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DISTRICT COURT
BOULDER COUNTY
COLORADO

1777-6th Street
Boulder, CO 80302

PEOPLE OF THE STATE OF COLORADO

v.

CRAIG D. BUCKLEY

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FOR COURT USE ONLY
Case No. 13CR114
Excerpt from Trial

For the People:

Catrina Weigel, Esq.

For the Defendant:

Michael Root, Esq.

The Trial came on for Jury Trial on April 21,
2014, before the **HONORABLE ANDREW HARTMAN**, Judge of
the District Court and a Jury of Twelve.

1 MS. WEIGEL: Thank you. I'd like to call James
2 Hartmann.

3 JUDGE JAMES HARTMANN
4 Having been first duly sworn, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MS. WEIGEL:

8 Q Good afternoon.

9 A Good afternoon.

10 Q Take your time and get some water there.

11 A Thank you.

12 Q Could you please tell us your full name?

13 A Yes. My first name is James, J-a-m-e-s, middle
14 name Francis, last name Hartmann, H-a-r-t-m-a-n-n.

15 Q What do you do for a living?

16 A I'm employed by the Colorado Judicial Branch.

17 Q Specifically what do you do?

18 A I'm the chief judge of the 19th Judicial District,
19 which is Weld County, Colorado.

20 Q What does it mean if you are the chief judge?

21 A To be the chief judge you are appointed by the
22 Chief Justice of the Colorado Supreme Court to serve as the
23 aid administrator for the Judicial District.

24 Q Do you preside over cases as well?

25 A I do.

1 Q Tell us a little bit about yourself. Are you
2 originally from Colorado?

3 A I grew up in a small town in Northern Colorado. I
4 went to school, undergraduate at the University of Northern
5 Colorado, and then law school at the University of Idaho.
6 Came back to Colorado to practice and was a member of the
7 district attorney's office in Weld County for 13 years, and
8 I've been on the bench for a little over 11.

9 Q And other than being a judge and being a district
10 attorney, did you have any other legal jobs?

11 A No, I did not.

12 Q Now, if you've been a judge for 11 years, have you
13 been the chief judge that whole time?

14 A I have not. I've been the chief judge since
15 July 2009.

16 Q When I asked you if you preside over cases, you
17 said you do. Is that criminal or civil or both?

18 A I have provided over a variety of cases. When I
19 first took the bench, I presided over family law cases and
20 was the presiding judge of the family court for a little
21 over two years. Then I was the presiding judge in the
22 criminal courts for about four years, and now I preside over
23 water, probate and civil.

24 Q What is probate?

25 A Probate deals with wills, estates and protected

1 proceedings, guardianship and conservatorship cases.

2 Q When you use that term civil cases, what are we
3 talking about generally?

4 A Typically a civil case will involve a request for
5 relief in the form of money damages or for specific
6 performance.

7 Q What do you mean specific performance?

8 A Asking someone to do something or prevent that
9 person from doing something, such as injunctive relief.

10 Q Do you have any idea how many cases you will
11 provide over at any one time?

12 A At any one time?

13 Q Yeah.

14 A It depends.

15 Q Are we talking about ten? 100? 500?

16 A No, it would be several hundred at any given time.
17 For example, right now, I have approximately 100 cases that
18 are set for trial on my docket, and another three or 400
19 that are still proceeding through the preliminary stages.

20 Q Now, I want to ask you just maybe a couple general
21 questions about if somebody wants to file a lawsuit, what do
22 they have to do to get started?

23 A They would file a Complaint with the Clerk of the
24 Court, and then serve the Defendant or Defendants with a
25 copy of the process, and depending upon the type of relief

1 that is requested, the jurisdiction will be decided, whether
2 the case is filed in the county court, which involves claims
3 of less than \$15,000 or in the district court, which
4 involves claims of more than \$15,000.

5 Q And then is it random in terms of what judge it
6 gets assigned to?

7 A Yes.

8 Q Did you preside over a case involving a gentleman
9 named Craig Buckley and a company named Dream Stone?

10 A I did.

11 Q When did you get involved in that particular case?

12 A Shortly after it was filed. I don't recall the
13 exact date that I first received the case. It was filed in
14 September of 2009.

15 Q So is it fair to say that from the time the
16 Complaint was initiated throughout that case you were the
17 judge assigned to it?

18 A Yes, with a qualification. That case is now
19 assigned to a different judge. I reassigned that case in
20 March of 2013 and the case is still ongoing.

21 Q And I'll get to ask you some more questions about
22 that as we move along. Tell us about in civil cases what do
23 people do? Do they file motions? Come to court to litigate
24 their issues? Combination of the two?

25 A It's combination of the two. In a civil practice

1 more than criminal practice it involves a motions practice
2 which involves filings of motions, responses and replies and
3 then the Court will, generally, rule upon those. And
4 sometimes there are hearings that are set, but frequently
5 the Court rules based upon the pleadings only.

6 Q Now, do you have a law clerk that helps you out or
7 do you pretty much read every motion and make the ruling
8 yourself?

9 A I read the motions. I do have a law clerk, but
10 that law clerk primarily works on the water cases for me,
11 not civil or probate. Occasionally they may do something in
12 probate or civil, but not very often. Usually, it's water.

13 Q Now a general question about the procedures. In
14 2009 in civil cases, would people file motions directly with
15 the Court or would they go through kind of an electronic
16 process?

17 A If the person was represented by a lawyer, then
18 the pleadings had to be filed electronically. If the person
19 was representing themselves, then they could file the
20 motions in paper format. We would scan and upload those, we
21 being the clerk's office, because they would be filed
22 through the clerk's office and then put onto the electronic
23 system and from -- I don't recall the date we started with
24 the LexisNexis electronic system, but that was the system in
25 place in 2009, and then we switched to a system called JPOD

1 in, I believe, of May of 2013. I may have the date wrong on
2 that, but both are electronic operating systems.

3 Q And I ask you that question because it looks like
4 you have got three big folders up there. Do you have that?

5 A I do. This is the paper copies of the pleadings
6 that were filed when I was presiding over the case. I
7 tabbed those with the yellow tabs on pleadings that Mr.
8 Buckley filed. The blue tabs are the pleadings that Dream
9 Stone and the Murphys filed, and the red tabs are my words
10 that were at issue.

11 Q And do you have those here today in case you need
12 to refer to it?

13 A Yes.

14 Q So you were the presiding judge over the case, the
15 Plaintiff being Mr. Craig Buckley, and the Defendants being
16 Dream Stone. Included in the Defendants, were there other
17 people named as well?

18 A There were.

19 Q Who were those people?

20 A They were the Murphys. Edna. I may have her
21 first name wrong. Scott and Ron Murphy.

22 Q Ida?

23 A Ida.

24 Q Were they the owners of Dream Stone?

25 A They were affiliated with the company. I don't

1 know what the ownership of that company is.

2 Q Essentially can you tell us what kind of lawsuit
3 this was?

4 A What the Complaint alleged?

5 Q Yes.

6 A Mr. Buckley filed his original Complaint and he
7 listed eight claims for relief. He claims that Dream Stone
8 and the Murphys had breached the implied contract for his
9 hire, unlawful discharge or constructive unlawful discharge,
10 extortion, racketeering, negligence that resulted in
11 property damages, and negligent and intentional infliction
12 of emotional distress and undue influence.

13 Q So the company and people that he was suing, were
14 those his former employers?

15 A Yes.

16 Q What was he asking for? You mentioned civil cases
17 can be money or other kinds of relief?

18 A He was seeking monetary damages.

19 Q Did he have an attorney?

20 A He did not.

21 Q Did the other side have an attorney?

22 A Yes, they did.

23 Q Now, as a judge when you are in court dealing with
24 a party who does not have an attorney, tell us how you treat
25 that person.

1 A The same as someone who's represented by an
2 attorney.

3 Q Do you ever give them a -- favors might not be the
4 right word, but do you give them a break if they don't file
5 the appropriate paperwork or cite the correct law?

6 A Sometimes, but I wouldn't characterize it as
7 giving a break to a person. If someone files the motion and
8 they have the incorrect statute, I'll look past that.

9 Q Now, when Mr. Buckley was proceeding through the
10 lawsuit, would he file motions as appropriate, meaning in the
11 correct format, filed with the correct division, all those
12 kinds of things?

