

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 LPA
Defendant In Propria Persona: Steve D. Gartin 2363 ½ South Decatur Street Denver, Colorado 80219 sheriffsteve@justice.com	CourtRoom: 5A
RESPONSE TO MOTION TO WITHDRAW	

Comes now, Steve D. Gartin, in propria persona (pro-se) and moves this Honorable Court to grant Attorney Miller’s Motion to Withdraw and as grounds therefore states as follows:

Note: Attorney Miller’s comments are in italics, applicable codes and statues are indented, my responses are in normal typeface.

1. *“The Alternative Defense Counsel appointed Mr. Miller as Advisory Counsel to Mr. Gartin in March, 2002.”*

Attorney Miller advised that it would take several months for him to prepare for trial, and although my case was very strong, it was also very complex and would require a great deal of preparation for him to properly present my case to a jury.

2. *“On April 8, 2002, Mr. Miller converted from advisory to representative counsel for Mr. Gartin for purposes of Mr. Gartin's entry of pleas to guilty in 00CR3371.”*

Attorney Miller advised me to commit perjury and gain release from the draconian prison conditions at the Jefferson County Detention Facility, rather than to suffer the debilitation and physical deterioration that those conditions were subjecting me to. Attorney Miller advised me to take the plea bargain and get on with my life on the outside. Under the oppressive conditions created by the Detention Facility Staff, it appeared as valid advice.

3. *“Mr. Miller agreed to remain on Mr. Gartin's case through the pendency of the two year probationary period from April 8, 2002 until April 8, 2004.”*

I began working for Mr. Miller as a legal assistant, computer expert and database manager soon after my release from jail. Mr. Miller seemed very proud that he had “cut a deal” to get me out of jail and I explained to him that Ms. Langfield had offered me that same deal in April 2001 and that I believed that a jury would find in my favor if my case were simply presented. When I asked Mr. Miller if he had ever actually read any of my pleadings or briefs, Mr. Miller informed me that he had placed my records out on the curb to be recycled and had never read any of them. Aside from the breach of attorney/client confidentiality that openly exposing such information would signify, Mr. Miller should be sanctioned for

refusing to return those papers and the evidence from Case #02CR3011, as well as the slight diligence reflected in his failure to familiarize himself with the case..

After withdrawing as Brown's attorney, Ain failed to return Brown's papers upon request in violation of Colo. RPC 1.16(d)(upon termination of representation, taking steps to the extent reasonably practicable to protect a client's interests, and refunding any advance payment of any fee not earned).

4. *"During the probationary period, Mr. Gartin demanded that Mr. Miller seek the seating of his criminal record in 00CR3711."*

I am unaware of any such request. During the course of my indenture with Attorney Miller, several of his clients paid to have records sealed. I pulled the records at the courthouses, found the forms on-line and prepared the motions. Mr. Miller agreed to pay me for those services, but never did. I asked if he would sign my petitions to seal the many cases which had been dismissed against me, but remained on my record. He agreed to assist me in that regard. 00CR3711 was not among those cases.

RPC 1.3 (an attorney shall not neglect a legal matter entrusted to that attorney)

5. *"A hearing on a Motion for Forgiveness and Petition to Seal in this matter was held before the Honorable Stephen M. Munsinger on April 8, 2004."*

6. *"The Motion for Forgiveness and Petition to Seal was denied."*

It was no wonder that this motion was denied. Although Attorney Miller failed, neglected and refused to provide me a copy of the motion, it was obvious that Mr. Miller relied on the wrong statutes to bring the petition to seal the records and that he failed to present the fact that it was I who was offering forgiveness to FEDERAL, STATE and County actors who had perpetrated atrocities on me and not me asking forgiveness of the court, for what was also unclear and undefined by Mr. Miller's performance. His failure to do due diligence, or to prepare authorities for the cites he did raise is reflective of his general performance as defense counsel.

7. *"For several weeks prior to the April 8, 2004, hearing on this matter, Mr. Gartin would provide no address or phone number for Mr. Miller, nor would he communicate by any other means than email."*

I spoke with Attorney Miller on 13 March, 2004. He asked me, again, the same questions he had asked several times concerning the continuing S.W.A.T. team assaults that had been perpetrated upon me – dates, times, case numbers and the like. I explained to him again that all that information was indexed and contained in the Supreme Court Brief and that although he had placed the original discovery out on the curb to be recycled, I had provided him with three copies since he destroyed or disseminated the originals. He explained that he was billing the STATE for our phone conversations so I shouldn't worry about it, but I countered with the need for accuracy and that all the information he needed was already in writing so he would not need to worry about me remembering or him writing it down correctly over the phone. I then FAXed the information to him, but he turned off his FAX machine after the first page and refused to accept the documentation by FAX. Mr. Miller had also prepared a letter to Tamara Ann Lee concerning a modification of parenting time and he had asked me for her address several times and I provided that information. When he asked for the information again, I attempted to FAX it to him, but Mr. Miller refused to turn his FAX machine on to receive that information. He ultimately sent the letter to the wrong address and refused to complete the legal process.

