

<p>District Court, County of Boulder, Colorado 1777 Sixth St. Boulder, CO 80302</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 [REDACTED] Longmont, CO 80501 Telephone: [REDACTED]</p>	<p>Case No.: 13CR114</p> <p>Div.: H</p> <p>Courtroom: Judge Hartman</p>
<p>FORTHWITH MOTION AND AFFIDAVIT FOR CITATION FOR CONTEMPT OF COURT AND NOTICE OF LACK OF JURISDICTION</p>	

Comes now Craig D. Buckley, Defendant and states the following:

1. That the Court entered a judgment of Guilty against the Defendant on April 22, 2014 on one count of Class 4 Felony Retaliation Against a Judge.
2. That the Court Ordered the Defendant to submit to a Pre sentencing Evaluation by the Boulder County Probation department.
3. That the Defendant submitted to a pre sentencing evaluation by Boulder Probation Officer Meri Miyasaki on Tuesday, May 20, 2014 at 3:30PM in the Longmont Office.
4. That on June 10, 2014, Meri Miyasaki filed her PSI report with the Boulder County District Court on June 10, 2014.
5. That on page 2, paragraph 5 of the PSI report, Ms. Miyasaki knowingly and willfully falsified the PSI report, fabricating a confession in which the Defendant admits making a "threat" **TO** Weld County District Court Chief Judge James F. Hartmann, as follows:

He then stated "It was a meaningless threat **to** Mr. Hartmann, a spontaneous outburst out of frustration in the moment."

6. The Defendant specifically requested the Pre-sentencing Interview take place in Longmont. The Boulder County Justice center forbids recording devices on the premises; the Longmont Justice Center does not (Exhibit #A).
7. The Defendant has been victimized by government perjury for 4 years, and therefore recorded the entire Pre-sentencing interview. Ms. Miyasaki's fabricated quote contained in paragraph #5 of this Motion constitutes Obstruction of Justice, and is an offense to the dignity of this Honorable Court, and a violation of the Defendant's Due Process rights.
8. What the Defendant actually stated is as follows:

"There was no threat against Mr. Hartmann; there was no threat at all. You know, it's a, it was a spontaneous outburst, rela— just based on the frustration and anger of the moment which they've chosen to manufacture into a credible threat."
9. Ms. Miyasaki is an officer of the Court, and has taken an oath to uphold the Constitution of the United States, which includes her obligation to uphold the Defendant's Fourteenth Amendment Rights. Ms. Miyasaki has deliberately and with extreme malice, chosen to falsify material evidence to allow the prosecution to initiate a lunging attack during the sentencing hearing in which the prosecutor will attack the Defendant's character, morals, mental stability, and respect for the rights of others and the law.
10. Ms. Miyasaki's falsified "confession" serves no purpose other than to allow the Prosecution to inflict the maximum amount of suffering on the Defendant.

CONCLUSION

11. Pursuant to the Due Process Clause the Constitution of the Unites States, the Supreme Law of the land, to which the Judge of the Court in the above-captioned case is bound by oath of office to comply, this Court lacks jurisdiction to convict, and to impose sentence on a Defendant convicted through the Prosecution's use of perjured testimony and spoliated evidence. To do so would be an act in excess of this Court's jurisdiction. The Defendant's assertion was well briefed, and the jurisdiction of this Court was challenged, in his June 6, 2014 Motion For Continuance.
12. There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.
13. The Defendant asserts the Constitutionally guaranteed right to a fair trial, as well as a Pre-sentencing evaluation by an unbiased and impartial interviewer. The Pre-sentence report must be fair, impartial, and objective. The Probation Officer wields tremendous power to either act fairly, or to destroy lives, cause the loss of an individual's home, and the destruction of his family. This is the case here, and it shocks the conscious.

WHEREFORE, The Defendant prays this Court find the conduct of the Boulder County Probation Officer, Meri Miyasaki to be offensive to the authority and dignity of the Court, and, to vindicate the dignity of this Court, to impose fine or fixed sentence of imprisonment, or both.

FURTHER, The Defendant prays that this Court order continuance of the sentencing Hearing, and order a new Pre-sentencing Interview with an unbiased probation officer prior to sentencing, assuming the Judge of this Court will not sua sponte vacate this void conviction.

FURTHER, The Defendant prays that the Judge of this Court will forward this evidence to the Chief Judge of this Judicial district for consideration of disciplinary action, and/or termination of Ms. Miyasaki's employment.

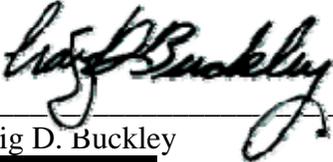
Respectfully submitted this day, July 14, 2014



Craig D. Buckley
By special appearance

CERTIFICATE OF SERVICE

By signature below, I hereby certify that a true and correct copy of the foregoing **FORTH-WITH MOTION AND AFFIDAVIT FOR CITATION FOR CONTEMPT OF COURT AND NOTICE OF LACK OF JURISDICTION (CD Audio Evidence Attached)** was filed with the Court by Hand Delivery on the 14th day of July, 2014, and upon the Boulder County District Attorney's Office by Hand delivery on the 14th day of July, 2014.

