable Court's Order on **Wednesday, August 22, 2001** and ordered the On-Duty Law Library Deputy not to call the Accused for the **Court Ordered 7B session**, although kites were on file, access was ordered, the Law Library was not overcrowded and Accused had his own separated space available.

Accused was AGAIN deprived of Court Ordered Law Library Access on **Friday, August 24, 2001** during the **7A Session**, when the Law Library was again almost empty, kites were on file, access was ordered by the Honorable Court and the meeting room where Accused works was totally empty and available.

Access to the Courts VIA meaningful access to the Law Library is a fundamental Right upon which the exercise of **all other Rights depends**. When access to the Law Library is denied, abrogated, truncated or abridged all time requirements for filings, follow-ups and appeals are endangered.

Jefferson County Sheriff's Department Staff and Detention Facility Staff have established a pattern of conduct deliberately and callously indifferent to the People's Right to Due Process of Law by way of a prisoner's right to access the law library in a meaningful manner. This pattern has been documented in 1997, during Accused's unlawful incarceration for SIX-MONTHS, NO GOOD TIME for some purported "*contempt of court*," see **01-ES-1145**, within the Honorable Court's Record in case# **00CR3371**, and again during Accused's unlawful incarceration in 2001 for some purported "violation of a restraining order" that was **never served** upon Accused and was **void ab initio** for fatal failure of the charging document and judicial malfeasance in the connected case, and is now under appeal and docketed as 01CR1311.

Jefferson County Detention Facility Staff has knowingly, intentionally, and **for profit**, OVERCROWDED the Jefferson County Detention Facility in order to maintain the profit level secured by "**double-bunking**" and effectively doubling the INCOME for each **one-man cell**. The Detention Facility Staff has obviously agreed, *in a meeting of the minds*, with District Attorney David J. Thomas, Esquire and County Attorney William Tuthill, III, Esquire to deliberately, callously, wantonly and intentionally deprive all inmate/detainees of meaningful access to the Courts, by openly and unlawfully denying any and all access to the Court's Records and by limiting access to the law library under the rubric of "overcrowding." Coupled with the **draconian prison conditions**, to-wit: 18 hour lock-down, sub-standard food, lack of out-door exercise, lack of programs or educational opportunities, a policy of prisoner harassment by the Deputies and the threat of maximum sentences; this deprivation of access to the courts is knowingly and intentionally designed and engineered to

induce accused People to accept plea-bargains tendered by inept and ineffective counsel, to-wit: Public Defenders, ALSO provided, paid, trained and controlled by the STATE. The conspiracy is manifestly open and unconcealed, the motive is abundantly clear – profit!

This conspiracy of Sheriff's Department, District Attorney and County Attorney has also established a prima facie pattern of malicious, vindictive and retaliatory prosecutions against the Accused and many others in an attempt to protect and secure their on-going InterState Racketeering Influenced and Corrupt Organization and its clandestine agenda.

In this instant matter, and in three other cases in which the Accused is proceeding in propria persona, the willful and wanton deprivation of due process by the Staff of the Jefferson County Detention Facility has caused denial of motions, untimely filings and increased time incarcerated.

Therefore, the Accused moves the Honorable Court to take Judicial Notice of the insurmountable impediments to Due Process deliberately and intentionally inflicted upon the Defense by the STATE ATTORNEY GENERAL'S OFFICE, orchestrated by Marleen M. Langfield, Esquire, **C.S.A.G.** Investigator Gary Clyman and Secret Agent/Sheriff's Deputy **Donald L. Estep** in conspiracy with known cronies employed as Jefferson County Detention Facility Staff.

It is obvious that these deprivations will continue unabated until the Honorable Court intercedes on behalf of the Accused and fashions a remedy for the on-going deprivations now brought before the Honorable Court.

8-31-2001 Verified Motion for Contempt of Court Citation

[Excerpts]

Jefferson County Detention Facility Staff appears to be operating in conspiracy with the Prosecution, to-wit: *Marleen M. Langfield, Esquire, Donald L. Estep and Gary Clyman,* in the above captioned case, and with the **County Attorney, William Tuthill III, Esquire**, defending the Jefferson County Sheriff's Department in civil rights deprivation case in the Federal District Court, to-wit: **01-ES-1145, previous case #97-N-1501** and **pending** civil rights cases before the Colorado State Supreme Court, to deprive the Accused of Due Process of Law by depriving the Accused of Court Ordered Law Library Access, in order to gain an unfair advantage in these several cases at bar and in those pending.

