

No. \_\_\_\_\_  
**SUPREME COURT OF THE UNITED STATES**

---

***In Re: To Individual Justice: Chief Justice John Roberts***

**Jan Barton Hamilton**

**v.**

**John Hickenlooper, Governor, representing The State of Colorado  
& City of Aspen, Co., Pitkin County, Aspen Institute Board of Trustees  
and Peter Waanders, Director, Society of Fellows, Aspen Institute**

**ON PETITION FOR A WRIT OF CERTIORARI  
FROM THE COLORADO SUPREME COURT  
2017SC271:**

**In Declaration of Extraordinary Circumstances of Bias, Prejudice,  
Homophobia in Failure to Enforce Hate Crimes Act 18 USC 249 (2009)  
USC 144 and 28 USC 1746 *in forma pauperis***

---

Dr. Jan B. Hamilton, Appellant  
110 D. St. SE #505  
Washington, DC 20003  
Phone: 202-774-0667  
Fax: 202-521-1355

**v.**

Governor John Hickenlooper  
State Capitol of Colorado  
136 Capitol Blvd.  
Denver, Co. 80203  
Phone: 303-866-2471  
Fax: 303-866-2003

Cynthia Coffman, Atty. Gen.  
State of Colorado  
Ralph L. Carr Judicial Bldg.  
1300 Broadway 10<sup>th</sup> Floor  
Denver, Co. 80203  
Phone 720-508-6000  
Fax: 720-508-6030

Jim True, City Atty.  
City of Aspen  
130 Galena St.  
Aspen, Co. 81611  
Phone: 970-920-5108  
[Jim.True@cityofaspen.com](mailto:Jim.True@cityofaspen.com)

John Ely, County Atty.  
Pitkin County Colorado  
530 Main St.  
Aspen, Co. 81611  
Phone: 970-920-5190  
[attorney@pitkincounty.com](mailto:attorney@pitkincounty.com)

***Parties and Conspirator/Complainant/Respondents:***

James Pickup, Attorney at Law, for the  
The Aspen Institute Board of Trustees  
2300 N. Street, NW #700  
Washington, DC 20037  
Phone: 202-736-5800  
Fax: 202467-0790

Peter Waanders, Director  
Society of Fellows Aspen Instit  
1000 N. 3<sup>rd</sup> St.  
Aspen, Co. 81611  
Phone: 970-925-7010  
Fax: 970-925-4188

Sent copies to the people below and James Pickup, Legal Counsel, Board of Trustees of the Aspen Institute, based at 1000 N. 3<sup>rd</sup> St. Aspen, Co. to the Washington DC Address 2300 N. St. NW #700, Washington, DC 20037:

The respondents who are members of the Aspen Institute Board of Trustees are: Paul Anderson, Raymond Barre, Mercedes Bass, Berl Bernhard, Keith Berwick, Mike Bezos, Richard Braddock, William D. Budlinger, William J. Bynum, James A. Calaway, Stephen L. Carter, Troy Carter, William T. Coleman, Cesar Conde, Henry Crown, Lester Crown, Andrea Cunningham, Tarun Das, Kenneth L. Davis, Juan Ramon De la Fuente, Al Deitch, John Doerr, William H. Donaldson, Thelma Duggin, Arne Duncan, Sylvia A. Earle, Michael, D. Eisner, L. Brooks Entwistle, James L. Ferguson, Leon Fisher, Corinne Flick, Henrietta Holsman Fore, Ann B. Friedman, Stephen Friedman, Richard N. Gardner, Henry Louis Gates, Jr., Mircea Geoana, David Gergen, Alma Gildenhorn, Antonio Gracias, Jacqueline Grapin, Patrick Gross, Jane Harman, Chancellor Kaya Henderson, Hayne Hipp, Irvin Hockaday, Jr., Mark S. Hoplamazian, Gerald D. Hosier, Jerome Huret, Robert J. Hurst, William N. Joy, Salaman Khan, Rodrick K. Von Lipsey, YoYo Ma, Frederick V. Malek, Robert H. Malott, James M. Manyida, John P. Mascotte, William E. Meyer, David McCormick, Teisuke Kitayama, Michael Klien, David H. Koch, Timothy K. Krauskopf, Satinder K. Lambah, Leonard A. Lauder, Gerald M. Levin, Anne Welsh McNulty, Olivier Mellerio, Martin Meyers, Robert Moosey, Diane L. Morris, Karlheinz Muhr, Clare Munana, Elinor Bunin Munroe, Jerry Murdock,

Marc Nathanson, William A Nitze, Her Majesty Queen Noor, Jacqueline Novogratz, Olara Otunnu, Hisashi Owada, Michael Pebereau, Carrie Penner, John J. Phelan, Jr., Thomas R. Pickering, Charles Powell, Michael K. Powell, Margot Pritzker, Peter A. Reiling, Lynda Resnick, Condoleezza Rice, Jim Rogers, Richardo Salinas, Jay Sandrich, Lloyd G. Schermer, Carlo Scognamiglio, Isaac Shongwe, Albert H. Small, Anna Devoure Smith, Michael Smith, Javier Salana, Robert K. Steel, Andrew L. Stern, HRH Prince Bandar bin Sultan, Laurie M. Tisch, Giulion Tremonti, Jack Valenti, Paul A. Volker, Vin Weber, Leslie Wexner, Dolores Wharton, Clifton R. Wharton, Jr., Frederick B. Whittemore, Alice Young, Esq., Michael Zantovsky, Mortimer B. Zuckerman, Katie and Carl Bergman with Margaret Low, President of AtlanticLive, who barred Jan B. Hamilton from 2 places of public accommodation in Washington, DC.

John S. Johnston, Atty. At Law  
Shook, Hardy and Bacon Law Firm  
Snowmass Village, 2555 Grand Blvd.  
Kansas City, MO 64108  
T: 816.474.6550 | F: 816.421.5547

Arnold Mordkin, Atty. Law  
25 Lower Woodbridge Rd,  
Snowmass, Colorado, 81615  
Phone 970-923-5797

Atty. For Mike Nickerson  
c/o Bishop Elaine J.W. Stanovsky  
Rocky Mtn. Conference  
6110 Greenwood Plaza Blvd.  
Greenwood Village, CO 80111-4803  
303-733-3736 or 303-777-3116 or  
outside Denver: 1-800-536-3736  
communications@rmcumc.com

Frank Plaut, Atty. At Law  
622 Mt. Evans Rd.  
Golden, Co. 80401-9626  
Phone: 206-867-5309

Erin Ely, Atty. at Law  
Pitkin Co. Courthouse  
506 E. Main St. 2<sup>nd</sup> Floor  
Aspen, Co. 81611

Atty. For Don & Jill Westerlind  
20 Sunset Dr. Ste 5,  
and 0309 Apple Drive  
Basalt, Co. 81621  
970-927-1768  
970-927-3724

Peter Beyel, Attorney at Law  
109 8<sup>th</sup> St. Garfield Co. Courthouse  
9<sup>th</sup> Judicial District  
Glenwood Springs, Co. 81601  
Phone: 970-945-8635  
Fax: 970-945-1304

Jim Coyle, Atty. At Law  
Executive Director  
Atty. Regulation Counsel  
1300 Broadway, Suite 500  
210  
Supreme Court of Colorado  
(303) 457-5800 1-877-888-1370

John Gleason, Atty. At Law  
6400 S. Fiddlers Green Circle  
Suite 1000  
Greenwood Village, CO 80111  
Ph. 303-796-2626 F 303-796-2777  
Email: [info@bfwlaw.com](mailto:info@bfwlaw.com)

Justices of the Supreme Court  
State of Colorado  
2 E. 14<sup>th</sup> Ave.  
Ralph L. Carr Judicial Center  
Denver, Co. 80203  
Phone: 720-625-5150

