

<p>County Court, County of Weld, Colorado P.O. Box 2038 915 10th Avenue Greeley, CO 80631</p> <hr/> <p>PEOPLE</p> <p>v.</p> <p>BUCKLEY, CRAIG D.</p> <p>Defendant</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Defendant: Craig D. Buckley ██████████ Longmont, CO 80501 Telephone: ██████████</p>	<p>Case No.: 11M578</p> <p>Div.: 8</p> <p>Courtroom: Meyer</p>
<p style="text-align: center;">DEFENDANT'S MOTION FOR POSTCONVICTION RELIEF PURSUANT TO C.R. Crim. P. RULE 35(c) and C.R.S. 18-1-410(1)(a), (c), (g) AND MOTION FOR TRANSFER OF VENUE AND HEARING</p>	

Defendant, Craig D. Buckley, hereby moves that this Court vacate sentence, or in the alternative, moves for complete dismissal of this case, on the Class 3 Misdemeanor count of Harassment, on the basis that , that **the conviction was obtained or sentence imposed in violation of the Constitution or laws of the United States or the constitution or laws of this state, the court rendering judgment was without jurisdiction over the person of the applicant or the subject matter, and other grounds otherwise properly the basis for collateral attack upon a criminal judgment, including, but not limited to:** prosecutorial misconduct, Deprivation of Rights Under Color of Law, outrageous government conduct, selective/retaliatory prosecution, and violation of the Defendant's rights under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

Postconviction relief is presently available where constitutional rights have been violated during trial. *People v. Hubbard*, 184 Colo. 243, 519 P.2d 945 (1974).

The trial court's power to grant relief to situations where: (1) The sentence was imposed in violation of the constitution or laws of Colorado or of the United States; *Saiz v. People*, 156 Colo. 43, 396 P.2d 963 (1964); *Hammons v. People*, 156 Colo. 484, 400 P.2d 199 (1965).

If motion specifies violation of constitutional rights, hearing required. If a defendant's motion to vacate, or any attachments thereto, specify matters which are deemed to have violated his constitutional rights, then it would be incumbent upon the trial court to treat this motion in the nature

of a section (c) motion and conduct a hearing to determine if there was a violation of any of the constitutional rights of the defendant. *DeBaca v. People*, 170 Colo. 415, 462 P.2d 496 (1969).

This rule is a vehicle for correcting errors of constitutional magnitude which were not previously raised and ruled upon. *People v. Shearer*, 181 Colo. 237, 508 P.2d 1249 (1973).

Section (c) provides procedural mechanism to attack a conviction which is constitutionally infirm. *People v. Ivery*, 44 Colo. App. 511, 615 P.2d 80 (1980).

The motion is timely pursuant to § 16-5-402

Facts and Procedural History:

1. This case comes before the Court due to three concurrent causes: (1) The serious criminal acts of Ron Murphy, Scott Murphy, Ida (Eve) Murphy and their attorney, Daniel T. Goodwin, in defense of Weld County District Court Case #09CV991, and the default judgment and lien they obtained, by fraud, on the Defendant's home. (2) The extreme bias, prejudice, and outright malice of Weld County District Court Chief Judge James Hartmann, ruling in belligerent defiance of the law and the evidence in Case #09CV991, and (3) The Weld County Justice System, and specifically Ken Buck, Keith Olson, Steve Wrenn, Sarah Bousman, Frederick PD Officers Glotspeich, and Walje, and others', failure to protect the Defendant, his home, and family from the felonious acts of the "victims", in conspiracy to deprive the Defendant of his Constitutional Rights.
2. Provably fraudulent, malicious, and self-contradictory rulings by Weld County District Court Chief Judge James Hartmann, in the mishandling of Weld District Court Civil Case #09CV991 have allowed the "victims" to make a direct attack on the Defendant's family and home via a lien obtained by fraud. Weld county law enforcement would not help the Defendant and his family. The prosecution is in possession of evidence proving the Defendant had made every reasonable attempt to obtain the assistance of law enforcement authorities on numerous occasions prior to ever having contacted the "victims" in this case.
3. The "victims" had provably worked two (2) frauds upon the Weld County District Court in defense of Civil Case #09CV991: the first involved felony perjury by the "victims" attorney, causing an award of attorneys' fees for preparation of an affidavit attached to a Motion for which no fees were awarded. The Second involved felony perjury by attorney Daniel T. Goodwin on behalf of the "victims" (civil Defendants), in which he falsely swore via Motion that the Defendant's (civil Plaintiff's) claim for accrued wages was before the Colorado Division of Labor, while simultaneously, the "victims" had sworn, through numerous emails to the Division of Labor, that the Defendant's accrued wage claim was before the Court
4. The Defendant (civil Plaintiff #09CV991) was, by fraud, stripped of all evidence necessary to prosecute his civil claim, and had refused to comply with the fraudulent subpoena duces tecum, served by an officer of the Court (Goodwin) whom had worked a fraud upon the Court. The "victims" were awarded in excess of \$20,000.00 in attorneys' fees, by fraud, and they immediately perfected a fraudulently obtained lien on the Defendant's (civil Plaintiff's) home.

5. Even if the Defendant's (civil Plaintiff's) accrued wage claim were simultaneously before the Division of Labor, as the "victims" had falsely asserted, Judge James Hartmann stripped the Defendant (civil Plaintiff) of his Due Process rights pursuant to C.R.S. 8-4-110(2), [Formerly C.R.S. 8-4-123] as amended during the 2003 first regular session of the 64th General Assembly, House Bill 03-1206, which clearly provides the following relief:

" **8-4-110. Disputes - penalties.** - C.R.S. 8-4-110(2) - Any person claiming to be aggrieved by violation of any provisions of this article or regulations prescribed pursuant to this article may file suit in any court having jurisdiction over the parties without regard to exhaustion of any administrative remedies."
6. Daniel T. Goodwin, on behalf of the "victims" (civil Defendants) in violation of Colo. RPC 3.3 (a)(4) offered material evidence known to be false. The fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud on the court." Id. at 1338 (citing to Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 64 S.Ct. 997 (1944)).
7. Judge James Hartmann, in a clear manifestation of his extreme bias, prejudice, and malice toward the Defendant (civil Plaintiff), rather than complying with C.R.Civ. P. Discovery Rules, and his obligation to comply with the law per Judicial Canon, then allowed the "victims" (civil Defendants) to "slap" the plaintiff with subpoena duces tecum, seeking deposition and hundreds of pages of largely irrelevant "evidence".
8. The law is clear, and James Hartmann chose to violate C.R.Civ. P. Rules, for no other reason than to victimize the pro-se Plaintiff, and dispense with a case he found, "beneath him".
9. Pursuant to Rule 34, R.C.P. Colo.: A party seeking a subpoena duces tecum requiring production of documents by the other party at a deposition hearing must show good cause for the issuance of such a subpoena, and under such circumstances, C.R.C.P. 45(b), which provides for subpoena for the production of documentary evidence, must be read in conjunction with this rule. Lee v. Missouri P. R. R., 152 Colo. 179, 381 P.2d 35 (1963).
10. No such "good cause" was plead, either before the Court, nor by affidavit. James Hartmann violated the Defendant's (civil Plaintiff's) Due Process Rights, by repeatedly refusing to comply with the Colorado Rules of Civil Procedure and legal precedent.
11. All articles of evidence corroborating the Defendant's above allegations are known to be in the possession of the Weld County District Attorney, the Frederick, CO PD, the Weld County Sheriff, and the Colorado Attorney General. Further, the "Victims" admitted, in sworn testimony April 7, 2011 before Judge James Briggs that they had sworn to both the Court and the DOL that neither had jurisdiction over the Defendant's accrued wage claim because the matter was before the other. The "victims" acts, perpetrated before the Court and the DOL are known to be felonies. The Defendant rightfully believed that multiple felony charges should have been filed against the "victims". The Defendant made every lawful and reasonable attempt to obtain the assistance of law enforcement in this matter, before EVER contacting the "victims".
12. A series of emails sent to Ron Murphy, Scott Murphy, and Ida Murphy in March 2011, after having pursued every reasonable means of lawfully obtaining justice in this matter, the intent and purpose of which was twofold: (1) to attract the attention of law enforcement authorities to effect the incarceration of Ron Murphy, Scott Murphy, and Ida Murphy on charges of

§ 18-5-102. Forgery [F5], § 18-5-114 Offering a false instrument for recording [F5], § 18-8-306 Attempt to influence a public servant [F4], and Wire fraud, 18 U.S.C. § 1343, and other charges as applicable. (2) To cause James Hartmann's void judgment in Case #09CV991 to be vacated, and effect the removal of a spurious lien from the Defendant's home, filed by the "victims" (civil Defendants).

