

APPENDIX A



COLORADO
Bureau of Investigation
Department of Public Safety

InstaCheck Unit
690 Kipling Street, Suite 3000
Lakewood, CO 80215
303-813-5700

01/04/2023

JULIE CHRISTINE ABRIL
822 BURNHAM LANE
BAYFIELD, CO 81122

State Transaction Number: 22387739
NICS Transaction Number: 102RS40TJ
Date Denied: 12/23/2022

In response to your "Appeal of Firearm Denial" be advised that a check of FBI files during the required NICS check, turned up the following information:

- You have been adjudicated a Mental Defective in the La Plata County District Court in La Plata County, CO case number D0342021MH000017. NRI #2542365333.

You will need to contact the FBI NICS Unit at the address below to get more information. Until this matter is cleared up in the Federal database, your denial will stand. Please do not contact CBI InstaCheck again as we are unable to assist you with this particular matter.

FBI CJIS Division
ATTN: Criminal History Analysis Team 1, BTC 3
1000 Custer Hollow Road
Clarksburg, West Virginia 26306
Fax - 304-625-9898
<https://www.edo.cjis.gov/#/>

Sincerely,

John Camper, Director
Colorado Bureau of Investigation

B. Shoe
Manager, InstaCheck Unit
pp



FEDERAL FIREARMS PROHIBITION UNDER 18 U.S.C. § 922(g)(4)
PERSONS ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION

Any person who has been "adjudicated as a mental defective" or "committed to a mental institution" is prohibited under Federal law from shipping, transporting, receiving, or possessing any firearm or ammunition. Violation of this Federal offense is punishable by a fine of \$250,000 and/or imprisonment of up to ten years. See 18 U.S.C. §§ 922(g)(4) and 924(a)(2). The terms enumerated below are located in 27 C.F.R. § 478.11.

A person is "**adjudicated as a mental defective**" if a court, board, commission, or other lawful authority has made a determination that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease:

- ❖ Is a danger to himself or to others;
- ❖ Lacks the mental capacity to contract or manage his own affairs;
- ❖ Is found insane by a court in a criminal case; or
- ❖ Is found incompetent to stand trial, or not guilty by reason of lack of mental responsibility, pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. §§ 850a, 876b.

A person is "**committed to a mental institution**" if that person has been formally committed to a mental institution by a court, board, commission, or other lawful authority.

The term *includes* a commitment:

- ❖ To a mental institution involuntarily;
- ❖ For mental defect, illness, or mental illness; or
- ❖ For other reasons, even as for drug use.

The term *does not include* a person in a mental institution for observation or voluntary admission.

The term "**lawful authority**" means an entity having legal authority to make adjudications or commitments.

The term "**mental institution**" includes mental health facilities, mental hospitals, psychiatric facilities, and other facilities that provide diagnosis by licensed professionals of mental conditions or mental illness, including a psychiatric ward in a general hospital.

AFFIRMATIVE DEFENSES

A person is **not prohibited** under 18 U.S.C. § 922(g)(4) if:

The person received relief from Federal firearms disabilities under 18 U.S.C. § 922(g)(4) by:

- ❖ The Bureau of Alcohol, Tobacco, Firearms and Explosives under 18 U.S.C. § 925(c); or
- ❖ A proper Federal or State authority under a relief from disabilities program that meets the requirements of the NICS Improvement Amendments Act of 2007, Public Law 110-180.

The mental health adjudication or commitment was imposed by a Federal department or agency, and the:

- ❖ Adjudication or commitment was set aside or expunged;
- ❖ Person was fully released from mandatory treatment, supervision, or monitoring;
- ❖ Person was found to no longer suffer from the disabling mental health condition;
- ❖ Person has otherwise been found to be rehabilitated; or
- ❖ Adjudication or commitment was based solely on a medical finding without opportunity for hearing by the Federal department or agency with proper jurisdiction.

For further information about section 922(g)(4) or other firearms prohibitions, please contact your local field office of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) by calling (800) 800-3855.

