

CASE NUMBER _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES RUDNICK — PETITIONER (pro se)
VS.

MATTHEW HANSEN (WARDEN @ SCF) — RESPONDENT
ON PETITION FOR A WRIT OF HABEAS CORPUS
TO THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

JAMES RUDNICK (pro se)

STERLING CORRECTIONAL FACILITY (SCF)
C.D.O.C. PRISONER # 68432
S.C.F. 1-A BOX 6000
STERLING, CO. 80751

QUESTION

Can the People of Colorado feel safe and secure and be assured its interests are served (IF) the state's Courts choose to usurp their powers over the Constitution, Laws, and established precedents — And without notice, trial, or proof of conviction — impose and uphold "changes" made to increase prisoner sentences ^① (and) "change" the crime offenses on which sentence is based — without your presence or giving opportunity ^② to defend, challenge, or object against the alterations (multiple times) — Even Decades after sentence had begun being served and was finalized — When the judicial actions were carried out without Jurisdiction or Legitimate basis for their Re-Sentencing?

① 13th Amend - Cannot show Petitioner was duly convicted on each (new) offense listed.

② 14th Amend - Denial of Due Process — Barring Petitioner from Court Access BEFORE "RE-SENTENCE" takes effect.

The purpose of Writ of Habeas corpus is to Right the wrongs and to safeguard persons freedom from detention in violation of Constitutional guarantees. In determining what constitutes a void or illegal judgment for purposes of Subject Matter Jurisdiction vis a vis the Writ of Habeas corpus, the allegation that a Petitioner is entitled to his immediate release has been recognized by this High Court as a proper basis for petitioning the Writ Johnson v Gunter 852 P2d 1263 Cardiel v Brittain 833 P2d 748

Petitioner is entitled to opportunity to substantiate habeas corpus claims at an EVIDENTIARY HEARING where the allegations relate primarily to purported occurrences outside the courtroom and are NOT SOLEMN or conclusory as to permit summary disposition 28 USC § 2242

Preface

Such a question deserves consideration for this matter:

How many "United States Constitutions" exist that can be officially claimed as the "Actual Original document" signed by the very persons involved in its creation at its inception?

[If] there exists MORE THAN ONE actual document "officially established" to be THE ORIGINAL (non-Amended), but EACH of these OTHER "official" documents contain DIFFERENT information that CONFLICTS with the others — [THEN] which one is to be considered "valid" for the people to go by as the "official Law of the Land"?

If you have 5, 10, or 15 different VERSIONS of "official" U.S. Constitutions — EACH claimed to be the actual controlling Authority — which one do the People follow?

What if the ORIGINAL is fundamentally erred?

Are subsequent versions "official" when created YEARS LATER without the original party's consent or presence? And — without any basis given for the changes? Or — providing WOULD authorized the changes and on what legal authority? And — What if the ALTERATIONS are also made in error?

The People would say: "NO!" — changes to the U.S. Constitution require special process run through Congress — Not some E-mail, or, by an individual judge interpretation accomplished behind closed doors. Anything passed-off as "official" — if it has not been approved by Congress would be FRAUD, and the document's substance INVALIDATED.

[Here] in this matter - we have 13 or 14 different Writings
(Criminal sentencing information giving a Prison Warden his holding
authority) for a SINGLE CRIMINAL CASE - (SEE Exhibits I-V)

Some documents have been CHANGED, ALTERED, or MODIFIED decades after
the original sentence (now being served) was finalized. EACH ONE
indicating its official governing authority by its source (State's
Judicial Branch) And EACH writing providing the ONLY authority
for C.D.O.C. Wardens to keep this PETITIONER in their custody,
(in accordance with the TERMS and CHARGES provided on the documents)

However - WHICH ONE of these individually unique HOLDING DOCUMENTS
is the C.D.O.C. or Warden supposed to RELY-ON as the actual
controlling Authority? Particularly when EACH ONE is riddled
substantially with wrong information.

- Document Alterations were made without notice, without
trial and without conviction or Petitioner's presence, or,
opportunity to challenge or contest or object.
- Criminal Offenses were CHANGED, some REMOVED, some
ADDED and new sentence issued (or Modified) without
Petitioner being DULY CONVICTED on each NEW offense listed

The 13th Amendment of the U.S. Constitution clearly states:

"... the Party shall be duly convicted ..."; and, the 14th Amendment
states: "No person... shall be deprived of life, liberty, or property
without Due Process of Law..."

It is apparent from the Evidence, the Colorado Courts did not honor these
provisions of law, as there is no jury verdict or conviction by Judgment
to support the listed Criminal Offenses on which the sentence is based,
(for EACH of the altered writings newly issued)

And for this reason, (as supported by the numerous cases cited) the state's Prison Warden NO LONGER has legitimate Authority to maintain Custody Hold on this Petitioner - because EACH Withins holding document, as well as, the most current "official" Withins is invalidated by the multiple unlawful alterations.