13. These facts are irrefutable: there was fraud; there was fraud on the court; and there was a conspiracy to defraud. This fraud was intentional. The fraud was perpetrated by officers of the court. The judgment obtained by the "victims" in case #09CV991 is void.
14. **Void judgment.** One which has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at any time and at any place directly or collaterally. Reynolds v. Volunteer State Life Ins. Co., Tex.Civ.App., 80 S.W.2d 1087, 1092. One which from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of no legal force and effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree. Judgment is a "void judgment" if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. Klugh v. U.S., D.C.S.C., 610 F.Supp. 892, 901.

[Black's Law Dictionary, Sixth Edition, p. 1574]

15. The Defendant (civil Plaintiff) discovered the fraudulently obtained lien in November 2010, after having been approved to refinance his home, and immediately began USING EVERY REASONABLE AND LAWFUL MEANS to effect the incarceration of Ron Murphy, Scott Murphy, Ida (Eve) Murphy, and their attorney, Daniel T. Goodwin. Evidence of an "endless stream of emails", as so-called by Investigator Keith Olson, begging for help from the Weld County District Attorney, the Weld County Sheriff, and the Frederick, CO PD, all predating the "harassment", is in the possession/custody/control of the prosecution.
16. Law enforcement refused to help the Defendant, despite the irrefutable evidence of crime by the "victims". The Defendant believes law enforcement's lack of compliance with the Defendant's right to Equal Protection served solely to protect the reputation and career of Judge James Hartmann. The Defendant, desperate and in fear of imminent loss of his home, felt there was no other option, other than to contact the "victims" directly. Thus causing the harassment charge.
17. Weld County District Attorney Ken Buck had been in possession of this evidence for over four (4) months before the "Harassment" of the "victims" occurred.
18. On March 10, 2011, Defendant Craig Buckley was charged with, and jailed for a single Class 3 Misdemeanor count of Harassment, under C.R.S. 18-9-111(1)(e). Bond was set at \$10,000.00, believed to be the highest ever in Weld County history for a single Class 3 Misdemeanor count of this type, and in retaliation for the Defendant calling James Hartmann, "corrupt".
19. Defendant was found guilty of "harassment" on September 20, 2012, and had not filed a direct appeal in this case prior to sentencing (November 6, 2012). The Defendant remains in extreme fear of further retaliation by the Judge of this Court (detailed in paragraphs 42 - 48 of this Motion) , and Weld County District Attorney Ken Buck, for having called all parties,

“corrupt” whom, pursuant to Title 18, U.S.C., Section 242, are alleged to have violated the Defendant's right to Equal Protection under the law. Defendant was terrified to exert his legal rights prior to sentencing.

20. Weld County District Attorney Ken Buck, on behalf of himself, Judge James hartmann, and the Judge of this Court, is known to be, “out for blood” (for the Defendant publicly calling them “corrupt”). Two high profile felony prosecutors, including Chief Deputy District Attorney Steve Wrenn, were assigned to prosecute this class 3 Misdemeanor case, seven (7) Weld County Deputy District Attorneys were in attendance at the Defendant's sentencing hearing. The Defendant asserts improper prosecutorial motive for prosecuting this case, and failing to protect the Defendant from the proven criminal acts of the “victims”.
21. But for the alleged retaliatory nature of this prosecution, this matter never should have come before the Court. The Defendant was stripped of his right to a fair trial: to present a meaningful defense, to present witnesses in his favor, to present mitigating evidence, and most importantly, stripped of his right to Equal Protection as guaranteed by the Fourteenth Amendment to the Constitution of the United States. Instead, the Defendant was forced to battle retaliatory prosecution, witness preclusion, perjured testimony, prosecutorial misconduct, and concealed and/or destroyed evidence.
22. This Court quashed the subpoenas of two of the six actors who caused the “harassment” for which the Defendant was charged: Daniel T. Goodwin, and James F. Hartmann. The Defendant was stripped of his right to present a meaningful defense, and even assuming conviction, the Defendant believes the mitigating evidence, but-for the provably unlawful acts of the aforementioned individuals as applicable C.R. Crim.P. 35(b), would have resulted in a significantly reduced sentence, or a significant likelihood of acquittal.
23. The Constitution guarantees a criminal defendant a meaningful opportunity to present a complete defense. Holmes v. South Carolina, 547 U.S. 319, 324 (2006); Krutsinger v. People, 219 P.3d 1054, 1061 (Colo. 2009).

PARTIES:

- I. Weld County Court Judge Michele Meyer**
- II. Colorado Attorney General John Suthers**
- III. Frederick, Colorado Police Officer Steve Walje**
- IV. Weld County District Attorney Ken Buck - Weld County Chief Deputy District Attorney Steve Wrenn - Weld County Deputy District Attorney Sarah Bousman**

VIOLATIONS ALLEGED:

I. Judge Michele Meyer

Violation U.S. Const. amend. XIV Equal Protection Clause - Violation U.S. Const. amend. V Due Process Clause - Violation U.S. Const. amend. VI Compulsory Process Clause - Violation Title 18 USC § 4 Misprision of Felony - Violation of Colorado Code of Judicial Conduct, Rules 1.1(B), 1.2(B), 2.3(A)(B), Violation of Colorado Rules of Professional Conduct Rule 8.3(a),(b).

24. The Defendant reasserts and realleges the statements contained in paragraphs 1 - 23 as if fully set forth herein.
25. The above-captioned case was presided over by Judge Michele Meyer. Judge Meyer was appointed to the County Court bench in September of 2007. She is the Presiding County Court Judge. Prior to her appointment, she was a Chief Deputy District Attorney with the Weld County District Attorney's Office. Judge Meyer was admitted to the Bar 10/25/1999, and maintains an active attorney registration number of #31204. It is believed that she has sworn at least three oaths to uphold the Constitution of the United States during the course of her career.
26. It is known that, at all times relevant to this above-captioned case, Judge Meyer was sworn, pursuant to the standards mandated by the Colorado Code of Judicial Conduct, to comply with and uphold the Constitution of the United States, the Colorado Constitution, all Colorado Revised Statutes, the Colorado Rules of Criminal Procedure, the Colorado Code of Judicial Conduct, and the Colorado Rules of Professional Conduct. Colorado Code of Judicial Conduct mandates (in relevant part) as follows:

Canon 1

A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

Rule 1.1: Compliance with the Law

(A) A judge shall comply with the law,* including the Code of Judicial Conduct.

27. On August 8, 2011 this Court, and Weld County District Attorney Ken Buck, were served with Defendant's Motion to Dismiss (on file with this Court). The Motion was plead on the record by the Defendant August 8, 2011 at a Motions hearing presided over by this Court.
28. Attached to said Motion were fourteen (14) articles of evidence proving the "victims" in this case had committed "serious...criminal conduct" as stated by Judge James Hartmann in his Order Granting (civil) Defendants' Motion to Dismiss, within Weld County District Court Civil Case #09CV991 as referenced in paragraphs #29-30 of the (criminal) Defendant's Motion to Dismiss (on file with this Court).
29. Emails from Ida Murphy to Colorado Division of Labor Compliance officer Juanita Wright: Thursday, May 06, 2010 2:55 PM, Wednesday, May 12, 2010 9:18 AM, Thursday, Wednesday, May 12, 2010 12.13 PM, Wednesday, May 12, 2010 12:39 PM, Thursday, August 05,2010 12:25 PM, as well as the "victims" (civil Defendants') May 7, 2010 Response to Motion for Settlement Conference, were attached as exhibits to the Defendant's Motion to Dismiss. The evidence irrefutably proved that the "victims" (civil Defendants) had either committed felony perjury, attempting to influence a public servant [F4], or both: the "victims" had sworn simultaneously to BOTH the Court and the DOL that NEITHER had jurisdiction over the Defendant's (civil Plaintiff's) accrued wage claim, because the matter was before the OTHER.