APPENDIX B



UC IRVINE POLICE DEPARTMENT

150 PUBLIC SERVICES BUILDING, IRVINE, CA 92697 949-824-5323

COURTESY REPORT

Page 1

01-0857

Offenses Information Report		Description Information Report		Fel/Misd	Date Occurred 6/26/2001	Time Occurred 0200	Date Printed 3/16/2009	
					Date Reported 6/26/2001	Time Reported 0219	Time Printed 08:42:12	
					Related Cases		Incident # 010526005	
Location 6341 Verano Pl, Irvine, CA 92612				Beat	Area C	Disposition Information Only		Dispo Date 6/26/2001
Location Type House	Location of Entry	Method of Entry	Point of Entry	Alarm System		Means of Attack (Robbery)		
Reporting Party Abril, Julie Christine					Means of Attack (Assault)			
Residence Address 6341 Adobe Cir, Irvine, CA 92612					Residence Phone 949-854-7590	DOB [REDACTED]	Age 34	Sex F
Business Name and Address Student					Business Phone	Height 5'5"	Wt 225	Race BRO
Assistance Rendered/Victim Disposition					Transporting Agency			
Description of Injuries					Other Information			
Mentioned Abril, Charlie Richard								
Residence Address 4398 E Garfield, Fresno, CA 93726					Residence Phone	DOB [REDACTED]	Age 58	Sex M
Business Name and Address					Business Phone	Height 5'11"	Wt 260	Race BRO
Subject Name					Action Taken	Charges		
Residence Address					Residence Phone	DOB	Age	Sex
Business Name and Address					Business Phone	Height	Wt	Race
Identifying Features					Arrest Number	Drivers License	SSN	
Status					Vehicle Make and Model	License/State	Vehicle Type	
UCI POLICE DEPARTMENT CONTROLLED DOCUMENT					UNIVERSITY OF CALIFORNIA IRVINE			
No.	Serial/ID	Property Description			Value		Val Recovered	Val Damaged
RELEASED TO JULIE C. ABRIL, PHD RELEASED BY MARTHA [REDACTED] UCIR RECORDS MANAGER WARNING DISSEMINATION CONTROLLED BY LAW					MAR 20 2009 POLICE DEPARTMENT			
Safety Factors 020 Victim/Witnesses								
Prepared By 015 - Devlin, Shaun		Date 6/26/2001		Assisted By 009 - Acuna, Eladio		Approved By 009 - Acuna, Eladio		Date 6/26/2001
Routed To		Date	Routed To		Date	Notes		



IRVING POLICE DEPARTMENT

150 PUBLIC SERVICES BUILDING - IRVING, CA 92697 - 949-824-5113

COURTESY REPORT

Page 2

01-0857

Mentioned

Abril, Susan Fay

Residence Address

4598 E. Garland, Fresno, CA. 93726

Residence Phone

UNK

DOB

[REDACTED]

Age

35

Sex

F

Race

I

Business Name and Address

Business Phone

Height

5'3"

Wt

200

Hair

BRO

Eyes

GRN



NARRATIVE

On 06-26-01, at approximately 0200 hours, Sgt. Acuna and I were dispatched to 6341 Adobe Circle on a call of a possible murder which took place approx. twenty five years ago in the city of Fresno.

We spoke to Julie Christine Abril, who wanted to report that her father, Charlie Richard Abril, D.O.B. [REDACTED] had murdered two new born babies who were Julie's siblings. She recalls the incident to have occurred approximately twenty five years ago in the city of Fresno. Julie Abril said she was recently notified that her sister, Leilani Abril, had committed suicide in the city of Selma, Ca. Julie said the death of her sister made her dream of her abusive childhood. Julie had a dream that reminded her of the murder of her two new born siblings which were killed by her father immediately after their birth. The incident took place in a single family residence located on Fedora St., in the city of Fresno. Julie could not recall a street address for the location, but described the home as an older single story dwelling with orange yellow paint. Julie has been estranged from her parents for many years, and has not returned to the home on Fedora St. since she was approximately eight years old.

