

Appendices

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APPENDIX

-A-

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, Colorado 80401-6002		DATE FILED: February 23, 2023 11:46 AM CASE NUMBER: 2022CV30495
<hr/> Plaintiff/Appellee: THE PEOPLE OF THE STATE OF COLORADO, v. Defendant/Appellant: JENNIFER LYNN DEES		<hr/> ▲ COURT USE ONLY ▲ Case Number: 22CV30495 Division: 06 Courtroom: 520
ORDER ON APPEAL		

THIS MATTER comes before the Court on Appellant Jennifer Dees' (hereafter "Ms. Dees") appeal of the trial court's judgment in favor of the People for violations of a permanent civil protection order. The People filed an answer brief. After reviewing the pleadings, the case file, the applicable law, and being otherwise fully advised, the Court rules as follows:

I. BACKGROUND FACTS

In September 2020, a Denver County District Court entered a temporary protection order (the "TPO") against Ms. Dees. (Defense Exhibit A). Pursuant to the district court's order, Ms. Dees could not contact or harass her ex-husband and three other protected parties. (Id.) At a subsequent hearing, the court issued a permanent protection order (the "PPO") against Ms. Dees. (Defense Exhibit B). At the PPO hearing, Ms. Dees initially appeared on Webex but left after the magistrate indicated that he would grant the PPO. (People's Trial Exhibit 4). On November 20, 2020, the People filed a complaint against Ms. Dees asserting that she violated the PPO by unlawfully contacting and harassing her ex-husband. (Complaint and Information at 2). At trial, the jury found Ms. Dees guilty of violating the PPO against her. (3/28/21 Trial Transcript at 283:10-16).

Ms. Dees appeals the trial court's verdict finding her guilty of violating the PPO. Ms. Dees argues that the trial court erred by 1) failing to grant the defense motion for judgment of acquittal pursuant to Rule 29, 2) refusing to give a jury instruction pertaining to C.R.S. 13-14-106, and 3) refusing to give a jury instruction regarding a mistake of law. (Appellant's Opening Brief at 4). The People contend that there was sufficient evidence to convict Ms. Dees of violating the PPO. (Appellee's Answer Brief at ii). The People further argue that trial court appropriately refused to give jury instructions regarding C.R.S. § 13-14-106 and a mistake of law defense. (Id.)

II. STANDARD OF REVIEW

A district court, when reviewing a decision by a lower court, sits as an appellate court.

People v. Anderson, 492 P.2d 844, 845 (Colo. 1972). The function of the reviewing court is to correct any errors of law committed by the trial court. People v. Williams, 473 P.2d 982, 984 (Colo. 1970). In reviewing the trial record on appeal, a district court cannot act as a fact finder. People v. Gallegos, 533 P.2d 1140, 1142 (Colo. 1975). It is within the province of the trial court to determine credibility of witnesses, sufficiency of the evidence, inferences, weight of evidence and conclusions to be drawn from the evidence. Moeller v. Colorado Real Estate Comm'n, 759 P.2d 697, 703 (Colo. 1988). As such, a reviewing court will not disturb a trial court's factual findings unless they are so clearly erroneous as to find no support in the record. Mallon Oil Co. v. Bowen/Edwards Assoc., Inc., 965 P.2d 105, 110 (Colo. 1998).

On appeal, a district court shall review the case and affirm, reverse, remand or modify the judgment. C.R.S. § 13-6-310(2). The appeal is limited to review of the record made in the lower court and to consideration of accompanying briefs and arguments. C.R.S. § 13-6-310(1); People v. Brown, 485 P.2d 500, 502 (Colo. 1971).

III. ANALYSIS

A. The Trial Court Did Not Err by Refusing to Grant Defendant's Motion for Judgment of Acquittal

Ms. Dees first argues that the trial court erred by refusing to grant her motion for judgment of acquittal. (Appellant's Opening Brief at 6). The People assert that there was enough evidence for a rational juror to conclude, beyond a reasonable doubt, that Ms. Dees violated the PPO. (Appellee's Answer Brief at 6).

Rule 29 of the Colorado Rules of Criminal Procedure directs that the court, "on motion of the defendant or of its own motion shall order the entry of a judgment of acquittal... if the evidence is insufficient to sustain a conviction of such offense or offenses." Colo. R. Crim. P. 29. "When viewing the evidence in passing on a motion for judgment of acquittal, [the] trial judge must determine whether a reasonable mind would conclude that defendant's guilt as to each element of offense was proven beyond a reasonable doubt." People v. Bennett, 515 P.2d 466, 470 (Colo. 1973).