30. The prosecution objected to dismissal of this case, and Defendant's Motion to Dismiss was denied by this Court, the Judge stating that she lacked, "jurisdiction" to dismiss the case. The Defendant then stated to the Judge that despite her refusal to dismiss the criminal charges against him, she was still compelled to report the proven criminal activity of the "victims" and their criminally complicit attorney, Daniel T. Goodwin, to the appropriate authorities.
31. The record of this Court will indicate that in response to the Defendant's lawful demand that this judge comply with Colorado Judicial Canon, Colorado Rules of Professional Conduct, and Colorado Statute, Judge Michele Meyer brazenly stated, in willful disregard of the U.S. Constitution, C.R.P.C. Rule 8.3(a), and her oath of office, "I'm not going to do that".
32. Where an attorney in the course of a representation, **or otherwise**, has directly observed conduct which the attorney believes clearly to be in violation of the Rules of Professional Conduct, the attorney has "knowledge" and may be duty-bound to report it to the appropriate authority, regardless of the personal ramifications. See *In re Gopman*, 531 F.2d 262 (5th Cir. 1976) (decided under the Code of Professional Responsibility)
33. Once the duty to report has arisen, the Rules of Professional Conduct mandates its reporting to "the appropriate professional authority." [Rule 8.3(a).] Complaints concerning violations of the Rules of Professional Conduct may be made to the Supreme Court Disciplinary Counsel, which has original jurisdiction in all matters involving disciplinary proceedings against attorneys. [Rule 241 C.R.C.P.]
34. To an unbiased judge, the evidence before this court would irrefutably prove that the "victims", through their own actions, and through their criminally complicit attorney, Daniel T. Goodwin, through fraud and felony perjury, have been the architects of their own "harassment", and had no intention of ever allowing the Defendant's accrued wage claim to be judged on its merits, either before the Court, or through an administrative proceeding. An unbiased judge would consider the evidence before this Court as proof of serious criminal conduct, malice, and consciousness of guilt by the "victims".
35. The Judge of this Court had personal knowledge of the fact that "victims" in this case, Ron Murphy, Scott Murphy, and Ida (Eve) Murphy had sworn simultaneously to both the Court(09CV991) , through their attorney Daniel T. Goodwin, and to the Colorado Division of Labor that neither had jurisdiction over the Defendant's (civil Plaintiff's) accrued wage claim, because the matter was before the other; crimes constituting felony perjury, attempting to influence a public servant, fraud, conspiracy, and theft. The Judge of this Court has refused comply with Rule 8.3(a) of the Colorado Rules of Professional Conduct, and refused to obey the Colorado Code of Judicial Conduct.
36. U.S. Constitution Amendment XIV Section 1, compelled Judge Michele Meyer to obey as follows:

Amendment XIV Section 1

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or

property, without due process of law; **nor deny to any person within its jurisdiction the equal protection of the laws.**”

37. Pursuant to Canon 1 Rule 1.2 of the Colorado Code of Judicial Conduct Comment (5):

[5] Impropriety occurs when the conduct compromises the ability of the judge to carry out judicial responsibilities with integrity, impartiality and competence. Actual improprieties include violations of law, court rules or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge’s honesty, impartiality, temperament, or fitness to serve as a judge.

38. Definition: “Impropriety” includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge’s independence, integrity, or impartiality. See Canon 1 and Rule 1.2.

39. It is believed that the Judge of this Court surrendered jurisdiction over this Court on August 8, 2011, and all orders issued subsequent to that time are void: of no legal force or effect.

40. “Any judge who does not comply with his oath to the Constitution of the United States, wars against that Constitution and engages in violation of the Supreme Law of the Land. If a judge does not fully comply with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he is without jurisdiction, and he/she has engaged in an act or acts of treason.” “U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821)”

41. On August 8, 2011, pursuant to Title 18, U.S.C., Section 242, the Judge of this Court violated the Defendant's Rights, under the 14th Amendment Equal Protection Clause, as compulsory per Canon 1 Rule 1.1(B): the Judge of this Court has not complied with the law.

42. On December 14, 2011, the Judge of this Court, in clear absence of all jurisdiction, falsely incarcerated the defendant for alleged "failure to Appear". Aware that the Defendant's element that he "knowingly" failed to appear was not present, and could not be proven, no additional criminal charges were filed. The judge's actions were solely to harass, intimidate, and inflict financial suffering on the pro-se Defendant, in violation of Colorado Rules of Judicial Conduct 2.3(A), and 2.3(B). The Defendant was present, and willing to appear on December 14, 2011 at 3:30 PM: the date and time he believed he was to appear.

43. Based on statements, December 14, 2011, by the five (5) arresting officers, the Judge of this Court became enraged, and stated that she, “refused to see the Defendant”, and that the Defendant was, “going directly to jail”.

44. According to the Weld County Sheriff's Deputies, the Defendant's hearing date was either December 13, 2011 at 10:30AM, or December 14, 2011, at 3:30 PM, or both, depending on which deputy was asked. At his previous appearance, the Court had changed the hearing date three (3) times in the course of discussion, yet had failed to provide the Defendant with written notification of the agreed upon date/time. Those weld County Sheriff's Deputies' identities, and the alleged or actual date and time of the hearing have remained concealed from the Defendant.

45. The Defendant asserts the Trial Judge acted maliciously, arbitrarily and capriciously, based on personal considerations, rather than law. The Defendant was, in fact, jailed for an offhanded comment he made to his wife in the hallway of the Courthouse, regarding DDA Sarah Bousman's inability to read without moving her lips.
46. At the Court appearance following the Defendant's false FTA arrest, the Judge of this Court admitted that the Defendant's error was inadvertent, stating to the Defendant, "I understand Mr. Buckley, everybody makes mistakes". The Judge of this Court had admitted that the Defendant's December 14, 2011 arrest served no purpose other than to harass and intimidate the Defendant. The Defendant was freed on a \$20,000.00 bond for a single Class 3 Misdemeanor count of "Harassment".
47. The Defendant, a homeowner with stable employment, believes this Court has violated his Eight Amendment Rights under the Excessive Bail Clause.
48. The Judge of this Court has manifested extreme bias and prejudice against the Defendant, stripping him of his Sixth Amendment to a fair trial.
49. The Judge of this Court is known to have full knowledge of the fact that Weld County District Court Chief Judge James Hartmann has, in his possession, all articles of evidence obtained by the Defendant from Colorado Dept. of Labor & Employment Director Ellen Golombek via FedEx on March 30, 2011, irrefutably proving felony perjury and attempting to influence a public servant by the "victims" and their attorney.
50. The Judge of this Court, aware of the so-called "enhanced security detail" present when the Defendant was forced to appear at the Weld County Courthouse, knew that judge James Hartmann had concealed evidence of the "victims'" criminal acts, obtained by the Defendant on March 30, 2011, from CDLE Director Ellen Golombek, and forwarded to, and received April 1, 2011 by Judge James Hartmann. Hartmann chose to report to law enforcement authorities that the Defendant had "harassed and threatened" him, rather than reporting the "victims'" crimes, as was his duty under Judicial Canon and C.R.P.C. Rules. Judge James Hartmann had concealed the criminal acts of the "victims'" attorney, and the Judge of this Court has concealed James Hartmann's acts. The Judge of this Court is known to have violated C.R.P.C. Rule 8.3(b).
51. The Judge of this Court, had stripped the Defendant of his right to present a meaningful defense, mitigating evidence at trial, and right to compel the appearance of witnesses in his favor granting, Attorney General John Suthers' Motion to Quash the subpoena of James Hartmann. The Defendant was not allowed to speak, and the Motion was granted unchallenged. But for the criminal acts of the "victims'", and the extreme bias, prejudice, and outright malice of Weld County District Court Chief Judge James Hartmann in presiding over Case #09CV991, and the subsequent lien on the Defendant's home, obtained by fraud, no such "harassment" of the victims would have occurred. Through outrageous government conduct, Weld County Justice System had chosen to cause the crime of harassment, and then chose to prosecute.
52. The doctrine of "outrageous conduct," sometimes referred to as "outrageous misconduct," was introduced by the Supreme Court. In the course of discussing the entrapment defense, the Court speculated that: "[W]e may some day be presented with a situation in which the

conduct of law enforcement agents is so outrageous that due process principles would absolutely bar the government from invoking judicial process to obtain a conviction" United States v. Russell, 411 U.S. 423, 431-32, 36 L. Ed. 2d 366, 93 S. Ct. 1637, 1643 (1973). The Russell court went on to state that in order to rise to the level of outrageous, the misconduct must be of such a nature that it violates "'fundamental fairness, shocking to the universal sense of justice,' mandated by the Due Process Clause of the Fifth Amendment." Russell, 411 U.S. at 432, 36 L. Ed. 2d 366, 93 S. Ct. at 1643, quoting Kinsella v. United States ex rel. Singleton, 361 U.S. 234, 246, 4 L. Ed. 2d 268, 80 S. Ct. 297, 303 (1960).