Julie Abril told us she remembered her mother, Susan Fay Abril, D.O.B. [REDACTED] gave birth to the infants in the home on Fedora St. and was not under the care of a physician. Julie said her mother gave birth in her parents bedroom and was present when her father, Charlie Richard Abril, cut the umbilical cord from the two infants with a knife she provided from the kitchen. Charlie Abril then choked the two infants with a blue towel. When one of the infants appeared to still be alive, her father Charlie Abril picked up the infant then twisted and broke the neck of the infant with his bare hands. Charlie Abril then held the dead baby up for Julie, her sister and brother to see, as an example to what would happen to them if they did not keep their mouth shut and did not do what they were told.

Julie said she remembers her father taking the two dead infants to the back yard of the house and burying them in a shallow grave. The family dog unearthed the grave site, which caused Charlie Abril to kill the family dog and re-bury the two bodies with the dead dog placed on top to cover the human remains.

Julie Abril said she is very afraid of her father's family and believes they will try to hurt her when they are approached by police. Julie Abril is currently under the care of a psychiatric doctor and is taking medication to control her emotions (post traumatic stress syndrome). Julie said she is not suicidal and is currently clear minded and in control of her emotions.

Julie Abril gave us a copy of several e-mails she sent to a fellow colleague about the dreams she had involving the death of her siblings. She also gave us a copy of a research paper she completed that described the abuse she endured while growing up. Julie also wrote a sketch of where she believes her father buried the two dead infant bodies in the back yard of the house located on Fedora St. on the back page of EV-2. She also included a copy of a letter she sent to the Chief of Police for the city of Selma, Ca., which detailed the reasons why she believed her father killed her sister with thoughts from his mind. Julie Abril and her family are Yaqui Indian, who hold many superstitious beliefs regarding the power of dead spirits and the influence they have over the human mind. All of the above described documents were booked as evidence into the UCIPD property room. See attached copies for additional info.

We conducted a C.L.E.T.S. records check on Charlie Richard Abril, which returned with an address

Prepared By:

015

DEVLIN, SHAUN

Date:

6/26/2001

Approved By:

Date:

6/26/2001

City of
FRESNO

Mariposa Mall
P.O. Box 1271
Fresno, CA 93715-1271

Police Department

Jerry P. Dyer
Chief of Police



March 25, 2009

Julie C. Abril
1517 W. 17th Street
Portales, NM 88130

Dear Ms. Abril,

I received your letter dated March 16, 2009, requesting a copy of Fresno Police Department (FPD) Case #01-79886. Upon review of this case, I discovered that it is an open case. It is the policy of this department to not release copies of open cases.

Sincerely,

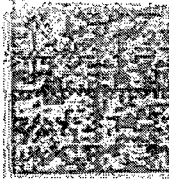
A handwritten signature in black ink, appearing to read "H.A. Bennink", is written over the typed name.

Lt. H.A. Bennink
Fresno Police Department

Professional, Effective, Timely



University of California, Irvine
Police Department
150 Public Services Building
Irvine, CA 92697-4900



