

MAR 09 2018

OFFICE OF THE CLERK

No. \_\_\_\_\_

*(To Be Assigned)*

IN THE

SUPREME COURT OF THE UNITED STATES

Mark Halper — PETITIONER  
(Your Name)

The People of the <sup>vs.</sup>  
State of Colorado — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Colorado Supreme Court  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mark Halper  
(Your Name)

3860 Sunshine Mesa Road  
P.O. Box 431  
(Address)

Telluride, CO 81435  
(City, State, Zip Code)

(970) 728-6880  
(Phone Number)

U.S. Supreme Court  
1 First Street N.E.  
Washington, D.C. 20543

Colorado Supreme Court  
Case Number: 2017SC690

Ouray County District Court  
Case Number: 2017CV2

Ouray County Court  
Case Number: 16R244

Petitioner - Appellant: Mark Halper

v.

COURT USE ONLY

Respondent - Appellee: People of the State of Colorado

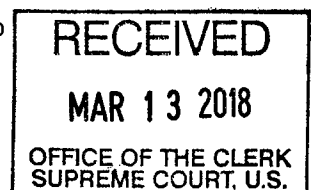
Case Number:  
(To Be Assigned)

Party Without Attorney  
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PETITION FOR WRIT OF CERTIORARI

I. Advisory Listing of Issues Presented For Review

- A. Whether the justices for the Colorado Court of Appeals have conspired to aid and support the Ouray County Combined Courts to include the Ouray County Court judge and the 7<sup>th</sup> Judicial District to include the Ouray County District Court judge, and on a much larger scale, the Colorado State District Attorney's Office, the Colorado State Attorney General's Office, the Colorado State Patrol, and the State of Colorado Department of Revenue; Division of Motor Vehicles. In reality, the fundamental element and issue is whether all the above named judges have conspired to aid and support Colorado State Patrol Trooper Richard Jeremy Buckingham and Colorado State Patrol Trooper Matthew Lubes, the Department of Revenue; Division of Motor Vehicles, State of Colorado Deputy District Attorney, Ian Fowler, and Assistant Attorney General Ingrid Barrier, by failing to adhere to and honor her duty to uphold and apply the applicable statutes, rules, and laws of the State of Colorado



B. Whether the Ouray County Judge and thereafter on appeal, the District Court judge have conspired to aid and support Colorado State Patrol Trooper Richard Jeremy Buckingham, Colorado State Trooper Matthew Lubes, the Department of Revenue; Division of Motor Vehicles, State of Colorado Deputy District Attorney, Ian Fowler, and Assistant Attorney General Ingrid Barrier by failing to adhere to and honor her duty to uphold and apply the applicable statutes, rules, and laws of the State of Colorado.

C. Whether the District Court's failure to review specific legal arguments previously argued and as most reiterated in Defendant pro se's Appellant Opening Brief submitted 7/27/17 wherein it is clearly argued that "The court is bound by the findings of the trial court unless there is a clear abuse of discretion. People v. Brown 485 P. 2d. 500, 517 (Colo. 1971). The function of a review court is to correct any errors of law committed by the trial court". These alleged errors have been duly noted previously and again in the Appellant's Opening Brief as referenced above and now to be included in Petitioner's Petition For Writ of Certiorari.

D. Whether the District Court erred by concluding and thereafter states in her ORDER ON APPEAL FROM OURAY COUNTY COURT FROM JUDGMENT ON TRAFFIC INFRACTIONS dated 9/7/17 as stated in CONCLUSION on page 5, "From a review of the record, the Court cannot conclude that the trial court abused its discretion or made an error in the application of the law, and for the reasons stated, the trial court order is affirmed."

E. Lastly, whether the decision by both the County Court judge and the District Court judge to deny Defendant's legal rights to a Stay of Execution of the complete sentence to include the points assessment pending the outcome of the appeal was a clear abuse of discretion and violates the Colorado Supreme Court ruling in Case Number: 2014 CO 9, the corresponding section 16-2-114-6 and Crim. P. 37(f) that States, "stay of execution (of the defendant's sentence) shall remain in effect until and after final disposition of the defendant's appeal, unless modified by the district court." At this juncture, the sentence has already been imposed and carried out by the Department of Revenue; Division of Motor Vehicles in placing a total of a three (3) point assessment on the driving record and license of Defendant/Appellant Petitioner despite the stay of execution having been granted by the trial court and affirmed by the

district court, which did not in any manner cause Defendant's driver's license to otherwise be suspended or revoked. This was a clear abuse of discretion and violated the stated authority as referenced above.