53. The Judge of this Court, had further stripped the Defendant of his right to present a meaningful defense, mitigating evidence at trial, and right to compel the appearance of witnesses in his favor. Attorney Daniel T. Goodwin was allowed to plead his Motion to Quash. Again, the Defendant was not allowed to speak. The subpoena was quashed, while the Judge of this Court had full knowledge of the following facts (1) Daniel T. Goodwin had, in equal part with the "victims" caused the "harassment" through commission of felony perjury, having sworn a fraudulent affidavit of attorneys' fees in 09CV991. (2) Daniel T. Goodwin had, in conspiracy with his clients, Ron Murphy, Scott Murphy, and Ida Murphy, conspired to work a fraud upon the Weld County District Court by falsely swearing that the Defendant's (civil plaintiff's) accrued wage claim was before the Colorado Division of Labor, despite having made numerous judicial admissions throughout the preliminary pleadings in #09CV991 that the matter of accrued wages was, in fact, within the jurisdiction of the Court. The Judge of this Court is believed to have violated C.R.P.C. Rule 8.3(a).
54. The "victims", in their defense of Civil case #09CV991, have worked a fraud upon the Court, and have been allowed to conceal their crimes, and directly attack the Defendant's freedom, family and home.
55. Fraud on the court, which must be proven by clear and convincing evidence, occurs where "a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense." Cox, 706 So.2d at 46 (quoting Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118 (1 st Cir. 1989)).
56. The "victims" through their criminally complicit attorney had stripped the Defendant (civil Plaintiff), by fraud, of all evidence necessary to prosecute his civil case, obtained, by fraud, a default judgment, and had, by fraud, filed a judgment lien on the Defendant's (civil Plaintiff's) home. All evidence of the Defendant's proven allegations is known to be in the possession of the Court, and Weld County District Attorney Ken Buck.
57. This Court refused to consider mitigation information or make findings, and the prosecution had concealed any mitigating factor which would have potentially been cause for a lesser sentence: specifically, the criminal acts of the "victims", their criminally complicit attorney, Daniel T. Goodwin, and the bias, prejudice, and outright malice of Judge James Hartmann presiding over Case 09CV991. The Defendant knows this to be a calculated act by this Judge serving only the purpose of protecting the reputation and career of James Hartmann.
58. At the sentencing hearing, November 6, 2012, this Court refused to admit any wrongdoing by the "victims" which would have immediately caused the Judge of this Court to be implicated in the concealment of the "victims" crimes, since her receipt of irrefutable evidence

contained in the Defendant's Motion to Dismiss, August 8, 2011, and false arrest of the Defendant on December 14, 2011.

59. Admission of wrongdoing by the "victims", despite Judge James Hartmann's Order dismissing the Civil case with prejudice, and Hartmann's now proven admissions of, "serious... criminal conduct" contained therein, also implicate Judge Hartmann in the concealment of said evidence since it came into his possession April 1, 2011 through CDLE Director Ellen Golombek's disclosures on March 30, 2011. No acknowledgment of said evidence was made, and no lesser sentence, based on the mitigating evidence of significant provocation by the "victims", was imposed on the Defendant.
60. Imposition of sentence requires judicial discretion. The imposition of a criminal sentence in each individual case requires the exercise of judicial judgment, and it includes consideration of **mitigating** and aggravating circumstances, the power to impose an indeterminate sentence, and the right to suspend sentence, or the discretion to grant probation in appropriate cases. *People v. Jenkins*, 180 Colo. 35, 501 P.2d 742 (1972).
61. The Judge of this Court is known to be aiding and abetting the concealment of Judge James Hartmann's involvement in the "victims'" multiple felonies committed in their fraudulent defense of civil court case 09CV991. The Judge of this Court is known to have surrendered jurisdiction over the Defendant August 8, 2011, and acted in a manner inconsistent with Due Process.
62. Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A.; U.S.C.A. Const Amend. 5. *Klugh v. U.S.*, 620 F. Supp. 892 (D.S.C. 1985).
63. We have considered the effect of a void judgment on numerous occasions and have consistently held that a Judgment entered where a jurisdictional defects exist is a nullity. See, e.g., *People v. Dillon*, 655 P.2d 841 (Colo. 1982)
64. Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."
65. The Defendant further asserts, for fraud, conspiracy under Title 18, U.S.C., Section 241, violation of the Defendant's rights under the Fourteenth Amendment Equal Protection Clause of the U.S. Constitution, and as a trespasser on the Court, every ruling/order/judgment presided over by Weld County Court Judge Michele Meyer since August 8, 2011 is void: of no force or effect.
66. The federal laws covering judges and other public officials are to be found at 5 U.S.C. 3331, 28 U.S.C. 543, and 5 U.S.C. 1983. States typically have similar laws. A judge trespasses upon the court unless he complies with **ALL** of the provisions of relevant law. Once a proven

trespasser upon the court (upon the law) not one of his judgments, pronouncements or orders have validity. All constitute nullities and have void status.

67. Court has right and duty to set aside void sentence at any time. *People v. Emig*, 177 Colo. 174, 493 P.2d 368 (1972).
68. Further, based on the “victims' proven pattern of malicious conduct against the Defendant and his family spanning four (4) years, the Defendant believes the “victims” will seek substantial restitution, for the sole purpose of inflicting additional suffering on the Defendant and his family. The Defendant believes this Court lacks jurisdiction to grant restitution, where an order/judgment is based on a void order/judgment, *Austin v. Smith*, 312 F 2d 337, 343(1962); *English v. English*, 72 Ill. App. 3d 736, 393 N.E. 2d 18 (1st Dist. 1979).

II. Colorado Attorney General John Suthers

Violation U.S. Const. amend. XIV Equal Protection Clause - Violation U.S. Const. amend. V Due Process Clause - Violation U.S. Const. amend. VI Compulsory Process Clause - Violation Title 18 USC § 4 Misprision of Felony -- Obstruction of Justice Pursuant to C.R.S. 18-8-105 - Violation of Colorado Rules of Professional Conduct, Rule 3.3.(a)(3) - Rule 3.3.(b) – Rule 3.4(b)- Rule 3.8(d) – Rule 4.1(b) - Rule 8.3(a),(b) - Rule 8.4(a),(c),(d),(f),(h).

69. The Defendant reasserts and realleges the statements contained in paragraphs 1 - 68 as if fully set forth herein.
70. Through Matthew D. Grove, Assistant Attorney General, in violation of Colo. RPC 8.4(a), (c), (d), (f), and the Defendant's Fifth, Sixth, and Fourteenth Amendment Rights Attorney General John Suthers knowingly and willfully obstructed justice concealing mitigating evidence and testimony, by causing the subpoena of witness Weld County District Court Chief Judge James Hartmann to be quashed via Motion, dated September 17, 2012. James Hartmann is known to be in possession of, and is actively concealing evidence proving the “victims” in this case had committed multiple felonies in their defense of Weld County District Court case #09CV991.
71. James Hartmann's involvement in this matter does not pertain to his judicial capacity, or any Court order or ruling obtainable from the record of the Court, but pertains specifically to Judge Hartmann's unlawful actions in his individual capacity in the concealment of after acquired evidence implicating the “victims” in this above captioned case in the commission of multiple felonies, following his void judgment in Case #09CV991.
72. Attorney General John Suthers is known to have been in possession of all evidence proving § 18-5-102. Forgery [F5], § 18-5-114 Offering a false instrument for recording [F5], § 18-8-306 Attempt to influence a public servant [F4], and Wire fraud, 18 U.S.C. § 1343, and other charges as applicable by Ron Murphy, Scott Murphy, and Ida Murphy, and Daniel T. Goodwin.
73. Attorney General John Suthers, having access to the public record, knew and was under a professional duty to know, (a) of James Hartmann's involvement/concealment of the “victims” criminal acts, and (b) the relevance of Judge Hartmann's testimony in the acquittal, or sentence mitigation of the Defendant in this above captioned case.