42c

92-570175
\$06 420
June 28, 1991
US POSTAGE

JULIE C. APRIL, PHD
1517 W. 17TH STREET
PORTALES, NM 88130

6813037076 0005



APPENDIX C

DD FORM 1 JUL 79 214		PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.		CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY	
1. NAME (Last, first, middle) ANDER, RONALD EUGENE JR		2. DEPARTMENT, COMPONENT AND BRANCH ARMY/RA			
3. GRADE, RATE OR RANK E-1	4. PAY GRADE E-1	5. DATE OF BIRTH [REDACTED]	6. PLACE OF ENTRY INTO ACTIVE DUTY Phoenix, Arizona 85001		
7. LAST DUTY ASSIGNMENT AND MAJOR COMMAND ACTIVITY, FORT RILEY, KANSAS - FORSCOM - FC			8. STATION WHERE SEPARATED Fort Riley, Kansas 66442 RETKAN		
9. COMMAND TO WHICH TRANSFERRED NA			10. SGU COVERAGE AMOUNT \$ 50,000 <input type="checkbox"/> NONE		
11. PRIMARY SPECIALTY NUMBER, TITLE AND YEARS AND MONTHS IN SPECIALTY (Additional specialty numbers and titles involving periods of one or more years) 95B10 Military Police, 1 yr 7 mos//NOTHING FOLLOWS			12. RECORD OF SERVICE		
			a. Date Entered AD This Period		
			b. Separation Date This Period		
			c. Net Active Service This Period		
			d. Total Prior Active Service		
			e. Total Prior Inactive Service		
			f. Foreign Service		
			g. Sea Service		
			h. Effective Date of Pay Grade		
			i. Reserve Oblig. Term, Date		
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) Army Service Ribbon//Rifle M-16 (Sharpshooter Badge)//Hand Grenade (Sharpshooter Badge) Pistol 45 Cal (Marksmanship Badge)//NOTHING FOLLOWS					
14. MILITARY EDUCATION (Course Title, number weeks, and month and year completed) Law Enforcement Course, 16 weeks (1984)//Basic Airborne, 3 weeks (1984)//NOTHING FOLLOWS					
15. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		16. HIGH SCHOOL GRADUATE OR EQUIVALENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		17. DAYS ACCRUED LEAVE PAID NA	
18. REMARKS Excess leave (creditable for all purposes except pay and allowance)—189 days; 851025-860581. Dental care was not provided within 90 days of separation.//NOTHING FOLLOWS					
19. MAILING ADDRESS AFTER SEPARATION 3438 E. Dineen Phoenix, Arizona 85032			20. MEMBER REQUESTS COPY 4-BE SENT TO AE DR. OF VET AFFAIRS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
21. SIGNATURE OF MEMBER BEING SEPARATED Member not available to sign			22. TYPED NAME, GRADE, TITLE AND SIGNATURE OF OFFICIAL AUTHORIZED TO SIGN BLANK E. [Signature] [Signature]		

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

23. TYPE OF SEPARATION Discharge	24. CHARACTER OF SERVICE (Excludes discharges) BAD CONDUCT	
25. SEPARATION AUTHORITY AR 635-200, chapter 3, sec IV	26. SEPARATION CODE JJD	27. REENTRY CODE RE-4
28. NARRATIVE REASON FOR SEPARATION As a result of court-martial		
29. DATES OF TIME LOST DURING THIS PERIOD 850719-851024.		30. MEMBER REQUESTS COPY 4 INITIALS

SERVICE-2

APPENDIX D

INCIDENT DATE 03/10/09			INCIDENT TIME 03/12/09			INCIDENT LOCATION 03/12/09			STATE OF NEW MEXICO UNIFORM INCIDENT REPORT			OFF NO.			INCIDENT NO. 0309-028			PAGE 1			OF 2		
AGENCY/COUNTY ENMU Police			DISTRICT NO.			OPTIONAL USE			AGENCY			PAGE			OF			OF					
ADDRESS/LOCATION OF INCIDENT College of Business			CITY Portales			ZIP 88130			OFFENSE CODE UP TO 3 PER OFFENSE			OFFENSE SUSPECTED OF CRIME			DATE			TIME					
OFFENSE/INCIDENT HARASSMENT			STATUTE OR ORDINANCE 30-3A-2			PER Mo			ARREST YES			COMP YES			UCI OFFENSE CODE			CRIMINAL ACTIVITY CODE			LOCAL CODE		
1			2			3			4			5			6			7			8		
4			5			6			7			8			9			10			11		
12			13			14			15			16			17			18			19		
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260			261			262			263			264			265			266			267		
268			269			270			271			272			273			274			275		
276			277			278			279			280			281			282			283		

