

Sean Harrington  
P.O. Box #351855  
Westminster, Colorado 80035  
[esoxlucios@msn.com](mailto:esoxlucios@msn.com)  
phone: 888/800-9771  
facsimile: 888/817-6968

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Denver County District Attorney  
201 West Colfax Avenue, Dept. 801  
Denver, CO 80202

**RE: Inquiry regarding Madeline Elizabeth Wilson filed on or about January 3<sup>rd</sup> 2006**

Dear Assistant District Attorney:

The purpose for my letter is to follow up on the above-captioned complaint/inquiry, which I filed with your office by mail on or about January 3<sup>rd</sup> 2006. I also filed a follow-up request on the 28<sup>th</sup> of March. In response to my latter follow-up memorandum, you replied with a copy of your September 8<sup>th</sup>, 2005 letter, in which you asserted that investigating my claims of perjury and attempt to influence a public servant, *inter alia*, might not be the best use of your limited resources.

While I fully appreciate the very limited resources available to you, I respectfully request that you reconsider this conclusion on two grounds, as more fully set forth, hereinbelow:

(1) My January 3<sup>rd</sup> 2006 request differed from my original September 5<sup>th</sup> 2005 request in that Ms. Wilson has continued engaging in frivolous restraining order applications. It is possible that you did not realize that she had applied, yet again, bringing the grand total now to five. When I first reported this conduct to you in September of last year, it was then four.

(2) A case from the Colorado Court of Appeals, *People v. Schupper*, \_\_\_P.3d\_\_\_ (Colo.App., May 18, 2006) specifically addressed the subject of perjury and attempt to influence a public servant, both of which I alleged in my previous memoranda. In *Schupper*, the defendant had falsified his affidavit in support of his application for appointment of a public defender. The Court of Appeals held that his submission was, in fact, perjury, citing, among others, *State v. Jacobson*, 876 P.2d 916 (Wash. Ct. App. 1994) (filing affidavit constitutes an official proceeding when affiant knew it would be used in pending litigation). In this case, Ms. Wilson has submitted numerous Verified Complaints for civil restraining orders, containing false representations that she knew to be untrue and, which she intended to be used in pending or proposed litigation.

The Court of Appeals also held, in *Schupper*, that the defendant's, "false representations on his application in order to influence a public servant with the intent to alter or affect his or her decision to appoint counsel" was within the meaning of Section 18-8-306 (C.R.S. 2005). As applied to the facts in this case, Ms. Wilson's false numerous representations of fact, tendered not once, but five times to courts in two districts, were intended to influence a public servant (the judge) so as to alter his or her decision to grant the restraining order *ex parte*. In arriving at this conclusion, the Court of Appeals explained that "deceit," as set forth in the statute, "is not defined in the statute but is a term of common usage such that people of ordinary intelligence need not guess at its meaning," and, therefore, referred to the dictionary definition of "deceit" as "any trick, collusion, contrivance, false representation, or underhand practice used to defraud another." *Id.*(quoting *People v. Janousek*, 871 P.2d 1189, 1196 (Colo. 1994))

For your convenience, please find attached hereto a copy of the *Schupper* opinion.

In another recent case, *Trask v. Nozisko*, (Colo.App. 04CA1709, March 9, 2006), the Court of Appeals explained that, where a restraining order was used, "as a weapon instead of a shield . . .the trial court was correct to examine whether the temporary restraining order was properly issued in the first instance [but], the trial court's inquiry should not have ended there. Rather, the trial court should have considered the use made of the restraining order." In light of the fact that Ms. Wilson has failed to have me served with her restraining orders and also because there are likely insufficient minimum contacts by me with Colorado for the court to exercise *in personam* jurisdiction over me, there is no occasion for the court to examine these facts, as in *Nozisko*. Consequently, Ms. Wilson is free, not only to continue to harass me and my family, but also to waste the Colorado taxpayers' resources. However, the court could have an opportunity to examine these facts, as in *Nozisko, supra*, if your office prosecutes Ms. Wilson for perjury and attempting to influence a public servant.

Finally, I know you're familiar with much of the case law over the years regarding the importance placed on the public's perception of fairness and efficacy of our judicial system. Prosecuting ordinary citizens (like Defendant Schupper), whilst giving officers of the court (like Wilson) a pass can only undermine the public's confidence. On the other hand, holding attorneys to the same standards that the rest of us must meet can only serve to publicly emphasize the District Attorney's commitment to justice and accountability of the government to the People.

. . . .with kind regards,

  
Sean Harrington