

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 Denver, Colorado 80219 sheriffsteve@justice.com	CourtRoom: 5A
MOTION TO WITHDRAW GUILTY PLEA	

Comes now, Steve D. Gartin, pro se, and moves the Honorable Court to grant this motion to Withdraw Guilty Plea and as grounds therefore, hereby states as follows:

1. On 8 April, 2002 Steve Gartin, through his attorney, Thomas C. Miller, entered a guilty plea to Count Twelve: Criminal Extortion, §18-3-207 C.R.S. and to Added Count Eighteen: Offering a False Instrument for Recording in the Second Degree §18-5-114 in exchange for Ms. Marlene Langfield dismissing the remaining counts of the Indictment.
2. I completed the Anger Management Classes and Urine Analysis as ordered.
3. Directly caused by the prosecution of case #02CR3011, which was later dismissed by this Honorable Court, I lost my position as General Manager of the Naked Edge Cutlery stores and have been rendered temporarily destitute. Therefore I have been unable to pay restitution as ordered.
4. Also stipulated in the plea agreement was the agreement that I would not file any lawsuits against Gary Clyman, Donald L. Estep, Marlene Langfield, or the Bonilla family. This stipulation could be construed as fraudulent, or possibly extortion.
5. Last month Attorney Miller finally gave me a copy of the probation agreement. As I read this agreement for the first time, I found no such stipulation not to file lawsuits.
6. Attorney Miller also advised me that I was not required to pay the \$4000 restitution. That advise appears to be erroneous, and may be construed as official misrepresentation.
7. Attorney Miller advised me that all the charges would be dismissed at the end of the two year probation and that the record would be sealed. That advise appears to be in error.
8. Attorney Miller convinced this Petitioner to accept the plea bargain after being incarcerated in the Jefferson County Jail for a year, without trial, in overcrowded and inhumane conditions, by explaining that it would be many more months before he could be prepared to effectively mount a vigorous defense

due to the complex nature of the case and orbital issues. This Petitioner had a very strong defense at the time, and further investigation by both Attorney Miller and Private Investigator Pugliese have confirmed that ultimate fact.

9. This Petitioner lied in order to escape the horrors of incarceration. I did NOT extort anyone. I did NOT offer false instruments. I committed perjury in order to get out of jail.

10. For two years I have had to live with the fact that I lied to you Judge Anderson. I pride myself on being an honest man, and those who know me well, know that I do not lie. I have to purge this perjury today before this case expires. I apologize to you in this motion, and I will apologize to you the next time I see you in your Honorable Court. I ask for your forgiveness.

11. During these last two years I have worked with Attorney Miller as a legal aid, researcher, secretary and have computerized his law practice and been a general aide. I have accompanied him to most all of his court appointments and have learned a great deal about how the criminal justice system actually works.

12. The interests of Justice will be subverted and my life and reputation will be forever tarnished and my economic interests will be devastated if I cannot withdraw my coerced guilty plea and schedule a jury trial on all the issues charged.

13. This Honorable Court has jurisdiction to accept this withdrawal of plea. *Withdrawal of plea with court's discretion. An application for the withdrawal or change of such plea is addressed to the discretion of the trial court.* Maes v. People, 155 Colo. 570, 396 P.2d 457 (1964); Bradley v. People, 175 Colo. 146, 485 P.2d 875 (1971).

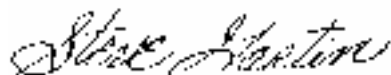
14. This Petitioner has bourn the burden of showing the required elements. *Showing required to permit change of plea. To warrant the exercise of discretion favorable to a defendant concerning a change of plea, there must be some showing that justice will be subverted by a denial thereof, such as where a defendant may have been surprised or influenced into a plea of guilty when he had a defense, or where a plea of guilty was entered by mistake or under a misconception of the nature of the charge, or where such plea was entered through fear, fraud, or official misrepresentation, or where it was made involuntarily for some reason.* Maes v. People, 155 Colo. 570, 396 P.2d 457 (1964).

15. Attorney Miller will provide a letter of ineffective assistance of counsel to support this motion and is willing to continue his representation in this matter

Wherefore, the Defendant, Steve Gartin, Pro-Se prays that this forthwith Motion to Withdraw Guilty Plea be immediately granted.

Respectfully submitted,

Friday, April 09, 2004



Steve D. Gartin – Pro-Se

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 to Withdraw Guilty Plea**, *dated April 9, 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

**CERTIFICATE OF SERVICE
VIA FAX**

I, Steve D. Gartin, oversigned, do hereby certify that a true and correct copy of the foregoing, **Motion to Withdraw Guilty Plea** was FAXed to the following parties:

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

Thomas C. Miller, Esquire
Counselor At Law
1026 Lincoln Place
Boulder, CO 80302

Marleen M. Langfield, Esquire
Deputy State Attorney General
Special Prosecutions Unit

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