I WILL PROSECUTE TESTIFY SHOULD THE OFFENDER BE ARRESTED		<input type="checkbox"/> YES <input type="checkbox"/> NO		I UNDERSTAND IT IS A CRIMINAL OFFENSE TO FILE A FALSE POLICE REPORT		COMPLAINT/VICTIM CERTIFICATION SIGNATURE X _____		DATE / /									
REPORTING OFFICER (ARREST) R. Baker		RANK Sgt		ID NO. 818		DATE 3/12/08		DETECTIVE/FOLLOW-UP OFFICER REFERRED TO D. Miller		ID NO. D-1		DATE 3/12/08					
ARRESTING OFFICER		RANK		ID NO.		DATE		PROCESSED BY		DATE		DATA ENTRY PERSON		DATE			
APPROVING OFFICER		RANK		ID NO.		DATE		INCIDENT TYPE		INCIDENT CODE		POWER OF OFFICER'S COVERAGE 1-PROSECUTION 2-DECEASE 3-DECEASE 4-DECEASE		SYSTEMS TO SUBMITTING OFFICE WHEN APPLICABLE		DATE	
AGENCY OPTIONAL USE (DISTRIBUTION, OTHER OFFICERS ETC)		UNCHARGED <input type="checkbox"/>		INDEXED BY <input type="checkbox"/>		CLERKED <input type="checkbox"/>		CASES CLEARED BY THIS ARREST		CASE NO		CASE NO		CASE NO			

Supplemental report

Reference Julie Abril

On March 12th 2009, Sgt Ron Baker asked me to assist him at college of business room 170. When I arrived Sgt. Baker was speaking to Julie Abril who is a professor at Eastern New Mexico University. Ms. Abril stated that she wished to file harassment charges against her brother for harassment because he was E-mailing her in reference to a book she had written about her early life.

Ms. Abril stated that when she was a young child she witnessed her father kill her newborn brother and sister and that her mother played an active part in these infanticides. She further stated that her father had suffocated the infant girl and had picked the infant boy up and had grabbed him by the head and broke his neck. She informed us that the infants had been buried in the back yard of the house they were living at in Fresno California. She also informed us that she had been raped by her father and other family members when she was a child and that her childhood had been very violent.

The name of the book that Ms. Abril refers to is called, **Bad Spirits: A Cultural Explanation for Intimate Family Violence, inside one American Indian Family.** Ms. Abril stated that her brother had sent E-mail to her publisher and to her department Chair and to her stating that the book was not true and he intended to take legal action. I informed Ms. Abril that the infanticides did not happen in our jurisdiction or even our State, and that the legal action that her brother was stating that he was prepared to take was a civil matter not a criminal matter and that his actions did not constitute harassment. Sgt Baker has been in touch with our DA who has confirmed that these E-mails do not constitute harassment.

Ms. Abril stated she originally reported this case to the University of California Irvine Police department, original case # 01-0857 and that she has reported this incident to the Fresno police department that case # being 01-79-886. Our department has been in touch with the Fresno police department homicide division, we have been informed that many hours have been put into this case and the yard at the old residence has been dug up but there is no proof that these infanticides occurred.

Ms. Abril has asked me to get copies of the cases that she reported from the two police departments; however I have told her that I have no power in this case so the reports would do me no good.

Ms. Abril stated that if I got the reports it would help me in filing restraining orders against her brother. I have explained to Ms. Abril that a restraining order must be drawn up by her attorney and a judge must sign it, I have told Ms. Abril that I do not have the power to get a restraining order. No further action can be taken from this department.

Doug Miller

Narrative

On 3-12-09 I spoke with Dr. Julie Abril in reference to two emails that she has received from her brother Timothy Abril. These emails are in regards to a book that she, Dr Abril, has written and has published by Cambridge Scholars Publishing. Mr. Abril states in the emails that the book is not true and if book is not pulled and a retraction printed he will proceed with legal action.

Also enclosed are two emails from the publisher to Dr. Abril stating that the book has been pulled from publication until this matter is settled.

At this time this appears to be a civil matter and does not fit the elements of Harassment. Assistant District Attorney Donna Mower has advised this does not constitute harassment and it is civil matter.

