

SUPREME COURT, STATE OF COLORADO  
2. E. 14<sup>th</sup> Ave  
Denver, CO 80202

**Petitioner:**

THE PEOPLE OF THE STATE OF COLORADO

**Respondent:**

SUZANNE SHELL

Suzanne Shell  
14053 Eastonville Rd.  
Elbert, CO 80106  
719-749-2971  
Fax Number:

▲ COURT USE ONLY ▲

Case Number 04 SA 093

**MOTION FOR RELEASE OF VIDEO TAPES - EXHIBITS 16A, 16B, 16C, & 16D**

Comes now, Respondent Suzanne Shell, **for the sole purpose of this single issue appearing pro se**, to request this court to release her intellectual property to her forthwith; specifically the video tapes of the above captioned contempt trial on January 14 & 18, 2005, recorded by Ms. Shell under the authority of court approved expanded media coverage and labeled Exhibits 16A, 16B, 16C, and 16D, and in support thereof cites as follows:

1. Ms. Shell's attorney in this case, Paul Grant, has declared his lack of expertise in copyright law to Ms. Shell. Therefore, rather than compromise her legal rights and interests by not addressing the important issue regarding her copyright and intellectual property, she has elected to represent herself in the matters relating to her copyright and intellectual property before this Honorable Court and to exercise her rights and pursue all legal remedies available to her.

2. Ms. Shell, acting as a documentary video producer, filed a timely request for expanded media coverage for the above referenced case, which request the Presiding Disciplinary Judge granted.
3. Ms. Shell, using her own equipment and supplies and personnel, video recorded the entire proceedings of the above-captioned case.
4. The Presiding Disciplinary Judge immediately seized and has since retained custody and control of Ms. Shell's intellectual property and labeled the video tapes as Exhibits 16A, 16B, 16C, and 16D. Ms. Shell labeled the tapes with the legally required copyright notice e.g. ***Copyright 2005 Suzanne Shell.***
5. Pursuant to 17 U.S.C. 102, 201 & 202, as the author of this intellectual property, Ms. Shell retains all rights to this intellectual property and has never waived any rights associated with this property.
6. Furthermore, pursuant to 17 U.S.C. 201(e), this court cannot transfer her property rights to this intellectual property nor order her or otherwise compel her to waive her rights to this intellectual property.
7. Pursuant to 17 U.S.C. 106, as the copyright owner, Ms. Shell possess the exclusive rights to reproduce and distribute this property and create derivative works based on this property. The Colorado Supreme Court or the PDJ has never requested nor received permission from Ms. Shell to possess, own, copy or distribute this intellectual property in violation of 17 U.S.C. 501.
8. Ms. Shell has the right to register this property with the United States Copyright office in accordance with 17 U.S.C . 408. In order to do so, ***she must submit a copy of the intellectual***

*property which is being registered.* To date, she has been prevented from registering this property with the U.S. Copyright Office by force of the Presiding Disciplinary Judge's unsupported order to seize and retain custody and control of Ms. Shell's intellectual property, without a pre or post-deprivation hearing, and without proving a compelling state interest. This unreasonable seizure of her property has denied her the copyright protections afforded to registered intellectual properties including but not limited to the right to statutory damage awards. It has deprived her of the use and control of her intellectual property for 7 months without due process.

9. **Ms. Shell objects** to this court continuing to exercise custody and control over her intellectual property and denying her the right to register **her** intellectual property with the U.S. Copyright office. **She further objects** to this court denying her use the of **her** property and denying her the right to exploit **her** property for her benefit, particularly without paying license fees to Ms. Shell for that privilege. **She also objects** to the unreasonable seizure of her intellectual property and the wholesale denial of due process associated with that seizure.

10. Pursuant to 17 U.S.C. 511, this court, its officers and all parties or persons who have infringed or contributed to the infringement of the copyright on this intellectual property, and who have received and retained unauthorized copies of this property **are not immune from liability** for the associated seizure, theft and/or infringement of Ms. Shell's intellectual property, e.g. the subject video tapes labeled Exhibits 16 A-D.

**Wherefore,** Ms. Shell respectfully requests the following remedies from this Honorable Court forthwith:

1. The Court provide Ms. Shell with an unedited, true and correct copy of the subject video tapes,

which sound and video quality shall be no less than the quality of the originals, **for the sole purpose of submitting the intellectual property deposit** required for registering this property with the U.S. Copyright office.

2. The Court will immediately release the *unedited* originals of the subject video tapes to the copyright owner, Ms. Shell.
3. The Colorado Supreme Court shall be immediately ordered to negotiate appropriate license fees with Ms. Shell for the original “taking” and for the past exercise of custody and control of her intellectual property, and if the court denies her motion to release the originals to her, for continuing to exercise custody and control of her intellectual property and for the associated deprivations of her rights to exploit this property since the creation of this intellectual property.
4. The Court order that all parties who have received copies of those video tapes shall not copy or distribute them for any reason without first negotiating and paying a license fee to Ms. Shell, and that at the conclusion of this case, the court shall order that all parties who are still possessing copies of this intellectual property immediately return them to the copyright holder and they shall retain no copies of them or any part of them in any format.
5. The Court shall order that no other copies of this property, in part or in whole, be released to anyone by anyone without the copyright owner’s express permission.

Respectfully submitted August 8, 2005

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719-749-2971