13 A Yes. He filed a number of motions.

14 Q Were they typed in the caption that the Court
15 would normally like motions to be seen?

16 A Yes.

17 Q You say he filed a number of motions, and I know
18 you got it tabbed there, but can you estimate in the time
19 you were presiding over the case how many motions were
20 filed?

21 A Ninety-nine.

22 Q Now, as the Plaintiff, if Mr. Buckley were to file
23 a motion with the Court, would the Defendants be required to
24 respond to that?

25 A They're not required to respond, but if they don't

1 respond, that could be deemed a confession of the motion and
2 the Court could issue a ruling at that point in time.

3 Q So if a Defendant or other party disputes what the
4 other party is saying, if they don't write it down and tell
5 you, then you don't know that?

6 A Correct.

7 Q Now, I don't know if you can give me one answer to
8 this or if it kind of would evolve over time, but how would
9 you describe this litigation? Was it amicable?
10 Contentious?

11 A It was clear that there was a great deal of
12 animosity between the parties.

13 Q Is that normal for civil cases?

14 A Sometimes. It depends upon the nature of the
15 case.

16 Q Now, how could you tell that it was contentious?

17 A Based upon the wording of Mr. Buckley's motions.

18 Q What about the defense's motions?

19 A If I had just reviewed the defense motions, I
20 wouldn't have been able to garner that as easily.

21 Q What was it -- can you give us some kind of idea,
22 what was it about Mr. Buckley's motions that kind of makes
23 you characterize it as being contentious?

24 A The language that he used towards the Defendants
25 and the conduct that he alleged the Defendants to engage in,

1 had to have engaged in.

2 Q In February of 2010, did you start issuing orders
3 in the case?

4 A Yes, although I issued orders before February of
5 2010.

6 Q Okay. And I think -- let me ask you this
7 question. When you say -- when you issue orders, a motion
8 gets filed, a response gets filed. Do you issue an order or
9 do you sometimes wait until there's a couple of motions that
10 have been filed and rule on them all together?

11 A It depends on what else I have going. If I'm in
12 trial, for example, I may wait several days or even a week
13 or so before ruling on the motions, and if I receive motions
14 in the interim and now I have three, four or five, then it's
15 not unusual to issue orders at one time when I can sit down
16 and look at the file and issue orders at the same time.

17 Q So this lawsuit you said was filed in September of
18 2009, so between that time and 2010 you had issued orders in
19 the case?

20 A Yes, I had.

21 Q I'd like to focus on some of the orders from
22 February 2010. Did you order that Mr. Buckley pay
23 attorney's fees to Defendants in that case?

24 A I did.

25 Q And can you summarize generally why you did that?

1 A There were several occasions throughout the course
2 of the case that I issued orders for attorney's fees, and if
3 I may look at my file to refresh my memory. You are asking
4 for February?

5 Q Yes.

6 A I granted the request for attorney's fees when I
7 denied Mr. Buckley's motion to consolidate this case with
8 another case that was pending in Weld County, another civil
9 case that was pending in Weld County. There was a request
10 to join another party who was an employee, gentleman by the
11 last name of Moreles (phonetic), Mr. Moreles, and then to
12 join Defendant's attorneys, Mr. Goodwin and Mr. Bowen as
13 parties. Those were the underlying motions. There were
14 other motions that were filed that I denied the request for
15 attorney's fees.

16 Q So if a party wanted the other side to pay
17 attorney's fees, do they have to ask from the Court, or is
18 it automatic?

19 A They have to request attorney's fees.

20 Q In this case where you decided that for those
21 three motions attorney's fees were appropriate, why did you
22 do that?

23 A The applicable law for civil cases, when it
24 pertains to a self-represented party, whether or not the
25 person who filed the motion knew or should have known that

1 the motion was groundless, substantially groundless,
2 frivolous or vexatious, is the standard the Court has to
3 apply, and based upon the lack of facts in the motion and
4 the nature of the motions, I found against Mr. Buckley and
5 that he should be responsible for paying attorney's fees.
6 Now, a portion of those I also ordered against the other
7 Plaintiff at the time. There were two Plaintiffs originally
8 in the case. Her name was Ms. Reynolds.

9 Q Did she at some point drop off?

10 A Yes, she did. She requested to be dismissed from
11 the action, and I granted that request.

12 Q Now, I want you to fast forward a little bit to
13 the February -- to April 2 of 2010. Was there an event that
14 was to take place that day?

15 A Yes, there was.

16 Q What was that?

17 A Mr. Buckley and Ms. Reynolds had been served with
18 a subpoena by defense to appear and provide their
19 deposition, which means providing information under oath to
20 the other side.

21 Q And did Mr. Buckley show up for that?

22 A Neither Mr. Buckley nor Ms. Reynolds appeared for
23 that deposition after being served with a subpoena.

24 Q Now, how do you know that they don't show up?

25 A The defense asked to make a record, and we went

1 into a courtroom. That was the first I had learned that Mr.
2 Buckley and Ms. Reynolds had not appeared.

3 Q Now, up until that point had you ever met any of
4 the parties in this case?

5 A Yes, I had met Mr. Buckley, and I had met -- the
6 Defendants had come to court on at least one occasion before
7 April 2. Mr. Buckley and Ms. Reynolds had an appearance
8 before me on December 22, 2009, but that was by telephone so
9 I didn't actually get to meet them at that time. And then
10 the next time we had a status conference for the case was
11 March 22, 2010 and Mr. Buckley appeared in my courtroom, as
12 did one of the Defendants. I believe it might have been Ms.
13 Murphy with Mr. Goodwin, the attorney for the defense. And
14 then we had a third status conference by telephone after
15 April 2, 2009. May 18, I believe, or 17 of 2010.

16 Q Do you see Mr. Buckley in court here today?

17 A I do.

18 Q Could you please tell us where he's sitting and
19 something he's wearing?

20 A Yes. Mr. Buckley is seated at the table to my
21 left wearing a gray sport coat, and he has a beard, a
22 goatee.

23 Q Thank you.

24 MS. WEIGEL: Let the record reflect he identified
25 the Defendant.

1 THE COURT: It does.

2 Q (By Ms. Weigel) After Mr. Buckley didn't show up
3 for that April deposition, did you tell him that he needed
4 to show up if another one was rescheduled?

5 A Yes. The Defendants verbally moved to dismiss the
6 action because Mr. Buckley did not appear for the
7 deposition. I denied the request, said that they could file
8 the motion with the Court, and then we had a status
9 conference again in May, and Mr. Buckley at that time
10 appeared by telephone, and at that time I instructed Mr.
11 Buckley of the importance to attend depositions if he was
12 subpoenaed.

13 Q Was there any deposition scheduled for June 22,
14 2010?

15 A There was.

16 Q Did he appear for that?

17 A He did not. Nor did Ms. Reynolds.

18 Q After that, did the Defendants in that civil
19 lawsuit file a motion to dismiss the case?

20 A Yes, they did.

21 Q Did Mr. Buckley respond to that motion to dismiss?

22 A He did.

23 Q In July of 2010, did you rule on that motion to
24 dismiss?

25 A I did. I issued an order on July 22, 2010, a

1 written order dismissing the case with prejudice, which
2 means it could not be refiled.

3 Q Generally, what were your reasons for doing that?

4 A The reason for the dismissal involved Mr. Buckley
5 not appearing on two separate occasions for his deposition,
6 and if I could go back for just a minute, the original
7 Complaint that was filed was seeking damages over
8 \$2 million, and the allegations in the Complaint were quite
9 detailed. Mr. Buckley was making a number of assertions in
10 the Complaint involving Dream Stone and particularly the
11 Murphys, and the fact that he had failed to appear on two
12 occasions and we had a trial that was scheduled for October
13 of 2010, and the Defendants had no ability to depose Mr.
14 Buckley or Ms. Reynolds, I granted the motion to dismiss.

15 Q Even though the case was dismissed, did
16 Mr. Buckley continue to file motions in the case?

17 A Yes, he did.

18 Q Now at some point, in your role overseeing the
19 case, did you find out that Dream Stone and the Murphys had
20 sought a lien against the Defendant's home?

21 A I did, later on.

22 Q And was that in the beginning of April -- around
23 April of 2011?

24 A April 4 or 5, I believe, of 2011.

25 Q Just to kind of summarize, on April 4, 2011, did

1 you get a handwritten letter from Mr. Buckley on that day?