C.R.S. § 18-6-803.5 provides in relevant part:

- (1) A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as a restrained person or otherwise has acquired from the court or law enforcement personnel actual knowledge of the contents of a protection order that identifies the person as a restrained person, the person:
- (2) Contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property.

C.R.S. § 13-14-106(1)(a) provides:

If the respondent fails to appear before the court for the show cause hearing at the

time and on the date identified in the citation issued by the court and the court finds that the respondent was properly served with the temporary protection order and such citation, it is not necessary to re-serve the respondent to make the protection order permanent. However, if the court modifies the protection order on the motion of the protected party, the modified protection order must be served on upon the respondent.

C.R.S. § 13-14-106(1)(a). The Court reviews the question of whether the trial court erred by refusing to grant Ms. Dees' motion de novo. Dempsey v. People, 117 P.3d 800, 807 (Colo. 2005).

Ms. Dees argues that C.R.S. § 13-14-101 defines what a protection order is and states that if a court does not follow statutory procedure, then a putative protection order is not valid. (Appellant's Opening Brief at 7-8). She argues that the PPO against her is not valid because she was never served with it after the hearing. (Id. at 8-9). The People assert that C.R.S. § 13-14-106 does not render her PPO invalid because Ms. Dees did appear at the September 18 hearing. (Id. at 9-10).

Mentioned above, a court will grant a motion for judgment of acquittal if the evidence is insufficient to sustain a conviction of the alleged offense. Crim. P. 29. Here, the jury found sufficient evidence to convict Ms. Dees of violating the PPO. (3/28/22 Hearing Transcripts at 283-284); (People's Trial Exhibit 3). At trial, the People presented evidence that Ms. Dees appeared for the show cause hearing on September 18, 2020, and that she was aware of the PPO issued against her. (People's Trial Exhibit 4 at 1). Testimony described that Ms. Dees left the hearing despite the court's insistence that it would continue without her. (Id. at 2). And, the People presented evidence that – contrary to Ms. Dees' opening brief – showed her present on Webex at the time the magistrate initially granted the PPO. (3/28/22 Hearing Transcripts at 134-135). Thus, section 108 does not render invalid the PPO at issue in this case. Because the People presented evidence that Ms. Dees appeared for the show cause hearing and was present when the magistrate granted the PPO, the jury had sufficient evidence to conclude she had notice. In short, the trial court was correct to reject Ms. Dees' motion for judgment of acquittal.

B. The Trial Court Did Not Err by Declining to Issue a C.R.S. § 13-14-106 Jury Instruction

Ms. Dees further argues that the trial court erred by not permitting her proposed section 13-14-106 jury instruction. (Appellant's Opening Brief at 10-11). The People assert that the PPO is valid and that the COLJI instruction was sufficient for the jury to make a reasonable decision. (Appellee's Answer Brief at 14).

When jury instructions properly instruct the jury of the law, “the [trial] court has ‘broad discretion to determine the form and style of jury instructions.’” People v. Trujillo, 433 P.3d 78, 83 (Colo. App. 2018). C.R.S. § 13-14-106 directs:

If... the judge or magistrate finds by a preponderance of the evidence that the respondent has committed acts constituting grounds for issuance of a civil protection order and that unless restrained will continue to commit

such acts or acts designed to intimidate or retaliate against the protected person, *the judge or magistrate shall order* the temporary civil protection order to be made permanent.

C.R.S. § 13-14-106 (emphasis added). The COLJI instructions also state that the issuance of a protection order “is a matter of law for the court to determine.” COLJI-Crim. F:294 (2001). An appellate court reviews a “trial court’s decision concerning a proposed jury instruction for an abuse of discretion and will not disturb the ruling unless it is manifestly arbitrary, unreasonable, or unfair.” Trujillo, 433 P.3d at 83.

Ms. Dees contends that the Court should review the trial court’s decision for constitutional harmless error. (Appellant’s Opening Brief at 10). She further argues that the jury instructions were not satisfactory because they did not allow the jury to determine the validity of the PPO. (Id. at 10-11). The People argue that so long as the jury instructions accurately state the law, the trial court has discretion regarding the form and style of instructions. (Appellee’s Answer Brief at 12). The People further argue that Ms. Dees’ constitutional arguments are without merit and that it is up to the trial court to decide whether a protection order is valid. (Id. at 13-14).