APPENDIX E

6TH JUDICIAL DISTRICT COURT, STATE OF COLORADO Court Address: La Plata County Courthouse 1060 E. 2 nd Ave., Room 106 Durango, CO 81301	FILED IN COMBINED COURT LA PLATA COUNTY, COLORADO JAN 24 2023 DEPUTY CLERK
Plaintiff: In the Matter of Abril, Julie C.	Case Number: 21MH17 Division: 4
ORDER REGARDING THE RESPONDENT'S REQUESTS	

INTRODUCTION

This matter comes before the court on a motion from the respondent after she had learned about the existence of this case, when she went to purchase a weapon and was prevented from doing so. The case originally arose on March 27, 2021 as a short-term hold pursuant to Colorado Revised Statute ("C.R.S.") § 27-65-106.

In her motion, the respondent requested that the adjudication of "mental defective" be lifted from

for the reasons set forth, the court orders this matter to be sealed.

ANALYSIS

A. LEGAL STANDARD

Pursuant to § 27-65-109(7) C.R.S., the court clerk will seal a matter if the following occurs:

- 1) The facility releases the respondent; and
- 2) The facility notifies the court clerk that the respondent has been released from the facility.

Page 1

B. FACTS

1) The respondent has been released from the facility

Over the last month, the respondent has personally appeared at the La Plata County Courthouse multiple times to file this motion and file multiple addendums to her motion. The court finds that the respondent's appearances in the courthouse constitute sufficient notice that the respondent has been released from Centennial Peaks.

2) The facility has failed to notify the court of the respondent's release

Ordinarily, a facility notifies the Clerk of the Court within five days after the release of a respondent, per § 27-65-109(7) C.R.S. In this case, the facility, Centennial Peaks, did not comply with the statute and did not provide notice to the court. The court has made multiple requests to Centennial Peaks for information pertaining to the release of the respondent but this facility has failed to respond.

C. APPLICATION

Based upon the plain language of § 27-65-109(7) C.R.S., this matter should have been sealed shortly after her release. This ministerial action has not taken place solely because the facility, Centennial Peaks, has failed to notify the clerk of the court of the respondent's release.

Centennial Peaks' failure to notify the court has prejudiced the defendant and has created a situation that is contrary to the intent of the statute. In order to give effect to the intent of the statute, the court finds it appropriate to waive the requirement that notice of the respondent's release be provided specifically from the facility.

FINDINGS AND ORDER

The court finds that

- 1) the respondent has been released from the facility and
- 2) the court has notice regarding that release.

As a result, the court orders that this matter be sealed forthwith and that her name be omitted from the index of cases in the court. With regard to all other claims raised in the respondent's

— REMOVED FROM CIB — NO LONGER "MENTAL DEFECTIVE" ?


— WHEN MAY I PURCHASE A FIREARM ?

PAGE 2

filings, the court finds that it lacks jurisdiction under § 27-65-101 C.R.S. *et al*, to provide additional relief.

Hereby ordered this 24th day of January 2023.

XC: CASIAS
D. Helmerger
Centennial Parks


Hon. Nathaniel Baca
6th Judicial District Court Judge

JUDICIAL DISTRICT COURT, STATE OF COLORADO Court Address: La Plata County Courthouse 1060 E. 2 nd Ave., Room 106 Durango, CO 81301		FILED IN COMBINED COURT LA PLATA COUNTY, COLORADO FEB 01 2023 DEPUTY CLERK
Plaintiff: In the Matter of Abril, Julie C.		
		A COURT USE ONLY A Case Number: 21MH17 Division: 4
ORDER REGARDING THE RESPONDENT'S REQUEST FOR RELIEF FROM FIREARMS PROHIBITIONS		

INTRODUCTION

This matter comes before the court on a motion from the respondent after her case had been sealed pursuant to C.R.S. §27-65-109(7). In her motion, the respondent requests that the court order the restoration of her right to bear arms.

ANALYSIS

A. LEGAL STANDARD

Pursuant to § 13-5-142(3) C.R.S.,

The state court administrator shall take all necessary steps to cancel a record made by the state court administrator in the national instant criminal background check system if:

(a) The person to whom the record pertains makes a written request to the state court administrator; and

(b) No less than three years before the date of the written request:

[...]

(III) The record in the case was sealed pursuant to section 27-65-109(7)

Page 1


FINDINGS AND ORDER

The court finds that the case has been sealed at this time. The date of sealing was January 24, 2023.