James B. Boyd, Atty.  
9<sup>th</sup> Judicial District Courthouse  
109 8<sup>th</sup> Ave.  
Glenwood Springs, Co. 81601

Brad Junge, Atty. At Law  
619 Main St. #110  
Grand Junction, Co. 81501  
Phone: 970-256-9570

Joe Neguse, Atty. At Law  
Executive Director, Dept. of  
DORA, State of Colorado  
1560 Broadway St., Suite 110  
Denver, Co. 80203

Bill Campbell, Atty. At Law  
Executive Director, Colorado  
Com. on Judicial Discipline  
1300 Broadway, Suite

Denver, Colorado 80203  
P: 303-457-5131 303 501-1143

Justices of Court of Appeals  
State of Colorado  
2 E. 14<sup>th</sup> Ave.  
Ralph L. Carr Judicial Center  
Denver, Co. 80203  
Phone: 303-837-3785

Sherry Caloia, District Atty.  
9<sup>th</sup> Judicial District  
109 8<sup>th</sup> Ave.  
Garfield County Courthouse  
Glenwood Springs, Co. 81601  
970-945-8635 970-945-1304

Paul Metzger, Atty. at Law  
Garfield County Courthouse  
109 8<sup>th</sup> Ave.  
Glenwood Springs, Co. 81601

Patrick Gentzler, Atty. at Law  
543 Main St. #2  
Grand Junction, Co. 81501  
Phone: 970-241-3372

Jeff Walsh, Atty. At Law  
Alternate Defense Counsel  
7314 Ralston Road  
Arvada, Co. 80002  
P: 303-947-0018 720-904-6005

Jordon May, Atty. At Law  
Attorney for Pat Marquis  
Sotheby's Intl. Real Estate  
4750 Table Mesa Dr.  
Boulder, Co. 80305  
Phone: 303-494-3000

Louis T. Babcock, Atty. at Law  
Federal District Courthouse  
901 19<sup>th</sup> St. Rm. A 105  
Alfred A. Arraj Bldg.  
Denver, Co. 80294

The Melville Family, Owners  
C/O Craig & Marian Melville  
The Mountain Chalet  
333 Durant St.  
Aspen, Co. 81611  
Phone: 970-925-7797

Elaine Gerson, RN, JD  
0405 Castle Creek Rd.  
Aspen, Co. 81611

**QUESTIONS PRESENTED:**

1. Whether Peter Waanders violated Colorado Public Accommodation Statute CRS 24-34-601 when as Director of the Society of Fellows, he barred a lesbian member, Jan B. Hamilton from spiritual seminar at the David Koch Bldg. of the Aspen Institute, 1000 3<sup>rd</sup> St. Aspen, Co. 81611?
2. Whether secular courts held jurisdiction in adjudicating the subsequent criminal arrest at Christ Episcopal Church, *Watson v. Jones (1871)* in denial of altar flower donation, a ecclesiastical church controversy and dispute, that should have been resolved in the church, not the secular courts.
3. Whether the 1<sup>st</sup> Religious Freedom and 14<sup>th</sup> Amendments Equal Protection and Due Process were violated when this protected party, a lesbian, *Romer v. Evans (1996)* resulted in 8<sup>th</sup> Amendment violation with cruel and unusual punishment a 64-month sentence, \$300,000.00 cash only bond with mandated "Conversion Therapy."
4. Whether the individual members of the Board of Trustees of the Aspen Institute (and all involved agencies and those operating under color of law) are held accountable to pay losses and damages in the amount of \$1,000,000.00 in treble liable for the torture, abuse, conspiracy, extortion, fraud with false reporting by Peter Waanders in the destruction of the petitioners once successful career in Preventive Nutrition with patients in 14 states and 8 countries?
5. Whether violations of the *2009 Hate Crimes Act, 18 USC 249* warrant recovery of losses and damages in treble to elderly disabled lesbian criminally assaulted at Georgetown Episcopal Church when 2 British Rectors conspired across state lines to deny donation of altar flowers in honor of lesbian fiancé's birthday? *Declaration of Independence (1776)*.

## PETITION FOR WRIT OF CERTIORARI

---

A pro se litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); see also *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 292, 50 L.Ed.2d 251 (1976); *Gillihan v. Shillinger*, 872 F.2d 935, 938 (10<sup>th</sup> Cir.1989). This rule means that if the court can reasonably read the pleadings to state a valid claim on which the defendant could prevail, it should do so despite the defendant's failure to cite proper legal authority, her confusion of various legal theories, her poor syntax and sentence construction, or her unfamiliarity with pleading requirements. This pro se party pleads for leniency and the consideration of the US Supreme Court to appoint legal counsel, preferably by the Solicitor General to protect her from abuse. )

### A. PROVISIONS INVOLVED, REASONS FOR GRANTING THIS PETITION: STATEMENT OF THE CASE

Quote from Father Thomas Keating: "*The human family is at the threshold....of moving to a higher knowledge, understanding....relationship with God....stages of divine union and unconditional love....with the spiritual perception of God's presence in all our senses, thinking, and especially in our relationship to other people.... That means living the spiritual life is the most important thing there is to do in the next stage in evolution... The commitment to the spiritual journey is not a commitment to pure joy, but to taking responsibility for the whole human family, its needs and destiny. We are not our own; we belong to everyone else.*" From his book God is Love: The Heart of All creation and the Mystery of Christ.

**In this Brief Summary of Merits,** Petitioner, Jan B. Hamilton (JBH), a devout Christian, age 76, an elderly, disabled lesbian, now alleges

violations to *1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> to the US Constitution* surrounding criminal arrests orchestrated by Peter Waanders, Director of the Society of Fellows, Aspen Institute based at 2300 N. St., NW #700, Washington, DC 20037. Mr. Waanders also serves on the Vestry of Christ Episcopal Church, at 526 North St., Aspen, Co. where Dr. Hamilton was a member for 12-years with Bruce McNab, Rector, now retired. Rector McNab was supportive of her lifestyle and her pending wedding to her fiancé of the past 11-years. Then when a new British Rector arrived from London and her altar flower donation in honor of her beloved on her birthday was canceled, the previous support resulted in criminal harassment charges when Peter Waanders, Jonathan Brice and Shirley Tipton stated that the altar flower donation was "Against the Law!" Peter Waanders thereafter orchestrated the cancellation of her membership in the Aspen Institute Society of Fellows and barred her from the spiritual seminar held in the David Koch Bldg. Peter Waanders expelled her from the Paepcke Building with forceful bodily bruising. When each member of the Aspen Institute Board of Trustees was personally notified, with pleadings for reinstatement, a letter from James Pickup representing

the consensus of the Board of Trustees confirmed that the mandate to ban Dr. Hamilton from this place of public accommodation CRS 24-34-601 would stand. *CRS 24-34-601 states:*

**24-34-601. Discrimination in places of public accommodation - definition.**

(1) As used in this part 6, "place of public accommodation" means any place of business engaged in any sales to the public and any place offering services, facilities, privileges, advantages, or accommodations to the public, including but not limited to any business offering wholesale or retail sales to the public; any place to eat, drink, sleep, or rest, or any combination thereof; any sporting or recreational area and facility; any public transportation facility; a barber shop, bathhouse, swimming pool, bath, steam or massage parlor, gymnasium, or other establishment conducted to serve the health, appearance, or physical condition of a person; a campsite or trailer camp; a dispensary, clinic, hospital, convalescent home, or other institution for the sick, ailing, aged, or infirm; a mortuary, undertaking parlor, or cemetery; an educational institution; or any public building, park, arena, theater, hall, auditorium, museum, library, exhibit, or public facility of any kind whether indoor or outdoor. "Place of public accommodation" shall not include a church, synagogue, mosque, or other place that is principally used for religious purposes.