To date, J.C.S.D. Staff has conspired to, *and succeeded in*, depriving Accused of over **158 hours** of Court Ordered Law Library Access and has directly and intentionally caused Accused to expend another approximately **50 hours** of **valuable time** and to expend an entire **printer cartridge** petitioning the Honorable Court for relief from the **continuing unconstitutional deprivation of due process** that the Honorable Court endeavored, in good faith, *by judicial order*, to fashion a remedy for.

The latest deprivation of Court Ordered Law Library Access was perpetrated upon the Accused by **Sheriff John P. Stone** and **Jefferson County Detention Facility Staff,** *including, but not limited to*: **Chief Raymond Fleer, Captain Terry Manwaring, Lieutenant Smith, Lieutenant Taylor, Sergeant Warren, Sergeant Gerlach, Sergeant Whitus** and others yet undiscovered, who contemptuously disregarded the Honorable Court's Order on **Wednesday, August 29, 2001** when the Complainant was not called for the **Court Ordered 7B session**, although kites were on file, access was ordered, the Law Library was not overcrowded and Complainant had his own separated space available.

Jail Staff decided, in a meeting of the minds, by agreement, and in conspiracy, to deprive Complainant of Court Ordered Access to the Law Library in favor of an intrusive "ShakeDown" of CellBlock 7C wherein Complainant was strip-searched and the living quarters was thoroughly searched.

Complainant was AGAIN deprived of Court Ordered Law Library Access on **Thursday, August 24, 2001** during the **SHU Session**, when the Law Library was again almost empty, kites were on file, access was ordered by the Honorable Court and the meeting room where Complainant works was totally empty and available. The Honorable Court's **Written Order had disappeared from the Law Library Bulletin Board** and the Deputy-on-Duty was NOT informed of the court's order.

Complainant was informed by Deputy Brooks on 8-27-2001 that Kites would no longer get "lost" due to the "new' professional staff at the law library and ordered to quit submitting duplicate kites. Deputy Brooks had "found" approximately ten kites that had gotten "lost."

Complainant filed only ONE kite for SHU the following day. Complainant was NOT CALLED for SHU the following day, by misunderstanding; there appears to be no malice.

Complainant filed **THREE color-coded** (Orange-Brown) KITES on Thursday Night for the three Friday Sessions.

One of the three kites (Orange-Brown), the kite for **7A got "lost**," the other two arrived at the law library. Deputy Sprute, knowing that Complainant ALWAYS comes to the law library when called, called for Complainant when the 7A Session emptied out at 10AM; in spite of the fact that there was no 7A kite on file. He, thoughtfully, utilized the SHU Kite from the previous day.

Deputies have absolutely NO LOGICAL reason to loose Law Library Kites. It is a remote possibililty that Deputies would conspire to protect the interests of the J.C.S.D. Staff.; therefore, Complainant suggests that the **Staff** themselves, who DO have 24 hour access to the law library, are tampering with the **Law Library Kites**, and the **Computer,** with the intent to delay, deny, disparage and contemptuously disrespect the Honorable Court's Order for law library access for Complainant.

Additionally, when Complainant arrived at the Law Library at 10:10AM today and started the Court Ordered Computer provided for Complainant's sole access, it was obvious that the **Computer** had also been **tampered** with pursuant to **C.R.S. 18-5.5-102**, to-wit: unauthorized access and unauthorized usage of password.

Access to the Courts VIA meaningful access to the Law Library is a fundamental Right upon which the exercise of **all other Rights depends**. When access to the Law Library is denied, abrogated, truncated or abridged all time requirements for filings, follow-ups and appeals are endangered.

This conspiracy of Sheriff's Department, District Attorney and County Attorney has also established a prima facie pattern of malicious, vindictive and retaliatory prosecutions against the Accused and many others in an attempt to protect and secure their on-going InterState Racketeering Influenced and Corrupt Organization and its clandestine agenda.

In this instant matter, and in three other cases in which the Accused is proceeding in propria persona, the willful and wanton deprivation of due process by the Staff of the Jefferson County Detention Facility has caused denial of motions, untimely filings and increased time incarcerated.

