

First Judicial District Division 2 CourtRoom 5-A 100 Jefferson County Parkway Golden, Colorado 80401	
PEOPLE OF THE STATE OF COLORADO, Plaintiff  v.  STEVE D. GARTIN, Defendant	▲ Court Use Only ▲
Defendant in Propria Persona: Steve Gartin P.O. Box 16700 Golden, Colorado 80402 Email: <a href="mailto:sheriffsteve@justice.com">sheriffsteve@justice.com</a>	Case Number: 00CR3371  Division 2      CourtRoom: 5A
<b>1<sup>ST</sup> AMENDMENT PETITION FOR REDRESS OF GRIEVANCE IN THE NATURE OF MOTION TO DISMISS DUE TO GROSS PROSECUTORIAL MISCONDUCT</b>	

**Comes Now, Steve Douglas, Gartin, *Child of 777***, a sovereign Inhabitant of the California Republic, currently domiciled in Colorado; First Secured Party of the “*strawman defendant*” in the above captioned matter and “*attorney-in-fact*” firmly established pursuant to U.C.C. Private Security Agreement #SDG09112000-SA, registered, *and uncontested*, with the Secretary of STATE U.C.C. Division, appearing by **special visit, not general appearance**, in propria persona (pro-se); who is of legal age, sound mind, speaks the truth and has first hand knowledge of the facts contained herein; affirms and attests that the following information is true, correct, complete, not misleading and is made under the penalty of perjury, knowingly, willingly and without threat or coercion hereby states for the record:

The outrageous conduct of the Prosecution in this matter is exceptionally well documented within the Honorable Court’s Record and on Transcript and is beyond refute.

The Prosecution has openly and flagrantly flaunted its abuse of official power in this matter by maliciously and vindictively threatening and prosecuting Defense witnesses and preventing them from testifying in a Preliminary Hearing.

In the case of Mr. Charles Harry Clements, see attached Affidavits recently received by the Defense, the testimony he would truthfully present at a Preliminary Hearing would have provided an entirely different perspective to the Honorable Court when considering “probable cause” to bind the matter over for trial.

The Prosecution committed the following crimes, in conspiracy, in order to conceal and cover-up the fact that there was NO probable cause to prosecute the Accused by unlawfully eliminating Defense witnesses:

- 18-8-704: Intimidating a witness or victim:
- 18-8-707: Retaliation against a witness or victim:
- 18-3-207: Aggravated Criminal Extortion:

**See attached Exhibit A:** Affidavit by Steve Douglas, Gartin regarding the Colorado State Attorney General threatening witnesses.

**See attached Exhibit B:** Copy of a letter to the American Civil Liberties Union by Charles Harry Clements describing the malicious and vindictive prosecution he suffered at the hands of the Colorado

State Attorney General's Office in retaliation for being a witness to crimes committed by government agents who were being defended by the Colorado State Attorney General in Federal Civil Rights Cases 97-N-1501, 97-D-1036, 95-B-1747 and 01-ES-1145.

- 📖 A claim of outrageous governmental conduct implicates the protections of the Fourteenth Amendment right to Due Process. *People v. Aponte*. 867 P.2d 183 (solo. App. 1993). This protection justifies the exercise of a Court's supervisory powers in **dismissing a criminal case**. *Id.*
- 📖 Outrageous governmental conduct is generally defined as that which violates fundamental fairness and is shocking to a universal sense of justice. *Id.*
- 📖 When the **governmental conduct at issue is so outrageous** that appropriate sanctions are required, **dismissal of a case is not considered "too severe" a remedy**. *Id.*

COLORADO STATE ATTORNEY GENERAL'S OFFICE did not want Mr. Clements to truthfully testify to the facts he is cognizant of, for fear that the truth would prevent them from gaining an unfair advantage in case #00CR3371. **See attached Exhibit C: Affidavit of Charles Harry Clements regarding Gartin knife collection and appraisal.**

COLORADO STATE ATTORNEY GENERAL'S OFFICE knowingly and intentionally engaged in computer crime, **C.R.S. 18-5.5-102.**, and hacking by unauthorized use of passwords obtained by fraud, threats and coercion in order to destroy Accused's World Wide Web Sites, to-wit: [www.kuntaosilat.com](http://www.kuntaosilat.com) & [www.kuntaosilat.net](http://www.kuntaosilat.net) and those of Charles Harry Clements, in an effort to prevent the Accused from collecting enough revenue to execute the EXCESSIVE BOND required in this matter. **See attached Exhibit D: Affidavit of Charles Harry Clements regarding deletion of websites and e-mail.**

The Accused meticulously documented the unlawful and outrageous conduct and actions of the Prosecution, *and agents thereof*, for **five years** antecedent to the filing of the false and frivolous charges in this case, the criminal conduct of the Police and the Prosecution has been recorded and documented and relief has been sought from every possible administrative and judicial official from Internal Affairs to the Governor and the U.S. Attorney General. No relief has been granted – persecution has been on-going.