2 A I did. It was on a smaller piece of paper and
3 written with what appeared to be a Sharpie marker and
4 written to me and signed by Mr. Buckley.

5 Q On April 11 did he follow that up with an apology
6 to you for having given you that note?

7 A He did. Yes, that was a typed letter.

8 MS. WEIGEL: Let the record reflect I'm showing
9 the witness what I marked as Exhibits 1 through 8.

10 MR. ROOT: Give me one second, Judge.

11 THE COURT: Take your time.

12 MR. ROOT: I don't have any objection to these,
13 Judge.

14 THE COURT: Thank you.

15 MS. WEIGEL: May I approach the witness?

16 THE COURT: You may.

17 Q (By Ms. Weigel) I want to hand you People's 1
18 through 8 and have you take a look at those for me.

19 A Yes, ma'am. Yes.

20 Q Okay, so let's kind of -- generally, are all of
21 the items that I handed you, are those documents contained
22 in the court file for the civil lawsuit we have been talking
23 about, case number 2009CV991?

24 A Yes, they are.

25 Q Is what I handed you true and accurate copies of

1 those documents in that file?

2 A They appear to be.

3 Q Some of the motions might not have the attachment,
4 but in terms of the substance of the motion?

5 A Yes, they appear to be.

6 Q And then the last two items, seven and eight, is
7 that the letter and apology letter that we discussed
8 earlier?

9 A That's correct.

10 MS. WEIGEL: I move to admit 1 through 8.

11 THE COURT: Any objection?

12 MR. ROOT: I don't have any objection. I do want
13 to voir dire on one issue if the Court would allow on one
14 particular document.

15 THE COURT: Briefly.

16 VOIR DIRE EXAMINATION

17 BY MR. ROOT:

18 Q Hello, Judge?

19 A Hi, Mr. Root.

20 Q Judge, what's been marked as People's Exhibit 7,
21 that's sort of the note that you received?

22 A Yes.

23 Q You were kind enough to meet with my investigator
24 and myself up in your office in Greeley?

25 A That's correct.

1 Q You showed us a copy of a note that was similar to
2 that, correct?

3 A The note that I have in the file?

4 Q Yes.

5 A Yes.

6 Q And if I recall correctly, the note that you
7 showed us didn't have that bottom part on it about the lien
8 on the house. Maybe my memory is just faulty.

9 A No. This is accurate. Would you like to see the
10 original?

11 Q No, if you say that's what it is. So that was
12 accurately what was put in there?

13 A Yes.

14 MR. ROOT: For purposes of admission, Judge, I
15 don't have any objection to the admission of those
16 documents.

17 THE COURT: Exhibits 1 through 8 are admitted.

18 A Your Honor, would you like these?

19 THE COURT: No, why don't you hold on to them.

20 CONTINUED DIRECT EXAMINATION

21 BY MS. WEIGEL:

22 Q I would like to start with People's No. 1. What
23 is the title of that?

24 A People's Exhibit 1 is titled Plaintiff's Response
25 to Defendant's Motion to Dismiss Plaintiff's Suit with

1 Prejudice Pursuant to CRCP Rule 37(b) or in the Alternative
2 for Default Judgment and for Hearing.

3 Q What is the date that was filed with the Court?

4 A That was filed on April 23, 2010.

5 Q Now, if you need to read the motion, please feel
6 free to do that, but in general, is it fair to say that that
7 motion does not make reference specifically to you or
8 anything that you might have done in the case? That
9 actually was probably a terrible question. In a negative
10 connotation, I guess I should say.

11 A Yes, that's correct.

12 Q What is People's 2?

13 A People's Exhibit 2 is a pleading titled
14 Plaintiff's Response to Defendant's Motion to Dismiss
15 Plaintiff's Suit with prejudice pursuant to CRCP Rule 37(d)
16 and rule 41(b) or in the Alternative for Default Judgment.

17 Q Now, it's got a little bit different caption, but
18 is it again basically a response to the Defendant's motion
19 to dismiss?

20 A This is a response to the Defendant's motion to
21 dismiss that was filed after the second deposition was
22 scheduled that Mr. Buckley and Ms. Reynolds failed to appear
23 for.

24 Q What was the date that was filed?

25 A July 16, 2010.

1 Q Now, if you look in that motion, is there language
2 from Mr. Buckley directed more towards Your Honor and some
3 of the actions that you took? And again, in kind of a
4 negative connotation?

5 A Yes.

6 Q Can you give some examples of what you're talking
7 about?

8 A Yes, I can. Paragraph No. 13 reads: "This Court
9 having previously denied the Defendant's request for
10 attorney's fees for defending against the Plaintiff's motion
11 for consolidation has surreptitiously awarded the
12 Defendant's fees for work product pertaining to defense
13 response to the Plaintiff's motion for consolidation
14 fraudulently tacking on fees to a wholly unrelated motion."
15 And then paragraph 14 reads "Plaintiff therefore has
16 absolutely no expectation that this Court will rule in
17 accordance with either the evidence or the Colorado Rules of
18 Civil Procedure. This case in actuality ended on
19 February 24, 2010, the date the Defendant's criminally
20 complicit counsel, Daniel T. Goodwin, by fraudulent
21 affidavit falsified billing for defense against Plaintiff's
22 motion for joinder."

23 Q In paragraph 17 how does he refer to the Court
24 there?

25 A Paragraph 17 reads "Plaintiff furthers asserts

1 that denying discovery requests No. 1, No. 5, No. 10, No. 14
2 and No. 19 constitutes abuse of discretion by this court and
3 denial of the Plaintiff's due process rights. The
4 Plaintiff's case is now fatally damaged and the Plaintiff
5 will not submit to the jurisdiction of a sham court as any
6 prosecution of the Plaintiff's claims is no longer
7 possible."

8 Q Can you just go back and tell us a little bit
9 about what he's referring to in terms of denying discovery
10 requests?

11 A Mr. Buckley had filed a request for discovery, and
12 there were several paragraphs, and I issued an order in June
13 of 2010, 20th or 22nd of June. I granted some of his
14 requests for discovery and I denied others. And that's what
15 this paragraph is referring to is that particular order.

16 Q Let's move on to People's 3. What is that motion?

17 A Forthwith motion for cancellation of attorney's
18 fees hearing and motion for entry of default or transfer of
19 venue. That was filed on July 2, 2010, and we had scheduled
20 a motion previously to address attorney's fees that have
21 been filed before that date, and the hearing was scheduled
22 for July 6, 2010.

23 Q Now, in the pleadings that Mr. Buckley had filed,
24 could you tell how he felt about the fact that he had to pay
25 attorney's fees?

1 MR. ROOT: I object. Speculation.

2 THE COURT: It's sustained.

3 Q (By Ms. Weigel) Did he explicitly contest having
4 to pay attorney's fees? And maybe not in any motion but in
5 other pleadings to the Court?

6 A Yes.

7 Q And did he specifically object to the amount of
8 money that the Defendants were requesting?

9 A Yes, although he did not file a request or a claim
10 that the fees that were charged were unreasonable.

11 Q He just objected to what, then?

12 A To attorney's fees being entered.

13 Q So in this forthwith motion for cancellation of
14 attorney's fees hearing, that's kind of what you just talked
15 about, the hearing was scheduled?

16 A For July 6, 2010.

17 Q Okay. Now, in this motion, is he again directing
18 language towards Your Honor and how you presided over the
19 case in kind of a negative connotation?

20 A He did.

21 Q Okay. Can you point out maybe some of the
22 language in that motion that you feel kind of supports that
23 notion?

24 A In paragraph 4, Mr. Buckley wrote: "The judge of
25 this court, in clear defiance of the evidence of fraud

1 Defendant's counsel, would rather cause the pro se Plaintiff
2 to lose everything he owns rather than ruling properly on
3 clear, convincing and irrefutable evidence which may tend to
4 inconvenience or embarrass a colleague. There is a
5 'reasonable factual basis' for questioning the judge's
6 impartiality.

7 Paragraph 5: "The judge of this court, now
8 in outright belligerent denial of the facts in evidence
9 continues through his" -- and there's not a month, but the
10 No. 15, 2001 -- "order denying Plaintiff's motion for
11 protective order, motion to quash subpoena tecum and notice
12 of deposition and order denying Plaintiff's forthwith motion
13 for protective orders to reject the Plaintiff's claim that
14 Mr. Daniel T. Goodwin has worked a fraud upon the Court."