Therefore, the Accused moves the Honorable Court to take Judicial Notice of the insurmountable impediments to Due Process deliberately and intentionally inflicted upon the Defense by the STATE ATTORNEY GENERAL'S OFFICE, orchestrated by Marleen M. Langfield, Esquire, **C.S.A.G.** Investigator Gary Clyman and Secret Agent/Sheriff's Deputy **Donald L. Estep** in conspiracy with known cronies employed as Jefferson County Detention Facility Staff.

It is obvious that these deprivations will continue unabated until the Honorable Court intercedes on behalf of the Accused and fashions a remedy for the on-going deprivations now brought before the Honorable Court.

Grand Jury Tampering and Prosecutorial Misconduct:

Mr. Gary Clyman, on several occasions, stated that the Grand Jury should believe him now and he would get around to explaining "at a later date." The Transcript does not show that he ever

got around to explaining "at a later date. . . " It is my contention that the Grand Jurors could not possibly have heard the "entire" story, even had they been present for all pertinent sessions. If, in fact, some were present for only one session or another, **it would cause a reasonable person to doubt** that the Grand Jury quorum was presented sufficient evidence to return a True Bill.

This contention gains potency when it is noted that the **co-defendants were indicted on identical charges** when **NO ONE even accused** either of them of 16 of the 17 charges to which the Grand Jury indicted them, let alone offered testimony or evidence sufficient to justify an indictment of the alleged violations with which they were accused, nor was the jury instructed as to the elements of those offenses.

Both of the co-defendants were indicted on the strength of only ONE impeachable witness; and in one case Mr. Clements was indicted on the strength of a single witness where the witness' OWN testimony establishes the fact that there were three OTHER witnesses at the alleged "scene." No Grand Juror inquired about how those other three witnesses would testify. **I believe that a reasonably prudent person would question such unsupported testimony.**

Grand Jury secrecy, *like any other clandestine activity*, can breed an atmosphere of lawlessness. If this is the normal policy, the policy should be re-considered. What would be the justifiable purpose for the convening of a Grand Jury if it were simply a "rubber-stamp" for the Prosecutor's agenda? It would be somewhat akin to a judge issuing a search warrant in the middle of the night sans exigent circumstances, sworn affidavit or oath and affirmation; or being *unable to justify the issuance from the facts contained within the four corners* of an unsworn affidavit.

Yet, a cursory evaluation of the Grand Jury Transcript in this instant matter has caused numerous reasonably intelligent persons reading it to gasp with incredulity that an indictment could be returned based upon the scanty evidence and vague testimony presented to these grand jurors.

The identity of the Grand Jurors is of no consequence to the Defense; what is of issue is the presentation of the evidence and testimony and the colloquy setting the stage and introducing the witnesses and evidence as well as the opening and closing arguments and the jury instructions.

On the face of the evidence presented by the Transcript itself, the witnesses were cronies of the Prosecutor, working in lock-step in the same office; no credentials were presented other than Mr. Clyman's own statement of his "expertise." None of the civilian witnesses established their expertise in the matters to which they testified and the "**Two Witness Rule,**" *U.S. Constitution, Article IV §2 Clause 2*, was completely abridged when there were no two corroborating witnesses testifying to the same facts or events. Hearsay is theoretically admissible in the Grand Jury stage of proceedings, but it appears fundamentally unfair and judicially wasteful to invoke the powers of the judicial system in bringing indictments and attaching jeopardy in cases that cannot conceivably be proven before a Trial Jury.

What would be the purpose for the empanelling of the Grand Jury, if not to firmly establish probable cause, *such as the neutral and detached magistrate requirement for the issuance of warrants*, and confirm a strong likelihood of prosecutorial success should the case be taken to trial by jury?

> In Pariapiano v. District Court, supra, we stated:
>
> > Secrecy, for secrecy's sake should no longer be the rule in Colorado. Rather, the maintenance of the wall of secrecy around grand jury testimony should be grounded upon sound reason. . . The cloak of secrecy thwarts an indicted defendant's efforts to show necessity and relevancy even when they exist."
>
> A defendant, however, has broader discovery rights in Colorado than he does in the federal courts. See Crim.P. 16; Granbery v. District Court, 187 Colo. 316, 531 P.2d 390 (1975); People ex rel. Shinn v. District Court, 172 Colo. 23, 469 P.2d 732 (1970); Parlapiano v. District Court, 176 Colo. 521, 491 P.2d 965 (1971)

A point by point discussion of Grand Jury Tampering & Misconduct:

The factual basis is exactly that, to-wit: THERE IS NO FACTUAL BASIS whereupon an indictment could logically be returned. The Grand Jury Transcript is VOID of probable cause. There is simply a lack of **actus reus** and **mens rea**, which form the essential elements of any crime. *Rollin M. Perkins & Ronald N. Boyce, Criminal Law 831 (3d ed. 1982).* The Prosecution has made no showing of evidence or by testimony that a reasonably prudent person could construe as probable cause. Conclusory allegations, vague and un-corroborated accusations, inflammatory rhetoric, straw-man theories and obvious self-interested opinions are not sufficient to establish probable cause.