The most obvious remedy to the egregious and outrageous governmental conduct is **Dismissal with Prejudice** in order to prevent further deprivations of constitutionally guaranteed liberties and the on-going persecution of the Accused without justifiable cause. **The accused has already served over a year** in the draconian, over-crowded prison at Jefferson County and has been assaulted by heavily armed S.W.A.T. Teams on three occasions.

At least eight viable businesses have been completely destroyed by the governmental actors who are party to this action and thousands of dollars in bonds have been paid and lost.

The Accused has already suffered great and terrible punishment by having been **accused of "patriotism."** All the other purported and alleged "crimes" are an obvious smoke screen for the true focus of persecution, which is revealed in shocking detail in the Statewide Grand Jury Transcript.

**Patriotism is not a crime;** nor is Petitioning the government for **Redress of Grievance;** nor is telephoning one's Children – yet the accused has been egregiously and outrageously punished for those accusations by a small cabal of malicious, vindictive government agents gone mad with power.


The record and the charges and allegations of this sovereign California Inhabitant stand unrefuted and unchallenged even after numerous good faith attempts at reconciliation and formal petitions for redress of grievance have been sought.

The most judicially efficient, fair and just resolution lies in the complete **dismissal** of all

alleged charges with prejudice and an immediate release of the Accused from draconian imprisonment in the Jefferson County Detention Facility, Inc. In the alternative a Personal Recognizance Bond is requested so that the Defense will not be additionally burdened by unconstitutional deprivations of due process rights that will predictably and unquestionably substantially and negatively impact the mounting of an effective defense.

- A speedy hearing is requested to adjudicate this matter since this is the only issue holding the Accused in draconian, overcrowded prison conditions, in violation of the 4<sup>th</sup> Amendment.
- Since September 24, the only issue holding the Accused in unlawful draconian imprisonment is #00CR3371, for which the Accused was also held without authority in California prior to the unlawful kidnapping by Jefferson County Sheriff's Agents.
- The Accused relies upon the 8<sup>th</sup> Amendment guarantee of reasonable bond, to-wit: Personal Recognizance, in the alternative that the Honorable Court does not dismiss this case.

Humbly submitted in good faith,

  
Steve D. Gartin – In Propria Persona – Sui Juris

Sunday, October 21, 2001

Attachments:

- A: Affidavit by Steve Douglas, Gartin regarding the C.S.A.G. threatening witnesses
- B: Copy of a letter to the American Civil Liberties Union by Charles Harry Clements
- C: Affidavit of Charles Harry Clements regarding Gartin knife collection and appraisal.
- D: Affidavit of Charles Harry Clements regarding deletion of websites and e-mail.

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### Certificate of Service VIA U.S. Mail

I hereby certify that a true and correct copy of the foregoing **First Amendment Petition for Redress of Grievance in the Nature of Motion to Dismiss Due to Gross Prosecutorial Misconduct** was placed in the Jefferson County Detention Facility Mail with sufficient postage attached and addressed to the following parties:

COLORADO STATE ATTORNEY GENERAL  
Kenneth Salazar, Esquire  
1525 Sherman Street – 5<sup>th</sup> Floor  
Denver, Colorado 80203

Daniel Edwards, Esquire  
1733 High Street  
Denver, Colorado 80218

The Honorable Richard Jauch  
Arapahoe County Court  
1790 W. Littleton Boulevard  
Littleton, Colorado 80120

**And by InterOffice Mail to the following:**

The Honorable Leland P. Anderson  
District 2 - CourtRoom 5-A  
100 Jefferson County Parkway  
Golden, Colorado 80401

David J. Thomas, Esquire  
Jefferson County District Attorney  
500 Jefferson County Parkway  
Golden, Colorado 80401

Affidavit by Steve Douglas, Gartin  
regarding the C.S.A.G. threatening witnesses

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# DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT OF COLORADO