And

where the (newly listed) nominal offenses - on which the state's (new or modified) sentence is based - cannot be substantiated & as Required under the 13th Amendment) because there exists no support or proof of Petitioner being duly convicted by (new) Trial or by (separate) verdict for EACH (new) offense. Listed on EACH (new) Withins

Then,

Just as with the example of having multiple "original Constitutions" - they would all be invalid - the state cannot issue multiple (different) Official Sentence Withins - EACH containing ADDED, or ALTERED criminal offenses that essentially RE-DEFINE the Petitioner's crimes without him being duly convicted & however it suits the state courts) violating Separation of Powers to do so.

And,

On this basis - And in accord with all of the support cited in Each of Petitioner's state filings for this matter, Petitioner is lawfully entitled to be immediately Released from Custody, because the "Holding Authority" has been invalidated and state no longer has Jurisdiction to keep advancing its position - extending its reach beyond its authority - to Redefine and Re-sentence any Man in this manner (Violating the 14th Amendment) VOIDING all Withins holds against him. NONE can be REVOKED UPON a legitimate!

Ignoring this issue would be a fundamental miscarriage of Justice.

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Civil Action No. _____
(To be supplied by the court)

JAMES RUDNICK, Applicant,

v.

MATTHEW HANSEN (WARDEN SCF), Respondent.
(Name of warden, superintendent, jailer, or other custodian)

**APPLICATION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

A. PARTIES

1. James Rudnick #68432 Colorado Dept. of Corrections - Sterling Facility
(Applicant's name, prisoner identification number, and complete mailing address)
S.C.F. 1-A Box 6000, Sterling, CO. 80751
2. Matthew Hansen (Warden @ S.C.F.) Colorado Dept. of Corrections
(Respondent's name and complete mailing address)
S.C.F. Box 6000, Sterling, CO. 80751
3. If you are not confined in a prison, jail, or other correctional facility, explain how you are in custody:

N/A

4. If you are confined in a prison, jail, or other correctional facility but the named respondent is not the warden, superintendent, or jailer at the prison, jail, or correctional facility in which you are confined, explain how the respondent is your custodian:

N/A

B. NATURE OF THE CASE

BRIEFLY state the background of your case. If more space is needed to describe the nature of the case, use extra paper to complete this section. The additional allegations regarding the nature of the case should be labeled "B. NATURE OF THE CASE."

Petitioner is unlawfully held in custody under invalid ~~Althaus~~ (changed decades after his trial) and (new) sentence enforced in violation of 13th and 14th Amendments, where the State cannot show proof of his being duly convicted of each offense listed, and, where the Courts have re-defined the offenses and increased sentence without having Jurisdiction (Continued on Pages 2.1 - 2.3)*

* Includes Sections for: CAUSE; REMEDIES EXHAUSTED; and, ACTUAL PREJUDICE,

SEE ADDITIONAL SECTION: "REASONS FOR GRANTING WRIT" AFTER CLAIMS

C. CLAIMS

State concisely every claim that you wish to assert in this action. For each claim, specify the right that allegedly has been violated and state all supporting facts that you consider important. You do not need to cite specific cases to support your claim(s). If you need additional space to describe any claim or to assert additional claims, use extra paper to continue the claim or to assert the additional claims. Identify clearly any additional pages that you attach to this form.

CAUTION: In order to proceed in federal court, you ordinarily must exhaust administrative and/or state remedies for each claim that is asserted in this action.

1. Have you exhausted administrative and/or state remedies for each claim asserted in this action? ☒ Yes ☐ No (CHECK ONE)

2. If you answered "No" to question 1., list the claims for which you have not exhausted administrative and/or state remedies and explain why:

N/A

3. Claim One:

13th AMENDMENT VIOLATION

[LISTED ON PAGES 2.4 - 2.6 (ATTACHED)]

A. Supporting facts:

LISTED ON ATTACHED PGS 2.4-2.6

B. Explain the steps you have taken to exhaust administrative and/or state remedies for this claim (attach proof of exhaustion, if available):

LISTED ON ATTACHED

4. Claim Two:

14TH AMENDMENT VIOLATION

A. Supporting Facts:

[LISTED ON ATTACHED PAGES (2.7 - 2.11)]

SEE ATTACHED PG (2.7-2.10)

B. Explain the steps you have taken to exhaust administrative and/or state remedies for this claim (attach proof of exhaustion, if available):

SEE ATTACHED (PG 2.11)

5. Claim Three:

NONE

A. Supporting facts:

N/A

B. Explain the steps you have taken to exhaust administrative and/or state remedies for this claim (attach proof of exhaustion, if available):

N/A

D. PRIOR APPLICATIONS

1. Have you filed any prior action in federal court in which you raised or could have raised the claims raised in this action? SEE BELOW: Yes X No (CHECK ONE)
~~EXHAUSTION OF "SENTENCE CHANGES" CONTINUED TO BE LITIGATED THROUGH 11/21/17~~
2. If you answered "Yes" to question 1., give the following information for each prior federal court action challenging the execution of your sentence.