15 Q Going to paragraph 1, is there more discussion
16 from Mr. Buckley about a fraud on the Court and the Court's
17 involvement?

18 A Yeah. Paragraph 1 reads: "The judge of this
19 court has caused the court to waive jurisdiction over the
20 above-captioned matter. The Plaintiff will no longer
21 subject himself to the jurisdiction of the court which has
22 proven itself to be complicit in the criminal acts of fraud
23 upon the court perpetrated by Defendant's attorney, Daniel
24 T. Goodwin.

25 Q Now, when you get motions like this where one of

1 the parties is basically saying you are complicit in a
2 criminal act and calling you a sham court, do you respond to
3 that at all? What do you do with a pleading like this?

4 A No, I don't necessarily respond in a way you would
5 think a response would occur. Instead, what I have done
6 on a couple occasions, because in another pleading Mr.
7 Buckley had alluded to the fact that he might seek review by
8 the Judicial Disciplinary Commission, and had he filed a
9 request for review by the Judicial Disciplinary Commission,
10 I would have sent the case to another judge at that time,
11 and I put that in one or two of my orders.

12 Q Let's go on to People's Exhibit No. 4. What is
13 that titled?

14 A Motion for reconsideration or reversal of order
15 granting Defendant's motion to dismiss with prejudice, and
16 this is filed on August 4, 2010.

17 Q After you had already dismissed the case, was that
18 action final, or could it have been reviewed by yourself?

19 A It could have been reviewed and it could have been
20 appealed to the Court of Appeals.

21 Q All right. So did you treat this motion for
22 reconsideration as such a request to reconsider that motion
23 to dismiss?

24 A Yes.

25 Q And again in this motion, are there places where

1 Mr. Buckley is talking about your either lack of
2 impartiality or making comments about you? And I don't know
3 if you want me to, but I can direct you to paragraphs 22 or
4 23.

5 MR. ROOT: She just did, Judge.

6 THE COURT: Mr. Root, please, if you have an
7 objection, state it. No need to be snarky.

8 MR. ROOT: I'm sorry, Judge.

9 A Yes. Paragraph 22 reads: "The judge of this
10 court has exhibited extreme bias against the pro se
11 Plaintiff, most notably in the judge's July 22, 2010, order
12 in which the Plaintiff is accused of making, quote, serious,
13 unsubstantiated accusations of criminal conduct against
14 Defendants and defense counsel. The Defendants have
15 fraudulently caused the Plaintiff to be denied this
16 evidence. This judge further accuses the Plaintiff of,
17 quote, a pattern of following only those rules of civil
18 procedure that endure to his benefit while purposely
19 ignoring or disregarding others." He writes, "This is false
20 and unsubstantiated."

21 Paragraph 23, "Once again, the Plaintiff must
22 challenge the judge of this court to explain how \$606.50 for
23 work product preparation of an affidavit attached to the
24 Defendant's response to the Plaintiff's motion for
25 consolidation can be billed to Defendant's response to the

1 Plaintiff's motion for joinder."

2 Q What does he say in that last sentence?

3 A I'm sorry. Last sentence of paragraph 23?

4 Q Yeah.

5 A The accusatory statements against the Plaintiff
6 contained in the order are unsupported by law or the
7 evidence. This Court seems intent on dragging the Plaintiff
8 through hell for absolutely no lawful reason," and lawful is
9 all capital letters.

10 Q Let's go on to -- I think we are on People's 5 at
11 this point.

12 A Yes.

13 Q What is People's 5?

14 A People's 5 is the pleadings filed by Mr. Buckley
15 titled Motion for Injunctive Relief and for Restraining
16 Order against Judge James Francis Hartmann filed on
17 November 15, 2010.

18 Q Did he file that directly with you in this case?

19 A This was filed with the clerk's office.

20 Q But it was in the case we have been talking about?

21 A Yes, this was filed in case number 09CV991.

22 Q You said that was in November of 2010. Is there
23 still litigation going on at this point? Have you
24 reconsidered your motion to dismiss?

25 A Mr. Buckley filed motions in August, late August

1 of 2010, that I ruled on, and this motion was filed in
2 response to orders that I had issued based on the
3 August 2010 -- August 25, 2010 motions that he filed.

4 Q And again, kind of my same question, if you can
5 just read for us, are there any parts in there where he
6 attacks Your Honor or the way that you have handled the
7 case?

8 A Yes.

9 Q Could you read for us portions that you feel to be
10 that?

11 A Yes. Paragraph 7 reads: "Dated October 1st,
12 2010, that corrupt judge" -- and judge is in quotation marks
13 -- "of the sham court, James Francis Hartmann for no lawful
14 reason but to harass, vex and inflict emotional distress
15 upon nonparty, Pamela R Reynolds, served upon her the
16 following document: Notice to the parties regarding
17 Defendant's motion for clarification of the court's order
18 dated September 20, 2010, denying the Plaintiff's motion for
19 settlement conference.

20 Q In paragraphs 9 and 10, how does he refer to you
21 and your court?

22 A As a sham court.

23 Q Does he refer to you specifically? Did he call
24 you corrupt?

25 A Yes, corrupt judge of the sham court.

1 Q Does he go on to use the same language throughout
2 the motion?

3 A He does in other paragraphs.

4 Q Paragraph 12, can you read that for us, please?

5 A Paragraph 12 reads: "The Plaintiff having failed
6 to satisfactorily pander to the colossal ego of this corrupt
7 judge" -- judge, again, in quotation marks -- "by failing to
8 submit to deposition after the judge's implicit illegal acts
9 allowing Defendant's counsel to perpetrate a fraud upon the
10 Court through falsified billing and concealment of evidence
11 continues to be victimized by this rogue judge's unlawful
12 acts."

13 Q What about 13?

14 A 13 reads: "This judge's order, due to his own
15 complicit acts of fraud upon the court, are void of no legal
16 force or effect. All contact with the Plaintiff or his
17 family thereafter constitutes harassment. The Plaintiff
18 believes this corrupt judge has waived his judicial immunity
19 and will be subject to prosecution among numerous charges,
20 conspiracy to commit fraud, slander of title and spurious
21 lien.

22 Q Let's go on to People's 6.

23 A People's 6 is titled motion for in camera
24 inspection of documents filed with the court on December 6,
25 2010.

1 Q Let me take you back a second. You just read
2 parts of that motion that you had filed regarding motion for
3 injunctive relief?

4 A That Mr. Buckley filed.

5 Q Yes. Excuse me. Did you issue an order after
6 that or rule on his motion?

7 A I did.

8 Q And then after that, did he file then this motion
9 for in camera inspection of documents?

10 A Yes, he did.

11 Q Does he refer in that motion to your ruling?

12 A Yes, he does.

13 Q How does he do that?

14 A Paragraph 1, he refers to the motion that was, or
15 the order, excuse me, that he was issued on November 24,
16 2010, and it reads: "On November 24, 2010, the judge of
17 this case, James Francis Hartmann, issued the following
18 order regarding Plaintiff's motion for restraining order or
19 injunction again the undersigned judge."

20 Q Now, in paragraph 3 he talks about how the judge's
21 order states that the Plaintiff is upset and in quotes is
22 the word "upset"?

23 A Yes, he does.

24 Q Did you ever say anything to him about being upset
25 at him? Where does that come from?

1 A I don't know. That was not contained in my order.
2 May I explain the order that I issued and the reason for
3 that?

4 Q Sure.

5 A As I had mentioned, Ms. Reynolds had been
6 dismissed from the case but still a judgment debtor, which
7 means in the computer system she was still shown as a
8 judgment debtor. So she received a copy of an order that I
9 issued, and that order pertains to a motion for a settlement
10 conference filed by Mr. Buckley. What he was displeased
11 about was that the motion was originally filed and ruled
12 upon by --

13 MR. ROOT: I object. The document speaks for
14 itself. Whatever he's displeased about is contained within
15 the document.

16 THE COURT: I'm also going to sustain that as to
17 the form. If you have a question that calls for a
18 nonnarrative answer, you can ask that.

19 Q (By Ms. Weigel) Judge, you had been talking about
20 some paperwork you sent to this other Plaintiff that was
21 later dismissed. Had you talked about that in the order you
22 issued?