## AFFIDAVIT

By: **Steve Douglas, Gartin**

Date: Twenty Second Day of the Tenth Month in the Year of our Lord, **YahShewa** Two Thousand and One

Regarding: **Colorado State Attorney General Threatening Witnesses - Case #00CR3371**

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**4-12-101. Form of oath.**

*Whenever any person is required to take an oath before he enters upon the discharge of any office, position, or business or on any other lawful occasion, it is lawful for any person employed to administer the oath to administer it in the following form: The person swearing, with his hand uplifted, shall swear "by the Everliving God".*

**Steve Douglas, Gartin**, child of יהוה (YHVH-The Everliving God), a Public Minister and sovereign Inhabitant of the California Republic, *currently domiciled in Colorado*; First Secured Party of the "strawman defendant" in **Case #00CR3371** and "attorney-in-fact" firmly established pursuant to U.C.C. Private Security Agreement #SDG09112000-SA, registered, *and uncontested*, with the Secretary of STATE U.C.C. Division; **appearing by special visit, not general appearance**, in propria persona (pro-se); who is of legal age, sound mind, speaks the truth and has first hand knowledge of the facts contained herein; affirms and attests that the following information is **true, correct, complete, not misleading** and is made **under the penalty of perjury**, knowingly, willingly and without threat or coercion; hereby states for the record:

Affiant believes, and therefore alleges, that the Colorado State Attorney General, Kenneth Salazar and agents and assigns, to-wit: Marleen M. Langfield, Esquire and Gary Clyman have conspired with Donald L. Estep to knowingly and maliciously violate C.R.S. **18-8-704: Intimidating a witness or victim**:

**Donald L. Estep and Gary Clyman did unlawfully**, with the intent to **harass, injure and harm a victim and witness** to Federal Crimes, to-wit: Charles Harry Clements, *who has witnessed governmental crimes committed by agents and assigns of the Douglas, Arapahoe, Jefferson County Government, Greenwood Village Police, State Judicial Officials and others, in color of their authority, and has reported Federal crimes committed by those Government Officials*, has been threatened by criminal prosecution by the Colorado State Attorney General Investigator Gary Clyman and Jefferson County Sheriff's Deputy/F.B.I. Agents Donald L. Estep Curtis Maleri and Mark Holstlaw in an attempt to induce that witness to refrain and desist from testifying in a court of law, to-wit Jefferson County Cases #00CR2419 and #00CR3371. Subsequently Mr. Clements was indeed prosecuted, to-wit: Case #00CR3373. *Intimidating a witness or victim is a class 4 felony.*

**And 18-8-707: Retaliation against a witness or victim: Donald L. Estep and Gary Clyman** did unlawfully retaliate against Charles Harry Clements by use of an act of harassment by unlawfully invoking the Colorado State Attorney General, Kenneth Salazar, Esquire, *who has no substantially related interest to Mr. Clyman or Mr. Estep*; to file a frivolous and fraudulent case, to-wit: #00CR3373, against Charles Harry Clements, *a witness of Federal Crimes*, to-wit: Federal Case #01-ES-1145, Verified Complaint to F.B.I., Verified Complaint to U.S. Attorney General, Case #97-D-1036 & 97-N-1501, as **retaliation and retribution** against said witness for reporting to authorities and contemplating testimony in behalf of Steve D. Gartin in Jefferson County Cases #00CR2419 & OOCR3371 and to gain an unfair advantage by imprisoning witness while extorting internet website passwords, U.R.L.s and compliance to extortion demands from him. *Retaliation against a witness or victim is a class 3 felony.*

**And 18-3-207: Aggravated Criminal Extortion: Donald L. Estep and Gary Clyman** did unlawfully retaliate against witness by use of a credible threat, issued by F.B.I. Agent Mark Holstlaw and Donald L. Estep, *without legal authority and with the intent to induce witness to not testify in case #00CR3371, against witness'*

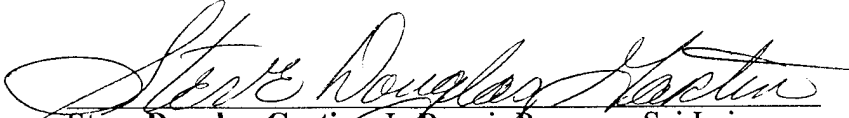
will; warning that they would "make it hard" on that witness and that "it would lead to trouble," by threatening to invoke action by the STATE ATTORNEY GENERAL and the Fugitive Apprehension Team, whose interests are not substantially related to the interests pursued by Gary Clyman and Donald L. Estep. Criminal Extortion is a class 4 Felony. *Aggravated criminal extortion is a class 3 felony.*