Several days later, Mr. Miller sent a letter to me at the wrong address. I did not receive the letter until about 10 days later. The letter contained many mischaracterizations and several lies and some new information concerning Marlene Langfield and Gary Clyman that made me very uncomfortable about Attorney Miller's loyalty and interest in my welfare.

I again telephoned Attorney Miller on 3-31-2004 to report the sighting of Carlos Bonilla outside my residence. He said that he was busy with "his Cookie" a.k.a. Judith Phillips, to not be paranoid and call him the following afternoon after he and "his Cookie" woke up.

*Under the "joint action" test, a § 1983 claim may arise when a private actor **conspires** with a state actor to deprive a person of constitutional rights under color of state law.*

8. "Mr. Miller does not use e mail with Mr. Gartin as anything reported to Mr. Gartin by Mr. Miller is often forwarded to others, and undermines attorney/client privilege."

Attorney Miller's refusal to provide me with the motion he had filed with the court or Ms. Langfield's response to it caused me great concern and trepidation and I felt that it would be in my best interest to document my continuing attempts to communicate with him, so I did, indeed, copy many people into my e-mails to Mr. Miller's business partner, Judith Phillips. Although I had purchased e-mail services for Mr. Miller, he refused to use that method of communications since he sent an e-mail to Harold Brown demanding an additional \$5000.00 from him, which Mr. Brown construed to be extortion and filed a grievance against Mr. Miller based upon that and other malfeasance. I have continually advised Thomas C. Miller against threatening his clients with going to jail if they don't pay him more money, but he continues to blame e-mail and not his unethical practices for the grievances that many of his clients have filed against him and many more that are currently being prepared.

Under Colo. R. Prof. Conduct 1.4(a), a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

9. "Mr. Miller does not use the internet or e mail in any client matters for security of information."

Yet, Attorney Miller has no qualms about placing the entire court file in case #00CR3371 out on the street for the recycler to pick up, or not. The information that I was requesting from Attorney Miller was his motion to the court and Ms. Langfield's reply ~ none of which was in any way privileged or confidential.

10. "Mr. Gartin, without authorization from Mr. Miller,"

I believe Mr. Miller is supposed to be working for me in this case. I worked for Mr. Miller in many other cases and accepted his authority without question, even when his avarice and his habit of threatening his clients with going to jail if they did not give him more money, revulsed me.

"the Alternative Defense Counsel,"

Mr. Miller advised me that he was petitioning the ADC to retain Mr. Pugliese.

"or this Honorable Court,"

I recall this Honorable Court denying any authority to retain a private investigator in case #02CR3011 and referred Mr. Miller to Brian Shaha at ADC.

"employed the services of a bail bondsman and quasi private investigator, Frank Pugliese, for investigative work in 00 CR 3711"

Mr. Pugliese was appointed by this Honorable Court as the private investigator in case #00CR3371.

"and 02 CR 3011."

Mr. Pugliese did indeed arrange bond in this case, after he had done a full investigation, provided Mr. Miller with the fruits of that investigation and Mr. Miller refused to provide that information to either Ms. Gilstrap or to the Deputy District Attorney who was assigned to prosecute the case, Mr. Joseph Gilmore. If Mr. Pugliese's investigation report had been given to either Ms. Gilstrap or Mr. Gilmore, this case would never have been filed, let alone prosecuted for 14 months. If Mr. Pugliese is a "quasi" private

investigator, Wally Barrett is a small mendacious child, working with dull tools and common material. I have observed them both work and Mr. Pugliese is my choice.

11. *“Mr. Pugliese mailed unsupervised and disapproved reports to this Honorable Court and to opposing Counsel in 00 CR 3711 without the knowledge of, consent, or approval of Mr. Miller.”*

Mr. Miller refers to a case to which I am not a party and have no knowledge of.

12. *“Mr. Pugliese, acting outside the authority or permission of this Honorable Court, the Alternative Defense Counsel, or Mr. Miller violated the work product privilege of Mr. Gartin.”*

Mr. Pugliese did no such thing. I would require Mr. Miller to clarify this statement. Mr. Pugliese did nothing except expose a conspiracy between the State Attorney General’s Office, Mr. Miller and Mr. Barrett to prevent me from seeking redress of grievance through lawful process. That is not “work product privilege” nor should that conspiracy be concealed any longer.