74. Obstruction of Justice by Attorney General John Suthers, Pursuant to C.R.S. 18-8-105(1)(e) [F5]. As follows:
- (1) A person is an accessory to crime if, with intent to hinder, delay, or prevent the discovery, detection, apprehension, prosecution, conviction, or punishment of another for the commission of a crime, he renders assistance to such person.
- (e) Conceal, destroy, or alter any physical or testimonial evidence that might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person.
75. This section gives fair warning of the conduct forbidden. Men of common intelligence can readily comprehend the statute's meaning and application. *People v. Young*, 192 Colo. 65, 555 P.2d 1160 (1976).
76. But conviction of principal is not condition precedent. Under this article, being an accessory after the fact is a statutory offense, and a person may be convicted thereof although the principal had not been formally charged with, or convicted of the crime. *Howard v. People*, 97 Colo. 550, 51 P.2d 594 (1935).
77. The Defendant (civil Plaintiff) had refused to comply with subpoena duces tecum served by an officer of the Court (Goodwin) in case #09CV991, whom had worked a fraud upon the Court. Judge James Hartmann's judicial admission through his July 22, 2010 Order Granting Defendants' Motion to Dismiss With Prejudice is as follows:
- “He has also repeatedly made serious, unsubstantiated accusations of criminal conduct against Defendants and defense counsel.”
78. Hartmann had admitted, although unsubstantiated at the time of the Order, the following: (a) the Plaintiff's allegations were, “serious”. (b) The Plaintiff's allegations were of a, “serious criminal” nature.
79. The relevant standard for knowledge in regard to the accessory statute is whether defendant knew the principal had committed a crime. *People v. Young*, 192 Colo. 65, 555 P.2d 1160 (1976).
80. Allegations of ,”serious...criminal conduct”, among the reasons (See paragraph #81) the Defendant (civil Plaintiff) refused to submit to subpoena duces tecum from Daniel T. Goodwin (#09CV991), and the means by which the “victims” and their criminally complicit attorney, Daniel T. Goodwin were able to attack the Defendant, his family, and his home, via fraudulent lien, were wholly substantiated by evidentiary materials obtained from Colorado Dept. of Labor & Employment Director Ellen Golombek, via FedEx, on March 31, 2011. Evidence that the “victims' had sworn simultaneously to both the DOL, and the Court that neither had jurisdiction over the Defendant's accrued wage claim, because the matter was before the other, was immediately forwarded to the Weld County District Attorney, Judge James Hartmann, Attorney General John Suthers, the Weld County Sheriff's Office, the Frederick, CO PD, and the FBI. Judge James Hartmann, rather than complying with the law, chose to report to law enforcement that the Defendant had, “harassed and threatened” him.
81. Judge James Hartmann had no lawful right to allow the “victims” (civil Defendants) to “slap” the Defendant (civil Plaintiff) with subpoena duces tecum, rather than complying with

C.R.C.P. Discovery Rules. No ruling on “good cause” had been proffered. A party seeking a "subpoena duces tecum" requiring production of documents by the other party must show good cause for the issuance of such a subpoena. *Lee v. Missouri P. R. R.* 152 Colo. 179, 381 P.2d 35 (1963). No ruling of “good cause” exists on the record of the Court.

82. Colorado Bar Association Formal Ethics Opinion #86, Revised January 17, 1998, confirms it is Judge James Hartmann's knowing violation of the requirements in the Rules of Civil Procedure that is unethical. See Colo. RPC 3.4, Comment [1] (evidence in a case is to be marshaled fairly, even if competitively, by the contending parties); 3.4(c) (knowing disobedience of rules of tribunal); 4.1 (misrepresentation); 4.3 (dealings with unrepresented persons); 4.4 (respect for rights of third persons); and 8.4(c) (lawyers shall not engage in dishonesty, fraud, deceit or misrepresentation). See also Kentucky Bar Association, Ethics Opinion E-304 (1985 as amended) (an attempt to circumvent the Civil Rules as written or customarily applied in the particular forum, with a view to dispensing with notice to an opponent or securing some unfair advantage, is unethical);
83. Of Attorney General John Suthers' conduct: This section requires only that a defendant obstruct anyone in the performance of any act which might aid in detection of the principal; this section does not require that the act be successful. *People v. Preciado-Flores*, 66 P.3d 155 (Colo. App. 2002).
84. Attorney General John Suthers continues, with malice and intent, to knowingly conceal James Hartmann's involvement in this criminal matter, and continues to inflict incomprehensible financial and emotional suffering on the Defendant and his family.

III. Frederick, Colorado Police Officer Steve Walje

Violation U.S. Const. amend. XIV Equal Protection Clause - Violation U.S. Const. amend. V Due Process Clause - Violation Title 18 USC § 4 Misprision of Felony - False Swearing Perjury in the second degree Pursuant to C.R.S.18-8-503 - Obstruction of Justice Pursuant to C.R.S. 18-8-105

85. The Defendant reasserts and realleges the statements contained in paragraphs 1 – 84 as if fully set forth herein.
86. In identical manner to Fort Collins Police Lt. Jim Broderick in the Tim Masters case, relevant to this C.R.Crim.P. Rule 35(c) Motion, **as well as to any relief available to the Defendant under C.R.Crim.P. Rule 35(b)**, Frederick, CO PD Officer Steve Walje has committed felony perjury through his falsified sworn affidavit in support of arrest warrant, alleged to have been sworn on March 10, 2011 (on file with this Court).
87. Officer Walje's known-perjured affidavit (on file with this Court) states as follows:

“Background: Defendant had previously lost a civil libel suit brought about by victim business Dream Stone Inc. As a result, Dream Stone, Inc. has an active lien against the Defendant's residence (Reference case: Weld County Court: 2009CV991; Also related, Boulder County Court: 2009CV138).”
88. Officer Walje's sworn statement as contained in his affidavit in support of arrest warrant is perjured. To make a valid oath, for the falsity of which perjury will lie, there must be in some form, in the presence of an officer authorized to administer it, an unequivocal and present act

by which the affiant consciously takes upon himself the obligation of an oath. *Rogers v. People*, 161 Colo. 317, 422 P.2d 377 (1966).

89. Officer Walje, through his falsified affidavit, seeks to portray Ron Murphy, Scott Murphy, and Ida (Eve) Murphy as: (a) innocent victims of a crime, (b) whom had filed a legitimate lawsuit for libel against the Defendant in which they were the Plaintiffs, (c) and whom had won that lawsuit, (d) and therefore had a legitimate, and lawful right to collect their award, (e) through the lawful means of encumbering the Defendant's home with a lien.
90. The Defendant was granted access to this article of “evidence” for the first time on November 6, 2012, at his sentencing hearing, attached to the PSI report. This affidavit had remained concealed from the Defendant by the Prosecution for a period of 1 year, 7 months, and 22 days (607 days), if in fact it actually existed then. The Defendant reasonably believes this document to be a forgery; manufactured and backdated hundreds of days after the Defendant's arrest. The Defendant was not arrested on an affidavit, nor are affidavits typically used for arrest on misdemeanor charges. Further, the forged document contains no bond amount, nor a signature by a judge authorizing arrest.
91. The Defendant was presented, on the record and for the first time, with this forged affidavit at his Sentencing Hearing on November 6, 2012 as an addendum to Probation Officer Erin Austin's Pre-sentencing Investigative report.
92. The Defendant objected, citing *People v. Wright*, 672 P.2d 518 (Colo.1983). The sentencing report was issued to the Defendant immediately prior to sentencing, the trial court refused to continue the sentencing hearing, the trial court unduly abridged the Defendant's right to present evidence in rebuttal to the information and recommendations contained in the PSI report.
93. The Defendant was unprepared to rebut new, falsified evidence. The Judge of this Court denied a continuance. The actual circumstances of this case provide significant mitigating evidence, of serious criminal conduct by the “victims”. There was no lien obtained by the “victims” as the result of a legitimate judgment in any libel suit brought, and won, by the “victims”. The fraudulently obtained lien, and “harassment” occurred as a result of a lawsuit brought by the DEFENDANT, not the “victims”, in which the “victims” committed felony perjury to strip the Defendant (civil Plaintiff) of all evidence relevant to prosecute his case, and the “victims” were awarded default judgment because the Defendant (civil Plaintiff) refused to submit to subpoena duces tecum issued in violation of *Lee v. Missouri P. R. R.* 152 Colo. 179, 381 P.2d 35 (1963). Officer Steve Walje's affidavit was wholly perjured.
94. Probation Officer Erin Austin's PSI report (on file with this Court) relied verbatim on Officer Steve Walje perjured affidavit in which Ron Murphy, Scott Murphy, and Ida (Eve) Murphy were portrayed as innocent victims whom had legitimately filed and won a civil lawsuit, and were being “harassed” without justification, or provocation.
95. The evidence before this Court, and in the possession of Judge James Hartmann, Weld County District Attorney Ken Buck, and Attorney General John Suthers proves otherwise: (a) the Defendant sued the “victims” in Weld County District Court, (b) Judge James Hartmann admitted the accrued wage claim was within the jurisdiction of the Court, (c) the “victims”, through their criminally complicit attorney Daniel T. Goodwin admitted the accrued wage claim was within the jurisdiction of the Court, (d) the Defendant (civil