The "PEOPLE" say that the DEFENDANT has "made no showing of any improper conduct," but it must be noted that the **improper conduct has been intentionally secreted,** *as though for some reprehensible purpose*. How would it be possible to "show" improper conduct that was not within the purview of the Defense? The REASON the Defense is petitioning for these records is that there is a **strong articulable suspicion** that foul play was involved in the Grand Jury phase of this prosecution based upon a long string of usurpations, deprivations, clandestine activities, underhanded tricks and surreptitious actions committed by the very same actors who *unconstitutionally* convened this Grand Jury, obviously for their covert purposes.

The simple fact that the STATE ATTORNEY GENERAL'S OFFFICE was acting outside, and in excess, of power granted to it by the Legislature by prosecuting this matter before the Grand Jury in the first place provides more than ample PROBABLE CAUSE to believe that other misconduct transpired during that unlawfully convened Grand Jury session.

The REASON that the Accused believes that foul play and a nefarious conspiracy to fraudulently indict the Accused is in progress is **established by a pattern of lawless conduct by Donald L. Estep** dating back to February of 1997 and involving numerous government agents and public officials.

Before the filing of the fraudulent and deficient charging instruments in cases 97M811 & 97M812, Jefferson County Sheriff's Deputies Grant Whitus and Donald L. Estep attempted to file charges with the Jefferson County District Attorney Oldham. The charges were refused based on the fact that the Accused was proceeding pro-se in litigation against the parties purportedly protected by an un-served restraining order and that contact was proper regardless of the validity or invalidity of any purported restraining order.

After the unlawful S.W.A.T. Team attack upon the private residence of the Accused on 26 February 1997 for allegedly telephoning the Gartin Heirs, who were NOT protected by any purported restraining order, the District Attorney suddenly "changed his mind" and allowed Donald L. Estep to file the exact same charges that he had refused only days earlier.

During the prosecution of those bogus charges, even though they were initiated by a defective charging instrument and the Judge Hoppin recused himself for judicial impropriety; Accused was unlawfully incarcerated on trumped up charges and forced to defend from solitary confinement.

Now, the current record reflects the *exact same pattern of* ***outrageous governmental conduct*** *and abuse of the authority of office* in color of state law that formed the genesis of Federal Civil Rights Cases 97-N-1501, 97-D-1036, 97-S-1523 and now 01-ES1145 with several related suits to follow. Accused is in jail in Jefferson County, **subject to the very powers sustaining the prosecution**, controlled and confined, limited to access the courts; the phones, the fax, the internet, the mail ALL CONTROLLED by the cronies and compatriots of the parties AGAIN prosecuting the Accused on baseless, frivolous and vindictive charges without any vestige of merit.

The unmitigated lawlessness of official conduct by Donald L. Estep, David J. Thomas, Henry E. Nieto, Charles T. Hoppin, Roy Olson, Tina Louise Olsen, Marilyn Leonard, Dennis Hall, Maurice Knaizer, Ronald Beckham, John P. Stone, Grant Whitus, Terry Manwaring, Raymond Fleer and now Gary Clyman, Curt Maleri and others casts grave doubt and misgivings upon any conduct or activity wherein they engage, particularly en masse.

When it comes to an institution as solemn as the Grand Jury, and when an indictment can be returned as a True Bill on such scanty, arbitrary, vague and insubstantial evidence, it leaves a chilling suspicion that the criminal enterprise engaged in by the above named government actors is controlling the cards and determining the outcome, irregardless of the facts.