- A. Name and location of court: PLEASE SEE ATTACHMENT (PAGE 4.1)
- B. Case number: _____
- C. Type of proceeding: _____
- D. List the claims raised: _____

[SEE pg. 4.1]

E. Were the claims in this action actually asserted in the prior action?

___ Yes X No (CHECK ONE)

NOT UNDER 13TH AMENDMENT - STILL IN LITIGATION 'TIL (11/21/17)
OR 14TH AMENDMENT SPECIFIC TO THIS CLAIM

F. Were the claims in this action available to be asserted in the prior action?

___ Yes X No (CHECK ONE)

EXHAUSTION WAS NOT COMPLETED UNTIL 11/21/17 (CALIF. S.C.T.)

G. Date and result (attach a copy of the decision if available):

ON 2/14/14 37254 HANSEN WAS DENIED

--- UNTIMELY --- CLAIM 1: NOT COGNIZABLE
CLAIM 2 + 3 INADEQUATELY EXHAUSTED

LN [CONT'D ON pg 4.1]

E. REQUEST FOR RELIEF

I request the following relief:

Petitioner requests this writ be granted and/or an Order issued for his "immediate release from custody" by this High Court because the state cannot show he was duly convicted on the listed offenses on which sentence was issued (13th Amend issue) and, because sentence changes were conducted without due process of law (14th Amend issue) Among the many violations stated in this writ. [IF] deemed necessary by this Court - a hearing can be scheduled.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I am the applicant in this action, that I have read this application, and that the information in this application is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed on

1/22/18

(Date)


(Applicant's Original Signature)

"D. PRIOR APPLICATIONS (EXPANDED COVERAGE)"

(PART 2)

BACK GROUND

- PETITIONER HAS A 1991 CRIMINAL CASE OUT OF DENVER COLORADO
- HE EXHAUSTED HIS POST CONVICTION RELIEF IN 2012
- [A,B,C] • FILED FED. & 2254 HABEAS CLAIMS IN 2013 [13 CV 3223 LTB D. COLO.]
- AT THE TIME "SENTENCE CHANGING ISSUES" WERE STILL IN STATE COURT OF APPEALS
- 13 CA 2181 RUDNICK V. FALK (WARDEN SET)
- "STATE PETITIONERS ARE NOT REQUIRED TO FILE HABEAS CORPUS PETITION CHALLENGING CONVICTION WHILE STATES AFFILIATE PROCESS ON HIS SENTENCE IS ONGOING." ALEXANDER V. MURPHY 719 F2d 1241

- [D] • 2013 HABEAS CLAIMS WERE:
 1. CONVICTION WITHOUT JURISDICTION RE: SPEEDY TRIAL & INADVERTENCE
 2. INEFFECTIVE COUNSEL
 3. DENIED DUE PROCESS & EQUAL PROTECTION (CUMULATIVE)
- APPEAL FILED IN 10TH CIRCUIT RE: TIME BAR SHOULD NOT APPLY [14-1098 (7/17/14)]
- X PRIOR TO HABEAS DISMISSAL D. COLO FED. COURT WAS NOTIFIED OF "ONGOING SENTENCE CHANGING" (12/27/13) AND THIS WAS NOTED IN THE 10TH CIR APPEAL.
- SENTENCE CHANGES NOTED IN "STATEMENT OF THE CASE" AND "STATEMENT OF FACTS" ... PERTAINING TO 'TIME BAR RESTRICTION' WHEN THERE IS ONGOING SENTENCE CHANGES
- ISSUE 1 & 2 INCLUDE 'NON-CONTINUING VIOLATIONS DOCTRINE' RE: SENTENCE CHANGES
- PETITION FOR WRIT OF HABEAS CORPUS FILED IN U.S. SUPREME COURT 3/10/15
- ISSUE CONTAINED IN QUESTION (1) TOLLING & EXHAUSTION
 - PART (C) CONTINUING VIOLATION OF SEPARATION OF POWERS
 - (d) ONGOING SENTENCE CHANGES

▶ ALL THESE ACTIONS WERE DENIED IN FEDERAL COURTS AS 'UNTIMELY'