## II. Reference to Report of Opinion

The Petitioner seeks review of the opinions contained in the ORDER ON APPEAL FROM OURAY COUNTY COURT FROM JUDGMENT ON TRAFFIC INFRACTIONS Date Filed September 7, 2017.

## III. Statement of the Case

1. Defendant pro se Mark L. Halper hereby alleges that Ouray County Judge Cory D. Jackson and then on appeal to the Ouray County District Court, 7<sup>th</sup> Judicial District Court Judge accepting this case on appeal, Ouray County District Court Judge Mary E. Deganhart has conspired to aid and support Colorado State Patrol Trooper Richard Jeremy Buckingham and Colorado State Patrol Trooper Matthew Lubbes, the Colorado State Patrol, and the Department of Revenue, Division of Motor Vehicles, State of Colorado, Deputy District Attorney, Ian Fowler, and Assistant Attorney General Ingrid Barrier, by failing to adhere to and honor her duty to uphold and apply the applicable rules and statutes of the State of Colorado with all such action and conduct being detrimental and injurious to Defendant Mark L. Halper.

Moreover, if allowed to be verified before the Colorado Supreme Court, it would represent gross judicial misconduct by Ouray County Court Judge Jackson, and even more serious judicial misconduct by District Court Judge Deganhart. This marks the second consecutive traffic citation/summons case within the past six (6) months to go before District Court Judge Deganhart on appeal and the fourth overall district court case accepted and brought before District Court Judge Deganhart by Mark Halper. In all of these cases, District Court Judge Deganhart has ruled against Defendant pro se Mark Halper or Plaintiff pro se Mark Halper and with her rulings, has failed to adhere to and honor her judicial duty and responsibility to apply or even cite current State of Colorado case law and statutes which include her ignoring a major and significant Colorado Supreme Court case and ruling on the merits of one of the cases.

At the start of hearing, Ouray County Judge Jackson communicated and committed to there being a closed circuit feed with Ingrid Barrier, from the Colorado Attorney General's Office representing the State of Colorado, to be present via video conferencing from Denver, but as the hearing proceeded, this never occurred. The alternative in-camera review as committed by Ingrid Barrier in her MOTION TO QUASH SUBPOENA DUCES TECUM OR IN THE ALTERNATIVE FOR IN CAMERA REVIEW, was never provided to the Court or made known to Defendant at or during the hearing.

Defendant was denied opportunity to receive results and evidence of an Internal Affairs Investigation or opportunity to question Ingrid Barrier who had committed to appear by telephone rather than having to drive to Ouray from Denver. Ingrid Barrier writes in her motion as referenced above, "In the alternative, the CSP requests that the Court conduct an in camera review of that portion of the requested documents". As documented in her motion on Page 3, Section 7, Ingrid Barrier writes, "As indicated to Mr. Halper on January 27, 2017, the CSP will provide the Court, but not the parties, a copy of any responsive records related to the requested internal affairs investigation and requests an in camera review pursuant to *Martinelli v. District Court*, 199 Colo. 163, 612 P.2d 1083 (1980) and *In re District Court*, 256 P.3d 687, 691-692 (Colo. 2011). Those records will be produced separately to the Court and will be marked for in camera review." Ms. Barrier continues to write on page 4 under Section 8, "If the trial court determines that there is a legitimate expectation of privacy in the materials or information, the requesting party must prove either that disclosure is required to serve a compelling state interest or that there is a compelling need for the information. If the requesting party is successful in proving one of these two elements, it must then also show that the information is not available from other sources." Lastly Ms. Barrier writes on page 4 under Section 9, "In the alternative (to quash the SDT), the CSP requests an in camera review in advance of any production" and also writes in her

UNOPPOSED MOTION TO APPEAR TELEPHONICALLY dated February 2, 2017, "Counsel for CSP lives and works in Denver, Colorado, and while she is available to drive the approximate 12 hour round trip to Ouray County on the date of the final hearing, she respectfully request to appear by phone to address any issues the Court may have related to information contained in her Motion to Quash".