13. *“Further, Mr. Gartin refuses to work directly with Wally Barrett,”*

My experience with Wally Barrett has been completely disappointing and greatly disturbing. Mr. Barrett disappears for weeks at a time, has never completed an assignment that I am aware of, and has proven to be completely unreliable. Three other clients and associates of Mr. Miller has informed me that they have paid Mr. Barrett, in advance, for work that he then failed to perform. I was present in Douglas County Court when Mr. Barrett testified as the investigator in a case that he knew absolutely nothing about. Mr. Miller’s clients had never met Mr. Barrett. Mr. Barrett committed perjury in that instance and in several others that I am aware of. Mr. Miller is correct, I refuse to work with Mr. Barrett.

“the appointed Alternative Defense Counsel Investigator, who is supervised by Mr. Miller in 00CR3371”

Mr. Miller is lying. This Honorable Court appointed Mr. Pugliese as the Private Investigator in this case before Mr. Miller was appointed as advisory counsel.

“or 02 CR 3011.”

Investigator Pugliese completed his investigation and proved my innocence as well as Ms. O’Ferrill and Mr. Van Dusen’s guilt before this case was even filed. I requested that Mr. Pugliese be retained for further investigation after this case was filed. Mr. Miller advised me that he would see to it that Mr. Pugliese was appointed. Mr. Miller lied.

Colo. RPC 8.4(c)(engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

14. *“On April 9, 2004, without approval or discussion with Mr. Miller, Mr. Gartin filed a pro se Motion to Withdraw Guilty Plea.”*

Under Colo. R. Prof. Conduct 1.4(b), a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Mr. Miller refused to communicate with me except by ‘Ben Franklin’s’ mail. The probation period ended on 8 April, 2004 and without legal advice, I felt compelled to confess that I had been coerced into committing perjury.

15. *“Despite hundreds of hours of legal counseling,”*

Despite Mr. Miller’s characterization, it is well known, even in judicial circles that Mr. Miller refers to me as his “law guru.” I can confirm this fact with a judicial officer who witnessed this fact as Mr. Miller knocked on his chamber door and interrupted our conversation, to call me into court in another courtroom, should this Honorable Court require confirmation. Mr. Miller did indeed bill the STATE for counseling, but it was I who counseled him and not he counseling me.

“freedom from incarceration in 00 CR 3711,”

I have never been in jeopardy in this matter. I do not understand the reference.

“and dismissal of 02 CR 3011,”

This case was dismissed due to the sterling investigation conducted by Mr. Frank Pugliese and the integrity of the Prosecuting Attorney, Mr. Joseph Gilmore. Mr. Miller did nothing except create ill-will with Mr. Gilmore and collect somewhere in the neighborhood of \$30,000 for work he did not perform.

“Mr. Gartin continues to ignore or refuse the advice and counsel of Mr. Miller,”

Mr. Miller’s advice has proved to be erroneous and detrimental to every client he has had during the course of my involvement with him. I am unaware of any client Mr. Miller has had who has been satisfied with Mr. Miller’s legal work or who has not been threatened with jail if they did not give Attorney Miller more money than they based their agreement on.

“and proceeded to file an ill advised pro se motion.”

Mr. Miller refused to communicate with me except by U.S. Postal Service. Mr. Miller could not possibly advise me of anything in less than a business week. He did not advise me at all in regard to my Motion to Withdraw Guilty Plea. My conscience and my relationship with my Creator is all the advice I needed to tell me that I had to clear the record of perjury while the case was open. I did not know until arriving at the court house on 8 April, 2004 that Ms. Langfield opposed my Motion for Forgiveness and Mr. Miller failed to explain that it was I who was willing to forgive all the criminal actions committed against me and that I would not pursue legal action if the records were sealed and the police caution removed from the CBI/NCIC database. I still have not been provided with the motion Mr. Miller filed, so I don’t know that he even got the facts right, it was obvious from the proceeding that he did not study the statutes upon which he based his motion.

Monday, April 5th Mr. Miller contacted Mr. Chas Clements and informed him that he was withdrawing from my case and that he would not consummate any of the other agreements we had made. I did not know until April 8, 2004 that Mr. Miller would even appear for the motions hearing. Mr. Miller refused to communicate with me, he refused to provide me a copy of his motion, he refused to provide me a copy of Ms. Langfield’s reply.