So Certified: 

Craig D. Buckley
[REDACTED]
Longmont, Co 80501
Telephone: [REDACTED]

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<p>AFFIDAVIT OF CRAIG D. BUCKLEY IN SUPPORT FORTHWITH MOTION FOR CITATION FOR CONTEMPT OF COURT AND NOTICE OF LACK OF JURISDICTION</p>	

I Craig D. Buckley having been duly sworn, and under the penalties of perjury, depose and declare as follows:

1. I submitted to a pre sentencing evaluation by Boulder Probation Officer Meri Miyasaki on Tuesday, May 20, 2014 at 3:30PM in the Longmont Office.
2. For my protection, I recorded the complete Pre-sentencing interview with Meri Miyasaki.
3. The sign listing prohibited items at the entry of the Longmont Courthouse does not indicate that recording devices are prohibited.
4. The Device used was an Olympus VN-240 Digital Voice recorder. This model does not support memory cards, and is not susceptible to digital tampering of recorded audio. This recorder only supports analog output with play and erase functions only. No opportunity for tampering with the digital source is possible with this recorder.
5. Following the Pre-sentencing interview, the recorder was brought to my home, and plugged into a Dell Optiplex 330 computer using the 1/8" microphone input jack on the recorder and the

corresponding jack on the Soundblaster Audigy SE sound card plugged into a PCI slot on this machine.

6. The Dell Optiplex 330 computer uses a fully licensed copy of Microsoft Windows XP, serial number 76487-OEM-[REDACTED]. The analog audio spans 1 hour, 5 minutes, and 3.033 seconds, and was downloaded in real-time and converted to 44100Hz 64 mbps mono .mp3 formatted digital format using Audacity 2.0.5, a free, open source recording and editing software.

7. The audio was then burned to 2 identical disks, one for the Court, and one for the Prosecution, and a copy was maintained on the above referenced computer. The statement referenced in paragraph #8 of the contempt Motion has been excerpted for the convenience of the Court.

8. Forensic analysis by the District Attorney's Office will reveal no anomalies, artifacting, S/N ratio variations, pitch, speed, splices, or amplitude variations associated with tampering.

9. It is my assertion, under penalty of perjury, that the audio contained on the discs filed with the Court and the DA's Office are true and complete copies of the actual interview which took place with Me, Defendant Craig D. Buckley, and Boulder County Probation Officer Meri Merasaki, on the afternoon of May 20, 2014.

10. On May 20, 2014 I made the following statement to Boulder probation officer Meri Miyasaki during the course of the Pre sentencing Investigation:

“There was no threat against Mr. Hartmann, there was no threat at all. You know, it's a, it was a spontaneous outburst, rela— just based on the frustration and anger of the moment which they've chosen to manufacture into a credible threat.”

11. On June 10, 2014, Meri Miyasaki filed her PSI report with the Boulder County District Court in which she fraudulently quoted me as saying the following:

He then stated "It was a meaningless threat to Mr. Hartmann, a spontaneous outburst out of frustration in the moment."

12. Boulder County Probation Officer Meri Miyasaki has falsified a confession, in which she would have the Court believe that I have admitted a credible threat to Judge James Hartmann. I believe Ms. Miyasaki's falsification of evidence constitutes a serious criminal offense significantly effecting my Due Process rights.

13. I believe the Boulder County Probation Department has deliberately obstructed justice. Boulder County District Attorney Stan Garnett, Boulder probation Officer Meri Mirasaki, Greg Brown, the chief probation officer for Boulder County Probations were all immediately alerted of the violation via email. All have refused to respond, and are believed to be concealing the falsification of the PSI report.

14. I believe I am entitled to a Pre-sentencing report by an unbiased probation officer. I further assert that the Boulder County District Court has no jurisdiction to impose sentence based on a known-falsified Pre-sentencing report. I further believe, that if this one component of the report is falsified, than the evaluation and recommendations contained throughout the entire report may be biased.

15. I believe that Ms. Miyasaki's, and Boulder County District Attorney Stan Garnett's violations are of a Constitutional magnitude, and require immediate corrective action by the Boulder County

District Court.

The matters sworn herein are made from my personal knowledge, and I am competent to testify thereto.
Further affiant sayeth not.

Craig D. Buckley

STATE OF COLORADO

COUNTY OF _____ }
Before me the undersigned personally appeared

(Name & Title of Person)

And acknowledged the execution of this instrument this _____ day of

_____, _____.

IN TESTIMONY WHEREOF, I _____,
(Notary)

have hereunto set my hand and official seal, this _____ day of _____, _____.

Signature of Notary

Printed Name of Notary