Plaintiff) filed a report with the DOL, seeking only criminal charges, and fines payable to the DOL (on file with this Court), and clearly stipulated, in the first line of said report, that his claim for accrued wages was before the Court, Case #09CV991, (e) the “victims” then lied to the Court, stating the claim for accrued wages was before the DOL, while simultaneously swearing to the DOL the matter was before the Court, (f) the Defendant (civil Plaintiff) was stripped of all evidence necessary to prosecute his case in Weld County Court, (g) the Defendant (civil Plaintiff) refused to submit to deposition by an officer of the Court (Goodwin) whom had worked a fraud upon the Court, (h) the “victims” were awarded default judgment and attorney's fees, (I) the “victims” immediately filed a fraudulently obtained lien on the Defendant's home.

96. The facts stated in paragraph #95 of this Motion were known by the Frederick, Colorado Police at the time Officer Steve Walje swore his forged affidavit.
97. All evidence of crimes by the “victims” referenced throughout this Motion, and corroborated by evidence known to be in the possession of this Court and the prosecution, was concealed from the Probation Officer conducting the PSI report by Weld County District Attorney Ken Buck, Chief Deputy District Attorney Steve Wrenn, and Weld County DDA Sarah Bousman.
98. At issue is the following excerpt from the Defendant's email, titled DEMAND FOR RELEASE OF LIEN, sent Thursday, March 03, 2011 7:17 PM:
- “This is a demand for release of lien.** You have obtained a lien, encumbering my property at 2345 Gay St., by fraud. You have violated my Due Process rights to prosecute my Weld County District Court case (2009CV991) by obstructing my access to evidence.
- You have sworn and managed to convince the Weld County District Court that my earned/accrued wage claim was before the Colorado Division of Labor, and therefore the Court had no jurisdiction.
- You simultaneously, have sworn and managed to convince the Colorado Division of Labor that my earned/accrued wage claim was before the Weld County District Court, and therefore the DOL had no jurisdiction.”
99. Officer Steve Walje knowingly and maliciously falsified his affidavit, serving no legitimate or lawful purpose. Officer Steve Walje knowingly, willfully, and maliciously violated the Defendant's rights under the U.S. Const. amend. XIV Equal Protection Clause.
100. The Defendant asserts that this deprivation of rights constitutes a longstanding pattern and practice by the Frederick Police Department of protecting privileged individuals, to the detriment of those outside of Weld County, and of a lower socioeconomic class.
101. Rule allows court to reconsider, in interests of justice, the sentence previously imposed, in the light of all relevant and material factors in the particular case which may or may not have been initially considered by the court and, in its sound discretion, to resentence the defendant to a lesser term within the statutory limits. *People v. Smith*, 189 Colo. 50, 536 P.2d 820 (1975); *People v. Malacara*, 199 Colo. 243, 606 P.2d 1300 (1980).

102. Section (b) of this rule does not limit the evidence the trial court may consider. Ghrist v. People, 897 P.2d 809 (Colo. 1995).
103. And is trial court's duty to consider all relevant and material factors, including new evidence, as well as facts known at the time the original sentence was pronounced. Spann v. People, 193 Colo. 53, 561 P.2d 1268 (1977); People v. Culbertson, 198 Colo. 153, 596 P.2d 1200 (1979); People v. Ellis, 873 P.2d 22 (Colo. App. 1993).
104. Personal whim, hostility, or prejudice must not be basis for trial court's decision. People v. Culbertson, 198 Colo. 153, 596 P.2d 1200 (1979).
105. In violation of the Defendant's Due Process Rights, Weld County District Attorney Ken Buck, Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have suborned Frederick, Colorado Police Officer Steve Walje's felony perjury to obstruct the presentation of mitigating evidence at sentencing, and fraudulently influence the PSI investigator's report.
106. Further, Sgt. Greg Glotspiech had issued a KNOWN-FORGED police report, March 7, 2011 in which he fraudulently asserts that the Defendant had "threatened" Judge James Hartmann. No such evidence exists.

IV. Weld County District Attorney Ken Buck - Weld County Chief Deputy District Attorney Steve Wrenn - Weld County Deputy District Attorney Sarah Bousman

Violation U.S. Const. amend. XIV Equal Protection Clause - Violation U.S. Const. amend. V Due Process Clause - Violation U.S. Const. amend. VI Compulsory Process Clause - Violation Title 18 USC § 4 Misprision of Felony – Witness Tampering - Perjury in the first degree Pursuant to C.R.S.18-8-502 - Obstruction of Justice Pursuant to C.R.S. 18-8-105 - Violation of Colorado Rules of Professional Conduct, Rule 3.3.(a)(3) - Rule 3.3.(b) – Rule 3.4(a),(b),(c),(d),(e) - Rule 3.8(d) – Rule 4.1(b) - Rule 8.3(a),(b) - Rule 8.4(a),(c),(d),(f),(h).

107. The Defendant reasserts and realleges the statements contained in paragraphs 1 – 106 as if fully set forth herein.
108. Kenneth R. Buck took the oath of admission and was admitted to the bar of the Colorado Supreme Court 01/13/1994. He is registered upon the official records under attorney registration number 23717 and is therefore subject to the jurisdiction of the Court pursuant to C.R.C.P. 251.1. Mr. Buck currently serves as the District Attorney for the County of Weld, State of Colorado.
109. On December 14, 2001 , Ken Buck was formally reprimanded by his supervisor, the US Attorney for Colorado, John Suthers for, “ reckless disregard of your obligation under Rule 1.6, Colorado Rules of Professional Responsibility”
110. Weld County District Attorney Ken Buck was successfully sued by the American Civil Liberties Union in 2009, and Weld County was ordered to pay \$295,000.00 for Mr. Buck's unconstitutional acts.
111. Weld County District Attorney Ken Buck was successfully sued, by the American Civil Liberties Union, and settled on December 13, 2011 for \$425,000.00 in the Howling Pig/"Junius Puke" case which involved unconstitutional acts by Mr. Ken Buck.