23 A Yes, but she was earlier dismissed from the case.
24 The order went out to her after she had already been
25 dismissed as a Plaintiff.

1 Q You were explaining about how your order regarding
2 Plaintiff's motion for restraining order or injunction
3 against the undersigned judge, how your order was discussing
4 this other Plaintiff that had been dismissed, Ms. Reynolds.
5 Could you follow up a little bit more about what you were
6 talking about?

7 A The fact that she was dismissed and I had
8 knowledge that he had been removed from the case, but that
9 she was still a judgment debtor, and what I had done was
10 checked to see if we could have removed her all the way from
11 the case. Because she still showed as an active debtor, we
12 could not remove her from the system.

13 Q Let me ask you a general question. You as the
14 judge, are you allowed to go to one of the parties and talk
15 to them without the other party being there?

16 A No.

17 Q Call them on the phone, send them an e-mail?

18 A No.

19 Q Did you ever have contact directly with Mr.
20 Buckley about the motion he was filing or things he was
21 saying about you?

22 A May I ask what you mean by directly? He and I
23 sitting in the same room talking about it?

24 Q Yeah.

25 A No. Other than when all parties were present, but

1 when it was just -- there was never a time where it was just
2 the two of us in the room.

3 Q When he references things that you did or things
4 that you said, this was all in written orders that you
5 completed and signed?

6 A That's correct.

7 Q Refer to that same motion we were just talking
8 about, paragraph 23.

9 MR. ROOT: Which document are we on now?

10 MS. WEIGEL: We are still on the one motion for
11 in-camera inspection.

12 MR. ROOT: Five or six?

13 THE COURT: Six. Is that correct, Ms. Weigel?

14 MS. WEIGEL: Correct.

15 A I'm sorry. Which paragraph, please?

16 Q (By Ms. Weigel) Please read for us paragraph No.
17 23.

18 A Paragraph 23 reads: "Hartmann" -- it's missing
19 the S at the end -- "flippant, disrespectful and outrageous
20 comments insinuating that Plaintiff is too stupid to know
21 what has he sent out, and when, are beneath contempt."

22 Q What about 26? Read that for us.

23 A Twenty-six reads: "Hartmann remains
24 pathologically unable to take responsibility for his
25 actions, errors, and lies, continuing to unwaveringly and in

1 defiance of all logic, point the finger of blame at the pro
2 se Plaintiff regardless of the truth, the evidence or the
3 law. The Plaintiffs asserts that James Francis Hartmann's
4 November 24, 2010 order and attached exhibit is a forged
5 instrument per CRS 18-5-102(1)E. Hartmann had the
6 opportunity to admit possible clerical error by staff, yet
7 steadfastly stood by his fraudulent allegations and
8 manufactured theories of blame attributable to the
9 Plaintiff's alleged erroneous or inadvertent acts."

10 Q All right. So we had talked then about People's 7
11 and 8, but those were the letters you received in
12 April 2011?

13 A Yes.

14 Q So I want to fast forward now and talk to you
15 about July -- March of 2013. Had you -- after you got that
16 letter and the letter of apology, have you had anymore
17 motions filed or really anything substantive to do with this
18 civil case?

19 A Mr. Buckley had filed a cease and desist to the
20 attorney representing the Defendants, and that was placed in
21 the Court file, but it did not require any action by the
22 Court, so I did not issue an order based upon that pleading.

23 Q Okay.

24 A And that was in 2012, I believe, August, but I'm
25 not certain on the month.

1 Q Okay. Essentially for those two years between
2 April 2011 and March of 2013, anything substantive happen in
3 the case?

4 A Not from the Court's end. I don't know what was
5 happening with the Defendant's attempt to collect on the
6 debt.

7 Q In March of 2013, did information come known to
8 the Court about things that the Defendants were trying to do
9 to collect money?

10 A Yes.

11 Q What was that?

12 A The Defendants had filed a request for a contempt
13 citation to be issued to Mr. Buckley for failing to answer
14 written questions regarding the judgment that had been
15 entered against him in this case.

16 Q And in March of 2013, did you do anything with
17 respect to this case?

18 A I did.

19 Q What was that?

20 A I issued an order reassigning the case to another
21 judge in our court, to Judge Maus, M-a-u-s.

22 Q Why did you do that?

23 A I felt that because of the letter from April and
24 some of the statements that were contained in the pleadings
25 leading up to filed in late summer --

1 MR. ROOT: Judge, I object. I guess why he did
2 this is not relevant.

3 THE COURT: Overruled.

4 A The tone of some of the later pleadings that he
5 had filed. My thought was that I wanted to make sure that
6 Mr. Buckley felt that he was getting a fair opportunity,
7 that he didn't feel like in a contempt action that the cards
8 were already stacked against him, and I also wanted the
9 Defendants not to think that I would be ruling in favor of
10 Mr. Buckley because of some of the things that he had said
11 in the past.

12 Q (By Ms. Weigel) Now, in July of 2013, did you
13 become aware of some statements that he had made, Mr.
14 Buckley had made to Longmont Police Department?

15 A I did.

16 Q How did you become aware of that?

17 A An officer with the Weld County Sheriff's
18 Department, Deputy Bureau Chief Caldwell came to my office
19 on July 23, which I believe is a Tuesday morning, and spoke
20 with me.

21 Q And did he give you details or generalities?

22 A He gave me generalities. He also gave me
23 written -- two written documents, one with notes prepared by
24 the Longmont Police Department and one was a memo that
25 Deputy Chief Caldwell had prepared.

1 Q What was the document prepared by the Longmont
2 Police Department?

3 A The Longmont --

4 MR. ROOT: I'm going to object to what was
5 contained in the document, Judge. I don't think that's
6 admissible. I think you can talk about he was told he was
7 advised of generalities. I'm objecting to contents of a
8 document where we don't have the author.

9 THE COURT: Ms. Weigel.

10 MS. WEIGEL: Judge, I can rephrase my question.

11 Q (By Ms. Weigel) Judge, did you get that copy of
12 that document from the Longmont Police Department?

13 A I did. That was given to me by the deputy chief
14 of the Weld County Sheriff's Department.

15 Q And did you do something with that document?

16 A Yes.

17 Q After you had this conversation with law
18 enforcement in Weld County and you got some information
19 about what Mr. Buckley had said, what did you do?

20 A I had that document scanned and I sent it to the
21 Greeley Police Department, and I also sent it to the police
22 department in the town where I live.

23 Q Did that document have Mr. Buckley's photograph on
24 it?

25 A It does. It has three photographs, three

1 different views of his face.

2 Q So you did that. What else did you do?

3 A After I submitted that to the police department, I
4 also made copies and handed copies of that to all of my
5 neighbors.

6 Q What about your family? Did you do anything with
7 your family?

8 A I sat down with my family and showed them the
9 picture and explained to them if they saw this individual
10 they needed to call the police.

11 Q Now, you knew generalities about what he had said.
12 Did you take anything about what he said to be a threat
13 against you?

14 MR. ROOT: Judge, I object. Generalities and what
15 she said are two different things. I object to asking what
16 he said being a threat when we are talking about
17 generalities.

18 THE COURT: Ms. Weigel, rephrase to bring it back
19 to the elements of the claim.

20 Q (By Ms. Weigel) When you say that you knew
21 generalities, what did you know?

22 A Based upon the first document that I received?

23 Q Just in general, what had you been informed of by
24 law enforcement about what Mr. Buckley was saying?

25 A That there had been threats against the judge, but

1 I didn't know what judge. I didn't know if he was referring
2 to me or Judge Maus, which is why I contacted Greeley Police
3 Department. It didn't have my name in that one document
4 that was prepared by the Longmont Police Department. It
5 just said a Weld County judge presiding over his case, and
6 Judge Maus had issued the order that caused the arrest. I
7 did not issue that.

8 Q Let's go back a little bit here. You recused
9 yourself in May 2013 and then a warrant goes out for Mr.
10 Buckley after that?

11 A That's correct.

12 Q Did you have anything to do with that?

13 A I did not.

14 Q Okay. So you find out in July of 2013 that Mr.
15 Buckley has made statements about a judge. Do you know
16 which judge?