The Court agrees with the people that the validity of the PPO is a matter of law for the court to decide, not the jury. C.R.S. § 13-14-106; COLJI-Crim. F:294 (2001). Pertinent here, Ms. Dees sought to argue that she was not appropriately served and thus the PPO was invalid. (See Jury Instructions at 8). As noted above, service aside, the People provided sufficient proof for the jury to consider actual awareness. Ms. Dees was not entitled to a jury review of whether the PPO was validly issued.¹ This argument also fails.

C. The Trial Court Did Not Err by Declining to Instruct the Jury on Mistake of Law

Finally, Ms. Dees argues that the trial court erred by not instructing the jury on a mistake of law defense. (Appellant’s Opening Brief at 11). The People contend that the trial court did not err by reasonably concluding that a mistake of law defense was not warranted. (Appellee’s Answer Brief at 15).

C.R.S. § 18-1-504 directs that a defendant is not released from criminal liability, based on a mistake of law, unless the defendant’s conduct is based on a set of enumerated conditions. C.R.S. § 18-1-504(2). One of the conditions listed includes:

An official written interpretation of the statute or law relating to the offense, made or issued by a public servant, agency, or body legally charged or empowered with the responsibility of administering, enforcing, or interpreting a statute, ordinance, regulation, order, or law.

(Id.) While a defendant can request an instruction based on their theory of the case, “an instruction may not be given if it embodies an incorrect or misleading statement of the law.” People v.

¹ The Court further agrees that the issue of challenging the PPO itself has been solved by the Court of Appeals. (Answ. Br. Appt. A).

Bossert, 722 P.2d 998, 1009 (Colo. 1986). The trial court also has “broad discretion to determine the form and style of jury instructions.” Trujillo, 433 P.3d at 83. A mistake of law defense is reviewed de novo on appeal. People v. Whisler, 459 P.3d 722, 724 (Colo. App. 2019).

Ms. Dees argues that the trial court erred in not instructing on a mistake of law because there is a section on the PPO that states “[t]his Permanent Protection Order is different from the Temporary Protection Order and requires service on the Restrained Person before its provisions become effective.” (Appellant’s Opening Brief at 13). She further argues that the bar is low for an instruction on an affirmative defense and that this issue should be reviewed for harmless error. (Id.) The People maintain that the trial court correctly rejected Ms. Dees’ mistake of law defense because the PPO explicitly prohibited her from contacting her ex-husband. (Appellee’s Answer Brief at 16). The People also argue that ignorance of the law is not a defense and assert that the box Ms. Dees speaks of is left unchecked on the PPO. (Id. at 17); (Defendant’s Attachment 2 at 3).

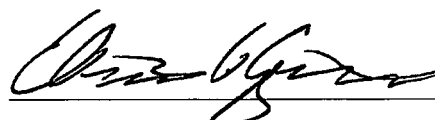
The Court agrees with the People that the trial court reasonably refused to give the jury a mistake of law instruction. Ms. Dees’ argument ultimately is one based on ignorance of the law. For example, the PPO clearly displays that the box pertaining to the PPO changing and requiring service on Ms. Dees is not checked. (Defendant’s Attachment 2 at 3). Rather, the trial court indicated that Ms. Dees was served in court by checking the box stating, “Served Restrained Person in Open Court on 9/18/2020.” (Id.) And, the PPO plainly orders Ms. Dees to not “contact, harass, stalk, injure, intimidate, threaten, touch, sexually assault, abuse, or molest” her ex-husband. (Id. at 1). At trial, the People presented evidence that Ms. Dees did not follow the guidelines of the PPO. (People’s Trial Exhibit 3). The Court concludes that the trial court acted reasonably in refusing to permit a jury instruction based on mistake of law.

IV. CONCLUSION

For the reasons stated above, the Court AFFIRMS the trial court’s judgment.

Done in Golden, Colorado this 23rd day of February, 2023.

BY THE COURT:



Christopher C. Zenisek
District Court Judge

APPENDIX

-B-

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: September 5, 2023 CASE NUMBER: 2023SC238
Certiorari to the District Court, Jefferson County, 2022CV30495 County Court, Jefferson County, 2020M6107	
Petitioner: Jennifer Dees, v. Respondent: The People of the State of Colorado.	Supreme Court Case No: 2023SC238
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari to the District Court of Jefferson County and after review of the record, briefs, and the judgment of said District Court,

IT IS ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, SEPTEMBER 5, 2023.
JUSTICE HOOD does not participate.

APPENDIX

-C-

18 U.S.C. §§ 922(d)(8) & (g)(8)

Title 18 U.S.C. §§ 922(d)(8) and (g)(8) concern the prohibition against disposal of firearms to, or receipt or possession of firearms by, persons who are subject to domestic violence protection orders. Section 922(d)(8) prohibits the knowing transfer of a firearm to a person who is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner, and section 922(g)(8) prohibits the receipt or possession of a firearm or ammunition by such a person.