112. Mr. Ken Buck has a proven history, and has exhibited a proven pattern of ethics, and civil rights violations spanning his career, including failure to protect a rape victim, and accepting campaign contributions from a known arms dealer. The Defendant believes there may be significant other incidences which presently remain undetected by administrative, and/or law enforcement agencies.
113. Defendant Craig Buckley, however, is a 51 year old Longmont resident with no prior history of harassment.
114. Steven D. Wrenn took the oath of admission and was admitted to the bar of the Colorado Supreme Court 05/06/2004. He is registered upon the official records under attorney registration number 35411 and is therefore subject to the jurisdiction of the Court pursuant to C.R.C.P. 251.1. Mr. Wrenn currently serves as the Chief Deputy District Attorney for the County of Weld, State of Colorado. Steven D. Wrenn was the lead prosecutor on this case, #11M578.
115. Sarah J. Bousman took the oath of admission and was admitted to the bar of the Colorado Supreme Court 10/25/2010. She is registered upon the official records under attorney registration number 42505 and is therefore subject to the jurisdiction of the Court pursuant to C.R.C.P. 251.1. Ms. Bousman currently serves as a Deputy District Attorney for the County of Weld, State of Colorado. Sarah J. Bousman was the second chair prosecutor on this case, #11M578.
116. Upon admission to the Bar, all parties referenced in paragraphs 97, 103, 104 of this pleading are known to have sworn the following oath:
- I DO SOLEMNLY SWEAR by the Everliving God (OR AFFIRM) that:
- I will support the Constitution of the United States and the Constitution of the State of Colorado; I will maintain the respect due to Courts and judicial officers; I will employ only such means as are consistent with truth and honor; I will treat all persons whom I encounter through my practice of law with fairness, courtesy, respect and honesty; I will use my knowledge of the law for the betterment of society and the improvement of the legal system; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed; I will at all times faithfully and diligently adhere to the Colorado Rules of Professional Conduct.
117. Upon election/hire in their present capacities as advocates for the People of the State of Colorado, all parties referenced in paragraphs 108, 114, 115 of this pleading are known to have sworn, pursuant to C.R.S. 20-1-101, an additional oath of office, vowing to uphold the Constitution of the United States.
118. Admission to the Colorado bar obligates attorneys to adhere to high moral and ethical standards. "Truthfulness, honesty, and candor are core values of the legal profession. Lawyers serve our system of justice as officers of the court, and if lawyers are dishonest, then there is a perception that the system must also be dishonest." *DeRose*, 55 P.3d at 131 (citing *In re Pautler*, 47 P.3d 1175, 1178-79 (Colo. 2002)).

119. Knowledge of staff imputed to district attorney. Knowledge of the chief deputy and of the chief investigator for the district attorney is knowledge to the entire office and the district attorney will be charged with that knowledge. *DeLuzio v. People*, 177 Colo. 389, 494 P.2d 589 (1972).
120. Through evidence known to be in the possession of the Weld County District Attorney, Weld DA Ken Buck is known to have been aware of, and is known to have concealed the criminal acts of the “victims” since November, 2010, predating the Defendant's “harassment” of the “victims” by approximately 120 days.
121. Following the Defendants March 10, 2011 arrest, the Defendant met personally with Weld County District Attorney Ken Buck, on March 21, 2011. The Defendant's wife, Pamela Reynolds, Weld County Chief Investigator Keith Olson, and Investigator Ed Jordan were in attendance. Of the spurious lien on the Defendant's home, Weld County District Attorney Ken Buck stated as follows:
- “ You need to lose my email address, and lose my phone number. You need to just get over it and move on with your life. There is nobody in this office who will help you.”
122. The Defendant met personally with Weld County District Attorney Ken Buck, April 7, 2011. In attendance was Longmont City Councilman, Brian Bagley. The Defendant had just left a restraining order hearing, presided over by Judge John Briggs, in which “victims” Ron Murphy, and Scott Murphy admitted, in sworn testimony before the Court, that they had sworn simultaneously to both the Weld County District Court, and the Colorado Division of Labor that neither had jurisdiction over the Defendant's (civil Plaintiff's) accrued wage claim, because the matter was before the other. Weld County District Attorney Ken Buck's response was as follows:
- “I don't care. That's not my problem.”
123. The Defendant subpoenaed Mr. Ken Buck to appear as a witness, proving deprivation of rights as mitigating evidence in this case. On August 8, 2011, at a Motions hearing before this Court, Weld County DDA Sarah Bousman knowingly committed perjury in the first degree, swearing falsely to this Court, “Mr. Buck has no personal knowledge of this case. His involvement is limited to receiving carbon copies of a few emails only”. The subpoena was quashed by the Judge of this Court. Weld County DA Ken Buck had violated the Defendant's right to Equal Protection, and DDA Sarah Bousman had concealed his crime.
124. Weld County District Attorney Ken Buck ,Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have knowingly concealed all evidence of all aforementioned criminal acts by the “victims” in this case, and concealed Ken Buck' deprivation of the Defendant's Equal Protection Rights.
125. Weld County District Attorney Ken Buck ,Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have knowingly allowed jury tampering by Ida Murphy. Mrs. Murphy was released from her subpoena, September 20, 2012, and was allowed to “roam the halls” of the Courthouse, tampering with the jury through a series of phone calls, feigned or actual, performed for, and overheard by the jurors, in which she was allowed to testify before the jury off the record. Ida Murphy's actions were caught by the Clerk of the Court, on the afternoon of September

20, 2012, as well as by the Defendant's wife, at approximately 8:45 AM. Ida Murphy had “testified” regarding so-called four years of hardship and suffering inflicted on her and her family by the Defendant. Lawfully, mistrial should have been declared by the Judge of this Court when the jury tampering was brought to the Court's attention: it was not.

126. The “victims” in this case were sued in Weld County District Court for, among other causes of action, accrued wages. The “victims” through four (4) years of falsified allegations before three Courts, the Colorado Division of Labor, the FBI, and other administrative/law enforcement agencies, had stated that the Defendant had worked for them on two separate occasions, and was hired as a “brand new employee” the second time, and was therefore ineligible for his accrued wages, because he had not worked for a full year. The Defendant demanded his accrued wages in writing in October 2008 (document in the possession of the Prosecution). The Defendant's time cards became “at issue” at that time.
127. Relevant to this case as mitigating evidence proving theft and substantial provocation by the “victims”, the Defendant, on two occasions, subpoenaed his Dream Stone, Inc. time cards for the disputed time period, December 2007. Deputy District Attorney Sarah Bousman first sought to have them concealed citing *Sykstra*.
128. It is known that the prosecution had downloaded the evidence contained at: www.corruptkenbuck.com/concealment1.html regarding the Prosecution's concealment of mitigating evidence. The Prosecution then is known to have unlawfully switched strategies, by allowing “victim” Ida Murphy to perjurally swear to the Court that the time cards had been “destroyed”.
129. On the Defendant's second attempt to subpoena the time cards, following the “reset” of the trial, due to the Defendant having been arrested for alleged Failure to Appear, “victim” Ida Murphy was allowed, through known subornation of perjury by Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman, to testify before this Court that the time cards had been “destroyed”, stating that she was only required to retain them for two years.
130. If the time cards had actually been “destroyed” prior to the Defendant's first attempt to subpoena them, that should have been brought to the Defendant's attention, prior to being forced, at considerable expense, to issue another subpoena for evidence which the prosecution now asserts does not exist. Had DDA Sarah Bousman not feloniously manufactured this “new story” regarding the “destruction of the Defendant's time cards *after* the first Motion to Quash, the original motion would not have been filed in the first place.
131. Weld County District Attorney Ken Buck, Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman knew that the Defendant's time cards would prove felony perjury, and attempting to influence a public servant by the “victims” and their criminally complicit attorney, Daniel T. Goodwin, and knowingly concealed them.
132. The prosecution is known to be in possession of two forged documents submitted to the Colorado Dept. of Labor by attorney Daniel Goodwin, on behalf of the “victims”, in which they fraudulently assert that the Defendant “quit his job” for a week, and was rehired as a “brand new employee”, and was supposedly not entitled to his accrued wages. The “victims” fraudulent allegations are wholly disproved by the Defendant's paycheck stubs,

known to be in the possession of, and concealed by, the prosecution. The prosecution was given every reasonable opportunity to incarcerate the “victims”, Ron Murphy, Scott Murphy, Ida (Eve) Murphy, and their criminally complicit attorney, Daniel T. Goodwin, on felony charges of theft, perjury, conspiracy, fraud, and attempting to influence a public servant, before the so-called “harassment” occurred.

133. The Defendant subpoenaed his relevant time cards Weld County District Attorney Ken Buck, Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have aided and abetted Ida E. Murphy in the alleged destruction, and/or concealment of the Defendant's Dream Stone, Inc. time cards.

134. Weld County District Attorney Ken Buck, Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have knowingly suborned Ida E. Murphy's felony perjury, September 19, 2012 allowing Ida Murphy to testify perjurally in response to juror question (on file with this Court) as to whether it would have been possible for the Defendant to have worked a full 40 hours, and still quit for a week. Ida Murphy's response was as follows:

“Yes, It's our busy season. Many of our employees work 80 hours a week.”

135. Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman knew, at the time Ida Murphy, made that sworn statement, that it was perjured. The prosecution is known to be in possession of every paycheck stub, indicating dates and hours worked, for the Defendant's entire term of employment, July 2006 through September 2008, indicating in excess of 40 hours per week, every week, for any time period which the “victims” wish to perjurally dispute. No instance of the Defendant ever working 80 hours was present in over two years, yet now that the Defendant's time cards have been conveniently “destroyed”, the prosecution knowingly manufactured falsified testimony that would wrongfully serve to obtain a conviction.