(2) (a) It is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, or deny to an individual or a group, because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or, directly or indirectly, to publish, circulate, issue, display, post, or mail any written, electronic, or printed communication, notice, or advertisement that indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation will be refused, withheld from, or denied an individual or that an individual's patronage or presence at a place of public accommodation is unwelcome, objectionable, unacceptable, or undesirable because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry.

(b) A claim brought pursuant to paragraph (a) of this subsection (2) that is based on disability is covered by the provisions of section 24-34-802.

(2.5) It is a discriminatory practice and unlawful for any person to discriminate against any individual or group because such person or group has opposed any practice made a discriminatory practice by this part 6 or because such person or group has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted pursuant to this part 6.

(3) Notwithstanding any other provisions of this section, it is not a discriminatory practice for a person to restrict admission to a place of public accommodation to individuals of one sex if such restriction has a bona fide relationship to the goods, services, facilities, privileges, advantages, or accommodations of such place of public accommodation.

**Source:** L. 79: Entire part R&RE, p. 937, 3, effective July 1. L. 89: (2.5) added, p. 1043, 11, effective July 1. L. 93: (2) amended, p. 1661, 65, effective July 1. L. 2008: (1) and (2) amended, p. 1596, 6, effective May 29. L. 2014: (2) amended, (SB 14-118), ch. 250, p. 978, 7, effective August 6.

After Dr. Hamilton's multiple emails and phone calls seeking reconciliation, James Pickup, Legal Counsel for the Aspen Institute, stated that her membership in the Society of Fellows would not be reinstated, nor could she attend any future event into an indefinite future. The decision was conclusive and final. No member of the Board of Trustees invited her to return after being a member for the previous 15-years, since the year 2000, the 50<sup>th</sup> anniversary of the Aspen Institute. The homophobia escalated and still exists 4-years later as she pleads for equality in public accommodation. The letter stated:

May 9, 2014 Dear Ms. Hamilton, We have recently received several emails from you directed toward Aspen Institute staff and our board of trustees. The Institute takes any allegation of

discrimination seriously, and we have looked into the incident you describe. We believe that our staff has acted properly and professionally in their dealing you and that your accusations are without merit. Moreover, we believe that your continued e-mail correspondence with Institute personnel borders on harassment, and we have forwarded these communications to the Aspen Police Department for their review. (see my emails to reconcile and mediate in exhibits).

Going forward, we ask that you cease all communication with the Aspen Institute staff and management. If at any time our staff is made to feel uncomfortable, threatened, or harassed by your actions, we will permanently bar you from the Institute's campus and exclude you from all Institute programs. Failure on your part to abide by these restrictions may result in criminal trespass charges. If you have any questions or require clarification, please have your attorney or personal representative contact me.

Respectfully, James Pickup, General Counsel, Suite 700, One Dupont Circle NW, Washington, DC 20036-1133.

**B. THIS COURT SHOULD RESOLVE WHETHER THE US CONSTITUTION PROTECTS Its CITIZENS AGAINST TYRANNY OF DOMINANCE IN THE BLOCKAGE OF RELIGIOUS FREEDOM**

1. Ten months later on March 6, 2015 illegal arrest was orchestrated by Peter Waanders to Aspen Police with false reporting. The initial encounter occurred on the Aspen Institute campus at 1000 N. 3<sup>rd</sup> St. Aspen, Co. 81611, as Dr. Jan B. Hamilton was registering for an educational event, "Athens to Aspen," a spiritual seminar led by Todd Breyfogle.

2. The subsequent intimidating cascade commenced with a abusive, homophobic, biased and prejudiced incident in the lobby of the Paepcke Bldg. as Dr. Hamilton picked up the reading materials and paid the tuition for the spiritual seminar in October of 2013. Peter Waanders with rage and “Melt Down” with bodily harm forced her to depart the building. Of note is the fact that no protected party, from 1<sup>st</sup> Baptist Church, holding a restraining order against Dr. Hamilton was in the building, nor was any protected party, who had mandated “Conversion Therapy to be cured of being a lesbian, or be arrested,” registered for the seminar. She was quietly getting her materials.

3. This continuing cascade of homophobia occurred after Mr. Waanders was made aware that Dr. Hamilton is a lesbian. Her efforts to reconcile were met with disdain, and involved the state, law enforcement officers to escort her from the building and arrest her resulting in a 64-month sentence in solitary confinement in Pitkin County Jail and later transferred to a private jail in Park County, Fairplay, Co. She was transferred illegally after she had filed habeas corpus petitions of innocence in the 9<sup>th</sup> Judicial District. The hearings to be held for the purpose of proving her innocence her were never scheduled.

4. Peter Waanders and Jan B. Hamilton had previously become friends in 2001 as members of the Aspen Rotary Club that met in the Kresge Bldg. on the Aspen Meadows Campus home of the Aspen Institute. The abrupt breach in their previous compatible friendship occurred when Jan B. Hamilton was mandated to undergo “Conversion Therapy” at 1<sup>st</sup> Baptist/Crossroads Church, at 726 W. Frances St., Aspen, Co. under the leadership of Sr. Pastor Steve Woodrow. That case is now docketed at the U.S. Supreme Court 17-6685. This current Writ of Certiorari, naming the Aspen Institute, is submitted to the court as a result of the false arrest, illegal incarceration with malicious prosecution based upon false testimony by Peter Waanders, Aspen Institute employee, in criminal trial in the Pitkin County Court of Judge Paul Metzger. She alleges sexual orientation, age, and religious discrimination in violation of CRS 24-64-691 declaring terms of Public Accommodation by the Aspen Institute, it’s employees and Trustees.

5. Peter Waanders conspirators include the individual Trustees of the Aspen Institute named in the Certificate of Service; Jonathan Brice, London, England, new Rector of Christ Episcopal Church, Aspen, Co., Shirley Tipton, his asst. Mr. Waanders is an employee of the Aspen

Institute, Director of the Society of Fellows, where Dr. Hamilton has been a member since 2000, the 50<sup>th</sup> Anniversary of the Institute. The Aspen Institute was formed by Walter and Elizabeth Paepcke after Albert Schweitzer's visit to Aspen in 1950. It serves as a think tank for global issues with the ultimate goal of unity in mind, body and spirit to create world peace, a dramatic contrast to the decision by the Aspen Institute Board of Trustees through their attorney James Pickup and Peter Waanders to ban her and file criminal charges.

6. The bias, prejudice, and homophobia in violation of the *2009 Hate Crimes Act, 18USC249, the Declaration of Independence and the US Constitution, 1<sup>st</sup> and 14<sup>th</sup> Amendments* are inexplicable knowing the long term previous friendship of Dr. Hamilton with the Paepcke family, primarily with Paula Paepcke Zurcher, who lives in Aspen, Co. After Dr. Hamilton was banned from Christ Episcopal Church she joined the Community Methodist Church where Ms. Zurcher is a member. Dr. Hamilton attended a bible class in the home of the late Merrill Ford in the Aspen Trustee Townhomes led by Paula Paepcke Zurcher. The vendetta commenced when Peter Waanders learned that Jan B.

Hamilton and another Society of Fellows member were lesbian lovers with secret matching engagement rings, planning a future wedding.

8. The sexual orientation discrimination stigma expanded also at church commenced when Vestry member Peter Waanders informed the new British Rector of Dr. Hamilton's lesbian lifestyle. Thereafter the donation of alter flowers in honor of her future wife's birthday was canceled. British Rector Jonathan Brice considered the donation "a violation of the law!" He filed criminal harassment charges with the state, the Aspen Police when she asked for a refund. As a British citizen he was not familiar with the new freedoms of the LGBT families in America. Same gender marriage was approved in Colorado in October 2014. And granted freedom to marry nationwide in *Obergefell v. Hodges* (2015). The new British Rector, Jonathan Brice rejected same gender marriage unions during the 39<sup>th</sup> Annual Gay-Lesbian Ski Week January 15-23, 2015.