Under Colo. R. Prof. Conduct 1.16(d), upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned.

16. *“Paragraph fifteen (15) of the Motion to Withdraw Guilty Plea alleges ineffective assistance of counsel, and thus precludes further representation.”*

As we departed the courthouse after the 8 April, 2004 motions hearing, Mr. Miller suggested that we prepare a Rule 35c Motion based upon all the constitutional violations that Mr. Miller could not remember when directly asked by Judge Munsinger to enumerate. Mr. Miller again apologized for never reading any of the materials in my case and suggested that he would arrange an appointment with Brian Shaha to procure another \$25,000 to \$50,000 that would be required to fund a Rule 35c motion that would include all the constitutional violations that I had suffered over the course of this extended persecution by Jefferson County, Arapahoe County, STATE and Federal officials. Mr. Miller suggested “ineffective assistance of counsel” as the appropriate rubric under which to bring the Rule 35c motion. It was his point of fact and admission in the presence of witnesses.

OVERVIEW: *The State alleged that respondent violated Colo. R. Prof. Conduct 1.3, 1.4(a), 1.4(b), and 1.16(d). The supreme court held that the facts clearly established each of those violations. Respondent agreed to represent a client in connection with a contested matter in court. She accepted a retainer and filed a responsive pleading, but knowingly failed to pay the required filing fee although she had client funds to do so. Thereafter, respondent failed to correct her failure to pay the required fee, failed to keep her client informed of developments in the case, did not attempt to set aside the default judgment, and misinformed her client that the entry of the default resulted from a mistake by the court. Once the client discovered respondent's deception, terminated the attorney/client relationship and secured replacement counsel, respondent failed to deliver the file to replacement counsel and refused to refund any portion of the retainer.* 2001 Colo. Discipl. LEXIS 24; 35 P.3d 547

17. *“The probationary period in 00CR3711 was to conclude on April 08, 2004.”*

It was actually case #00CR3371 which concluded on 8 April, 2004. The two year period of probation expired on that date. The alleged “agreement” not to pursue legal action against FEDERAL, STATE and COUNTY officials was absolved as well. But Attorney Miller had taken the initiative to “welsh” on the agreement and retainer of \$3750.00 that he had accepted from Chas Clements in a meeting on 4 March, 2004 at Mr. Clement’s home. That event caused me concern that perhaps Mr. Miller and his agent, Wally Barrett were conspiring with Ms. Langfield and the State Attorney General’s Office to shield them from legal liability until the statutes of limitations could be invoked to support a F.R.C.P Rule 12b Motion to Dismiss any action that Mr. Clements or myself may institute.

18. *“Mr. Gartin was charged with misdemeanor violations in Coconino County, Arizona on November 17, 2003.”*

Attorney Miller offered to enter his appearance in this matter. He contacted the court, spoke with the District Attorney and there was no case on file at that time. Mr. Miller asked me to research the statutes and provide him with witnesses and affidavits; I did. Attorney Miller informed me that he was in continuing contact with the Coconino County District Attorney’s Office and that no case had been filed. Mr. Miller was scheduled to confer with them on 3-31-2004. I was never apprised of the out-come of that telephone conference or any other development in that case until Mr. Miller’s agent, Wally Barrett appeared on 8 April, 2004 with information that was purportedly FAXed to him late the previous night by Ms. Langfield. It should be noted that I have specifically instructed Mr. Miller not to involve Mr. Barrett in any matter that involves me. Mr. Barrett and his practices are repulsive and abhorrent in my opinion.

Under Colo. R. Prof. Conduct 1.3, a lawyer shall not neglect a legal matter entrusted to that lawyer.

19. *“The Attorney General's Office in 00 CR 3711 has now filed to revoke Mr. Gartin's probation on April 7, 2004, based upon the charges in Arizona, and Mr. Gartin's failure to pay restitution.”*

I have no knowledge of case #00CR3711. I have received no such notice from the Attorney General’s Office. On 8 April, 2004 a person named Wally Barrett appeared at the hearing and told me that he had received a FAX from Marlene Langfield the previous night but refused to provide me a copy of that FAX. Wally Barrett is not involved with my case #00CR3371 nor any other case that I am aware of. Attorney Miller has attempted to impose Mr. Barrett upon me in many instances, but I don’t want anything to do with Mr. Barrett. I have spoken with at least four people who have paid Mr. Barrett for legal services and he has failed to perform even to minimal standards. I have explained to Attorney Miller on numerous occasions that I do not want Mr. Barrett to have anything to do with any case to which I am a party.