There are several key evidentiary issues which can arise in these cases. A violation of § 922(d)(8) must be "knowing." Proof concerning knowledge of the restraining order on the part of the supplier must be established. The term "intimate partner" is defined as including a spouse or former spouse, or a person with whom the victim has had a child, but it does not include a girlfriend or boyfriend with whom the defendant has not resided. *See* 18 U.S.C. § 921(a)(32). In addition, the protective order must have been issued following an evidentiary hearing as to which the defendant had notice and an opportunity to appear. The order must include a specific finding that the defendant represents a credible threat to the physical safety of the victim **or** by its terms explicitly prohibit the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury.

HIPAA Privacy Rule

The Privacy Rule also contains standards for individuals' rights to understand and control how their health information is used. A major goal of the Privacy Rule is to make sure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high-quality healthcare, and to protect the public's health and well-being. The Privacy Rule permits important uses of information while protecting the privacy of people who seek care and healing.

Colorado Code of Judicial Conduct Rule 2.11: Disqualification

A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

1. judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding;
2. The judge knows that the judge, the judge's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is:
 - A party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;
 - acting as a lawyer in the proceeding;
 - person who has more than a de minimis interest that could be substantially affected by the proceeding; or likely to be a material witness in the proceeding.

- The judge knows that he or she, individually or as a fiduciary, or the judge's spouse, domestic partner, parent, child, or other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding.
- The judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.
- The judge:
 - a) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;
 - b) served in governmental employment, and in such capacity participated personally and substantially as a lawyer or public official.

Colorado Code of Judicial Conduct, Rule 1.2

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Colorado Revised Statutes Title 18. Criminal Code § 18-2-201. Conspiracy

1. A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he agrees with another person or persons that they, or one or more of them, will engage in conduct which constitutes a crime or an

attempt to commit a crime, or he agrees to aid the other person or persons in the planning or commission of a crime or of an attempt to commit such crime.

2. No person may be convicted of conspiracy to commit a crime, unless an overt act in pursuance of that conspiracy is proved to have been done by him or by a person with whom he conspired.
3. If a person knows that one with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is guilty of conspiring to commit a crime with the other person or persons, whether or not he knows their identity.
4. If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are part of a single criminal episode.

(4.5) Conspiracy to commit any crime for which a court is required to sentence a defendant for a crime of violence in accordance with section 18-1.3-406 is itself a crime of violence for the purposes of that section.

Section 18-8-102 - Obstructing government operations

1. A person commits obstructing government operations if he intentionally obstructs, impairs, or hinders the performance of a governmental function by a public servant, by using or threatening to use violence, force, or physical interference or obstacle.
2. It shall be an affirmative defense that:
 - A. The obstruction, impairment, or hindrance was of unlawful action by a public servant; or

B. The obstruction, impairment, or hindrance was of the making of an arrest; or

C. The obstruction, impairment, or hindrance of a governmental function was by lawful activities in connection with a labor dispute with the government.

Section 18-8-609 - Jury-tampering

(1) A person commits jury-tampering if, with intent to influence a juror's vote, opinion, decision, or other action in a case, he attempts directly or indirectly to communicate with a juror other than as a part of the proceedings in the trial of the case.

(1.5) A person commits jury-tampering if he knowingly participates in the fraudulent processing or selection of jurors or prospective jurors.

(2) Jury-tampering is a class 4 felony.

Colorado Revised Statutes Title 18. Criminal Code § 18-6-803.5.

(1) A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as a restrained person or otherwise has acquired from the court or law enforcement personnel actual knowledge of the contents of a protection order that identifies the person as a restrained person, the person:

1. Contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property, including an animal, identified in the protection order or enters or remains on premises or comes within a specified distance of the protected person, protected property, including an animal, or premises or violates any other provision of the protection order to protect the

protected person from imminent danger to life or health, and such conduct is prohibited by the protection order;

2. Except as permitted pursuant to section 18-13-126(1)(b), hires, employs, or otherwise contracts with another person to locate or assist in the location of the protected person; or
3. Violates a civil protection order issued pursuant to section 13-14-105.5 or a mandatory protection order issued pursuant to section 18-1-1001(9)

Colorado Revised Statutes Title 18. Criminal Code § 18-1-504.