**C. THIS COURT SHOULD DETERMINE IF THE ASPEN INSTITUTE BOARD OF TRUSTEES HOLDS DOMINION OVER CRS 24-34-601 PUBLIC ACCOMMODATION STATUTES FOR THE STATE OF COLORADO**

9. Dr. Hamilton alleges that these acts *of bias and prejudice were willfully and wantonly performed in violation of 18USC249 Matthew*

*and James B. Byrd Hate Crimes Act (2009), 42 USC 1983, 1964 Civil Rights Act Title VII, 28USC1343, 42USC1985, the Privacy Act of 1974, and the Violence Against Women Act with lack of jurisdiction. Watson v. Jones (1871), Romer v. Evans (1996) violations to the state CRS 24-34-601 and federal statutes.*

10. Precedence dictates that the secular courts do not hold jurisdiction in ecclesiastical, disputes and controversies as shown in *Watson v.*

*Jones (1871).* Dr. Hamilton submits that these declared merits reveal additional violations of *the Declaration of Independence (1776)*. She declares that her *1<sup>st</sup> Amendment rights to believe that "God loves all the same, gay and straight," have been violated without Equal Protection and Due Process of the 14<sup>th</sup> Amendment, Lawrence v. Texas (2003)*. These "Separation of Church and State" false arrests with premeditated torture, humiliation, intimidation resulted in 2 stress induced cancers with permanent bodily injuries. (pictures in Appendix). Therefore, she pleads for scrutiny of the U.S. Supreme Court of the United States for extraordinary circumstances with expedited processing due to recent hate crimes killings at 1<sup>st</sup> Baptist Church,

Sulphur Springs, Texas with more brutal killings each day across America.

**D. THIS COURT SHOULD DETERMINE IF FALSE ARRESTS, ILLEGAL INCARCERATION WITH MALICIOUS PROSECUTION BY EMPLOYEES AND BOARD OF TRUSTEES OF THE ASPEN INSTITUTE, PREEMPTS THE 1<sup>ST</sup> AMENDMENT TO THE US CONSTITUTION WITH RECOVERY OF LOSSES AND DAMAGES**

11. She states a claim for monetary recovery of all losses and damages in treble in the amount of \$1,000,000.00 from each member of the Board of Trustees of the Aspen Institute. Their overt biased, prejudiced and homophobic decision to refuse to mediate, or reconcile when Peter Waanders openly discriminated against Dr. Hamilton's lesbian lifestyle leaves no doubt of the widespread homophobia of the Aspen Institute. See the financial statement in the addendum to justify past, present and future injuries to her person, her career and to her reputation with merits and evidence for compensation in Affidavit of valid claim in treble. Clearly this "outed" closeted lesbian, was mandated to deny her sexual orientation to undergo "Conversion Therapy" or be arrested which she alleges is unconstitutional, 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments to the US Constitution, upheld and enforced by the Aspen Institute.

12. Soon after the alleged false arrest she filed habeas corpus petitions to Sr. Judge James B. Boyd, 9<sup>th</sup> Judicial District, Aspen, Co. The hearings were never scheduled before she was illegally transferred to Park County Jail a privately owned jail in Fairplay, Colorado, 5-days after the petitions were filed in violation to *CRS 13-45-101 to 114 and Rule 36 US Supreme Ct.* These habeas corpus petitions were then prepared for appeal to Federal Court.

13. From her cell in Park County, she filed pleadings for the petitions to be heard in Judge Louis T. Babcock's Federal District Court in Denver following denial by the Colorado Court of Appeals and the Colorado Supreme Court due to her inability to exhaust state remedies in Judge Boyd's refusal to hear them in his court. Equal protection and due process were clearly violated.

**E. THIS COURT SHOULD RULE TO ESTABLISH STATE APPELLATE COURTS PARALLEL LITIGATION WHICH HAVE ALSO SPLIT ON THIS ISSUE OF JURISDICTION IN COLORADO AND WASHINGTON, DC**

14. She submits the *Holy Bible, John Chapt. 8*, where the woman was *accused of adultery, about to be stoned to death where Jesus said, "If any one of you is without sin, let him be the first to throw a stone at her."* Her adversaries reported that *"God had told them to punish her;*

*she should be stoned to death like it says in the bible---every word of the bible is true!"* In 2013, she had sought to start over in her career to overcome the blight on her reputation to move forward in her private practice in Preventive Nutrition, Nutritional Biomedicine.com. This work, with an emphasis on "Cancer Aftercare" is designed to suppress the likelihood of the cancer returning at a later date or in another part of the body in modalities unique to each individual client in her private practice in 8 countries and 14 states. She now seeks private sector recovery alleging blockage of her income with fraud. Her Ph.D credentials were challenged by the Aspen Institute but were verified by her professors from Louisiana State University and Georgetown University. She now alleges that the arrests based upon police complaints by Peter Waanders, the Aspen Institute with bias, prejudice and homophobia should be termed; extortion, perjury, conspiracy, with malicious intent and tortuous intimidating violation of public accommodation statutes *CRS 24-34-601*.

15.To provide evidence of merits implicating Peter Waanders, and the Aspen Institute Board of Trustees who barred her from a place of Public

Accommodation she submits the following violations to the US Constitution:

**1<sup>st</sup> Amendment:** She believes that God loves all the same, gay and straight, abridged when she was denied the right to air grievances, reconcile or exercise her freedom of speech; she was denied the right to peaceably assemble, when she was blocked from the educational seminar at the Aspen Institute, David Koch Bldg. after Peter Waanders learned that Jan B. Hamilton is a lesbian. Previously they were harmonious.

**16.2<sup>nd</sup> Amendment:** The restraining orders issued due to the false testimony of Peter Waanders prohibit her right to bear arms, a freedom allowed the homophobic, angry perpetrators. She cannot go hunting with her family on their West Texas Ranch, across the fence from their neighbors, the Koch Brothers, Matador Ranch in Motley County, Texas.

**17.4<sup>th</sup> Amendment;** Peter Waanders in violation *18USCA1708* intercepted the legal summons petitions en route to the US Post Office from Sandy's Office Supply, being sent to the Federal District Court of Judge Louis T. Babcock. See pictures Exhibit B of police possession of these legal documents still in Aspen police possession today, 33 months

later. These legal court filings were considered a violation of a protection order reported by Peter Waanders in his involvement of the state, the Aspen Police. Dr. Hamilton was arrested in case 15M191 on March 6, 2015 and held in solitary confinement until February 12, 2016 when she agreed to a plea bargain and moved to Washington, DC to seek equal justice under law at the US Supreme Court in habeas corpus cases denied in Colorado and the 10<sup>th</sup> Circuit.

**18.5<sup>th</sup> Amendment:** The Appellant was denied due process and equal protection (*Bolling v Sharpe*, 247 U.S. 497 (1954)). She has been denied eminent domain with just compensation when her intellectual property of Nutritional Biomedicine.com for “Cancer Aftercare” was intercepted by lengthy incarceration with the destruction of her reputation and the right to earn a fair wage with past, present and future losses.

**19.6<sup>th</sup> Amendment:** She was held in solitary confinement with no speedy trial, illegally transferred to Park County Jail when she filed for habeas corpus hearings in the 9<sup>th</sup> Judicial District Court in violation of *CRS 13-45 101 to 114*. She was subjected to attempted rape with a broom handle forced up her vagina by 4 convicted felons. She sought a lawyer for the habeas corpus pleadings but was denied, therefore, she

was never given the right to hear her accusers in defense of her alleged false arrest, illegal incarceration with malicious prosecution which continues to destroy her life. This appellant was arrested for the same alleged crime multiple times based upon testimony by Peter Waanders, Jonathan Brice and Shirley Tipton upheld by the Aspen Institute.