[E] - [F] AS LISTED ON FORM

[G] 10TH CIRCUIT APPEAL DENIED ON: _____ (UNTIMELY)
 U.S. SUPREME COURT DENIED ON: _____ (UNTIMELY)

B. NATURE OF THE CASE : (Cont'd)

Petitioner's sentence Mittimus has been "Altered" by the State Judicial Branch - multiple times - without Jurisdiction (even decades after he began serving the terms) which demonstrates violation of the 13th and 14th Amendments of the U.S. Constitution. giving the public reasonable cause for Distrust of State Courts ability to protect the People from the Courts own abuse. EXHIBIT I-V
EXHIBIT A

Substantial abuse has been demonstrated by the Colo. Courts imposing and enforcing inferior court actions carried-out when said conduct (above) exceeds the authority (in a capricious, inconsistent, and harmful manner) that creates a fundamental miscarriage of justice

CAUSE:

The Colo. Courts (through the State Judicial Branch) violated Separation of Powers and without Jurisdiction (and without Notice, Trial, or conviction - and without Petitioner's presence) Re-defined, Changed, and Altered the Listing of criminal offenses and sentence information - on official state documents (known as Mittimus - the holding document which gives Prison Warden Authority to maintain custody and control over Petitioner) Multiple Times AFTER sentence had been finalized and was being served.

SEE EXHIBITS I-V

The State's Court's Actions CONFLICT with Constitutional Authority and Sentence Changes CONFLICT with precedence which specifically addresses this very sort of action, with established grounds that demonstrate the (NEW) Mittimus changes INVALIDATE the State's current 'holding authority' where the only REMEDY is the immediate release of Petitioner from custody.

Because the Colorado Court system has violated Separation of Powers to ENTER (new) criminal offenses, without proof of a conviction or verdict to support each (new) offense, the current sentence cannot be shown to be legitimately imposed and states "hold" on Petitioner now violates the 13th Amend. U.S. Constitution.

STATE REMEDIES EXHAUSTED

Under the doctrine of State Decisive - the established precedents (provided in Petitioner's State Actions) are sufficient to have an Order issued granting Petitioner's Immediate Release from State Custody. The State Prison warden's "Holding Authority" is no longer valid - And Petitioner, (protected by the 13th Amend) cannot be held for the punishment of crime unless the State can prove he was duly convicted.

Petitioner Exhausted State Remedies with State Habeas Corpus filed in Denver and Logan Counties - And, with the State Supreme Court (for Appeal, and, in separate Actions) to enforce the Case Law Cited which provides for the Relief sought - [that which is required as previously established by precedents]

EXHIBIT A

In addition Petitioner has written the State Governor and other agencies or 'help groups' - All without success. (including letters to private counsel for pro bono representation) EXHIBIT B

Petitioner has also written a Complaint for a Federal Indictment against the Colo. Dept of Corrections and Warden (for Kidnapping) with the U.S. Attorney's Office (in Colo.) on those same grounds. These actions have been fruitless.

ACTUAL PREJUDICE

Petitioner asserts that - but for the state courts (and those aforementioned agencies) failure to protect the Rights of the People - as demonstrated with this Petitioner's situation - and failure to obey the established procedure or the Constitutional Protections shown in these state proceedings he would have been released from custody (with prejudice). Instead - he continues to be unlawfully denied the liberty he is entitled to by the state's violation of the 13th & 14th Amendments which should shock the conscience, when the public are shown what the state is doing (here) that could affect anyone else incarcerated or not.

It should also be noted:

- That in 2013, Petitioner's § 2254 Habeas Corpus Petition was denied as untimely - while these "SENTENCE CHANGES" continued through 2014, and, the exhaustion process was not able to be completed until 2017 (in Colo. Courts)
- Relief under the 13th Amendment is appropriate now, as it is at any time, one is imprisoned for criminal offenses on which sentence is based - without him being duly convicted for those offenses.
- Petitioner has been apprised of (2) other prisoners released on these very same grounds and circumstances.

EXHIBIT C



CLAIM ONE

13th Amendment Violation: Petitioner has NOT been "duly convicted" to be punished for the criminal offenses listed on state's official holding document(s) and asserts the state's holding authority (on him) is invalid.

Two circumstances described in the sections incorporated (below) warrant writ to be granted. A Hearing scheduled and Petitioner seeks an Order issued for his immediate discharge from state's custody.

State's retrospective sentencing actions - by issuing these multiple alterations to serve as the 'official holding authority' violates the very basis of the 13th Amendment violating Petitioner's Right to his protection. EXHIBITS I-V

And,

this brings a substantial DISTRUST in state's Judicial Branch operations competency that does violate public confidence and significantly adds fear for their safety and well-being should they ever be similarly treated or situated and incarcerated as this Petitioner has been.