In order to meet the statutory requirements to regain the right to bear arms, the respondent must wait the statutory period of 3 years from the date of sealing. At this time, the respondent has not met the required timeline for her request and therefore, the relief requested by the respondent is denied.

Accordingly, the respondent must wait until January 24, 2026 to request in writing that the case

be unsealed this 1st day of February 2023.


Hon. Nathaniel Baca
6th Judicial District Court Judge

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: April 15, 2024
La Plata County 2021MH17	
Petitioner-Appellee: The People of the State of Colorado, In the Interest of	Court of Appeals Case Number: 2023CA308
Respondent-Appellant: Julie C. Abril, Ph.D.	
MANDATE	

This proceeding was presented to this Court on the record on appeal. In accordance with its announced opinion, the Court of Appeals hereby **ORDERS:**

ORDERS AFFIRMED

**POLLY BROCK
CLERK OF THE COURT OF APPEALS**

DATE: APRIL 15, 2024

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: April 15, 2024
Certiorari to the Court of Appeals, 2023CA308 District Court, La Plata County, 2021MH17	
Petitioner: Julie C. Abril, Ph.D., v.	Supreme Court Case No: 2023SC845
Respondent: The People of the State of Colorado.	
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals and after review of the record, briefs, and the judgment of said Court of Appeals,

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

BY THE COURT, EN BANC, APRIL 15, 2024.

23CA0308 Peo in Interest of Abril 11-09-2023

COLORADO COURT OF APPEALS

DATE FILED: November 9, 2023

Court of Appeals No. 23CA0308
La Plata County District Court No. 21MH17
Honorable Anthony N. Baca, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Julie C. Abril, Ph.D.,

Respondent-Appellant.

ORDERS AFFIRMED

Division II
Opinion by JUDGE PAWAR
Furman and Fox, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)
Announced November 9, 2023

Sheryl V. Rogers, County Attorney, Katie Dittelberger, Assistant County Attorney, Durango, Colorado, for Petitioner-Appellee

Julie C. Abril, Ph.D., Pro Se

¶ 1 Respondent, Julie C. Abril, Ph.D., appeals the district court's orders sealing the records of her mental health case and denying her various other requests for relief. We affirm.

I. Background

¶ 2 A federal statute prohibits certain people possessing a firearm. 18 U.S.C. § 922(g)(4). Among these people are those who a lawful authority has determined are a danger to themselves or others as a result of mental illness. 27 C.F.R. § 478.11 (2022). The federal statute uses a rather unfortunate and uncharitable term for such people: "mental defective." 18 U.S.C. § 922(g)(4). Also included in the prohibition are those who have been committed to a mental institution involuntarily for treatment of a mental illness. 27 C.F.R. § 478.11.

¶ 3 In March 2021, Abril was certified for short-term treatment of a mental illness at Centennial Peaks Hospital. According to the notice of certification, her mental illness rendered her gravely disabled and a danger to herself and others. That short-term certification expired in June 2021.

¶ 4 Sometime after her release from Centennial Peaks, Abril sought to purchase a firearm. But when the required check of the

National Instant Criminal Background Check System revealed her mental health case, Abril was not allowed to purchase the firearm. The Colorado Bureau of Investigation sent her a letter informing her that she could not possess a firearm because she had been adjudicated a “mental defective” in her mental health case.

¶ 5 In January 2023, Abril made a series of filings in the mental health case seeking to restore her ability to possess a firearm by removing her mental defective adjudication. In two separate written orders, the district court declined to provide Abril the relief she requested and sealed the records in the case pursuant to section 27-65-109(7), C.R.S. 2023.

¶ 6 Abril appeals, challenging both the sealing of her case and the district court’s refusal to take any further action that would result in the restoration of her right to possess a firearm. We conclude she is not entitled to the relief she seeks.

II. Appeal

¶ 7 To the extent that the district court’s challenged rulings require us to interpret the relevant statutes, we do so de novo. See *Lewis v. Taylor*, 2016 CO 48, ¶ 14. Where the language of a statute is clear and unambiguous, we apply it as such. *Id.* at ¶ 20.