Mr. Charles Harry Clements is a first-hand eye-witness to many acts, actions, contracts, performance and lack thereof and material facts germane to several pending cases. The Defense believes that the Prosecution in case #00CR2419 has maliciously abused the official power vested in them by unlawfully prosecuting Mr. Clements and Eric Gordon Mitchell, and by directly threatening Jack Anthony Otterro, William Godbey and Nancy Jean Britton with prosecution if they aid or assist the Defense in any manner.

Charles Harry Clements, Eric Gordon Mitchell, Jack Anthony Otterro, William Godbey and Nancy Jean Britton have witnessed crimes committed by private citizens and government officials against Steve Douglas, Gartin and will be called to truthfully testify during trial in case #00CR3371. Defense believes, and therefore alleges that government agents have unlawfully threatened and will continue to threaten Defense witnesses with malicious and vindictive prosecution if they truthfully testify in Accused's behalf. Defense believes, and therefore alleges that the aforementioned crimes, committed under color of STATE authority, will continue unabated without intervention by the Honorable Court in the form of an injunction or restraining order to protect the Accused and witnesses for the Defense.


The Defense suspects that Donald L. Estep and Gary Clyman may be acting in concert and collusion with Federal Bureau of Investigation Agents Frank Loturco, Duane Fuslier and Curtis Maleri; Colorado State Attorney General, Kenneth Salazar and assigns Maurice Knaizer and Marleen M. Langfield; Jefferson County Sheriff John P. Stone, Chief Raymond Flear, Captain Terry Manwaring, Lieutenant D. Taylor, Lieutenant Smith, Sergeant Gerlach; Lakewood Police Department Sergeant Ed Loar; First Judicial District Judge Charles T. Hoppin, Judge Tina Louise Olsen, Judge Roy Olson and District Attorney David J. Thomas and Deputy District Attorney Dennis Hall; Arapahoe County District Attorney James J. Peters & Deputy D.A. Ted Mackelroy; Arapahoe County Judge Ethan Feldman; and Greenwood Village Police Agents Mark Stadterman and John Carr. Other actors may be involved in this conspiracy to murder or incarcerate the Accused and to vindictively deprive Accused of Constitutionally guaranteed and secured rights, by abuse of their color of office and by concerted criminal actions conducted under color of State law.

Humbly submitted in good faith,

  
Steve Douglas, Gartin – In Propria Persona – Sui Juris  
c/o P.O.B. 16700 Golden, Colorado [80402]

*Pursuant to 28 USC 1746(1) and executed "without the United States," I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, to the best of my belief and informed knowledge.*

**NOTARY PUBLIC SEAL**

SUBSCRIBED AND AFFIRMED, OR SWORN TO BEFORE  
ME IN THE COUNTY OF JEFFERSON STATE OF  
COLORADO THE 22<sup>nd</sup> DAY OF October 2001  
  
NOTARY PUBLIC, STATE OF COLORADO  
MY COMMISSION EXPIRES 7-19-2004

Copy of a letter to the American Civil  
Liberties Union  
by Charles Harry Clements

DEFENDANT'S

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Charles H. Clements  
1741 Dallas Street  
Aurora, Colorado  
80010-2018  
303.364.0403 (phone)  
e-mail: [gryphons@home.com](mailto:gryphons@home.com)

Intake Department  
American Civil Liberties Union  
Denver, Colorado

15 Oct 01

I need to bring my situation to the attention of the ACLU and to seek counsel about how to proceed in an appropriate and productive manner.

I believe and allege that I have been subjected, by officers of the law and prosecutors, to a deliberate and malicious attempt to improperly influence me, as a Witness, through actions, threats, intimidation and defamation.

The situation stems from my posture as a 3<sup>rd</sup> Party Witness for a Plaintiff in Federal District Court, Mr. Steve Douglas Gartin. He is complaining of various abuses of his civil rights by officers of the Jefferson County Sheriff's Department, the District Attorney's office and some magistrates/judges. As an adjunct of this complaint, he has also included a person in the State Attorney General's office, Maurice Knaiser, council for Henry Nieto, now Judge of the Appellate Court.