17 A I did not, not at that time.

18 Q Do you later find out it was directed at yourself?

19 A Yes.

20 Q When was that?

21 A July 30 when I spoke with a detective, Detective
22 Merkle.

23 Q And so between July 23 when you first learned this
24 information and July 30, is that when you had done the thing
25 about talking to Greeley Police Department and talking to

1 your family?

2 A I did. I neglected to mention I also contacted
3 head of security for the judicial branch.

4 Q What was the point of that?

5 A To let them know what was happening, to seek
6 advice as to what should happen next from my end.

7 Q On July 30 you were able to talk with the
8 detective?

9 A I did.

10 Q And then you found out what?

11 A I found out that he was investigating the claim
12 and he had provided me more detail based upon what he had
13 learned during this investigation.

14 Q So tell us about between July 23 when you first
15 learned this and July 30, why did you still do those things
16 that you do?

17 A As far as contacting?

18 Q Yeah. So you didn't know that it was directed at
19 you, but why did you go to law enforcement and talk to your
20 neighbors, talk to your family, why did you do all those
21 things?

22 A I was concerned.

23 Q What was that based on?

24 A Based upon the statements that were made, and the
25 earlier written statement from 2011, handwritten statement.

1 Q After July 30 when you are able to talk to the
2 detective and learn that it was yourself and not Judge Maus,
3 when you learned about what was said, did you consider that
4 to be a threat?

5 A Yes.

6 Q And did you continue those heightened things you
7 had done with your family, friends, law enforcement, et
8 cetera?

9 A Yes, I did.

10 MS. WEIGEL: I don't have anything else.

11 THE COURT: Let's take our afternoon break. Jury,
12 as I mentioned earlier, we usually take a break around 3:15
13 or so. Since it's the end of the People's direct
14 examination, we will take a break a few minutes early.
15 Please don't discuss this case among yourselves or with
16 anyone else and remember the other admonitions I gave you.
17 So Ms. Sol will get you at 20 minutes after. Thank you.

18 (Recess taken.)

19 CROSS EXAMINATION

20 BY MR. ROOT:

21 Q Judge, I want to talk to you a little bit about
22 your contact with the Greeley Police Department. I guess
23 that was the first time you heard about sort of this
24 circumstance was from -- was it the Weld County sheriff?

25 A Yes.

1 Q And there were just generalities told to you on
2 that day. I believe that was the 12th of July; is that what
3 you said?

4 A The 30th of July.

5 Q That was the first you heard of it?

6 A No. That's when I contacted or received contact
7 from the Longmont Police Department. Is that what you were
8 asking?

9 Q Weld County Sheriff's Department?

10 A Weld County Sheriff's Department was the 23rd of
11 July, excuse me.

12 Q Those were just generalities; you were basically
13 told something that said that could be interpreted as a
14 threat?

15 A Yes, I was told that, and then I had the one page
16 teletype from Longmont PD given to me by the Weld County
17 Sheriff's Department.

18 Q First of all, you know this was recorded, this
19 confrontation between Mr. Buckley and the Longmont Police?

20 A That's what I've been informed, yes.

21 Q Have you ever listened to it?

22 A I have not.

23 Q Have you read a transcript of it?

24 A No, I have not.

25 Q So the information that you received basically

1 came from other parties, either the Longmont Police or Weld
2 County Sheriff's Department?

3 A Yes, that is correct.

4 Q Now as a judge, you're aware sort of how the
5 procedures work, because you did some criminal work, in the
6 criminal bench for a while as well?

7 A Yes, I did.

8 Q If I understand correctly, there are judges that
9 are sort of on call over the weekends and evenings in case
10 something needs to be dealt with in an emergency basis?

11 A That's correct. That's one of my duties as chief
12 judge is to assign our judicial officers, either a judge or
13 magistrate, to be on call 24 hours a day, seven days a week.

14 Q So if, for instance, on a weekend if there was a
15 need for an arrest warrant because of some urgent concern or
16 some really serious concern, a judge is available to review
17 that and sign that almost immediately?

18 A For Weld County. I don't know about Boulder
19 County.

20 Q Well, for Weld County?

21 A For Weld County, yes.

22 Q I would imagine, although you don't know about
23 Boulder County, that most judicial districts have on call
24 judges to deal with emergencies as far as warrants?

25 A I would say yes.

1 Q Now, the exhibits that were provided, that were
2 admitted into evidence, People's Exhibit 1 I think counsel
3 talked to you about, and I think you said that in that
4 particular exhibit, there really wasn't anything that was --
5 I don't know what the right word is -- negative statements
6 made towards you, at least as far as this first document is
7 concerned?

8 A That's correct.

9 Q And then starting in People's Exhibits 2 through
10 People's Exhibit 6, I think, that's where these allegations
11 about corruptness and being on the side of the Defendants,
12 all those things were contained in those particular
13 exhibits?

14 A I don't know that he used the word "corrupt" in
15 the Exhibit 2.

16 Q I'm just saying two is where the negative
17 statements began being made directly against you?

18 A Of the exhibits that were filed, yes, that's
19 correct.

20 Q And so it looks like -- and again, if you need to
21 look at this, I'm happy to do it. I'm looking at it, so if
22 you need to refresh your memory. It looks like Exhibit 2
23 was filed on July 16, 2010; does that look about right?

24 A May I look?

25 Q Sure, yeah, Judge, certainly. Big file.

1 A And you're referring to the July --

2 Q Plaintiff's response to Defendant's motion. It
3 might be easier if I approach --

4 THE COURT: Yep.

5 Q (By Mr. Root) So this looks like that one was
6 filed. When was that filed, No. 2?

7 A July 16, 2010.

8 Q How about No. 3?

9 A July 2, 2010.

10 Q So 3 was actually before 2; filing date?

11 A Yes, filing date, that's correct.

12 Q And how about 4?

13 A Four was filed on August 4, 2010.

14 Q So that's -- how about 5?

15 A Five was filed November 15, 2010.

16 Q Okay. And then how about 6?

17 A Six was filed on December 6, 2010.

18 Q That's all. Thank you. So from the period of
19 time from early July, July 2 according to this, Exhibit 3,
20 through December 6, 2010, these pleadings were filed making
21 these negative statements towards you contained within them,
22 like I think at some point he said corrobbed (sic) but he
23 was clearly saying you were on the side of the Defendants,
24 correct?

25 A Correct.

1 Q Over that approximate five-month, maybe six-month
2 period of time, I'm not sure exactly sure, but at least
3 five-month period of time these pleadings were being filed,
4 correct?

5 A Correct.

6 Q Did you have any contact with Mr. Buckley
7 personally during that time?

8 A No, I did not.

9 Q Did you notice any sort of behavior around you
10 that made you think Mr. Buckley was following you or
11 stalking you or anything like that?

12 A I did not.

13 Q And was there -- were there -- and these, as
14 offensive as you and me found them, were basically him
15 stating that you were in favor of the Defendants in the case
16 and ruling in their favor out of bias, I guess? I'm
17 generalizing, but that's what he was claiming?

18 A Yes, but correction, I didn't find those written
19 statements and the pleadings to be offensive.

20 Q So you're just reading them because they're -- you
21 would agree with me that the odds are a lawyer probably
22 wouldn't include that language in a pleading to Your Honor.
23 That's not something most lawyers would do?

24 A That's correct.

25 Q And that's because if the lawyer wanted to

1 continue practicing in front of Your Honor that probably
2 would not be a real wise thing to put in there, plus it's
3 not very professional, is it?

4 A I agree.

5 Q So kind of making these -- and you would agree
6 with me that stating that you are totally on the side of the
7 Defendants and you're corrupt, those are pretty wild
8 allegations based on your history that really aren't
9 accurate?

10 A I would agree with that, yes.

11 Q So -- and nowhere in these pleadings were there
12 ever any threats of violence or harm to your family or
13 anything along those lines, correct?

14 A You're correct.

15 Q Now, Exhibit No. 7 is the note that you got, and
16 this was not hand delivered to you by the Defendant. You
17 got this through how?

18 A It was provided to me by the clerk's office. So
19 you're correct, it was not handed to me by Mr. Buckley.

20 Q So it wasn't as if he forced his way into your
21 office and said, Here, Judge? I mean, this came to you
22 maybe through not the normal proceeding but at least through
23 your clerk?

24 A That's correct, with one exception, that he sent
25 it to me personally rather than filing it as a pleading in

1 the case.