When the Defense presents the exculpatory evidence that was returned by the Prosecution on 20 June 2001, and the exculpatory evidence within the computers, provided by mirror image, *thanks only to the grace and judicial probity of the Honorable Court*, and impeded in every way conceivable by the Prosecution and JailHouse cronies and conspirators, it will become painfully obvious that the **Prosecution has withheld evidence, destroyed evidence, tampered with evidence, sequestered evidence, tampered with defense witnesses, intimidated defense witnesses, threatened prosecution,** and made good on those threats, and has in every imaginable manner and fashion sought an unfair advantage in this prosecution.

Given the Discovery the Defense requests, it will come as no surprise to ascertain that the Prosecution had **also** tampered with the Grand Jury Process and, by every nefarious trick and deceit possible, unlawfully stacked the deck in their favor.

A reasonably intelligent person would immediately question several aspects of the Grand Jury procedure; following is a randomly numbered list of suspicious incongruencies:

- What is the compelling need for secrecy? What is the State's interest?
- Why would the STATE ATTORNEY GENERAL'S colloquy require a cloak of secrecy?
- Why is the STATE ATTORNEY GENERAL'S Office prosecuting a civil dispute?
- Where is the STATE ATTORNEY GENERAL'S authorization from the Governor?
- Why isn't the Denver District Attorney prosecuting this indictment?
- Where does the STATE ATTORNEY GENERAL'S Office get Police Powers?
- Why were no jury instructions tendered for the charges of computer crime and extortion?
- Why was the statutory EXCEPTION not included in the concealed weapon statute?
- How could a First Amendment Petition be construed as "threatening a public servant?"
- Who is the Multi-Jurisdictional Domestic Terrorism Task Force?
- How is filing a lien related to bombing a federal building?
- When did Patriot change in definition?

Somehow, a conclusion was purportedly reached by the Grand Jury to return a True Bill that is simply NOT supported by the evidence contained within the Grand Jury Transcript, the nine exhibits tendered to the Grand Jury and the Jury Instructions, provided on only three of the five separate genre of charges.

The Defense comes away from examining the record with deep, disturbing doubts about the integrity of the Grand Jury process and some alarming suspicions about the Prosecution's opportunity for tampering, manipulating, directing and otherwise controlling the Grand Jury.

Based upon the suspicious lack of evidence, lack of a compelling STATE interest, lack of constitutional authority to prosecute, lack of reliable witnesses and an overwhelming array of exculpatory evidence sequestered by the Prosecution and never presented to the Grand Jury and grudgingly and reluctantly provided to the Defense in this instant matter ONLY AFTER direct ORDER from the Honorable Court AND only in PART and PIECEMEAL and **outside of the time constraints required by law,** to-wit: 20 days from first appearance; it is the opinion of the Defense that **Prosecutorial misconduct** is a forgone conclusion and that the requested information would prove that allegation and suspicion to be true beyond any doubt what-so-ever.

The undeniable fact that the Denver District Attorney did NOT prosecute this matter before the Grand Jury, *as required by law*; and that the STATE ATTORNEY GENERAL'S OFFICE acted outside of its legislated bounds, *by conspiracy*, and in **bad faith**, leads to the inevitable conclusion that the above captioned matter is yet another in a long string of **malicious, vindictive and retaliatory prosecutions designed to punish the accused for having exercised his Right to Petition the Government for Redress of Grievance**, protected by both the Colorado Constitution and the Constitution of the United States.

A very brief enumeration of State Crimes committed by Donald Estep & Gary Clyman, in conspiracy and by collusion:

I, a Victim and Witness of Federal Crimes, pursuant to C.R.S. 18-8-115, hereby bring to the attention of State of Colorado Judicial and Law Enforcement Officials, as well as Federal Law Enforcement Officials, the unlawful actions and conduct of the following persons pursuant to the Colorado Revised Statutes:

18-8-111 False Reporting to authorities

Donald L. Estep did, knowingly and intentionally, (b) make a report to law enforcement of a purported incident, to wit: "UNLAWFUL FLIGHT TO AVOID PROSECUTION," (ON 8 MARCH, 2001) charging Steve D. Gartin of an offense which Donald L. Estep KNEW did not occur and that the report was patently false. Donald L. Estep identified himself as a U.S. Marshal in the false report to the Federal Magistrate Coan when filing demonstrably perjurous documents.

(c) False reporting to authorities is a Class 3 misdemeanor.

