

SUPREME COURT OF THE UNITED STATES OF AMERICA
1 1st St. NE
Washington, DC 20543

Jefferson County District Court Case No. 2015CV378
Colorado Court of Appeals Case No. 2017CA870
Colorado Supreme Court Case No. 2018SC274

Petitioner:

Nathan Daniel Knuth,

v.

Respondents:

Randall C. Arp, Rick Raemisch, Brandon Shaffer,
Evangeline Graziano, Kaushiki Chowdhury, Allison Foley,
Steve Jensen, Kate Knowles, Peter Wier, James Aber,
Martha Eskesen,
State of Colorado, County of Jefferson,
Jefferson County District Attorneys Office,
Colorado Department of Corrections,
Colorado State Board of Parole, Division of Adult Parole,
Jefferson County Combined Courts,
Office of the Colorado Public Defender,
and Agency of Alternate Defense.

COURT USE ONLY

Nathan Knuth
PO Box 999
Canon City, CO 81215

PETITION FOR A WRIT OF CERTIORARI

QUESTIONS PRESENTED FOR REVIEW

- I. Whether the Colorado Court of Appeals violated Mr. Knuth's constitutional rights to due process when it "struck" his opening brief and dismissed the appeal with prejudice.
- II. Whether the United States Supreme Court should assume jurisdiction and enter an injunction and/or other relief to halt the unconstitutional custom that the Jefferson County Colorado District Courts, Prosecutors, and Defense Attorneys are engaged in, that is coercing the accused into waiving fundamental constitutional rights and allowing the state to gain thousands and thousands of additional years in prison from the accused,
- III. Whether the United States Supreme Court should assume jurisdiction and enter an injunction and/or other relief to halt the unconstitutional custom the Colorado Department of Corrections is engaged in that is depriving thousands of incarcerated individuals of their constitutional and statutory rights.

LIST OF PARTIES

The following listed attorneys represent all parties listed on the cover page.

Jared Ellis (private attorney)
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Rachel Bender (city attorney)
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Christopher Jackson (attorney general)
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Andrew Katarikawe (attorney general)
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BASIS FOR JURISDICTION

Mr. Knuth's petition for a writ of certiorari was denied by the Colorado Supreme Court on August 20, 2018.(App. pg. 2)
The Colorado Court of Appeals dismissed the appeal,(App. pg. 3).

USCS Supreme Ct rules 10, 11, and 20 confer on this Court jurisdiction to review the issues at hand.

STATEMENT OF THE CASE
(for question 1)

Mr. Knuth filed a civil action in the Jefferson County Colorado District Court which received case number 2015CV378, (R.CF, p. 8-39) After judgment was entered Mr. Knuth sought appeal, which received case number 2017CA870. Mr. Knuth filed an opening brief in the Court of appeals, The respondents filed a motion in the Colorado Court of Appeals requesting that Mr. Knuth's opening brief be stricken from the record because they had not been served a copy of the opening brief by Mr. Knuth. Mr. Knuth filed a reply to the Court of Appeals providing that he had in fact served all parties a copy of the opening brief, and requested an evidentiary hearing to prove the respondents had been served. The Court of Appeals then entered an order dismissing Mr. Knuth's appeal with prejudice, (App. p. 3).

The Due Process provisions of the Fifth and Fourteenth Amendments do not permit the Court of Appeals to dismiss Mr. Knuth's appeal without first providing him due process of law. There is not any state statute or law that allows the dismissal of Mr. Knuth's appeal just because the respondents say they did not receive a copy of the opening brief.

Therefore Mr. Knuth requests this Court grant certiorari and remand for his appeal to be reinstated.

STATEMENT OF THE CASE
(for questions II. and III.)

Mr. Knuth filed a civil action in the Jefferson County District Court that received case number 2015CV378, (Record Court File(R.CF) p.8) Mr. Knuth was granted leave to proceed in forma pauperis, (Appendix(app.) p.1).

Within Mr. Knuth's civil action, he sought injunctive and declaratory relief pursuant to U.S.C. 1983 for two unconstitutional customs that are matters of great public and constitutional importance that need to be immediately addressed, as to stop the violations of rights of thousands of U.S. citizens.