2 Q Now, while this is perhaps not a very professional
3 statement or document directed towards you, there's no
4 personal threats or anything about harm or anything like
5 this contained in this, is there?

6 A No, he did not make any threats of harm in there.

7 Q He was very angry that a lien was on his house?

8 A Yes.

9 Q He was letting you know that?

10 A Yes. And he was telling me to fix it.

11 Q Well, he didn't say anything about what he would
12 do if you didn't fix it, though?

13 A That's correct. Yes, correct.

14 Q In other words, a more legal, scholarly legal
15 person might file something with the Court in the normal
16 course of things. A pleading might be filed to say, Judge,
17 there's a lien on this, please deal with this quickly. I
18 mean, there's motions that attorneys file saying, This is
19 really a problem, you need to deal with this quickly.
20 That's not unusual?

21 A You're right.

22 Q Oh, on this Exhibit 7, was there anything else
23 attached to this when you got it?

24 A Yes.

25 Q There was, like, a big pile of pleadings and

1 documentation saying why you should fix this based on the
2 following?

3 A Yes. He filed miscellaneous paperwork with that
4 handwritten note.

5 Q So this wasn't just a note that said, without
6 anything behind it, fix this; there were actually documents
7 and other things, I think e-mails and a variety of things
8 explaining, maybe not very articulately, but at least in his
9 position why you needed to fix this?

10 A Yes, although he didn't file a motion. He just
11 filed e-mails, so it wasn't a motion.

12 Q But it was attached to this particular letter?

13 A E-mail, yes. Yes.

14 Q And the e-mail dealt with why he believed the lien
15 was inappropriate, not as a motion but just why he believed
16 the lien was inappropriate?

17 A Correct.

18 Q And then that was filed, it looks like April 4,
19 2011; is that correct?

20 A Yes, that's correct, Mr. Root.

21 Q And then, oh, about a week later, April 11, he
22 filed this letter apologizing to you for the manner in which
23 he dealt with that Exhibit No. 7?

24 A Yes.

25 THE COURT: Mr. Root, that's Exhibit 8.

1 MR. ROOT: Yes, I referred to exhibit --

2 Q (By Mr. Root) The apology in Exhibit 8 referred to
3 the manner in which he dealt with Exhibit 7.

4 A Yes.

5 Q Now, even though he apologized in this letter,
6 because he felt it was inappropriate, the manner in which he
7 did it, he continued to say, I still don't think you are
8 fair, Judge, and that's why I'm frustrated. I know I'm
9 paraphrasing. It speaks for itself, but that's kind of a
10 generalization, is that fair?

11 A Not exactly.

12 Q Well, let's see. It says you have been thrust
13 into the middle of a very unusual situation and you have
14 ruled in a manner which consistently -- basically, he's
15 saying in this that he's sorry, and now as I read it, you
16 are correct, he's saying you dealt with an area with
17 everyone in a manner presuming everybody is honest, correct?

18 A Yes, that's correct. That's one of the things he
19 put in this letter.

20 Q Now, I mean there's nothing in Exhibit 8 that
21 indicates he's apologizing for somehow threatening you
22 physically, is that correct?

23 A Well, he indicated that he in no way meant to
24 display any lack of respect for the Court or posing a threat
25 or discomfort on the judge of this court. First paragraph.

1 Q Right. But he's in no way saying that he meant
2 this as a threat? I mean, no where it says that No. 7 was a
3 threat?

4 A You're right, yes.

5 Q In fact, this is now in April of 2011, which is,
6 what, about seven or eight months after we started with
7 these July pleadings that we talked about, and again, you
8 never saw -- he never did anything to you to make you feel
9 threatened by following you around or harassing your family
10 or anything like that?

11 A You're right, yes.

12 Q Now, the information that you received from both
13 Weld County sheriff and the Longmont Police Department, you
14 understandably -- your primary concern, the safety of your
15 family I'm guessing is paramount even over the safety of
16 yourself, I'm guessing?

17 A Yes. And the other judge.

18 Q So you're going to do whatever you feel is
19 necessary to make sure that regardless of whether it's a
20 real, valid threat, you are not going to take any chance on
21 that once you get this information, is that fair?

22 A Yes.

23 Q Sort of a better safe than sorry -- I don't mean
24 that lightly, that's kind of the attitude you have to take
25 if you're given information that perhaps a threat was made?

1 A Absolutely. As chief judge, I'm responsible for
2 everyone in that building, public and employees.

3 Q I'm not sure if I can make this a coherent
4 question, but I'll try. Would you agree with me that in the
5 pleadings Mr. Buckley on occasion would make allegations
6 that were sort of out there, I mean, not really based on
7 facts as far as the case was concerned?

8 A Yes.

9 Q I don't mean that -- for you to make any decision
10 about the appropriateness of the motion or anything, but he
11 was talking about sort of an almost conspiracy between the
12 parties that -- you know, to his detriment?

13 A By the Murphys towards him, that's correct.

14 Q And he was every bit as angry, if not angrier,
15 toward the Murphys than you; is that a fair reading of these
16 documents?

17 A Yes, and the Murphy's attorney, attorneys, excuse
18 me, plural.

19 Q Are you aware that Mr. Buckley posted bond -- he
20 was arrested on this contempt citation as you understand it,
21 correct?

22 A Yes, on July 21.

23 Q Am I correct then that the amount of bond on that
24 citation or the arrest warrant was \$1,000?

25 A Yes.

1 Q Cash only, I believe?

2 A Yes.

3 Q And so are you aware that he posted that bond
4 later the same day that he was arrested?

5 A I don't know what day he posted that. I was made
6 aware later on that he did post a bond.

7 Q Was that before the 30th?

8 A That he had posted?

9 Q No. That you were notified about him having
10 posted bond?

11 A I thought it was after the 30th, because the
12 conversation I had with Detective Merkle on the 30th, I had
13 two conversations with him. The first one was to discuss
14 the case and -- no, I take that back. I'm confusing the
15 other bond for this case.

16 Q So, were you advised that he had posted bond on
17 the same date that he was arrested?

18 A No. They didn't give me the date that he posted
19 bond, but I was aware that he had posted bond for the civil
20 case for the warrant issued by Judge Maus.

21 Q The thousand-dollar cash only bond?

22 A Thousand-dollar cash only bond.

23 Q Now, you as the Court, you're aware that if
24 reasonable requests are made for conditions on the arrest
25 warrant, those could be included in the request to the

1 Court? In other words, the bond can say, we are requesting
2 no contact, maybe even an ankle bracelet. There are several
3 things that could be included in the request to the Court
4 for the warrant. Can that happen?

5 A That doesn't generally happen when the request for
6 a bench warrant is based on failure to comply with civil
7 Rule 69.

8 Q I understand that. I'm now talking about a
9 warrant. For instance, if an emergency warrant was
10 requested after the arrest of Mr. Buckley, after supposedly
11 he threatened you, for that warrant, that could have been
12 obtained within a day or even almost immediately, correct?
13 In other words, these judges -- we were talking about before
14 how these judges were on call to deal with these situations.

15 A In Weld County, yes. I don't know how long it
16 takes in Boulder, Colorado, but I would assume it can be
17 done very quickly.

18 Q The document that you saw from the Longmont Police
19 Department, was that a police report?

20 A I saw two documents at different points in time.
21 The first one that was given to me by Deputy Chief Caldwell
22 was a one-page teletype that was sent to other law
23 enforcement agencies and contained Mr. Buckley's picture and
24 description of him, the vehicle he drove, and a very general
25 statement that did not list the name of the judge. And then

1 after the detective walked through a warrant for the
2 criminal charges, I was provided with a copy of the
3 affidavit for the arrest warrant, which had much more
4 details. I received that from Ms. Weigel.

5 Q When did you get that?

6 A I cannot recall the date that I received that. It
7 would have been after her office became involved with the
8 case, but I don't recall the precise date. It's been a few
9 weeks, I believe, after her office contacted me, which was
10 shortly after the charges were filed. I said charges. I'm
11 sorry, charge.

12 Q But again, even at this late date you never have
13 either read a transcript or heard the -- heard what happened
14 out there on the street when Mr. Buckley was arrested?

15 A That's correct.

16 MR. ROOT: Can I have a second, please?

17 THE COURT: You bet.

18 MR. ROOT: That's all I have. Thanks, Judge.

19 THE COURT: Thank you, Mr. Root. Redirect? Jury,
20 remember, you have a chance to ask this witness questions.
21 There should be some questionnaires on the bar.

