

August 15, 2003

Richard Wehmhoefer, Executive Director and General Counsel
Commission on Judicial Discipline
899 Logan Street, Suite 307
Denver, Colorado 80202

Re: El Paso County District Court Case No. [REDACTED], Petitioner
v. [REDACTED], Respondent.

Dear Mr. Wehmhoefer:

As a witness for the Respondent, [REDACTED] in the aforementioned case, I have appeared at several scheduled hearings, one on [REDACTED] with Magistrate [REDACTED] presiding at El Paso County District Court Division [REDACTED] and the other on May [REDACTED] with Judge [REDACTED] n presiding in El Paso County District Court Division [REDACTED]. At both hearings I, along with the other witnesses for the Respondent, was denied the opportunity to present testimonial evidence in support of the Respondent.

On [REDACTED]^h at the aforementioned hearing, it was ordered by Judge [REDACTED] that an interim parenting plan be asserted within the next several weeks through [REDACTED], GAL and that a permanent shared parenting plan be placed in effect by the Department of Human Services as soon as possible. As of this date, no such parenting plan of any kind has been realized, and in fact as of August 11th, Judge [REDACTED] has issued a new ruling that the Respondent obtain a psychological evaluation and ongoing therapy with two licensed therapists at his own expense prior to the installment of an interim parenting plan.

I believe this ruling by Judge [REDACTED] to be [REDACTED] for the following reasons:

1. Respondent has never been allowed the opportunity to defend himself in the courtroom against alleged allegations by the Petitioner.
2. Does not take into account the testimonial evidence of Respondent's witnesses including Petitioner's family.
3. Ignores the past 20 month estrangement of Respondent and daughter and the consequential emotional and psychological damage to both parties.
4. Does not examine carefully the lack of credible evidence presented by the Petitioner.
5. Places unfair financial burden on the Respondent (and his family) who, along with the Petitioner was found unemployed and indigent at the hearing on [REDACTED] and as of this date has not been able to secure employment.

If I had been allowed to testify at the above aforementioned hearings, one of the major messages I would have tried to convey to the Court would have been regarding the beautiful relationship Respondent has with his daughter, and that if the Respondent is half as good a father to his daughter as he was an uncle to my son when he was a little boy, what a very lucky little girl she surely is. The Respondent is indeed a very loving

and nurturing parent and was the major caregiver for the first five years of his daughter's life. I shudder to think what kind of irreversible damage this estrangement has caused to the daughter and why anyone would want to continue this abuse to the Respondent, daughter and extended family.

I've known the Petitioner for over 15 years and even though she was my sister in-law during that time, I found it difficult if not impossible to be close to her. The reason being was that I could not get beyond her devaluing and abusive behavior towards other people whether they be waiters or waitresses, contractors, friends or even family members – the Petitioner has very little compassion for others. On occasion, the Petitioner boasted about her ability to manipulate people to get whatever she wanted and unfortunately, demonstrated it many, many times over the years. The Petitioner is a very strong and controlling person and very pragmatic in her relationships. She told me on more than one occasion how it took her a year to hide money away from her second husband before she had enough saved to leave him, and how he never knew in all that time what she was planning. She was very proud of her deception. She also told me that she thought the Respondent (her husband at the time) was worth more dead than alive and how she wished he would "just get it over with" (they had a \$250,000 life insurance policy that covered suicide). I personally believe that she hoped to be able to collect on the insurance policy and if that did not materialize, her back up plan was to marry her divorce attorney, whom she was having an affair with while married to the Respondent with plans to discredit and alienate the Respondent from their child. Just one more attempt in a lifetime filled with manipulation and an incessant need to control.

I do not think I need to resonate how devastating this whole experience has been to the Respondent, daughter, 80 year old grandparents and all other family members (including many of Petitioner's family). I have not seen my little niece for over 20 months and prior to Judge [redacted]'s statement on [redacted] that all family members would be allowed visitation to the Respondent's daughter, all family members were denied by the Petitioner to even have supervised visitations. This not only applied to the Grandparents, but to my late husband who the Petitioner knew was fighting Stage 4 Prostate cancer, and who passed away just over four months ago without the chance to see and say goodbye to his niece. I wish someone could explain to me how this supervised visitation would have been in anyway a potential threat to the Petitioner and child.