In his Order on Motion to Quash Subpoena granted February 28, 2017, Judge Jackson never adhered to and honored these critical and fundamental legal principles and findings of the case law referenced above. Judge Jackson writes, "the Court is charged with ensuring notions of fundamental fairness: The hearing of all cases shall be informal, the object being to dispense justice promptly and economically. The referee shall ensure that evidence shall be offered and questioning shall be conducted in an orderly and expeditious manner and according to basic notions of fairness." More critically, in the same Order, Judge Jackson writes, "The Court finds that Mr. Halper's subpoena should be quashed because it intends to introduce evidence that is irrelevant. The elements of the infractions that Mr. Halper is alleged to committed are clear, however, and the evidence that Mr. Halper intends to introduce from internal affairs report in no way tends to make any fact related to any of those elements more or less true. In the interests of economy and expeditious resolution of this infraction, such irrelevant evidence is unnecessary."

#### IV. Argument

The failure of Judge Jackson to allow for and provide the in camera review of the results of the Internal Affairs Investigation report, in and of itself, should have been grounds for Judge Jackson to dismiss the two moving citations issued to Defendant in the Summons. He effectively denied Defendant the evidence that would have documented improper, unethical, and unprofessional conduct by CSP Trooper Buckingham and Lubbes in "targeting" Defendant Mark L. Halper following the initial report of erratic

driving made by the driver and passenger in a vehicle (Cheryl and Paul Stevens noted as observer A – witness and observer B -witness) who were allegedly in a vehicle following Defendant’s vehicle, while recognizing the fact that CSP Trooper Buckingham was not in the same location, or in a position at the time, to be able to observe this incident. Defendant had requested the Internal Affairs Investigation be conducted to demonstrate and validate that CSP Trooper Richard Jeremy Buckingham had engaged in conduct which was prejudicial, abusive, or otherwise malicious to Defendant Mark Halper, and more purposely, to be able to obtain evidence to offer to the Court in defending himself against Summons and Complaint No. 4562874 with Case Report No. 5C161031, filed in Ouray County Court, Case Number 2016R244.

The evidence contained within the context of the subpoena which Ouray County Judge Cory D. Jackson dismissed on February 28, 2017, would have clearly offered, substantiated, and proven that the traffic stop initiated by CSP Trooper Lubbes upon the request for assistance from CSP Trooper Buckingham initiated via two (2) REDDI reports, was speculative and without probable cause, and the subsequent actions by CSP Trooper being prejudicial, abusive, and, otherwise malicious – fully intending to persecute and prejudice Defendant Mark Halper. CSP Trooper Buckingham states on page 14 - lines 2-5 “there was organization to try and intercept you... so that we could gain observations of you... and get you stopped based on the complaint.”. In a contradictory statement from CSP Trooper Buckingham on page 16 – lines 12 -13, he states, “I’m not presenting that evidence (in reference to citizen complaint because it doesn’t relate to why you were stopped.”

In Judge Jackson’s ruling, he stated on page 37 – lines 2 – 4, “While it is not relevant and while the standard does not apply to this type of case (in reference to the term reasonable suspicion)”. At the very least, Judge Jackson was improper and incorrect in stating that the results of the Internal Affairs Investigation were irrelevant, because in truth, he was never furnished, or had the opportunity to view

the results of the Internal Affairs Investigation.

It was therefore extreme bias and prejudicial conduct by Judge Jackson to preclude Defendant Mark Halper from the legal right of being to offer and introduce evidence that would exonerate Defendant Mark Halper, and thereafter allow the Ouray County Court, or now the Ouray County District Court, or if in the future, to allow the State of Colorado Supreme Court to view the evidence that was contained in the Internal Affairs Investigation that would allow the Court to render a not guilty verdict, or if appealed, to reverse on appeal. Furthermore, in his ruling to convict Defendant Mark Halper, Judge Jackson states on page 35 – lines 13 - 16, “I also find that Mr. Halper’s testimony about that issue is of less credibility than the trooper’s because obviously Mr. Halper is self-interested.” Does that mean that CSP Trooper Buckingham and Lubbes are not self-interested? For sure they are. Both parties want to prevail in any hearing.