**20.8<sup>th</sup> Amendment:** Dr. Hamilton was held in the Pitkin County Jail for over 2-years while awaiting trial on a \$300,000.00 cash only bond. She pled with her friends at the Aspen Institute to come to her rescue knowing that the Mission Statement for the Society of Fellows was to seek alternative solutions to unjust global problems and find common ground. Trustee Alan Fletcher was the only Trustee that came to the jail to visit her. His efforts to plead that she was falsely arrested and held with excessive bond proved fruitless. Alan and his husband are dear friends of this lesbian couple. He is the President of the Aspen Music Festival and School, Aspen, Co.

**21.11<sup>th</sup> Amendment:** Most recently, Peter Waanders and William Nitze, Trustee of the Aspen Institute, conspired with 2 British citizens of a Foreign State, Rectors of Christ Episcopal Church Jonathan Brice, Aspen, Co. and Christ Episcopal Church, Tim Cole, Georgetown, the

church where she has attended when in Washington DC on business for over 20 years and while on faculty at Georgetown University. Collusion and obstruction of justice are alleged by the Aspen Institute Trustees and staff.

**22.13<sup>th</sup> Amendment:** Peter Waanders supported the stigma set in place by his friend, Ralph Melville, who orchestrated the mandate that Dr. Hamilton undergo “Conversion Therapy” or be arrested. Dr. Hamilton and her lesbian partner were illegally “outed” in violation their privacy with threat of arrest which they allege is submission “Involuntary Servitude” to be “cured” of being lesbians a violation of the 13<sup>th</sup> Amendment.

**23.14<sup>th</sup> Amendment:** No equal protection or due process was granted to the Plaintiff by those operating under color of law with willful and wanton intent, in violation of Governmental Immunity *CRS 24-10-101 to 24-10-120*. Notice was filed with Jim True, Aspen City Atty., Jim Coyle, Atty. Regulation Counsel for the State of Colorado, William Campbell, Judicial Commission for Discipline for the State of Colorado, *CRS 24-10-109 revised, 2016*. She alleges violations to:

*24.Rule 2.3: Bias, Prejudice, and Harassment: (A) A judge shall perform the duties of judicial office, including administrative duties,*

*without bias or prejudice. (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, **sexual orientation**, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so. (C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.*

25. The statutes should be retroactive to the terms of the penalties when this neglect occurred in 2011 to 2015, prior to the revised statute passed, January 29, 2016. Dr. Hamilton was released from custody on probation to move to Washington, DC, February 12, 2016 to address habeas corpus appeals of her innocence filed with the US Supreme Court but blocked due to her inability to exhaust state remedies when her petitions for hearing were never allowed by Judge James B. Boyd. Clearly this is evidence of lack of equal protection and due process by those operating under Color of Law in willful and wanton intent. She is a member of a protected class a lesbian, *Romer v Evans (1996)*.

26. **15<sup>th</sup> Amendment:** Her vote which was in the envelope to be sent to the County Clerk of Pitkin County was found in her possessions when

she was released from jail. Therefore, her vote was blocked due to the involuntary servitude initiated by Peter Waanders and the Aspen Institute Board of Trustees, the state, deputies of the Pitkin County Jail and Aspen Police.

27. In accordance with Fed.R.Civ.P. 8 this Appellant files this complaint to report Peter Waanders and the Aspen Institute are private individuals attributable to the state. Peter Waanders acted as a law enforcement officer demanding that she leave a place of public accommodation without jurisdiction to do so. She has provided the names of all individuals who participated in violation of the state public accommodation law *CRS 24-34-601*. In this capacity, Peter Waanders serving as the voice of The Aspen Institute, called the police to arrest Dr. Hamilton for harassment when she filed the discrimination complaint with the Dept. of Regulatory Agencies, the Colorado Civil Rights Commission. She reported to state authorities, the breach of *Aspen City Ordinance 15-04-570 and the Colorado Hate Crimes Act CRS 18-9-121*.

28. The Plaintiff gave fair notice to each individual of the basis for her claims against them so that they could respond and allow the court to

conclude that the allegations, if proven, would show that the plaintiff is entitled to relief. *See Monument Builders of Greater Kansas City, Inc. v. American Cemetery Assn of Kansas*, 891 F.2d 1473, 1480 (10th Cir.1989). The requirements of Fed.R.Civ.P. 8 are designed to meet these purposes. *See TV Communications Network, Inc. v. ESPN, Inc.*, 767 F.Supp. 1062, 1069 (D.Colo.1991), *aff'd*, 964 F.2d 1022 (10th Cir.1992). This appellant (1) supplied a short and plain statement for the courts jurisdiction with specific violations to the Amendments to the US Constitution, 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> prior to incarceration and again while alleged illegal incarceration based upon lack of jurisdiction for secular courts to rule in ecclesiastical disputes and controversies. *Watson v. Jones*, 80 U.S. (13 Wall.) 679 (1871). (2)

A judge acts in the clear absence of all jurisdiction only when he "acts clearly without any colorable claim of jurisdiction." *Snell v. Tunnell*, 920 F.2d 673, 686 (10th Cir.1990). Judges acted in violation of the Judicial Codes of Conduct, and the Canons of Ethical Behavior; bias and prejudice with homophobia, to the degree of sadomasochism, and as individuals to the degree of an alleged Axis I Mental Illness of torture,

abuse, intimidation, humiliation with physical bodily harm. *18USC 241, 245 and 249*. See pictures of police brutality in exhibits with bruises, swelling, and vaginal bleeding inflicted upon this innocent elderly lesbian with willful and wanton intent.

**F. THIS COURT SHOULD DETERMINE WHETHER THE ASPEN INSTITUTE IN CONSPIRACY WITH TWO BRITISH PREACHERS IN EPISCOPAL ANGLICAN CHURCHES IN ASPEN, CO. AND WASHINGTON, DC VIOLATED THE 1<sup>ST</sup> AMENDMENT AND FEDERAL CRIMINAL CONSPIRACY FELONY STATUTES**

29. She is entitled to relief due to the blockage of her income in her once successful career by those operating under color of law in conspiracy with private citizens who serve on the Board of Trustees of the Aspen Institute in support of their employee Peter Waanders. (4) The demand sought in compensation in the amount of \$1,000,000.00 from each individual Trustee of the Aspen Institute, each individual who works within an agency who orchestrated, operated, conspired and initiated the alleged grounds for false arrest, illegal incarceration and malicious prosecution in losses and damages to her career, pain and suffering, loss of her reputation blocking continued referrals from physicians with her patients in 8 countries and 14 states, global destruction of her career.

30. She alleges that the Defendants violated her constitutional rights to the US Constitution violations. *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1164 (10th Cir. 2007). Section 1983 provides a remedy for the deprivation of a right secured by the Constitution or federal statute, committed under color of state law.

*Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 49-50 (1999). The Aspen Institute enlisted the help of the Aspen Police to arrest Dr. Hamilton without warrant. *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937 (1982).

31. State action can be "present if a private party is a 'willful participant in joint action with the State or its agents as she submits is evident'" with Peter Waanders and the Aspen Institute Board of Trustees. *Gallagher v. Neil Young Freedom Concert*, 49 F.3d 1442, 1453 (10th Cir. 1995) (quoting *Dennis v. Sparks*, 449 U.S. 24, 27 (1980)), as shown in the exhibits in written notice, verbal interface with other members of the Society of Fellows of the Aspen Institute including David Koch, Madeleine Albright, Beth Brooke-Marciniak, Steve Clemmons, Alan Fletcher, Walter Isaacson, Bonnie McCloskey, Ann Hudson, Ann McLaughlin Korologos Bob Steel, and Leonard Lauder.