Need less to say, I am confused by Judge [redacted] apparent reversal on his ruling on [redacted] where he seemed very concerned with getting the Respondent's parental rights back to him within two weeks; where he ordered the Petitioner's attorney to submit the necessary paperwork to DHS to begin evaluation immediately (which has never been done); and his declaration that both the Respondent and the Petitioner were unemployed and therefore, indigent and ordered the DHS evaluation. Nothing has changed with the Respondent's financial status since then, and I find Judge [redacted] ruling that the Respondent pay for all psychological evaluations unreasonable and respectfully ask the Court for financial assistance. It is also my opinion that further prolonged separation of child and father will only perpetuate in more harm to both parties, as this alienation is abusive in nature and extreme punishment to all including the extended family all of which have been a part of the child's life for her first five years.

In addition to all the other items mentioned in this letter, there still are motions before the court dating back to June of 2002 which have never been ruled on, and that the motion

to correct the mistaken calculations for child support could result in the loss of the Respondent's driver's license, ability to gain employment and possible incarceration if the Court does not rule on it quickly. This fear of being arrested is very real to the Respondent, as well as the family because of what transpired in the last month of 2001. The following is the subsequent chronological order that depicts this incarceration:

- The date of the Final Orders divorce hearing in El Paso County District Court Division under magistrate Robert Respondent was arrested immediately following this hearing in the courtroom, and was NOT informed of the reason for his arrest at that time.
- Respondent was held in the El Paso County Detention Center over Christmas and was denied transfer to Denver for arraignment. During this time, the charges for the Respondent's arrest were NOT disclosed.
- Respondent was transferred to the Denver City Jail and placed in a one-bunk cell that was already occupied by a 30-day inmate. He was refused transfer to one of the more than half-dozen empty cells and reduced to sitting and sleeping on a filthy, cold cell floor for the entire 27 hours less the two hours for the arraignment on the 27th.
- During the nine days in El Paso County Detention Center and the Denver City Jail, Respondent was never provided a copy of the "Arrest Warrant" or informed of the charges against him.
- At the arraignment, my late husband and I talked with Patrick Zakis (a private attorney who contracts with the Denver City Attorney's Office to handle arraignments for the office) prior to the arraignment hearing. Mr. Zakis did NOT know the reason for the Respondent's arrest and did NOT present any paperwork at that time. He later informed us that the Respondent was arrested on a domestic-violence related charge and that no one charged with a domestic violence related offense was ever released on a personal recognizance "PR" bond. After being informed of the circumstances surrounding the Respondent's arrest and jailing, Mr. Zakis returned and informed us that the Respondent would be allowed to be released on a "PR" bond and that it was a "done deal."
- The Respondent still was NOT presented with a copy of the "Arrest Warrant" at the arraignment, but was given a copy of a "Summons" form, however this "Summons" form did not have any date to appear on it. Said "form" also contained only two of the three misdemeanor charges that had been filed against the Respondent ("*Threaten to Injure Person or Damage Property*" and "*Disturbance by Use of the Telephone*"). The third charge "*Fugitive*" was not learned until February 5th when Respondent purchased a copy of the "Arrest Warrant" from the Denver Court Clerk's Office.
- It was also noted at the time that the dates for the misdemeanor charges had been extended to cover a longer period of time than what was originally noted.
- Respondent was release on a "PR" bond and Patrick Zakis gave the Respondent his personal business card in an effort to solicit Respondent's legal representation as a private attorney.

Even though numerous attempts were made by my husband and myself during the Respondent's incarceration to find out why the Respondent had been arrested, no one

was ever able to give us an answer, nor explain as to why the Respondent was being detained for so long. Although it was explained to us that the Respondent would have to be transferred to Denver for arraignment and that unless the El Paso County Detention Center had enough inmates to shuttle to Denver – the Respondent would have to wait. It was also explained that the Holidays would interfere with timely transportation. I have since learned that shuttles to the Denver City Jail from the El Paso County Detention Center happen daily and sometimes more than once a day.

In conclusion, with all that has transpired and all the inconsistencies throughout this ordeal, I am pleading to the Court for justice that will bring answers to our questions and help to correct the wrongs perpetrated upon the Respondent, daughter and family. I have always believed in our government and been proud to say that I am an American. But, I have to wonder what has happened to a system that is capable of being manipulated by those not seeking justice, but retaliation for personal gain. What happen to a system designed to protect the innocent – a system of justice based on "innocent until proven guilty" or was this meant to be in theory only? I sincerely hope not, but from all that I have witnessed these past two years, I truly have to wonder.

Sincerely,

[REDACTED] (sister)

Cc: Leslij Lewis-Colorado Civil Rights Commission; American Civil Liberties Union; U.S. Department of Justice; [REDACTED]