V. For the greater good: There is clearly a public policy reason for the U. S. Supreme Court to take this case.

The Colorado State Patrol Trooper did not adhere to and follow applicable statutes, rules, and laws of the State of Colorado. The Colorado State Patrol did not follow the applicable statutes, rules and laws of the State of Colorado. The County Court judge, the District Court judge, the justices of the Colorado Court of Appeals did not adhere and honor the applicable statutes, rules, and laws of the State of Colorado. All motorists licensed in the State of Colorado deserve fundamental fairness.

Moving forward, there was no Dash Cam video from CSP Trooper Lubbes to corroborate alleged violation of Defendant’s vehicle crossing center line in preparation for making a left turn onto Highway 550 N. Judge Jackson, in his ruling on page 35 – lines 15 – 16, states, “And again, I don’t find that it’s corroborated by the video evidence that we saw.”. The Colorado Rules of Traffic Infraction clearly state under Rule 11(b)(2) “The officer shall offer sworn testimony and **evidence** to the facts concerning alleged infraction.” In sworn testimony at the trial, “Trooper Lubes admitted that the lane violation was

not visible on the video". He then further states, "The fact that the lane violation was not properly captured by the video....". This only validates Defendant pro se's argument and position. In the long ago famous Wendy's commercial from 1984 featuring Clara Peller, she asks, "Where's the beef?" Where is the evidence (proof) of this first citation? There is none. Then there was the sworn testimony of CSP Trooper Lubes as referenced above "hard to observe, or not able to be observed" – further substantiating that there is no evidence (proof) of the first citation. In reality, this comes down to CSP Trooper Lubbes merely attempting to back up and support his fellow CSP Trooper Buckingham who was intent on "targeting" Defendant Mark Halper.

According to Deputy D.A. Ian Fowler, C.R.T.I. Rule 11(b)(2) states, "The officer shall offer sworn testimony and **evidence** to the facts concerning the alleged infraction." Once and for all, there is no **evidence**. Therefore, by any legal standard, without any **evidence**, the violation noted as C.R.S. 42-901(1)(b), in and of itself, standing alone as the first stated violation, could not be proven beyond a reasonable doubt, and Defendant must be found Not Guilty and the case Dismissed.

Moving on, with less significance there was no conclusive Dash Cam video from CSP Trooper Lubbes corroborating that vehicle driven by Defendant had failed to initiate a left turn without turning on his turn signal. It should be noted that CSP Trooper Lubbes Dash Cam video commenced after Defendant's vehicle had proceeded through almost entire left turn, and that point had applied touch of brake and brake light was seen illuminated in Dash Cam video. By that time, Defendant's left turn signal had come off. Therefore, there is no clear evidence for CSP Trooper Lubbes to state that Defendant's vehicle initiated a left turn, and in so doing, failed to display a left turn signal. The fact is that there is no Dash Cam video from CSP Trooper Lubbes patrol vehicle to document that he was behind Defendant's vehicle at that precise point in time, and therefore was not in a position to view and

verify if Defendant had initiated a left turn signal at the time of commencing the left turn onto Highway 550 N.

The stop was simply to intercept, stop, and detain Defendant's vehicle for earlier report of erratic driving and suspected DUI-D (under the influence of drugs). The testimony of CSP Trooper Lubbes was that he had already received a 1<sup>st</sup> REDDI radio alert (that he did not act on and then a 2nd REDDI radio alert (which he acted on) to stop and detain Defendant's vehicle as having been initiated by CSP Trooper Buckingham to CSP Dispatch, Incident Detailed Report, Incident #5C16072600020271.