A. Supporting Facts:

This Evidence in Exhibits I-VIII demonstrates that the State Judicial Branch has issued (new) sentences

with those where it has redefined, changed, or added,
crime offense(s) on which (new) sentence was imposed
without show or proof of Petitioner being duly convicted
on those (new) offense(s) listed.

EXHIBIT I shows "guilt" of (6-1-91) crimes that this
Petitioner had been acquitted [Count 2]

EXHIBIT II shows entry 'redefining' [Count 2] offense

EXHIBIT III shows ALL OFFENSES changed to Extreme Indif-
ference crimes and [Count 1] changed to
"Attempted Murder"

EXHIBIT IV shows NO MURDER CONVICTION and NO LIFE
sentence with only 18 year Term

EXHIBIT V shows (NEW) Murder offense ADDED and
increased sentence with LIFE term

EXHIBIT VI shows Official District Court Registry of Actions
with [Count 1] listed as "guilty" of offense
Petitioner was Acquitted - And - critical
date information changed ... listing (new)
crime offense date to be 8/26/91

EXHIBIT VII shows official Court Registry listing
[Court 2] guilty of Acquitted offense

EXHIBIT VIII shows official Court Registry Actions of
Court Registry (on 4/15/92 - 4/16/92) that
grants Judgment of Acquittal on [Counts 1 & 3]
as to "Extreme Indifference"

Petitioner incorporates: pages (i - iii) of "PREFACE";
pages (2 and 2.1, and 2.2 (para 1))
of "NATURE OF THE CASE"; and,
whole section on "REASONS FOR GRANTING WRIT"

B. EXHAUSTION

Petitioner has been to the Colorado Supreme Court (2/1) times
after filing Habeas Petitions in Denver County, and, Logan
County - (One) S.Ct. Petition was for "Habeas Corpus" -
[to make the lower courts follow the Law & Precedence]

He has filed a submitted Prison Grievance process leading
to Complaint filed with U.S. Attorney Office seeking a
Grand Jury Indictment against C.D.O.C. for: Kidnapping

And Petitioner has sought out assistance from outside
Prison - All of this is listed in EXHIBIT B

CLAIM TWO

12/44 Amendment Violation: State violated Petitioner's Right to Due Process and Equal Protection of Law by retrospectively imposing (new) sentence - multiple times - based on illegitimate listings on official state holding documents - changing his crime offenses, on which sentence is based. [Incl: 5th Amend Double Jeopardy]

A. SUPPORTING FACTS

Colorado Judicial Agents changed Petitioner's holding document (or Mittimus) several times over his 26 years of incarceration on this one time case 91 CR 2236 out of Denver County, - two changes increased his punishment without giving notice, and, without his presence; without proof of conviction on those redefined or added offenses; without having jurisdiction to do so; and, without giving opportunity to challenge, defend, or object to state actions before (new) sentence was imposed. EXHIBIT A

And,

Those official state Mittimus (plural) that they provided the Colo. Dept. of Corrections, have been shown to be invalid in several pro-se legal filings. APPENDIX

This state's highest Court has been given FIRST opportunity - multiple times - to review claim and to provide the relief

Petitioner is lawfully entitled (according to Cited Case Law
directly on-point - that warrants an Order to be issued
by that Court - for his immediate release from custody)

[Here] the state government did something it was
prohibited from doing - violating Separation of Powers
and **Courts'** jurisdiction to do it. And now unlawfully
enforces its unconstitutional "hold" through its Rulings,
that are in Conflict with other state and Federal Courts.
(Cases cited in Petitioner's exhaustion process)

Petitioner asserts this continuous imprisonment on the
listed crime offenses (on which new sentence was
imposed) is unconstitutionally violating his liberty
interest guaranteed under the 14th Amendment.

The State Courts failure to act to correct this matter (by
~~it's failure to~~ issue "Ruling to Release" Petitioner) is a
fundamental miscarriage of justice. The State Court
failure to recognize each withness as VOID (containing
false information, and, offenses that cannot be validated
without proof of Petitioner being duly convicted on
the (new) offenses listed) - **CREATES** the existence of
multiple DIFFERENT "official holding documents that CAN'T
[all-at-the-same-time] be legitimately enforced or
even relied upon, giving no validity to any of them.

The entry of FALSE crime offenses and information on which to Re-sentence Petitioner, is itself, a crime of fraud. And, as a consequence, would make the CDOC Warden "complicit" in this fraud (by illegally holding this Petitioner) equating to kidnapping. On which "Adversely" is he being Held?

Petitioner asserts these very conditions (described and shown) do lawfully and legitimately entitle him to have this Habeas Writ issued - A hearing set, and even to have an Order for his immediate discharge from custody - where the offenses are in effect dismissed with prejudice.