"The mere acquiescence of a state official in the actions of a private party is not sufficient," *id.* (citing *Flagg Bros. v. Brooks*, 436 U.S. 149, 164 (1978)). "[C]onstitutional standards are invoked only when it can be said that the State is responsible for the specific conduct of which the plaintiff complains." *Blum v. Yaretsky*, 457 U.S. 991, 1004 (1982).

**G. THIS COURT SHOULD AFFIRM VIOLATIONS TO THE HATE CRIMES ACT THAT NEITHER SECULAR COURTS NOR THE ASPEN INSTITUTE HAVE THE AUTHORITY TO MANDATE PRIVATE BELIEFS, TENETS AND PRINCIPLES OF LESBIAN MEMBER OF SOCIETY OF FELLOWS, ASPEN INSTITUTE**

32. The state violated multiple constitutional rights in false testimony, false reporting, false arrests without warrants, no grand jury, moving her to another jail rather than hear habeas corpus petitions with witnesses to show her innocence of harassment alleged by those whose base intent was homophobia to her lesbian lifestyle. In accordance with *Romer v. Evans* (1996) she is a member of a protected party. The State neglected to equally protect her or provide due process, in violation of the 14<sup>th</sup> Amendment with multiple obvious violations to the *Hate Crimes Act CRS 18-9-121*, the *Aspen Anti-discrimination City Ordinance 15-04-570* (1977). *The Hate Crimes Law Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Pub.L. 11-84, Div E, Oct. 28,2009, 123 Stat. 2835 Short title, se 18USCA § 1 note:*

- (1) *The incidence of hate motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.*
- (2) *Such violence disrupts the tranquility and safety of the communities and is deeply divisive.*
- (3) *State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.*
- (4) *Existing Federal Law is inadequate to address this problem.*
- (5) *A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.*
- (6) *The Hate Crime offense is considered criminal and is therefore punishable with fines and prison sentences. These crimes are rising, invoking a greater burden on those whose work is under color of law.*

33. Personal participation by Peter Waanders and the Board of Trustees in collaboration with the Aspen Police is shown as an essential element in this civil rights action. *See Bennett v. Passic*, 545 F.2d 1260, 1262-63 (10th Cir. 1976); *Kentucky v. Graham*, 473 U.S. 159, 166 (1985).

There was without question, an affirmative link between the alleged constitutional violation and each defendant's participation, control or direction, or failure to supervise. *See Gallagher v. Shelton*, 587 F.3d 1063, 1069 (10th Cir.2009) (citations and quotations omitted); *Dodds*

*v. Richardson*, 614 F.3d 1185, 1200-1201 (10th Cir. 2010). A supervisor can only be held liable for his or her own deliberate intentional acts, however in this case the Board of Trustees failed to reverse, cease and desist the unjust violations to the US Constitution by their employee, therefore became a party to the illegality.

**H. THIS COURT SHOULD DETERMINE CONSTITUTIONALITY OF THE BOARD OF TRUSTEES OF THE ASPEN INSTITUTE TO DISRUPT HER CANCER TREATMENTS AND A BASIC FUNDAMENTAL RIGHTS OF THE US CONSTITUTION**

34. False reporting by Peter Waanders resulted in illegal incarceration. While awaiting trial and sentencing, cancer medications were locked in the jail basement, the original radiation treatments were denied by Jailers Don Bird and Capt. D. Muldoon although complete payment by Medicare and Medicaid was made available. "[P]rison officials violated the Eighth Amendment's cruel and unusual punishment in their deliberate indifference to serious medical needs of this elderly 75-year old inmate who was diagnosed with a MALT Lymphoma which escalated from a stress induced bleeding ulcer to stomach and uterine cancers. The decision to withhold treatment constituted the unnecessary willful and wanton infliction of pain." *Self v. Crum*, 439 F.3d 1227, 1230 (10th Cir. 2006) (internal quotation marks omitted).

"Under the Fourteenth Amendment's due process clause, pretrial detainees . . . are entitled to the same degree of protection regarding medical attention as that is afforded convicted inmates under the Eighth Amendment." *Barrie v. Grand County, Utah*, 119 F.3d 862, 867 (10th Cir.1997) (internal quotation marks omitted). "[A] prison official violates the Eighth Amendment only when two requirements are met. First, the deprivation alleged must be objectively, sufficiently serious (2 cancers) . . . [Second,] a prison official must have a sufficiently culpable state of mind." *Farmer v. Brennan*, 511 U.S. 825, 834 (1994) (quotations omitted); *see also Estelle v. Gamble*, 429 U.S. 97, 104-06 (1976) (prison officials may not be deliberately indifferent to the serious medical needs of inmates in their custody).

35. Jailers Don Bird and Capt. D. Muldoon ignored her pleadings for cancer treatment in the 64-month sentence issued by Sr. Judge James B. Boyd. Deliberate indifference means that "a prison official may be held liable . . . only if he knows that inmates face a substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it." *Farmer*, 511 U.S. at 847. This 75-year-old innocent cancer victim was at risk of serious harm and death. Her

pleas were disregarded by Don Bird and Capt. D. Muldoon, defendants in this case, which she alleges, constitutes a Hate Crime. She was awaiting trial and had not been convicted during the 25-month incarceration in which cancer meds were denied, as prescribed by her oncologists. To the contrary, defendant, Jailer Don Bird demanded that she undergo a complete hysterectomy in the Denver jail with another transfer while awaiting trial. Her religious beliefs deny surgical removal of the womb. (34) She was diagnosed by Dana Dwyer, MD/Gyn. Valley View Hospital, Glenwood Springs, Co. with uterine cancer on January 14, 2012 while an inmate in Don Bird's Pitkin Co. Jail. She was diagnosed with the MALT Lymphoma June 1, 2010 by William Rodman, MD conferred by Doug Rivera, Oncologist at Aspen Valley Hospital, Aspen, Co. 405 Castle Creek Rd., Aspen, Co. 81611. She is currently under the protocols of MD Cancer Center in Houston, Texas, with alternative/ complementary/integrative modalities. She will address cancer treatment after these cases are resolved by the US Supreme Court, prior to the wedding to be held on Capitol Hill.

**I. STATE COURTS OF LAST RESORT HAVE SPLIT ON WHETHER  
SECULAR COURTS HOLD JURISDICITON IN DETERMINING  
ECCLESIATICAL RELIGIOUS DISPUTES AND CONTROVERSIES**

36. Malicious Prosecution: Violation of the 4<sup>th</sup> Amendment requires that (a) the defendant caused the plaintiff's continued confinement or prosecution; The complaint to the police by Peter Waanders and the Aspen Institute, resulted in a 64-month sentence in solitary confinement (b) the original action terminated in favor of the plaintiff when Lawson Wells, Deputy DA dismissed the first arrest due to lack of probable cause. The original action surrounding mandated "Conversion Therapy" is case 17-6685 currently before the US Supreme Court, docketed Nov. 7, 2017 (c) no probable cause supported the original arrest, continued confinement, or prosecution; The 1<sup>st</sup> arrest of this elderly "outed " lesbian' life was at age 65. It was dismissed due to lack of probable cause by Deputy DA Lawson Wells, of the 9<sup>th</sup> Judicial District. No member of her family in 8 generations has ever gone to jail.