The citation issued by CSP Trooper Buckingham for crossing centerline and failure to display turn signal was not ever validated with Dash Cam video evidence secured by CSP Trooper Lubbes to support a ruling by Judge Jackson to find Defendant Mark Halper guilty beyond a reasonable doubt. The REDDI alerts merely served as a "convenient excuse" for CSP Trooper Lubbes to stop Defendant's vehicle until CSP Trooper Buckingham arrived on the scene 10 minutes later. Judge Jackson cites in his ruling on page 37 – lines 2 – 4, "While it is not relevant, and while the standard does not apply to this type of case (in reference to the term reasonable suspicion)"...

CSP Trooper Buckingham never voluntarily introduced incident report into evidence to the Court, because it was not favorable to the People. In fact, it was evidence that would be in favor of the Defendant that would lead to a wide array of serious mitigating circumstances that would exonerate Defendant Mark Halper. Remainder of report. On page 10, lines 12 -13, Judge Jackson asks, "Is this essentially the report that Mr. Halper is referring to?" CSP Trooper Buckingham responds, "Yes, it is". Then continuing on page 11, lines 1 & 2, CSP Trooper Buckingham responds, "There's one item labeled C and one item labeled D". Defendant Mark Halper was not provided appropriate or ample time during the hearing on April 13, 2017 to read and evaluate Items A, B, C, & D and was repeatedly advised by Judge Jackson as a form of pressure onto Defendant pro se as stated on page 24 - line 6

“And I would remind everybody that we got 15 minutes left” (2<sup>nd</sup> notice) and then again on page 24 - line 14, “We have 15 minutes. Let’s move on Mr. Halper” (3<sup>rd</sup> notice). Ouray County Court Jackson stated that “the Court is charged with ensuring notions of fundamental fairness”. The fundamental fairness was removed by Ouray County Court Judge Jackson and then on appeal, by Ouray District Court Judge Deganhart.

On page 21 of the transcript, CSP Trooper Lubbes comments that vehicle in question initiated a left turn, but failed to put on turn signal so **now** he had probable cause to make the stop. However, as Defendant pro se had written earlier on the preceding page, there is no Dash Cam video from CSP Trooper Lubes to support this. Why not? On page 25 - lines 5 & 6, CSP Trooper Lubbes states, “Furthermore, I had probable cause to stop you based on the two violations that I observed.” However, what is critical is that there is no Dash Cam video from when CSP Trooper Lubes first pulled in behind Defendant’s vehicle and allegedly observed the two left tires of Defendant’s vehicle encroaching into the westbound lane of Highway 62, in other words, cutting into and through that lane to make the left hand turn onto Highway 550 N. That is the purpose of installing the Dash Cam into CSP patrol cars and for which CSP Trooper Lubbes had a Dash Cam video. On page 31 – lines 12-14, CSP Trooper once again responds, “the Chevy Tahoe moving across the westbound lane of (highway) 62, so into that lane and making the turn. So essentially cutting through the lane”. However, as Defendant has stated and as evidenced by the Dash Cam video, this is not shown and thus not documented or validated on the Dash Cam video. On page 32 – lines 11 & 12, CSP Trooper Lubbes goes on to clarify that “The other violation of moving into the other lane to make that turn is not clear from this video.” In fact, there is no Dash Cam video of this allegation of an improper lane change for which Defendant was wrongfully convicted. What makes this matter so unconscionable is that on page 35 – lines 15 & 16, Judge Jackson cites, “And again, I don’t find that it’s corroborated by the video evidence that we saw.” Whether Judge Jackson is

making reference to the alleged failure to signal or the improper lane change by the above referenced statement is unclear. What is a point of fact, once again as noted above, the Dash Cam video from CSP Trooper Lubbes' patrol car does not show, document, or validate Defendant's vehicle making an improper lane change and therefore, the alleged violation and citation can not be established or proven beyond a reasonable doubt. At the very least, the citation for an improper lane change should have been dismissed.

To properly put this case into perspective, CSP Trooper Buckingham on page 8 – line 10, when asked by Defendant Halper, CSP Trooper Buckingham responded, "Yes, there is an incident report". However, CSP Trooper Buckingham never voluntarily provided this incident report to the Court, because it was not favorable to the People. If fact, it was evidence that would lead to a wide array of serious mitigating circumstances that would most likely exonerate Defendant Mark Halper. The incident report was subsequently made available to Defendant Mark Halper by Ouray County Clerk Jane Holmes on June 7, 2017 – well after the hearing had been held on April 13, 2017. The incident report was identified as Items C & D. Within the incident report prepared by CSP Trooper Buckingham, he states that Mark Halper was initially arrested for DUI-D (for suspicion of drug use), placed in handcuffs, and transported in the back of CSP Trooper Buckingham's patrol car to the CSP headquarters in Montrose, CO where he awaited a drug enforcement expert analysis test.