If indeed Ms. Langfield did FAX such a motion to Mr. Wally Barrett, I would submit to the Honorable Court that such an action would present a breach of attorney/client privilege and would constitute a conflict of interest wherein Mr. Miller and Ms. Langfield are conspiring to cause damage to me.

From 13 March, 2004 until 8 April, 2004 Mr. Miller refused to communicate with me, to relay either his motions to the court or Ms. Langfield's replies. Attached, please find an email record of my untiring attempts to communicate with Mr. Miller and to receive information concerning the motions hearing on 8 April, 2004. Included in that record is Mr. Miller's refusal to provide that information.

abandonment of an attorney's clients also results in disbarment. See People v. Wallace, 936 P.2d 1282, 1284 (Colo. 1997) (disbarring lawyer who abandoned clients, causing them serious harm, and knowingly misappropriated client funds); People v. Townshend, 933 P.2d 1327, 1329 (Colo.1997)(lawyer disbarred who effectively abandoned two clients after accepting retainers and failing to account for or return the unearned retainers); People v. Gilbert, 921 P.2d 48, 50 (Colo. 1996)(attorney disbarred for converting client funds in conjunction with abandonment of practice); People v. Steinman, 930 P.2d 596, 599-600 (Colo.1997) (lawyer disbarred who accepted fees from clients and then abandoned them while keeping their money and causing serious harm); People v. Jenks, 910 P.2d 688, 692 (Colo. 1996)(attorney disbarred for accepting legal fees from a number of clients and then abandoning them, causing some of the clients substantial harm); People v. Tucker, 904 P.2d 1321, 1325 (Colo.1995)(lawyer disbarred who abandoned clients while continuing to collect attorney fees for work that would not be performed); People v. Fritsche, 897 P.2d 805, 806-807 (Colo.1995)(lawyer who effectively abandoned clients and disregarded disciplinary proceedings disbarred).

Mr. Miller made a verbal agreement with me to pay me 10% of his gross income in return for the work I was doing for him. He failed to do so. Additionally, I paid for traveling to Boulder every day and for travel to the courts to support his legal practice. Not only did Mr. Miller not pay me as he had agreed, I was shouldering the expenses of maintaining insurance and an automobile to support his legal practice, as well as paying for his websites and email services. Between Mr. Van Dusen's breach of our written contract and Mr. Miller's breach of our verbal contract I have not had a dime to spare or with which to pay the restitution that Mr. Miller told me I did not have to pay. Mr. Miller refused to provide me with a copy of the probation agreement until February 2004. It was then that I discovered that there was also no condition or stipulation that I would not pursue legal action during the pendency of probation. Then Mr. Barrett's report of his interview with State Attorney General Investigator, Gary Clyman confirmed that such an agreement was made verbally, but never committed to writing.

If indeed Ms. Langfield actually filed a motion to revoke my two year probation on the very last day, it would confirm the invidious discriminatory animus against me that I have been complaining of from the filing of my first motion in case #00CR3371 after I was unlawfully extradited from California and unlawfully prosecuted by the State Attorney General's Office sans authorization from the Governor, as required by statute.

For Defendants in a Federal Civil Rights action to be placed in a supervisory position of the Plaintiff in such an action is a prima facie conflict of interest and a flagrant disregard for any law or morality. When such Defendants brazenly commit acts in furtherance of the very conspiracy complained of in that instant matter, any reasonable person would be shocked by such unconscionable government action.

20. "On November 22, 2002, Mr. Gartin was arrested and charged in 02 CR 3011."

It was November 23rd that I was arrested after meeting with one of Attorney Miller's clients in the Broomfield jail; a client that ultimately brought Attorney Miller twice before the Attorney Regulatory

Commission – Mr. Kevin Brown. Attorney Miller had been in communication with Lakewood Detective Monique Gilstrap and had assured me that everything was under control. Investigator Pugliese had provided Attorney Miller with his completed investigation, audio tapes of interviews with all the witnesses and originals of the van title that Mr. VanDusen stole from me, my credit card statements for the computer equipment Mr. Van Dusen reported as stolen as well as the hard drive used to set up the master database for the inventory integration and the original customer mailing list on a floppy disk. Attorney Miller refused to produce that evidence to Ms. Gilstrap. He then refused to present that evidence to D.A. Joseph Gilmore. Mr. Gilmore would never have prosecuted case #02CR3011 if Attorney Miller had produced the evidence provided to him by Investigator Pugliese. I believe that Mr. Miller pursued a plan whereby he billed the Alternative Defense Counsel for thousands of dollars while maintaining the hazard of probation violation over me and thus receiving the benefits of my expertise and labor without pay by peonage. Mr. Miller, Ms. Langfield, Mr. Clyman and Donald L. Estep all benefited by their agreement to keep me in hazard of probation violation while preventing me from filing suit against the very people who were administering my probation. When Investigator Pugliese exposed the conspiracy between Mr. Miller, Wally Barrett and the State Attorney General's Office, Mr. Miller was livid, as was Wally Barrett. They each threatened me that if I had anything to do with Mr. Pugliese they would drop my case. I was unaware that Mr. Barrett had anything to do with my case until Attorney Miller provided me a copy of his report. That report and other information provided by Investigator Pugliese exposed the conspiracy between defense, prosecution and probation.