Over some good period of time, some four years or so, I have been threatened by lawyers, a police officer, Sheriff's Deputy, and an FBI agent, that my witness for Mr. Gartin would 'lead to trouble'. I believe they have sought to extort my abandonment of my responsibilities to a court to render truthful testimony in order to cover their self perceived exposure to liability stemming from the behaviour as charged in the actions.

On February 19<sup>th</sup>, 2001, I was surprised to be arrested at my home in Adams County by the Fugitive Apprehension team from Jefferson County on a, previously unknown to me, Fugitive Warrant based on a Secret Grand Jury Indictment issued 60 days prior (23 Dec 00). There were sixteen charges; Attempt to Influence a Public Official, Filing False Instruments, Criminal Extortion (multiple counts) and Carrying a Concealed Weapon on a Jefferson County School Ground. (Ref. Case number 00CR3373)

On my third day in jail, I was shown, but not given, a Grand Jury Indictment enumerating all the charges.

The prosecutor of that indictment was Marlene Langfield, Esq. of the Colorado State Attorney's Office and her investigative team; Gary Clyman, Don Estep of the Jefferson County Sheriff's Department and Special Agent Kurt Maleri of the Federal Bureau of Investigation.

I applied for a Public Defender and was lucky to get Cynthia Sheehan. Upon Attorney Sheehan's appearance, the first fifteen felony charges were dropped immediately; as was the misdemeanor CCW. None of the charges had anything to do with me although they had been presented as reason for treating me in such a manner. The surviving felony, Criminal Extortion, was carried by Special Deputy State Attorney General Marlene Langfield for several months until a motion was made by the District Attorney's office to dismiss. The charging was inappropriate by any measure- even if events had transpired as was alleged- which they had not.

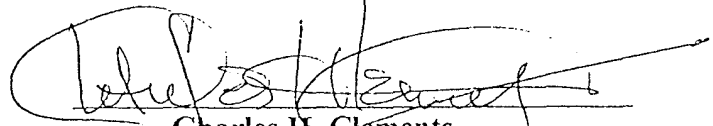
I was thoroughly cooperative throughout the experience.

I allege that the indictment for 'Criminal Extortion' was based on deliberate material perjury by two witnesses to the Grand Jury. The complainant and primary witness, Hector Bonilla, is the brother of a Federal Confidential Informant, and the known member of an international criminal gang (La Eme; Cinco Familias). He was the sole complainant against me. Another witness, Victoria de Thouars-Tollman, testified, under oath, about a fictitious event that seemed to materially support the idea of my predilection to such conduct as was alleged by Hector Bonilla.

Both of the witnesses were well known to the prosecution team, but not to each other, and both of them gave perjury that can be proven in a court of law.

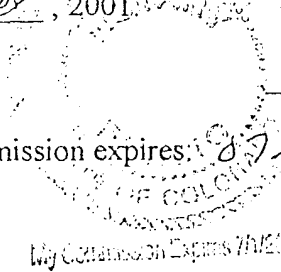
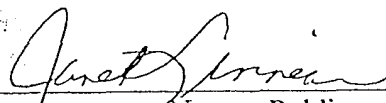
I believe that their testimonies were suborned as perjury by the prosecution team in the person of Don Estep, Gary Clyman and under the supervision of Marlene Langfield. I believe that my arrest, detention and treatment whilst in jail was to threaten and intimidate me against giving truthful testimony in their actions against Steve Gartin. I believe that the entire prosecution was an attempt to gain advantage in Mr. Gartin's Federal Court action by attacking my 'credibility' as a Witness for the Plaintiff. I believe that even a casual examination of this sequence of events will reveal a broad pattern of abuse of process and obstruction of justice under color of authority by these people.

Respectfully Submitted,

  
Charles H. Clements

State of Colorado )  
                  Arapahoe ) ss.  
County of Adams )

Affirmed and Attested to before me by Charles H. Clements on this 15<sup>th</sup> day of October, 2001.

  
  
Notary Public  
My commission expires: 07-01-2003  
My Commission Expires 7/1/2003

Affidavit of Charles Harry Clements  
regarding Gartin knife collection and  
appraisal.

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DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO

Case No. 00CR3371

Division 5A

AFFIDAVIT OF Charles Harry Clements regarding Gartin knife collection and appraisal.