UNCONSTITUTIONAL CUSTOM NUMBER 1: Within Mr. Knuth's civil action he set forth factual allegations that the above defendants intentionally do not file the habitual counts at commencement of prosecution as mandated by Federal Due Process of the Fifth and Fourteenth Amendments, Colorado Revised Statutes(CRS) 18-1.3-801-804, and more specifically 18-1.3-801(2)(a)(II). These laws mandate the habitual counts to be filed at commencement of prosecution if the defendants criminal history is known about at this time and the DA believes they can prove the requisite amount of prior convictions to establish the habitual counts. The Jefferson County DA's intentionally do not file the habitual counts on the accused at commencement so they can later use this false power to coerce waivers of fundamental constitutional rights such as probable cause determinations and all rights that would be waived by a guilty plea, such as trial by jury and right to confrontation. The Jefferson County judges and defense attorneys are also using this unconstitutional custom along with the DA. Defense Attorneys inform the accused if they do not waive the preliminary hearing the DA will file habitual counts on them, or if you do not plead guilty the DA will file habitual counts on you. Some people are not even eligible to receive the habitual counts, and the DA and Defense

intentionally mislead them to believe they are, in order to get a waiver of rights. The Jefferson County Judges are well aware the DA and Defense Attorneys use this unconstitutional custom, but still allow the DA to amend the indictment or information at will if the accused does not surrender to their demands. (R.CF,p.12,13, and 27).

The only way you are eligible to receive the habitual criminal penalties in Jefferson County is if the DA is personally offended by your alleged conduct, or if the accused exercises his constitutional rights to a fair trial by jury. This conduct has been used by these people for nearly forty years, and I am trying to stop it. After I learned the law, I realized I had been coerced into pleading guilty to felony charges when the alleged conduct was only misdemeanor.(three times) Then they used these coerced guilty pleas as criteria to find me a habitual offender.

I went to trial pro se in my current criminal case in an attempt to preserve these arguments for appeal, because my attorneys would not. The DA on this case states on record, "Habitual charges are not appropriate to bring in every case, but in certain cases if we are trial bound, which is the posture in this case, they are appropriate to be brought and filed. So the procedure that is commonplace in our office was followed in this case" (Record Transcripts (R.TR),2014CR572, 5:13-17, 10/24/14). Here the prosecution filed the habitual counts on Mr. Knuth three days after arraignment when Mr. Knuth would not plead guilty.

The Jefferson County DA's use the habitual counts to selectively and vindictively prosecute thousands of people and obtain thousands and thousands of additional years in prison from the accused than they could without this false power.

UNCONSTITUTIONAL CUSTOM NUMBER 2: Within Mr. Knuth's civil action he also set forth factual allegations, that the above defendants intentionally violate C.R.S. 16-14-107 of the Uniform Mandatory Disposition of Detainers Act(UMDDA). Which provides. "the superintendant shall arrange for all prisoners under his care and control to be informed in writing of the provisions of this article and for a record thereof to be placed in each prisoners file" Mr. Knuth's civil action provides that the above defendants intentionally do not inform any prisoners of the provisions of this article, and therefore thousands of prisoners are being deprived of their Fifth and Fourteenth amendment rights by the above defendants unconstitutional custom of intentionally not informing defendants of these rights to keep them in prison longer,(R.CF,p.10-16). The UMDDA was adopted by many states and is designed to protect prisoners with detainers, but due to the above defendants conduct many are deprived af the acts protections.

Within Mr. Knuth's civil action he specifically requested injunctive and declaratory relief to put a stop to the above two unconstitutional customs (R.CF,p.12,13, and 27). The District Court granted the defendants motions to dismiss without specifically addressing Mr. Knuth's requests for injunctive and declaratory relief,(R.CF,p.746-750 and 757-763). The Court found the Defendants had immunity,(Id). I then filed an appeal and opening brief which was stricken from the record as explained above.

ARGUMENT AMPLIFYING THE REASONS

Mr. Knuth asserts that his questions presented for review are questions of great public and constitutional importance that fall within the purvue of USCS Sup.Ct. Rule 10, (A), (B), or (C). These are "special and important reasons" for this Court to grant certiorari pursuant to Rule 10. **Rice v. Sioux City**, 349 U.S. 70, 75 S. Ct. 614, 99 L Ed 897 (U.S. May 9, 1995).

If this Honorable Court finds it does not want to grant this writ pursuant to Rule 10, Mr. Knuth requests this Court to grant him an extraordinary writ pursuant to USCS Sup. Ct. Rule 20

Sincerely