21. *“Mr. Miller was again appointed to represent Mr. Gartin in 02 CR 3011 by the Alternative Defense Counsel.”*

When Mr. Miller was appointed, I requested that he also get Investigator Pugliese appointed to the case. He said that he would, in light of the fact that Mr. Pugliese had already conducted the investigation at his own expense. During the fourteen months this case kept me in hazard, Mr. Miller never got Mr. Pugliese appointed. I suspect that Mr. Miller approached Brian Shaha and got Mr. Shaha's friend, Wally Barrett, appointed and paid for the investigation work that Mr. Pugliese did. Mr. Miller made a remark in passing once that Wally Barrett had been paid \$3000 on my case. Mr. Miller was paid close to ten times that amount for a case that was proven false, frivolous and malicious before its inception by Mr. Pugliese's immediate investigation.

Colo. RPC 7.3(a)(a lawyer shall not solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship where a significant motive for the lawyer's doing so is the lawyer's pecuniary gain).

22. *“Through assiduous work”*

The records, that Mr. Miller has NOT lost or deliberately set out on the curb for “recycling,” will reflect my notes, my tabs, my legal research and my development of an assiduous work product that Mr. Miller herein attempts to co-opt. Mr. Miller extended absolutely no effort, time, or expertise regarding this matter, although he charged vast amounts of time to the Alternate Defense Counsel, purporting to have done the work. Quite to the contrary, if Mr. Joseph Gilmore were to be questioned concerning his first meeting with Mr. Miller, I would expect that he would recall the vulgar and unprofessional presentation that directly caused this case to proceed for over a year before Mr. Gilmore's professional discretion resulted in a dismissal. Mr. Miller exacerbated the jeopardy rather than mitigated it. Additionally, each time I accompanied Mr. Miller on his cases to Grand Junction, Castle Rock, Littleton, Broomfield and Denver, Mr. Miller calculated those hours as “working on my case” and billed the STATE. Mr. Miller even flew with his business partner, Judith Phillips to California during my first trip to DragonFest under the rubric of “monitoring my probation,” and I believe that he billed the STATE for those hours as well, even though none of that time was spent on my case.

“and investigation,”

Investigator Frank Pugliese conducted interviews of all individuals named in Ms. Monique Gilstrap's Police Report within one week of my arrest on November 23, 2002. He investigated the actual theft of my van by Mr. Van Dusen, the contract agreement, the store records, and all related events and found that Mr. Van Dusen and Renita O'Ferrill were the actual criminals and relayed that information to Mr. Miller and accompanied him to the meetings with Lakewood Police Agent Monique Gilstrap. Ms. Gilstrap, however, avoided any meetings with Investigator Pugliese and refused to accept any exculpatory evidence that tended to exonerate Mr. Gartin. She relied on information from Colorado State Attorney General Investigator, Gary Clyman and proceeded upon her prosecution in defiance of the overwhelming facts proving not only the innocence of Mr. Gartin, but the guilt of the complaining/reporting parties: Renita O'Ferrill and Charles F. Van Dusen. Renita O'Ferrill was ultimately charged with theft of over \$350,000.00 and Mr. Pugliese's investigation uncovered Mr. Van Dusen's own theft, insurance fraud and other crimes that Attorney Miller committed to me that he would pursue in civil court before turning the evidence over to the proper authorities. Mr. Miller has now refused to pursue my legal interests after receiving a year and a half of my labor, expertise and the cost of maintaining his websites and email accounts.

“02 CR 3 011 was dismissed by the Jefferson County District Attorney's Office on December 18, 2003.”

And here again Mr. Miller's penchant for inaccuracy begs correction. Deputy D.A. Gilmore's motion was received by the Honorable Court on 12-19-2003 but was not granted until 12 January, 2004 and FAXed to Mr. Miller on the 14th of January, 2004. At this point in time the record reflects the fact that Mr. Miller had FAX capabilities. On March 13, 2004 Mr. Miller denies having this capability when requested to receive pertinent information VIA FAX by this Client; information which Attorney Miller then fails to professionally act upon to the detriment of this Client.