This is because the "holding documents" cannot all co-exist at the same time for the one offense occurring decades earlier. The multiplicity of these documents (Motions) "Each one different" makes them VOID - the fraud being that they contain illegitimately entered (false) information on which sentence changes were based -

And,

Petitioner can also assert belief that the conduct carried out by the State Judicial Agents could be deemed nefarious having been accomplished through several violations* of law while Refusing to Honor

(a)

established precedence which directly conflicts with their 'handling' of Petitioner's exhaustion of these claims — choosing instead to Rule to continue unlawful imprisonment against him in violation of the 14th Amendment.

(a) STARE DECISIS DOCTRINE

* [Violation of: Separation of Powers Doctrine, Jurisdiction, restrictions, time bars, Constitutional safeguards, and Judicial Canons... Multiple times - with new or added crime offense listings, new sentence terms, and changes made in the District Court official Registry] ref. previous page 2.9

Public Interest & concern is aroused when a government branch abuses its authority - causing distrust in the Judiciary - because it has shown by this conduct, a contempt for the law and people's rights, to persist and continue to unlawfully hold a person by fraud, [Even on charges (he) was acquitted 5th Amendment]

Petitioner incorporates the sections:

"PREFACE" pgs (i - iii)

"QUESTION" pg (iv)

"NATURE OF THE CASE" pgs (2, 2.1 - 2.3)

and the entire section: "REASONS FOR GRANTING WRIT"

B. EXHAUSTION

Petitioner has been to the Colorado Supreme Court (4) times after filing habeas Petitions in Denver and Logan Counties. He also asked for Mandamus "to make the lower courts follow the law"

He has asked & exhausted Administrative Procedures in the Prison system which led to Complaint filed with the U.S. Attorney Office seeking a Grand Jury indictment against C.D.O.C. for kidnapping.

Petitioner also sought-out Assistance from other Parties
All of this is listed in EXHIBIT B

EXHIBIT A shows the multitude of Amended Petitions
and

EXHIBIT C is Petitioner's Declaration of "Other Prisoners getting released in identical situation"

REASONS FOR GRANTING WRIT

"When a prisoner is held without any lawful authority, and, by an order beyond the jurisdiction of an inferior Court to make, the U.S. Supreme Court will, in favor of Liberty, grant the writ, not to review the whole case, but to resume the authority of the Court below to act at all."

Ex parte VA - 100-US 339,

In this matter, the State Court's actions demonstrate a clear abuse of authority prejudicing Petitioner (and all others so affected) with actual injury: illegally keeping him in custody on fraudulent "official documents" [which show crime offenses he was NOT duly convicted of, and, Resentencing based on those unsupported charges]

But for the State Judicial Branch Abuse(s) the outcome of his State actions would have been different - And due to the UnConstitutionality of their conduct. Petitioner is (now) lawfully entitled to be immediately released from custody.

Public Trust Violated creates a Public Interest and Importance when Prisoners (or anybody) may be incarcerated under a lie.

- How can the public trust a government branch that operates without accountability to the Law?

The People's interest of Justice is not served when the Public cannot rely on a Judicial Branch that operates on its own without jurisdiction, violating Separation of Powers, for the purpose of imposing (new) sentences and crime offenses (even decades after one has been incarcerated) without

support of Trial or conviction, without cause, and without Notice to the public - or - even to the prisoner for which the custody hold use prescribed.

The public will not stand by to let a Judicial Branch (Court) break the Law - they are sworn to uphold - in order to hide their errors or to hold someone in custody. And case Law prohibits states from punishing a person with a sentence that cannot be substantiated - (As with 13th Amend)

A 'state holding document' or Writings - from which a Prison warden gets his Authority and information to punish an offender and keep him in custody, is VOIDED when the state issues faulty, "official documents" created through the Courts Abuse of its Authority - particularly when said conduct is REPEATED - issuing several 'official documents' where NONE of them can be supported by a conviction for the redefined offenses and/or ADDED offenses.

The only remedy, according to cited case law, is the immediate release of the person in custody being held under the fraudulent writings. (This follows that set forth by the 13th Amendment)

The state's Judicial Branch imposing, and then Refusing to enforce the false offenses make them complicit in the commission of criminal Fraud and Kidnapping when falsified 'official' documents are issued to another government Branch to carry out punishment, and both agencies are then complicit in the fraud when they have been adequately NOTIFIED by the state's legal process but ignore the law.

The basic duty of all Government is to protect the Rights of the People and such can assure the Public by "checking" the validity of a states "official documents" to keep one Branch from participating in another Government Branches criminal enterprises

The matter before this Court is the Question whether the State can validate its existing holding authority on Petitioner when it cannot prove he was duly convicted on the criminal offenses (newly added) or justify the charges?