I, Charles Harry Clements, after first being sworn, state as follows:

1. I am an internationally recognized appraiser of collectible cutlery; listed in international service directories, recommended by manufacturers and the industry.
2. I had occasion to see a representative portion of the cutlery collection of Mr. Steve Gartin and to formulate an opinion on provenance and value.
3. I had occasion to discuss that professional opinion with Mr. Carlos Bonilla, his brother Hector Bonilla and his mother Arabella Bonilla on various occasions over our long acquaintance..

The collection consists of a number of Spyderco knives numbered #001, as well as other examples with mis-marks, one-offs, fine engraving and stonework, presentation and special logos or other distinguishing aspects of construction, material, assembly or provenance.

This assembly of knives represented is unique.

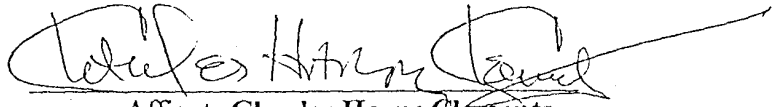
This assembly of knives represented is irreplaceable

This assembly of knives is very desirable on the international market for collectible knives.

I had numerous occasions to speak with Carlos Bonilla about his acquisition of portions of the collection and his contemplated acquisition of the balance of the collection as available. I had occasion to speak with Carlos about his agreements with Gartin, both in the circumstance of individually and collectively.

I had numerous occasions to speak with Hector Bonilla regarding Carlos Bonilla's acquisition of the collection and it's value, identified the marketplace in which to sell it, spoke with him of the contract between his brother and Steve Gartin.

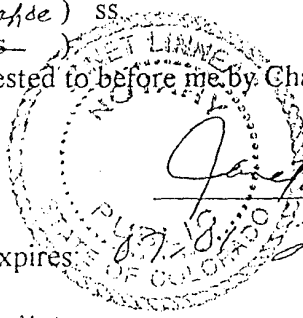
I spoke with Arabella Bonilla about the contracts between Carlos Bonilla as 'Bonilla Services, Inc.' and Steve Gartin both in the context of the valuables received and the services expected by both parties as I had witnessed them.

  
 Affiant: **Charles Harry Clements**

State of Colorado )

County of ~~Adams~~ <sup>Arapahoe</sup> ) ss

Affirmed and Attested to before me by Charles Harry Clements on this 15<sup>th</sup> day of October, 2001.

  
Joseph Linneman  
 Notary Public

My commission expires:

My Commission Expires 7/1/2003

Affidavit of Charles Harry Clements  
regarding deletion of websites  
and e-mail.

DEFENDANT'S

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DISTRICT COURT, COUNTY OF JEFFERSON, STATE OF COLORADO

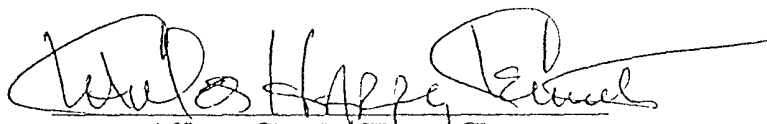
Case No. 00CR3371

Division 5A

AFFIDAVIT OF Charles Harry Clements regarding deletion of websites and e-mail.

I, Charles Harry Clements, after first being sworn, state as follows:

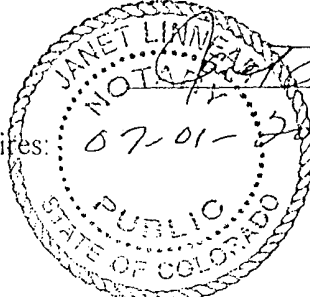
1. I am a leatherworker, a publisher, an appraiser and have had interests on the Internet for a number of years.
2. On or about 22 Feb 01, I was compelled by threats and intimidation to expose my privacy passwords to Don Estep and Gary Clyman for access to my business websites and e-mail account.
3. Commencing near to that time and continuing to present, my websites for my businesses have been systematically destroyed by using my passwords for access to the accounts.
4. Commencing at that time and continuing to present, my passwords have been changed and I no longer have access to the accounts under which I do business on the Internet.
5. My passwords are not known to anyone besides my business associate, Steve Douglas Gartin, for compatibility convenience, and to Don Estep and Gary Clymer of the Domestic Terrorism Task Force.

  
 Affiant: **Charles Harry Clements**

State of Colorado     )  
                                   ) ss.  
 County of ~~Adams~~    )  
                   *Arapahoe*

Affirmed and Attested to before me by Charles Harry Clements on this 15<sup>th</sup> day of October, 2001.

My commission expires: 07-01-2003

  
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 Notary Public  
 My Commission Expires 7/1/2003