136. Weld County District Attorney Ken Buck, Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have knowingly obstructed the Defendant's right (under *Brady*) to compel the exculpatory, and/or mitigating testimony of witnesses Ken Buck, James Hartmann, and Daniel T. Goodwin, knowing that all have, either by malice or negligence, in significant part caused and/or exacerbated the events leading up to the “harassment” for which the Defendant was convicted.

137. Weld County District Attorney Ken Buck, Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have knowingly concealed all evidence in Weld County District Court Case #09CV991, and all after-acquired evidence proving significant provocation of the Defendant, by the “victims”, in which they attacked the Defendant's family and home, nearly forcing them into foreclosure, through filing of a fraudulently obtained lien on their home.

138. It is the Defendant's continued assertion that but-for the negligence and malice of those government actors, sworn to uphold the Constitution, and protect the rights of *all* People of the State of Colorado, no “harassment of the “victims” would have occurred.

139. Weld County District Attorney Ken Buck ,Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have knowingly suborned Frederick, Colorado Police Officer Steve Walje's felony perjury to influence the PSI investigator's report, knowing that the Officer's allegations, as referenced in paragraphs 85 – 106 of this motion, were perjured.
140. Weld County District Attorney Ken Buck ,Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have knowingly concealed Judge James Hartmann's involvement in the deprivation of the Defendant's (civil Plaintiff's) Due Process Rights, which allowed the “victims” to make a direct attack (lien) on the Defendant's family and home.
141. Weld County District Attorney Ken Buck ,Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have knowingly suborned Scott R. Murphy's felony perjury, September 19, 2012 in which in response to the following question by the Defendant, “On April 7, 2011 did you testify that you had sworn to both the Colorado Division of Labor, and the Weld County District Court that neither had jurisdiction over my accrued wage claim, because the matter was before the other?” “victim Scott Murphy responded, “NO.”
142. Weld County District Attorney Ken Buck ,Weld County Chief Deputy District Attorney Steve Wrenn, and Weld County Deputy District Attorney Sarah Bousman have knowingly suborned Frederick, Colorado Police Sgt. Gregg Glotspiech falsified report that the defendant had “threatened” Judge James Hartmann, serving no other purpose than concealing Judge James Hartmann's involvement in crime.
143. Weld County District Attorney's Office Chief Investigator Keith Olson had knowingly manufactured a falsified investigative report, stating that the Defendant had “harassed and threatened” Judge Hartmann, the sole purpose of which was to conceal Judge James Hartmann's involvement in the criminal acts perpetrated by the “victims” (civil Defendants) in their defense of Weld County District Court Case #09CV991.
144. The duty of a public prosecutor is to "seek justice." American Bar Association Standards for Criminal Justice, 2d Ed. Vol. I, 3-1.1(c). Ethical Consideration 7-13 likewise provides that:
“The responsibility of a public prosecutor differs from that of the usual advocate; his duty is to seek justice, not merely to convict. This special duty exists because: (1) the prosecutor represents the sovereign and therefore should use restraint in the discretionary exercise of the governmental powers.”
145. Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation).
146. Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).
147. Prosecution's Conduct Pursuant to C.R.S. 18-8-105(1)(e) [F5]. As follows:

A person is an accessory to crime if, with intent to hinder, delay, or prevent the discovery, detection, apprehension, prosecution, conviction, or punishment of another for the commission of a crime, he renders assistance to such person.

(e) Conceal, destroy, or alter any physical or testimonial evidence that might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person.

148. This section gives fair warning of the conduct forbidden. Men of common intelligence can readily comprehend the statute's meaning and application. *People v. Young*, 192 Colo. 65, 555 P.2d 1160 (1976).

CONCLUSION

It is this Court's, and the Prosecution's proven stance that the “victims” in this case, Ron Murphy, Scott Murphy, and Ida (Eve) Murphy will be allowed to commit any criminal offense they see fit with absolute impunity, so long as it serves to conceal Judge James Hartmann's, Ken Buck's, and others' involvement in crime.

It is proven, by evidence both genuine and by that which has been falsified, concealed, obstructed, or destroyed by the Weld County Justice System: to the detriment of the Defendant and the People of the State of Colorado, the reputation and career of Judge James Hartmann will be protected by any means necessary, lawful or unlawful.

The Frederick Police have proven that wealthy business owners, who contribute significantly to the tax base, are entitled to equal protection under the law which is inherently, “more equal” than that afforded others of a lower socioeconomic class. This Court, and the Weld County Justice System have proven to be rife with a self-serving attitude of “total lawlessness”, in which the supreme law of the land, the Constitution of the United States, is considered a mere inconvenience. All above-referenced individuals/agencies named in this Motion believe they are above the law, and may therefore, “pick and choose” which laws are, and which laws are not, beneficial for them to enforce.

Every lawful effort was made to compel state actors to comply with their sworn duties to uphold the law, prior to the Defendant ever having been forced to contact the “victims” in an ill-fated effort to protect his family, home, and possessions. Irrefutable evidence of crime by Ron Murphy, Scott Murphy, Ida (Eve) Murphy, and their attorney, Daniel T. Goodwin was proffered by the Defendant. The Defendant along with his rights, guaranteed under the Constitution of the United States, were shunned.

Weld County District Attorney Ken Buck, had surrendered the right to prosecute this case through Outrageous Government Conduct and egregious Constitutional Rights violations which, in significant part, *caused* the Defendant's “crime” of harassment.

In *People v. Schultheis*, 638 P.2d 8 (Colo. 1981) the Colorado Supreme Court commented: “The integrity of the adversary system can be maintained only if prosecution and defense counsel present reliable evidence to guide the trier of fact. Honesty and candor are essential to the fair and impartial administration of justice. Consequently a lawyer has a professional duty not to perpetrate a fraud upon the court by knowingly presenting perjured testimony or other false evidence. [Citations omitted.] It is unprofessional conduct for a lawyer, while representing a client, to perpetrate or aid in the perpetration of a crime or dishonest act. *Id.* At 11.

The Judge of this Court, through Outrageous Government Conduct and egregious Constitutional Rights violations, is believed to be a trespasser on the Court, and had surrendered jurisdiction to preside over this matter, impose sentence, or grant restitution.

Further, reiterating Constitutional law: “Any judge who does not comply with his oath to the Constitution of the United States, wars against that Constitution and engages in violation of the Supreme Law of the Land. If a judge does not **fully comply** with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he is without jurisdiction, and he/she has engaged in an act or acts of treason.” “U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821)”

WHEREFORE, For the foregoing reasons, this motion to dismiss, or vacate sentence pursuant to C. R. Crim. P. Rule 35(c) should be granted. An appropriate discovery and an evidentiary hearing to further determine relevant facts should be held if the currently available evidence is deemed insufficient to warrant immediate relief. A neutral and disinterested judge in an alternate venue should be assigned to determine this motion.

FURTHER, Defendant seeks any/all further relief as provided by law, including relief under C.R.Crim.P. Rule 35(b), should relief under C.R.Crim.P. Rule 35(c) be denied, and any/all further relief as necessary to correct a violation of the Defendant's constitutional rights.

Respectfully submitted this 3rd day of December, 2012.

s/ Craig D. Buckley
Craig D. Buckley
Defendant Pro Se

CERTIFICATE OF SERVICE

By signature below, I hereby certify that a true and correct copy of the foregoing **DEFENDANT’S MOTION FOR POSTCONVICTION RELIEF PURSUANT TO C.R. Crim. P. RULE 35(c) and C.R.S. 18-1-410(1)(a), (c), (g) AND MOTION FOR TRANSFER OF VENUE AND HEARING** was filed with the Court by U.S.P.S. First Class Mail – Postage Prepaid on the 3rd day of December, 2012, and upon the Weld County District Attorney's Office:

Weld County District Attorney
915 Tenth Street
P.O. Box 1167
Greeley, CO 80632-1167

by U.S.P.S. First Class Mail – Postage Prepaid on the 3rd day of December, 2012.

So Certified: s/ Craig D. Buckley
Craig D. Buckley
[REDACTED]
Longmont, Co 80501
Telephone: [REDACTED]