And,

Whether the state Courts actions violated Petitioner's Right to Due Process in the process of making the Sentence Changes (Repeatedly) over 26 year period (in the manner stated) ?
RE: Jurisdiction, Separation & Powers, and without ability to challenge or object before new punishment imposed.

And this Action is -

A Request for Consideration over the cumulative effect - when the Court had created a fatal variance in the holding documentation where these errors described (in total) would NEGATE the states "holding authority," with prejudice such that Petitioner will be immediately released as settled by the numerous case Cite provided in exhaustion of this claim under Stare Decisis and Ex parte Leroy Doctrine

Pursuant to Fed. R. Civ. P. Rule 10 Petitioner states:-

- a) There are compelling reasons on issues of importance beyond the particular facts and Parties involved
- b) That there does exist a conflict between the state court decisions - or fact that Colo. Court refuse to follow established precedence from state and Federal Court decisions precisely as point.
- c) That this matter is to resolve this disagreement among the state and Federal Courts about this specific legal questions on 13th and 14th Amend. violations as demonstrated herein, And.
- d) That there is a significant public interest and importance to be considered when state courts act capricious and inconsistent. (BB)

FURTHER

Pursuant to Fed. R. Civ. P. Rule 20 Petitioner states:

- e) This writ may Aid Courts Appellate Jurisdiction
- f) Exceptional circumstance (as provided for this writ) warrant the exercise of the Courts discretionary powers (AA)
- g) Adequate relief cannot be obtained on any other forum or from any other court [All state remedies exhausted]

h) State Court of last resort use in fact, failed to decide an important federal question - (which by that failure serves as agreement to inferior court decision) in a way that conflicts with the decisions of multiple other state courts of last resort or of U.S. Court of Appeals.

i) Case is more than asserted error of erroneous factual finding or the misapplication of a properly stated rule of law. And, (AA)

j) Case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. (BB)

28 USC § 2101 (e) see APPENDIX _____

(AA) State Judicial Branch commit fraud entering multiple sentences and criminal offense alterations on official documents without prisoner being duly convicted and without giving him opportunity to defend, contest, challenge or object to said changes which increased his punishment

(BB) Public interest and security is paramount if anyone can be re-sentenced to new criminal offenses without being duly convicted, once he has been imprisoned in Colorado.

(a) Compelling Reasons:

There can be no trust - when the People cannot rely on a Government Branch that fails to honor its duty (sworn under oath) to serve the Public within the confines of law established for its authority

The Judicial Branch and its Officers have no authority to prescribe sentence of punishment by imprisonment against a person for criminal offenses when that person has not been "duly convicted" of those charges.

In addition, the same Government Agents cannot usurp their Authority onto another Government Branch (violating the Separation of Powers Doctrine) to RE-sentence an already incarcerated, under [new] offenses without being duly convicted - (or) - to Add, Alter, Modify, Change, or manipulate his sentence in manner that increases his punishment - leaving no cause or jurisdiction to do so.

The (above) conduct by the Agents of the Colo. Judicial Branch has, in fact, done just that - Multiple times since 1992 when Petitioner was first imprisoned. The Courts have issued [new] Mittimus to the Colo. Dept. of Corrections as [new] 'official' terms for their holding authority

However, the Executive Branch (C.D.O.C. Wardens) cannot

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maintain a custody hold on a person whom the Judicial Branch has "Retrospectively and without Jurisdiction" issued multiple DIFFERENT 'official holding documents' that Redefine ones offenses and increases that person's punishment over the same (original) case.

On which 'official mittimus' is the C.I.D.C. Warden to maintain his authority to hold that person - and under which terms?

IF THE SENTENCE TERMS CONFLICT
THE STATE'S "HOLD" IS ILLIGIT

And just as important - No Government Branch has authority to hold or imprison a person on a criminal offense without Proof of him being duly convicted "by Due Process and Equal Protection of Law" for that (new) offense.

Thus, Compelling Reason exists for writ to be issued and an Order given for Petitioner's immediate Discharge from custody.

(b)

CONFLICT:

This exhaustion of State Remedies on this matter has revealed that the Judicial Branch Agents will not follow established precedence or Law, and have subverted Petitioner's motions for the purpose of avoiding what that Precedence provides - Petitioner's immediate Release from custody.