18-8-502: Perjury in the first degree

Donald L. Estep and Gary Clyman did knowingly, deliberately and intentionally in an official proceeding, to-wit: Jefferson County District Case #00CR2419, charge Steve D. Gartin with "OFFERING FALSE INSTRUMENT FOR RECORDING," when Donald L. Estep and Gary Clyman knew those charges to be unsupported, frivolous and false and only for the purpose of INCREASING Complainant's BOND by an additional $5,000.
Perjury in the first degree is a class 4 felony.

18-8-610: Tampering with physical evidence

Donald L. Estep and Gary Clyman did, intentionally, knowing that Federal, State and District Judicial Actions were pending and others about to be instituted, act without legal right or authority when he (a) removed physical evidence, to-wit: **copious quantities of private legal documents, which they designated only as "MISC DOCUMENTS"** on property seizure report in case #00CR3371, by way of unlawful search and seizure by defective warrant and concealed those Exhibits with the intent to prevent their availability in Cases #00CR3371 and #01-ES-1145

#97M472, #97M811, #97M812, #97S1523 and #97-D-1036. *Tampering with physical evidence is a class 6 felony.*

18-8-704: Intimidating a witness or victim:

Donald L. Estep and Gary Clyman did unlawfully, with the **intent** to **harass**, **injure** and **harm** a **victim and witness** to Federal Crimes, to-wit: Steve D. Gartin, *who has **reported** governmental crimes committed by agents and assigns of the Jefferson County Government in color of their authority and has **filed Federal Civil Rights suits** against Jefferson County Government Officials*, threaten to "stack more charges" against Complainant, in an attempt to induce Complainant to refrain and desist from exercising his First Amendment Right to Petition the Government for Redress of Grievance

Intimidating a witness or victim is a class 4 felony.

18-8-707: Retaliation against a witness or victim:

Donald L. Estep and Gary Clyman did unlawfully retaliate by use of an act of harassment by unlawfully invoking the Jefferson County District Attorney **David J. Thomas**, Esquire and D.D.A. **Dennis Hall**, Esquire and First Judicial District Judge **Roy Olson**, Esquire, *who have no substantially related interest to Mr. Clyman or Mr. Estep;* to file a frivolous and fraudulent case, to-wit: #00CR2419, against Steve D. Gartin, *a victim and witness of Federal Crimes*, to-wit: Federal Case #01-ES-1145, Verified Complaint to F.B.I., Verified Complaint to U.S. Attorney General, Case #97-D-1036 & 97-N-1501, as **retaliation** and **retribution** against said witness and victim for Exercising his First Amendment Right to Petition the Government for Redress of Grievance and to gain an unfair advantage by imprisoning Complainant while filing MORE frivolous and unfounded charges against him.

Retaliation against a witness or victim is a class 3 felony.

18-3-207: Aggravated Criminal Extortion:

Donald L. Estep and Gary Clyman did unlawfully retaliate against Complainant for having exercised his First Amendment Right to Petition the Government for Redress of Grievance, by use of a credible threat, relayed through the Denver Office of the **Federal Bureau of Investigation**, *without legal authority and with the intent to induce Steve Douglas, Gartin to accept a "**Plea Bargain**," and to renounce "**Pro-Se Status**" in case #00CR3371, against Complainant's will;* warning that they would "**drop the hammer**" on Complainant and "**file more charges every time Complainant filed a piece of paper with the court**," by threatening to invoke action by the **STATE ATTORNEY GENERAL** and the **Jefferson County District Attorney**, whose interests are not substantially related to the interests pursued by Gary Clyman and Donald L. Estep.

Prior to this credible deadly threat, Donald L. Estep had invoked the unlawful action of deadly weapons by the heavily armed **Jefferson County S.W.A.T. Team**, the heavily armed **Lakewood S.W.A.T. Team** and the heavily armed **F.B.I. S.W.A.T. Team** on <u>three separate occasions</u> with the intent to commit murder by S.W.A.T. if Complainant provided any hint of an excuse. The **first S.W.A.T. assault** was tape recorded, the **second assault** was witnessed by two innocent bystanders and the **third assault** was witnessed by thirty innocent bystanders. The interests of those three S.W.A.T. Teams are not substantially related to Donald L. Estep's interests. These actions constitute a "pattern" of criminal activity and clearly establish the intent to commit murder by S.W.A.T., in conspiracy. Criminal Extortion is a class 4 Felony Aggravated criminal extortion is a class 3 felony.