(1) A person is not relieved of criminal liability for conduct because he engaged in that conduct under a mistaken belief of fact, unless:

- A. It negatives the existence of a particular mental state essential to commission of the offense; or
- B. The statute defining the offense or a statute relating thereto expressly provides that a factual mistake or the mental state resulting therefrom constitutes a defense or exemption; or
- C. The factual mistake or the mental state resulting therefrom is of a kind that supports a defense of justification as defined in sections 18-1-701 to 18-1-707.

(2) A person is not relieved of criminal liability for conduct because he engages in that conduct under a mistaken belief that it does not, as a matter of law, constitute an offense, unless the conduct is permitted by one or more of the following:

- A. A statute or ordinance binding in this state;

- B. An administrative regulation, order, or grant of permission by a body or official authorized and empowered to make such order or grant the permission under the laws of the state of Colorado;
- C. An official written interpretation of the statute or law relating to the offense, made or issued by a public servant, agency, or body legally charged or empowered with the responsibility of administering, enforcing, or interpreting a statute, ordinance, regulation, order, or law. If such interpretation is by judicial decision, it must be binding in the state of Colorado.

(3) Any defense authorized by this section is an affirmative defense.

C.R.S. 13-14-106. Procedure for permanent civil protection orders

1. On the return date of the citation, or on the day to which the hearing has been continued, the judge or magistrate shall examine the record and the evidence. If upon such examination the judge or magistrate finds by a preponderance of the evidence that the respondent has committed acts constituting grounds for issuance of a civil protection order and that unless restrained will continue to commit such acts or acts designed to intimidate or retaliate against the protected person, the judge or magistrate shall order the temporary civil protection order to be made permanent or enter a permanent civil protection order with provisions different from the temporary civil protection order. A finding of imminent danger to the protected person is not a necessary prerequisite to the issuance of a permanent civil protection order. The court

shall not deny a petitioner the relief requested because a protection order has been issued pursuant to section 18-1-1001 or 18-1-1001.5. The judge or magistrate shall inform the respondent that a violation of the civil protection order constitutes a criminal offense pursuant to section 18-6-803.5 or constitutes contempt of court and subjects the respondent to such punishment as may be provided by law. If the respondent fails to appear before the court for the show cause hearing at the time and on the date identified in the citation issued by the court and the court finds that the respondent was properly served with the temporary protection order and such citation, it is not necessary to re-serve the respondent to make the protection order permanent. However, if the court modifies the protection order on the motion of the protected party, the modified protection order must be served upon the respondent.

2. Notwithstanding the provisions of paragraph (a) of this subsection (1), the judge or magistrate, after examining the record and the evidence, for good cause shown, may continue the temporary protection order and the show cause hearing to a date certain not to exceed one year after the date of the hearing if he or she determines such continuance would be in the best interests of the parties and if both parties are present at the hearing and agree to the continuance. In addition, each party may request one continuance for a period not to exceed fourteen days, which the judge or magistrate, after examining the record and the evidence, may grant upon a finding of good cause. The judge or magistrate shall inform the respondent that a violation of the temporary civil protection order

constitutes a criminal offense pursuant to section 18-6-803.5, C.R.S., or constitutes contempt of court and subjects the respondent to such punishment as may be provided by law.

3. Notwithstanding the provisions of paragraph (b) of this subsection (1), for a protection order filed in a proceeding commenced under the "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S., the court may, on the motion of either party if both parties agree to the continuance, continue the temporary protection order until the time of the final decree or final disposition of the action.
4. The court shall electronically transfer into the central registry of protection orders established pursuant to section 18-6-803.7, C.R.S., a copy of any order issued pursuant to this section and shall deliver a copy of such order to the protected party.
5. A court shall not grant a mutual protection order to prevent domestic abuse for the protection of opposing parties unless each party has met his or her burden of proof as described in section 13-14-104.5 (7) and the court makes separate and sufficient findings of fact to support the issuance of.

U.S. First Amendment

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Second Amendment

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

U.S. Fifth Amendment

breaks down into five rights or protections: the right to a jury trial when you're charged with a crime, protection against double jeopardy, protection against self-incrimination, the right to a fair trial, and protection against the taking of property by the government without compensation.

U.S. Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

U.S. Eighth Amendment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

U.S. Fourteenth Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person

of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Colorado Constitution Article II

Section 3. Inalienable rights. All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

Section 6. Equality of justice. Courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and right and justice should be administered without sale, denial or delay.

Section 10. Freedom of speech and press. No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

Section 16. Criminal prosecutions & rights of defendant. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Section 20. Excessive bail, fines or punishment. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 24. Right to assemble and petition. The people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.

Section 25. Due process of law. No person shall be deprived of life, liberty or property, without due process of law.