After a substantial wait, CSP Trooper Brett Hilling arrived and proceeded to complete a thorough drug enforcement expert analysis of Mark Halper. Upon completion, CSP Trooper Hilling then went out into the main room and advised CSP Trooper Buckingham that he concluded that Mark Halper did not have drugs in his system, and would be clearing Mark Halper of driving DUI-D. CSP Trooper Buckingham then advised Mark Halper that he was "unarrested". CSP Trooper Buckingham then proceeded to communicate to Mark Halper that he (CSP Trooper Buckingham) would be initiating a DR 2536 REQUEST

FOR DRIVER'S LICENSE RE-EXAMINATION to the Department of Revenue, Division of Motor Vehicles which Mark Halper subsequently received from the Department of Revenue, Division of Motor Vehicles. This further "targeted" Mark Halper, who does not have any history of using drugs. CSP Trooper Buckingham then issued Mark Halper two moving violations and citations in a Summons # 4562874 which then became Case Number 16R244 before Ouray County Judge Cory D. Jackson, and subsequently on appeal to the Ouray County District Court, Case Number 2017CV2 wherein District Court Judge Mary E. Deganhart reaffirmed the ruling of the trial court.

We also have the issue of an In-Camera Review being offered and committed to by Assistant Attorney General Ingrid Barrie who filed to represent the Colorado State Patrol. AAG Barrier writes in her Motion To Squash Subpoena Duces Tecum or in the Alternative For In-Camera Review dated February 2, 2017, Section 7, "The CSP will provide the Court, but not the parties, a copy of any responsive records related to the requested internal affairs investigation and request an in camera review pursuant to *Martinelli v. District Court*, 199 Colo. 163, 612 P.2d 1083 (1980) and *In re District Court*, 256 P. 3d 687, 691-692 (Colo. 2011). Those records will be produced separately to the Court and will be marked for in camera review." Point of fact is that this production never took place during the hearing on April 4, 2017 as CSP Trooper Buckingham never produced and presented these records to the Court. County Court Judge failed to provide an In-Camera Review to the Defendant in chambers and in private as allowed for and committed to by AAG Barrier in her motion as referenced above. In Judge Jackson's Order on Motion To Quash Subpoena, Date Filed: February 28, 2017, "In the alternative, the State asks for an in camera review of the report to balance its relevancy with privacy interest consistent with *Martinelli v. District Court*, 612 P.2d 1083 (Colo. 1980)." In the opening line of the Order on Motion to Quash Subpoena, Judge Jackson writes, "The Court has reviewed the People's Motion to Quash Subpoena Duces Tecum or in the Alternative for In Camera Review, as well as the Defendant's (Mr. Halper)

Response. For the following reasons, the Court Grants the Grants the State's Motion". So again, where's the beef, i.e. providing of – in the Alternative for In Camera Review to the Defendant in chambers and in private as allowed for, committed to by AAG Barrier, and granted by Judge Jackson? Judge Jackson writes on page 2 of his order as referenced above, "While the Colorado Rules of Evidence do not apply to the final hearings on traffic infraction, C.R.T.I. 11(c), The Court is charged with ensuring notions of fundamental fairness.". The fundamental fairness was removed by Judge Jackson. The fundamental fairness was further removed by Judge Deganhart by her writing in her ruling, "The Court based upon the record, cannot conclude that such a determination was an abuse of discretion." Therein lies the elements to support her efforts to conspire to aid and support Judge Jackson and all the parties and agencies of the State of Colorado as named above. It would have far reaching repercussions if District Court Judge Deganhart were to have applied fundamental fairness and reversed the conviction of the trial court.