23. *“Mr. Gartin requires no further representation in 02 CR 3011.”*

Mr. Miller volunteered information garnered during his conversation with Mr. Gilmore prior to the hearing on 8 April, 2004 that Mr. Gilmore was concerned that Mr. Gartin was preparing to sue him for malicious prosecution in dismissed case #02CR3011. Attorney Miller purportedly assured Attorney Gilmore that no such action would be forthcoming. Attorney Miller appears to have some sort of vested interest in preventing this party from seeking redress of grievance through application to the courts. The prevention of any legal action by Mr. Gartin appears to be a consistent thread throughout the permutations of this and related cases. Although in this instance, Mr. Miller's comments to Mr. Gilmore was a correct characterization of my intent, his continuing efforts to prevent me from pursuing legal recourse has formed a “pattern of conduct” that reeks of conspiracy with the State Attorney General's Office. The fact that Attorney Miller also prevented any legal action by Chas Clements even after he retained Mr. Miller with \$3750 confirms my suspicions. On 4 March, 2004 Mr. Miller confessed to Mr. Clements that he was “welshing” on the agreement Mr. Clements had retained him to consummate.

24. *“Brien Shaha, Director of the Alternative Defense Counsel, does not object to Mr. Miller's withdrawal from 00 CR 3711”*

This reflects Mr. Miller's continuing haphazard approach to his profession. I have no knowledge of 00CR3711, nor have I ever been involved, personally, nor as Mr. Miller's legal assistant in this case. As Mr. Miller's legal assistant, I was appalled at the lack of diligence Mr. Miller exhibited. No matter how industriously I or Pamela Hadas organized Mr. Miller's files, he would lose motions, orders and pertinent information in every case he had. Without Ms. Hadas or myself, Mr. Miller could not find or access any information in his office or in his computer. In spite of teaching him to use ACT!, *the premier contact management program on the market*, Mr. Miller would continually miss court appointments and

cause damage to his clients by having warrants issued against them. Mr. Miller even missed my pre-trial hearing on Case #02CR3011 and several filing deadlines. Mr. Miller missed deadlines in every case he had. In order to escape censor by the attorney regulatory commission, Mr. Miller feigned "West Nile" disease, even though he was never diagnosed with that illness. Mr. Miller used that excuse for his lack of performance, failure to meet deadlines, slight diligence and missed court appointments even in the Federal Court.

"and 02 CR 3011."

This case illustrates in bold, unambiguous terms the very malicious, vindictive and retaliatory prosecution that I have complained of since Donald L. Estep and the Jefferson County S.W.A.T. Team breached the door of my domicile in Golden on 26 February, 1997 and then filed false, frivolous and vexatious charges to cover up the violation of 18 U.S.C. 241 & 242 and the criminal sanctions and civil penalties pursuant to 42 U.S.C. §§ 1986, 1985 and 1983 that such an unlawful act would make all actors involved liable for. Each ensuing act of aggression these people have committed against me is compelling evidence of the continuing effort to cover-up and conceal their lawless conspiracy. Mr. Miller and Wally Barrett have now confirmed their participation in this on-going criminal enterprise. It was after Mr. Pugliese's Final Report in this matter revealed this unholy alliance and continuing conspiracy that Mr. Miller and his agent, Wally Barret began making threats that I would go to jail because of Mr. Pugliese's "harpooning" my case by sending that report to the Honorable Leland Paul Anderson. Mr. Miller and Wally Barrett also began making broad threats that they would "get" Frank Pugliese and Mr. Miller advised Chas Clements that he would report Mr. Pugliese to Brian Shaha and see to it that Mr. Pugliese never worked in this town again.

Further, Ms. Langfield, in open court on 8 April, 2004 – before the Honorable Stephen Munsinger, in response to Attorney Miller's affirmative statement that Ms. Langfield and Mr. Gary Clyman were Defendants in Federal Civil Rights Case #01-ES-1145, and concomitantly the probation officer and CBI/NCIC reporting contacts during the probation period at issue herein and surely both interested and biased and that such association established a prima facie conflict of interest; Ms. Langfield replied that the case had been dismissed three weeks after its filing, knew, or should have known that case #01-ES-1145 was not dismissed until 6-4-2002 for "failure to prosecute" based upon the phantom agreement between Mr. Miller and Ms. Langfield to prevent this Plaintiff from seeking redress of grievance during the period of probation.