22 REDIRECT EXAMINATION

23 BY MS. WEIGEL:

24 Q Judge, just following up on that last question, is
25 there any reason in particular that you haven't wanted to

1 read the transcript or listen to the recording?

2 A Yes.

3 Q What is that?

4 A After I read through the affidavit, which was
5 quite detailed, I got more than just a full flavor of Mr.
6 Buckley's anger.

7 Q Would -- was that transcript offered to you?

8 A Yes, you had offered to allow me to either listen
9 to it or a transcript could be prepared. I don't know that
10 a transcript had been prepared at that time, but you had
11 offered either method.

12 Q And so when you read the warrant, did that detail
13 some of the statements that he made?

14 A It was very detailed. The officer had prepared
15 the affidavit after listening to the recordings.

16 Q There's quotes in there from Mr. Buckley?

17 A There are quotes in there.

18 Q What was it said, though, that you had read it and
19 you got the full flavor of his anger, what do you mean?

20 A What statement he made?

21 Q Yes.

22 A That the statement that there would be blood, and
23 that the statement that he was not suicidal, he was
24 homicidal.

25 Q When you say earlier that you had taken what he

1 had said to be a threat, are those the two statements
2 particularly that you found to be threatening?

3 A Yes.

4 Q Now, you had also mentioned, though, when Mr. Root
5 was asking you questions about the exhibits that you didn't
6 necessarily find his language in there to be offensive.
7 What did you mean by that?

8 A The motions, that's correct, but the handwritten
9 note, I did take that as -- I was alarmed by that, but the
10 motions themselves, I didn't find those to be offensive. He
11 was expressing his opinion at that point in time. There was
12 no basis for his claims, and I knew there was no basis for
13 his claims, which is why I was not offended by those
14 statements.

15 Q So it wasn't until the letter, then, that kind of
16 your opinions about that changed?

17 A That's when my -- when I became more alarmed.
18 That's when I became alarmed, I should say.

19 Q Now, is it to say -- well, you're here testifying
20 in this criminal case against Mr. Buckley. Is it fair to
21 say that when you were presiding over the case as the judge,
22 your duty is to uphold people's rights?

23 A Yes.

24 Q Do you take that into consideration?

25 A Absolutely.

1 Q When he brought you the letter in April of 2011
2 about the lien, legally, was there anything you could do
3 about the lien?

4 A No, not at that time.

5 Q Was that in your jurisdiction in terms of what you
6 were assigned to handle in that case?

7 A It was not. The judgment was final, and he did
8 not file a motion under applicable rules of civil procedure
9 to vacate that motion in April of 2011.

10 Q So could you have done anything to fix the lien?

11 A No, not based on what he provided to me.

12 Q If he had filed an appropriate motion, was there
13 anything you could have done?

14 A If he had filed the appropriate motion and it
15 would have been fully briefed, which means the defense had
16 an opportunity to respond and then Mr. Buckley had an
17 opportunity to reply, if there was a basis for the filing of
18 that motion. Typically, motions have to be filed within six
19 months of the judgment becoming final, and this was past
20 that six-month time period that it became final, but there
21 are certain exceptions. Not knowing what he would have put
22 in a motion, I could only speculate.

23 Q Now, Mr. Root had asked you once you learned of --
24 initially it was just some generalities, but once you
25 learned about what Mr. Buckley was saying, you took actions

1 to protect your staff and yourself and family. Were you
2 doing that just to be better safe than sorry?

3 A I was concerned, and I met with our sheriff
4 security team. I indicated that I talked to our judicial
5 security team, and I did the same thing in -- after the
6 April 2011 note was provided to me, so I did it twice over
7 the course of time, and I had concerns for safety, myself
8 and other people.

9 MS. WEIGEL: I don't have anything else. Thank
10 you.

11 THE COURT: Thank you.

12 MR. ROOT: Judge, there's a couple things she
13 opened up I'd to address.

14 THE COURT: I don't allow recross.

15 MR. ROOT: Okay.

16 THE COURT: Because it never ends.

17 MR. ROOT: This would, but I understand.

18 THE COURT: If the jury does ask questions, you
19 can respond to the jury's questions.

20 MR. ROOT: Can I bring the exhibits back to the
21 court reporter?

22 THE COURT: Jury, at this time, if you have any
23 questions, write it down on a sheet of paper and Ms. Sol
24 will collect it.

25 (Bench conference held outside the hearing of the

1 jury.)K*U

2 THE COURT: Jury questions one and two, if you can
3 let me know if there's any objection.

4 MR. ROOT: I don't object to them being published.
5 I don't object to them.

6 MS. WEIGEL: I don't object.

7 THE COURT: Thank you.

8 (End of bench conference.)

9 THE COURT: Sir, I have two jury questions, jury
10 question one and two. I'm going to reverse the order of one
11 and two so it make more sense. I'll first read jury
12 question No. 2. Please read Exhibit 7, the handwritten
13 note.

14 MS. WEIGEL: May I approach?

15 THE COURT: Yes.

16 A Exhibit 7 reads: "Hartmann, you need to fix
17 this" -- words "fix this" are underlined -- "and get the
18 lien off my house right now! Buckley, 09CV991." And then
19 it has the date stamps that were put on there when it was
20 filed.

21 THE COURT: Jury question No. 1, can you read
22 Exhibit 8, the apology letter.

23 A Yes. The letter has Mr. Buckley's name and
24 address up at the top, Craig D. Buckley, 2345 Gay Street,
25 Longmont, Colorado, 80501, with his telephone number.

1 April 8, 2011. Honorable Judge James Francis Hartmann, Weld
2 District Court, 901 9th Avenue, Greeley, Colorado 80631.

3 "Regarding: Letter of apology. Your Honor: I humbly,
4 sincerely and respectfully offer you my sincerest apologies
5 for having caused you any discomfort or having disrespected
6 the Court by way of my last communication with you. While
7 terse, and scribbled with a Sharpie on a piece of scratch
8 pad, was in no way meant to display any lack of respect for
9 the Court or impose any threat or discomfort on the judge of
10 this court.

11 I will not attempt, ex parte, to litigate any
12 issues in this correspondence other than to say I deeply
13 regret any offense to the dignity of the court which may
14 have been created by this matter. You have been thrust into
15 the middle of a very unusual situation, and you have ruled
16 in a manner which consistently presumes honesty by all
17 litigants and counsel. Evidence recently obtained from the
18 CDLE and sworn testimony elicited in Division 6 on April 7,
19 2011, however, indicate otherwise.

20 I have no intention of filing a grievance
21 against Your Honor as I have previously and presumptuously
22 asserted. You, Your Honor, if I may presume, have through
23 my numerous somewhat forward pleadings discerned my palpable
24 angst in dealing with the Defendants and my prejudgment of
25 this court.

1 I will from this point forward correspond
2 with is this honorable court and Your Honor only in the form
3 of a properly styled motion.

4 Again my humblest apologies for having caused
5 you, Your Honor or this Honorable Court any inconvenience."
6 Respectfully, Craig D. Buckley, and then it has a signature
7 at the bottom.

8 THE COURT: Thank you, sir.

9 A You are welcome.

10 THE COURT: Ms. Weigel, do you have any followup
11 based on those jury questions?

12 MS. WEIGEL: No, thank you, sir.

13 THE COURT: Mr. Root.

14 MR. ROOT: Yes, judge, brief.

15 THE COURT: Within the scope of the questions.

16 EXAMINATION

17 BY MR. ROOT:

18 Q As far as those documents are concerned that you
19 just read to the jury, after those documents, there was
20 never any behavior on the part of Mr. Buckley that you
21 observed threatening you along those lines until whatever
22 happened on the date in July of 2013, correct?

23 A That's correct.

24 MR. ROOT: That's all.

25 THE COURT: Thank you. Thank you. You may step

1 down.

2 A Your Honor, may I be excused from my subpoena?

3 THE COURT: You may.

4 A Thank you.

5 (Trial continued but was not transcribed.)

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The above and foregoing is a true and accurate transcription of my stenotype notes taken in my capacity as Official Court Reporter, District Court, County of Boulder, State of Colorado.

Dated this the 2nd day of May, 2014.

PATRICIA BUTLER, RDR
Official Court Reporter