C

The Executive Branch's hold on Petitioner (through CBOC Warden Hansen) CONFLICTS with the law and precedents established previously on this point (provided them in the exhaustion process) - And WRIT must issue favoring Petitioner's Release pursuant to the support given (enclosed also in this filing)

(c) DISAGREEMENT AMONG STATE & FED COURTS [13th & 14th Amendments]
The state's "hold" and "official cause or hate" for its prescribed holding Authority does violate both 13th and 14th Amendments because despite the Courts upholding their ongoing changes (made retrospectively as described) the state, nor any of its Government Branches, can prove this Petitioner was duly convicted on the (now) listed offenses - on which sentence changes came,

And,

The state cannot support the Mittimus Changes or its Authority to hold Petitioner in custody when it had no jurisdiction and violated Due Process and Equal Protection of Law to make its Alterations

Both are obvious and significant grounds for Writ to Issue, or for Order Directing Petitioner's Release, And if deemed necessary, scheduling a hearing on the Matter should be set-up.

(2) SIGNIFICANT PUBLIC INTEREST

Petitioner Incorporates All of the above (incl.: "Preface", "Question", "Nature of the Case", and "Reasons for granting Writ" sections) because this State's conduct brings a question on how many other Parties have been similarly affected (even unknowingly) - or - may be affected in the future by a State Court "system" and government which cannot respect the law or the State and Federal Constitutions. These Agents have sworn to operate by, to exhibit &

Should the Courts choose not to remedy its conduct errors and refrain from the said Abuse - then the Public will not be able to rely on (or honor) such Judicial Actions when carried out beyond their authority.

And,

It is a significant Public Interest if anyone (like this Petitioner) can be unlawfully treated in said manner and have their Constitutional Rights simply RUN-OVER. It shocks the conscience of all rational and reasonably minded persons. And, this Action cries out for justice.

The Only Remedy (as shown by the precedence cited) is for Petitioner to be Released Immediately, with prejudice in this case.

(e) Aiding Appellate Jurisdiction -

It is always good for the Government to assure the Public by ensuring conformity with the law.

This Court's ability to "USE" this case will accomplish that goal - giving teeth and support for the People's interest in fairness and justice, for correction of error or abuse, and to know there exist sufficient control over the government's conduct in just such circumstances given.

Appellate Jurisdiction is aided with the People having oversight in knowing that oversight control by such Review for these purposes is Available.

(f) Exceptional Circumstances

Petitioner asserts the totality of the actions carried-out by this state's Judiciary, and even the show of indifference by the Executive Branch, demonstrates "exceptional circumstances" to warrant the exercise of this Court's discretionary powers - Particularly when the state's conduct exhibits a show that the Superior Court chooses to ignore despite Case Law giving precedence requiring Petitioner Release, under these very circumstances.

(g)

No Other Adequate Relief

Petitioner has exhausted all state remedies and
sought for additional help (through multiple other
sources) without success.

SEE exhibit B

(h)

State Supreme Court - failed fed question and
"dismissals" without Ruling allows Conflict

The Ohio Supreme Court simply REFUSES to engage
failing to take up federal question of Consti-
tutional violations and Court conduct abuses by
issuing dismissals without Ruling on the matter.

Such indifference by the State's highest Court
allows inferior Court actions to directly Conflict
with decisions of multiple other State Courts of
last resort or of the U.S. Court of Appeals (by
making ~~retrospective~~ sentence changes without
jurisdiction, and, without this Petitioner being
dearly convicted on the offenses listed - and,
without opportunity of due process) when these
"other Courts" were established "only remedy" -
••• The ~~Ordering~~ of Petitioner's Release from custody.

Keeping Petitioner in custody under the stated cir-
cumstances does Conflict with the Rulings of the
"other Court" decisions

(i)

Case is more than error of fact or rule

Where fact and rules and laws are wholly disregarded by the state Judicial Branch Agents, to carry-out the conduct (described throughout this action and in Petitioner's submission steps) THIS IS A THREAT to the people! They cannot trust or rely on a government Branch unable to control its operations, demonstrating willingness to reach outside its authority to commit criminal fraud and kidnapping by keeping prisoner in custody, when it has lost its jurisdiction and authority, to Order the state's Executive Branch to carry-out with its criminal enterprise.

(j)

Imperative Public Importance

Petitioner incorporates all of the above topics, (and the facts presented in this action) to show that this work requires this Court's immediate determination.

- What good for the people is a Judicial System if it won't follow established law to protect their rights? And
- What good is an Executive Branch if they knowingly hold a man in ~~prison~~ on fraudulent information? (that was entered without jurisdiction or proof)

Because in this instance, where Petitioner is being

periods under (new) terms of imprisonment and the State continues to show indifference to the facts and established law, to keep him imprisoned on sentence imposed for (new) criminal offenses (on which he was not duly convicted) — the People's trust is broken. They cannot trust a government that cannot conduct its affairs in a fair, lawful, and just manner.

For these reasons, the importance (here) should justify deviation from normal appellate practice, and would warrant immediate determination in this Court.