

August 18, 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]
[REDACTED], Respondent.

Dear Mr. Wehmhoefer:

As witness for the Respondent, [REDACTED] in the aforementioned case, I appeared at a scheduled hearing on [REDACTED] in El Paso County District Court Division [REDACTED] with Magistrate [REDACTED] presiding. Magistrate [REDACTED] denied me the opportunity, however, to present my testimonial evidence in support of the Respondent at said hearing. On [REDACTED], I again appeared this time in El Paso County District Court Division [REDACTED] with Judge [REDACTED] presiding. Judge [REDACTED] similarly denied me the opportunity to present my testimonial evidence on behalf of the Respondent at said hearing.

At the aforementioned hearing on [REDACTED], Judge [REDACTED] ordered that an interim parenting plan be asserted through Virginia Ethriage, GAL within two weeks and that a permanent shared parenting plan be asserted by the Department of Human Services as soon as possible. Judge [REDACTED] found that both of the above-named participants were currently unemployed and indigent and ordered that the Court would pay for the DHS evaluation. As of this writing, the Respondent has informed me that an interim parenting plan has not been asserted by the Court in this case as the Respondent and the daughter apparently remain separated.

As coworkers of the Respondent at [REDACTED] Corporation in Denver from 2001 to 2002, [REDACTED] and I personally witnessed angry and harassing telephone calls that Respondent received from the Petitioner prior to a temporary restraining order and arrest being effected upon him by the Petitioner in December of 2001. It is my understanding that the Petitioner alleged that she received a threatening telephone call from Respondent during this time, however, that allegation has never been proven and is contradicted by Petitioner's telephone records that were later subpoenaed by the Respondent. The aforementioned unsubstantiated allegation by the Petitioner was apparently used to effect a temporary restraining order, arrest, and suspension of parenting order against the Respondent. Having attended both of the aforementioned hearings in El Paso County District Court, I know that the Respondent has never been given the opportunity to present documentary and testimonial evidence in defense of the aforementioned Court order that suspended his parenting rights.

Having witnessed Respondent's parenting with the daughter, as she accompanied him to work on several occasions, I can assert that the Respondent is a very loving, nurturing, and attentive parent. The Court's denial of his parenting rights during the past twenty-months is wrongful in my opinion and in violation of his right to due process under the U.S. Constitution.

Respectfully Submitted,

[REDACTED]