*American Bar Association Standards for Imposing Lawyer Sanctions § 6.11 (1986) provides that **disbarment** is generally appropriate when a lawyer, with the **intent to deceive** the court, makes a **false statement**, submits a **false document**, or improperly **withholds material information**, and causes serious or potentially **serious injury** to a party, or causes a significant or potentially **significant adverse effect** on the legal proceeding.*

"Therefore, in the interests of substantial Justice and fundamental fairness, Thomas C. "Doc" Miller requests this Honorable Court to grant the foregoing Motion to Withdraw."

I taught Mr. Miller the terms, 'substantial justice' and 'fundamental fairness' but I know now that he has no concept of those terms. On the way to California in November, I dropped in to visit Pamela Hadas, Mr. Miller's ex-legal assistant and office manager. When I realized the horrible crimes Mr. Miller and Judith Phillips had committed against her, I determined to distance myself from Mr. Miller and Ms. Phillips and their unethical and immoral business practices. Unfortunately, Mr. Miller and Ms. Phillips continued their nefarious activities and I was already involved with some of Mr. Miller's clients and had to act as an arbitrator and investigator in a few instances after returning from California. I have only set foot in Mr. Miller's house once again after discovering the depths of depravity to which he, Ms. Phillips and Mr. Barrett will dive for money, and that was the occasion when I reported the unlawful traffic stop

and unlawful search, seizure and arrest in Flagstaff Arizona and arranged Attorney Miller's contact with the Coconio County District Attorney's Office and entry into that matter.

Because of Mr. Miller's complete failure to rise to minimal standards of professional performance and his lack of honor and integrity I do not oppose his motion to withdraw from all cases in which I am involved either as a Plaintiff or Defendant.

*In the absence of mitigating factors, **disbarment** is generally appropriate when a lawyer, with the **intent to deceive** the court, makes a **false statement**, submits a **false document**, or improperly **withholds material information**, and causes serious or potentially **serious injury** to a party, or causes a significant or potentially **significant adverse effect** on the legal proceeding. American Bar Association Standards for Imposing Lawyer Sanctions **6.11** (1991 & Supp. 1992). Further, **disbarment** is warranted when: (a) a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; . . . or (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice. 897 P.2d 807; 1995 Colo. LEXIS 251; 19 BTR 931*

"Respectfully submitted this Thursday, April 15, 2004,"

I remain unconvinced that Mr. Thomas C. "Doc" Miller, esquire has respect for anything or anyone and I am in complete agreement that he should be granted the opportunity to withdraw from any and all representation and association with me and everything related to me.

Ms. Marlene Langfield has repeatedly falsified information before this Honorable Court and intentionally withheld discovery in contravention of both statute and the Rules of Professional Conduct. Attorney Miller has joined her infidelity and deceit. Wally Barrett has exposed their conspiracy to obstruct justice and subvert the well-meaning and honorable intent of this court and Investigator Pugliese has reported those violations to this Honorable Court. Ms. Langfield, Attorney Miller and his agent Wally Barrett have all profited handsomely from their nefarious collusion and conspiracy to cover-up and conceal the lawless acts of their cohorts, Donald L. Estep, Gary Clyman and their comrades.

It is time for a jury trial and I feel confident in my ability to present my case to a jury of my peers.

Contrary to what I believe is Mr. Miller's attitude toward respect, I hold this Honorable Court and in particular Judge Leland Paul Anderson in high esteem and do, without reservation, respectfully submit this Motion of Unopposed Agreement with Attorney Miller's Motion to Withdraw.

Humbly submitted in good faith,



Steve Gartin – In Propria Persona (pro-se)
2363 ½ South Decatur Street
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720-404-1812

Sunday, April 18, 2004

Affidavit of Service by FAX

Clerk of the District Court
Division 2
303-271-6114

Deputy District Attorney Joseph Gilmore
303-271-6888

Investigator Frank Pugliese
303-750-6304

Monday, April 19, 2004

CERTIFICATE OF SERVICE BY UNITED STATES POSTAL SERVICE VIA DEPOSIT IN BEN FRANKLIN'S MAIL SYSTEM

I, Steve D. Gartin, oversigned, do hereby certify that a true and correct copy of the foregoing, **Response to Motion to Withdraw** was personally deposited in the Ben Franklin U.S. Postal System on the Ninth day of the Fourth month in the Year of our Lord Two Thousand and Four, addressed to the following parties:

The Honorable Leland P. Anderson
Division 2 First Judicial District
100 Jefferson County Parkway
Golden, Colorado 80401

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Counselor At Law
1026 Lincoln Place
Boulder, Colorado 80302

Marlene 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
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