Complainant suspects that Donald L. Estep and Gary Clyman may be acting in concert and collusion with Sheriff John P. Stone, Chief Raymond Fleer, Captain Terry Manwaring, Lieutenant Taylor, Lieutenant Smith, Sergeant Gerlach, Sergeant Whitus, Sergeant Ed Loar, Judge Charles T. Hoppin, Judge Tina Louise Olsen, Judge Roy Olson and District Attorney David J. Thomas and

Deputy District Attorney Dennis Hall. Other actors may be involved in this conspiracy to deprive Complainant of Constitutionally guaranteed and secured rights, by abuse of their color of office and under color of State law. Complainant will amend Defendants during the process of Discovery in pending litigation.

An unconcealed conspiracy in progress at the Jefferson County Detention Facility to harass, impede, obstruct, deny and abrogate prisoner's constitutionally secured right to access the courts in order to conceal and cover-up other governmental crimes, some complained of herein, others yet unmentioned. Prisoners are callously and deliberately denied the right to challenge prison conditions and harassed and intimidated if they overcome the obstacles imposed by Detention Facility Staff.

DISMISSAL, NOT SIMPLY THE EXCLUSION OF EVIDENCE AT TRIAL, IS THE APPROPRIATE REMEDY DUE TO THE OUTRAGEOUS CONDUCT OF GOVERNMENT OFFICIALS.

In this case, exclusion of evidence to be used at trial is not a sufficient remedy and dismissal is warranted. A search or seizure which is so unreasonable as to shock the conscience of the Court cannot be the basis of a state-imposed sanction. *People v. Atencio. 525* P.2d 461 (solo. 1974).

A claim of outrageous governmental conduct implicates the protections of the Fourteenth Amendment right to Due Process. *People v. Aponte. 867* P.2d 183 (solo. App. 1993). This protection justifies the exercise of a Court's supervisory powers in dismissing a criminal case. *Id.*

Outrageous governmental conduct is generally defined as that which violates fundamental fairness and is shocking to a universal sense of justice. *Id.*

When the **governmental conduct at issue is so outrageous** that appropriate sanctions are required. dismissal of a case is not considered "too severe" a remedy. *Id.*

CONCLUSION

For the aforementioned reasons, briefly enumerating a criminal governmental enterprise operating in conspiracy to deprive the Accused of God given and Constitutionally secured rights, that has been on-going, with damages accruing for over FIVE YEARS, Accused requests this Court dismiss the charges against him. Accused requests a hearing on this Motion.

Humbly submitted,

Friday, March 01, 2002

_____

Steve Douglas Gartin – In Propria Persona – Sui Juris
P.O. Box 16700
Golden, Colorado 80402

CERTIFICATE OF SERVICE BY UNITED STATES POSTAL SERVICE
VIA DEPOSIT IN JAIL MAIL SYSTEM

I, Steve D. Gartin, oversigned, do hereby certify that a true and correct copy of the foregoing, **Order to Appoint Private Investigator** was personally deposited in the Jefferson County Detention Facility "Jail Mail" System on the Twenty Nineth day of the First month in the Year of our Lord Two Thousand and Two, with sufficient postage attached (*or accompanied by a property release authorization*) and addressed to the following parties:

Thomas C. Miller, Esquire
Counselor at Law
1741 Dallas Street
Aurora, Colorado 80010

The Honorable Leland P. Anderson
District 2 - CourtRoom 5-A
100 Jefferson County Parkway
Golden, Colorado 80401

Marleen M. Langfield, Esquire
Deputy State Attorney General
Special Prosecutions Unit
d.b.a. "Special" Jefferson County Deputy District Attorney
c/o District Attorney David J. Thomas, Esquire
Jefferson County District Attorney's Office
500 Jefferson County Parkway
Golden, Colorado 80401

AF Pugliese Investigations and Security
P.O. Box 472276
Aurora, Colorado 80017

First Judicial District Division 2 CourtRoom 5-A 100 Jefferson County Parkway Golden, Colorado 80401	▲Court Use Only▲
PEOPLE OF THE STATE OF COLORADO - Plaintiff v. STEVE DOUGLAS GARTIN - Defendant	Case Number: **00CR3371** Division 2 - L.P.A. CourtRoom: 5A

ORDER

This matter comes before the Court on Defense's **Motion _____,** *dated April 26, 2004.*

The Court finds that it has jurisdiction and hereby orders _____.

SO ORDERED this _____ day of _____, 2002.

BY THE COURT:

_____
Leland P. Anderson
District Court Judge