**J. THIS CASE IS A PARTICULARLY GOOD VEHICLE TO ADDRESS THE QUESTIONS PRESENTED AND IS RELEVANT TO RECENT HATE CRIMES ACTS IN AMERICA IN MASS KILLINGS**

37. This arrest occurred while she and her beloved partner were making refreshments for the congregation as they had for the previous 4 years (d) the color of law defendants acted with malice; Peter Waanders

supported by the Aspen Board of Trustees acted with malice. They were informed; the Plaintiff sought reconciliation with Peter Waanders, invited him to lunch, took him flowers. but he refused. Dr. Hamilton personally contacted all 100 or more members of the Aspen Institute Board of Trustees by phone and by mailed pleadings for resolution, mediation and reconciliation, but none responded or came to her aide. Instead, after Dr. Hamilton filed the complaint of sexual orientation, age, marital status, gender discrimination with the Dept. of Regulatory Agencies (DORA), in retaliation Mr. Waanders called the Aspen Police. He falsely reported harassment of himself, his wife and 2 children at the alter during communion at Christ Episcopal Church, Aspen, Co. in disingenuous testimony to the state in court under oath.

(37) The Plaintiff, Dr. Jan B. Hamilton sustained (i) permanent bodily harm shown in pictures of bruising, bleeding and swelling; (ii) the destruction of her once successful career, (iii) the loss of her home, (iv) the Range Rover car, a gift from her beloved partner's brother, and (v) the discrediting of her intellectual property career of "Cancer Aftercare" *Wilkins v. DeReyes*, 528 F.3d 790, 799 (10th Cir.2008).

38. Malice may be inferred if a defendant causes the prosecution without arguable probable cause. Peter Waanders retaliation and false testimony resulted in prosecution without probable cause; 4 years later, Dr. Hamilton still seeks reconciliation and the reinstatement of her membership in the Society of Fellows at the Aspen Institute. The majority of her adult friends are members of the Aspen Institute Society of Fellows. Peter Waanders acted with irrational judgment with “Melt Down.” Without just cause he inflicted sadomasochistic, homophobic, biased and prejudiced judgmentalism with intentional reckless behavior that a normal person would not do. His actions are in conflict with the Mission Statement of World Peace and Conflict Resolution Globally, in Body, Mind and Spirit.

39. The vendetta has now been transferred to Washington, DC her new home. On September 26, 2017, she was invited by Steve Clemmons, an Aspen Institute Trustee, to attend the 2017 Ideas Festival at the Harman Theatre. She was assured that no retrained party had registered so she paid her fees well in advance. However, when she arrived at this place of public accommodation, Margaret Low, President of AtlanticLive, in an act of humiliation and intimidation demanded

that she depart the building without refunding her registration fee. Then on December 6, 2017, she was invited by email from the Atlantic Journal to another event entitled “Unfinished Business,” a LGBT forum to find answers to this escalating discrimination problem, the day after the “Masterpiece Cake” case was orally argued before the US Supreme Court. The keynote speakers were the attorneys who argued the case. However, in this place of public accommodation, the Studio, 1510 14<sup>th</sup> St. NW Washington, DC, Margaret Lowe accompanied by armed police with guns, demanded that Dr. Hamilton depart the building. These two incidences are currently pending investigation by the Civil Rights Commission, 1331 Pennsylvania Ave. Washington, DC. 20425 and the Office of Human Rights at 441 4<sup>th</sup> St. Suite 570 NW, Washington, DC 20001. Margaret Low, private citizen, employee of the Atlantic, alleged that to allow Dr. Hamilton to attend these public events would be a violation of her probation. Therefore, Ms. Low is now added as a defendant in this case due to her conspiracy alleging that Peter Waanders was in attendance at these events, which he was not. This Plaintiff alleges Ms. Low gave an unfounded false report alleging evidence to the “State of DC”, Police Officer, Sgt. Jessica Hawkins of the

LGBT Police Force of DC. The complaint against Ms. Low is forwarded to Peter Newsham, Chief, and Commander Leslie Parsons, of the Detective Division of the DC Police and Capt. Andre Wright, Chief of Investigations, DC Police 300 Indiana Ave. NW, Washington, DC 20001.

**K. THIS APPELLANT HAS PROVIDED GROUNDS FOR GRANTING WRIT OF CERTIORARI AND RELEASE FROM CUSTODY FOR ALLEGED CRIMES SHE DID NOT COMMIT, ALLEGED BY PETER WAANDERS AND THE ASPEN INSTITUTE**

40. She sought reconciliation many times with Mr. Waanders but each time he considered her pleas as harassment and filed criminal charges with the state enlisting the police to become involved in a public accommodation issue.

**L. THE DECISION AT THE COLORADO SUPREME COURT IS ERRONEOUS UNDER THIS COURTS SCRUTINY TO DECLARE THAT LGBT FAMILIES ARE NOW FREE TO ATTEND PUBLIC EVENTS AT THE ASPEN INSTITUTE WITH 1<sup>ST</sup> AMENDMENT EQUAL JUSTICE UNDER LAW**

41. On April 17, 2017, the 3 habeas corpus pleadings (alleging false church arrests) for hearings were denied by the US Supreme Court based upon US Supreme Court *Rule 39.8 as a frivolous request*. She has recently asked for new habeas corpus hearings to start over with a change of venue to the Superior Court for the District of Columbia, filed

Sept. 7, 2017 with Governor John Hickenlooper and Beryl A. Howell, Chief Judge of the United States District Court for the District of Columbia. The lack of resolution of this unjust homophobia is unacceptable.

42. In an incident at the Aspen Institute Summer Celebration 2014, homophobic perpetrators professed that they were following the demands of “God’s will” to send her to prison and/or the orchestrate the death penalty to “be stoned to death, like it says in the bible—declaring that every word of the bible is true!” *Jauch v. Choctaw County*, No. 16-60690 (5th Cir. 2017). *Serbian E. Orthodox Diocese v. Milivojevich*, 426, US. 696,713 (1976), *Jones v. Crestview Southern Baptist Church*, 192 P3d 571,573(Colo. App. 2009) (quoting *Bell v. Presbyterian Church*, 126 F. 3d 328, 331 4<sup>th</sup> Circ. 1997). *Watson v. Jones* (1871).

(40) Clearly these disputes in the 5-habeas corpus church arrests (2 others are still in Colorado Courts) are ecclesiastical involving alter flower donations, scheduling weddings, and taking of communion by LGBT worshippers. The 3 correlating ecclesiastical habeas corpus cases were denied appealability by the 10<sup>th</sup> Circuit Court of Appeals on May 24, 2016 due to JBH alleged failure to exhaust state remedies. As

previously stated Judge James B. Boyd refused to schedule the habeas corpus hearings in his court. See letter to Clayton Higgins, US Supreme Court Clerk.

43. The cascade of homophobia continues unabated into 2018.

Subpoenas were sent to all levels of the courts to obtain the court records to show violations to multiple constitutional rights, the *2009 Hate Crimes Act* with homophobia, bias and prejudice across state lines by 2 British citizens, Jonathan Brice and Tim Cole, another British Rector at Christ Episcopal Church, Washington, DC. The denial by the 10<sup>th</sup> Circuit is a direct contradiction to both the 4<sup>th</sup> Circuit Court and Colorado Court of Appeals which declared no jurisdiction. Judge Michael Rankin in DC declared no jurisdiction for the secular courts to hear the church disputes.

44. If these criminal/civil habeas cases did not have jurisdiction when Judge Boyd dismissed the jurisdiction of the German woman, Brunhilde Schoffler (US Supreme Court docketed "Conversion Therapy" case 15-7470), then the secular courts did not hold jurisdiction in these current

religious disputes. Both cannot stand. This has been a pattern for the past 16-years of my life.