¶ 8 We perceive no error in the district court's ruling sealing the case. Section 27-65-109(7) requires a court to seal the records in a mental health case upon the release of a respondent who has been certified for short-term treatment of a mental illness. Abril does not dispute that she was certified for short-term treatment of mental illness and then released. Therefore, the district court had no choice but to seal her case once it received notice in January 2023 that she had been released.

¶ 9 Abril also argues that the district court should have restored her ability to possess a firearm by reversing the adjudication that she is a mental defective as defined by the federal regulation. Our review of the record shows that Abril was ineligible to possess a firearm under 18 U.S.C. § 922(g)(4). A lawful authority deemed her a danger to herself and others as a result of a mental illness and she was certified for involuntary short-term treatment of that mental illness at Centennial Peaks. This satisfied both alternate criteria in 18 U.S.C. § 922(g)(4) for prohibiting the possession of a firearm. We therefore perceive no error in the district court's refusal to provide Abril relief on this issue.

¶ 10 Abril alleges various other errors and misconduct on the part of the district court, including that the court failed to provide her notice or read her whole case before sealing it, that fraudulent testimony caused the court to seal the case, and that the district court judge violated his oath of office and various state and federal statutes in unspecified ways. None of these additional arguments warrant relief.

¶ 11 As explained above, a Colorado statute required the district court to seal the case — the sealing did not turn on any testimony, fraudulent or not.

¶ 12 Next, Abril cites to no authority, and we are unaware of any, that entitled her to notice before the case was sealed. Abril attempts to rely on section 24-4.1-302.5(1)(z), C.R.S. 2023, which provides that crime victims have a “right to be notified of a hearing concerning any motion filed for or petition for sealing of records described in section 24-72-706 or 24-72-709 or 24-72-710 filed by a defendant in the criminal case whose crime falls under section 24-4.1-302(1).” But this statute does not apply here. By its own terms, it applies only where a motion or petition to seal records is filed by a defendant in certain criminal cases. This is not a criminal

case. And there was no petition or motion for sealing of records.

Instead, the sealing was required by a different statute, section 27-65-109(7).

¶ 13 As for Abril's allegations that the district court judge's rulings violated his oath of office and various other statutes, we disagree. Our review of the record reveals that, as explained above, the relevant statutes required the judge to seal the case and prevented him from restoring Abril's right to possess a firearm. Nothing about how the judge reached these decisions was improper.

III. Disposition

¶ 14 The district court's orders are affirmed.

JUDGE FURMAN and JUDGE FOX concur.

Court of Appeals

STATE OF COLORADO

2 East 14th Avenue

Denver, CO 80203

(720) 625-5150

PAULINE BROCK

CLERK OF THE COURT

NOTICE CONCERNING ISSUANCE OF THE MANDATE

Pursuant to C.A.R. 41(b), the mandate of the Court of Appeals may issue forty-three days after entry of the judgment. In worker's compensation and unemployment insurance cases, the mandate of the Court of Appeals may issue thirty-one days after entry of the judgment. Pursuant to C.A.R. 3.4(m), the mandate of the Court of Appeals may issue twenty-nine days after the entry of the judgment in appeals from proceedings in dependency or neglect.

Filing of a Petition for Rehearing, within the time permitted by C.A.R. 40, will stay the mandate until the court has ruled on the petition. Filing a Petition for Writ of Certiorari with the Supreme Court, within the time permitted by C.A.R. 52(b), will also stay the mandate until the Supreme Court has ruled on the Petition.

BY THE COURT: Gilbert M. Román,
Chief Judge

DATED: January 6, 2022

Notice to self-represented parties: You may be able to obtain help for your civil appeal from a volunteer lawyer through The Colorado Bar Association's (CBA) pro bono programs. If you are interested in learning more about the CBA's pro bono programs, please visit the CBA's website at www.cobar.org/appellate-pro-bono or contact the Court's self-represented litigant coordinator at 720-625-5107 or appeals.selfhelp@judicial.state.co.us.

**Additional material
from this filing is
available in the
Clerk's Office.**