**M. THIS COURT SHOULD DETERMINE IF FALSE ARRESTS, ILLEGAL INCARCERATION BASED UPON VIOLATIONS TO THE 2009 HATE CRIMES ACT 18USC249 WITH MALICIOUS PROSECUTION, PREMPTS THE 1<sup>ST</sup> AMENDMENT TO THE US CONSTITUTION:**

45. This appellant alleges that the extreme torturous allegations are in violation of the *Hate Crimes Act 18USC249*, 1<sup>st</sup> and 14<sup>th</sup> Amendments with bias and prejudice. She alleges that 3-years in jail without trial was intended for, punishment, torture and extreme abuse, in violation of the *Judicial Canons 1.0, 2, 2.2, 2.4, 2.6, 2.11 and 2.15 and Codes of Conduct for state and federal courts*.

46. She now pleads *Federal Rules of Appellate Procedure Rule 2*, to expedite this decision or for other good cause suspend any provision of these rules in this case and order proceedings as it directs.

*Strickland v. Washington, 466 U.S. 668 (1984)*. The multiple restraining order mandates for “no contact” are tools for her adversaries to falsely report alleged violations. This elderly disabled lesbian petitioner has exhausted all available remedies in the local, district, state and federal courts and comes within the provisions of original jurisdiction under *Article III of the Constitution of the United States, 28*

*USC §1251 and Amt. 11. Strickland v. Washington, 466 U.S. 668 (1984).*

**N. THIS COURT SHOULD DECLARE THAT PETER WAANDERS, JAMES PICKUP AND MARGARET LOW, DID NOT HAVE THE AUTHORITY TO MANDATE THAT JAN B. HAMILTON LEAVE A PLACE OF PUBLIC ACCOMMODATION AT THE HARMAN THEATRE AND THE STUDIO IN WASHINGTON, DC WHEN NO PROTECTED PARTY WAS IN ATTENDANCE**

47. “When in the course of human events it becomes necessary for one people” -----“that we here highly resolve that these dead shall not have died in vain”----- “We hold these truths to be self-evident, that all men (and women) are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” .....“That this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth,” inspiring words from the Declaration of Independence and Gettysburg Address.

48. Jan B. Hamilton is currently illegally held in misdemeanor probation custody. These acts of conspiracy occurred with and among those operating under color of law who were, and are now, allegedly without jurisdiction, defendants; Governor John Hickenlooper, et.al., Jim True, Aspen City Attorney, Aspen Police Dept., Don Bird, Jailer

Pitkin County Jail, Capt. D. Muldoon, Jailer, Park County Jail with Peter Waanders and the Aspen Institute Board of Trustees. *Bell v. Presbyterian Church (U.S.A.) United States Court of Appeals, Fourth Circuit. (1997) 126 F.3d 328. Judgment Sought January 20, 2017.*

**49.** Religious freedom is a precious privilege violated by Peter Waanders, the Aspen Institute Board of Trustees and their attorney James Pickup most recently involving Margaret Low, President of AtlanticLive, Washington, DC. *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, 557 115 S.Ct. 2338 (1995) Farley v Wisconsin Evangelical Lutheran Synod, 821 F. Supp. 1286, (1993).* ([info@stonewall.org.uk](mailto:info@stonewall.org.uk)). *It Takes Faith to Make a Church: Gay and Lesbian Christian Proselytizing in South Africa, 14 Emory Int'l L. Rev. 613. Serbian Diocese.*

**O. THE DECISION AT THE COLORADO SUPREME COURT IS ERRONEOUS UNDER THIS COURTS SCRUTINY TO NOW DECLARE THAT THIS LESBIAN IS FREE TO ATTEND PUBLIC EVENTS AT PLACES OF PUBLIC ACCOMMODATION**

**50.** In *Watson v. Jones, 13 Wall. 679 (1872)*, It may be said, that no jurisdiction has been conferred on the tribunal to try the particular case before it, and that, in its judgment, it exceeds the powers conferred upon it and that the laws of the church do not authorize the particular

form of proceeding adopted; All questions of “jurisdiction” most recently interfacing with public accommodation at the Aspen Institute. *Watson v. Jones*, 13 Wall. 679, 733, 20 L.Ed. 666 (1872). *The Right to Privacy Act of 1974, 18USC249*. Filing civil lawsuits was her only recourse to air grievances in the absence of equal protection and due process of her 14<sup>th</sup> Amendment constitutional rights. *Hoctel*, 154 F.3d at 508 (citing *Gipson*, 835 F.2d at 1325).

51. In 2014 this illegally held inmate, appealed to the U.S. Dept. of Justice, Loretta Lynch, U.S. Attorney General for the United States. Now case: RJM: arm: tc, DJ-144-13 with White House endorsement 20140711-04155051 by President Barack Obama, who supported her plea to ban “Conversion Therapy” filed with the US Dept. of Justice in 2014. *28 USC 144 and 28USC 455*. The results of the investigation are still pending with DOJ and FBI.

**P. THIS APPELLANT HAS PROVIDED GROUNDS FOR GRANTING WRIT OF CERTIORARI AND RELEASE FROM CUSTODY FOR ALLEGED CRIMES SHE DID NOT COMMITT**

52. The *Romer v Evans (1996)* case revealed the injustices inherent in previously unenforced City Ordinances when gays and lesbians sought additional protection. Colorado Amendment 2 was intended to provide

extra protection due to the torture, abuse and homophobia so prevalent in the Southwest. *In consequence, most States have chosen to counter discrimination by enacting detailed statutory schemes. See, e.g., S. D. Codified Laws 20-13-10, 20-13-22, 20-13-23 (1995); Iowa Code 216.6-216.8 (1994); Okla. Stat., Tit. 25, 1302, 1402 (1987); 43 Pa. Cons. Stat. 953, 955 (Supp. 1995); N. J. Stat. Ann. 10:5-3, 10:5-4.*

*(58) Equal protection of the laws is not achieved through indiscriminate imposition of inequalities.” Sweatt v. Painter, 339 U.S. 629, 635 (1950) (quoting Shelley v. Kraemer, 334 U.S. 1, 22 (1948)). Respect for the equal protection principle previously explained why laws singling out a certain class of citizens for disfavored legal status or general hardships. “The guaranty of ‘equal protection of the laws is a pledge of the protection of equal laws.” Skinner v. Oklahoma ex rel. Williamson, 316 U.S. 535, 541 (1942) (quoting Yick Wo v. Hopkins, 118 U.S. 356, 369 (1886)). Dunn v. Blumstein, 405 U.S. 330, 337 (1972); cf. United States v. Brown, 381 U.S. 437 (1965); United States v. Robel, 389 U.S. 258 (1967). To the extent that the US Supreme Court reversed the 10<sup>th</sup> Circuit decision in Romer v. Evans (1996) this question is addressed*

and should be enforced in this case. *See Richardson v. Ramirez, 418 U.S. 24 (1974).*

53. This elderly lesbian has not been equally protected. She is a member of a protected class, a lesbian and has been denied due process of the 14<sup>th</sup> Amendment, and the US Constitution. *Romer v Evans, 1996.*

#### **Q. CONCLUSION**

The U.S. Supreme Court should now grant Writ of Certiorari. "*Love one another as I have loved you.*" *John 15:12, the Holy Bible.* "*Give me liberty or give me death,*" *Patrick Henry.* "*With God, all things are possible,*" *Luke 1:37.*

Respectfully submitted,

January 2, 2017

Jan B. Hamilton  Petitioner  
110 D. St SE, #505  
Washington, DC 20003  
202-774-0667

[janbhamilton@gmail.com](mailto:janbhamilton@gmail.com)

Previous Address: Box 8458  
Aspen, Co. 81612

#### **CERTIFICATE OF SERVICE**

Governor John Hickenlooper, Appellees  
State Capitol of Colorado  
136 Capitol Blvd.  
Denver, Co. 80203  
Phone: 303-866-2471

Cynthia Coffman, Atty. Gen.  
State of Colorado  
Ralph L. Carr Judicial Bldg.  
1300 Broadway 10<sup>th</sup> Floor  
Denver, Co. 80203