Furthermore, AAG Barrier never appeared at the hearing telephonically as represented and accepted by Judge Jackson in his Order: Unopposed Motion To Appear Telephonically Date Filed: February 14, 2017 wherein he writes: "The motion/proposed order attached hereto: GRANTED." So once again, the fundamental fairness was removed by Judge Jackson and then by Judge Deganhart.

So as Paul Harvey used to conclude every one of his radio broadcasts, "Now you know the rest of the story." The two REDDI dispatch radio transmissions received by CSP Trooper Lubbes instructed him to intercept, stop, and detain the vehicle matching the description of Defendant's vehicle. The events that followed, as it is now before he Ouray County District Court, Case Number 2017CV2 were contrived and fabricated by CSP Trooper Buckingham and CSP Trooper Lubbes without there being probable cause and certainly, as demonstrated by the Ouray County Court hearing and court proceedings Case Number 16R244 before Ouray County Judge Cory D. Jackson, the alleged violations and citations were not

established beyond a reasonable doubt. More critically, we now have a District Court judge who has failed to adhere to and honor her sworn duty to uphold the rules and statutes of the State of Colorado and has conspired to aid and support CSP Trooper Lubbes, CSP Trooper Buckingham, the Colorado State Patrol, County Judge Jackson, Deputy D.A. Ian Fowler, Assistant Attorney General Ingrid Barrier, and the Colorado Department of Revenue; Division of Motor Vehicles.

On a larger scale, this case has widespread repercussions affecting all county judges in the State of Colorado, the Colorado State Patrol, and all law enforcement agencies throughout the State of Colorado. This is just the tip of the iceberg. The issue and matter now called into question is whether the justices of the Colorado Supreme Court have the courage and ethical conviction to grant this Petition For Writ of Certiorari recognizing what changes will ensue within the State of Colorado judiciary, the Colorado state legislature, the Colorado State Patrol, and the Department of Revenue; Division of Motor Vehicles.

Granting the Petition For Writ of Certiorari is going to require the justices of the United States Supreme Court to display a great level of courage and ethical fortitude to effectively set in motion and sanction a major investigation into extreme judicial misconduct by the judiciary of the State of Colorado to include county court judges throughout the State of Colorado while focusing on 7<sup>th</sup> Judicial District Court Judge Mary E. Deganhart who has committed serious improprieties of judicial misconduct in conspiring to aid and support at least two (2) respective county court judges, at least three (3) Colorado State Patrol troopers, the Colorado State Patrol, the District Attorney's office, the Attorney General's office, and the Department of Revenue; Division of Motor Vehicles. This investigation will have far reaching repercussions and sweeping changes within the Colorado state legislature upon validating that 7<sup>th</sup> Judicial District Court Judge Mary E. Deganhart failed to adhere to and honor her judicial duty and responsibility to uphold applicable case law and statutes of the State of Colorado. Within this investigation, it will be supported that 7<sup>th</sup> Judicial District Court Judge Mary E. Deganhart has

failed to acknowledge and support a most critical and significant Colorado Supreme Court case ruling and resulting Colorado statutes.

The honor and integrity of the United States Supreme Court is now being tested due to failure of the Colorado Supreme Court to clean its "house" of judges and agencies who refuse to adhere to and honor the statutes, rules, and laws of the State of Colorado and apply fundamental fairness. The media and the press will be eagerly observing and waiting. The U.S. Supreme Court, is now being called upon to shoulder the final responsibility to insure an honorable and just resolution. The merits of this case can no longer be ignored.

#### JURISDICTION

The jurisdiction section of the petition is to establish the statutory source for the U.S. Supreme Court's Jurisdiction and the dates that determine whether the petition is timely filed. In seeking to have the U.S. Supreme Court review a decision of the State of Colorado court, I am now submitting the date of February 26, 2018 as being the date filed for the ORDER OF COURT from the Colorado Supreme Court denying Petitioner's Petition For Writ of Certiorari. Therefore, this is to verify and validate that the Petition For Writ of Certiorari to the U.S. Supreme Court is timely filed.

#### SUBMITTAL OF ORIGINAL WITHOUT COPIES

With Petitioner being 69 years old and legally financially indigent, I was previously advised by James (from the case analyst department), that if I can't afford to make the required 10 copies of all the enclosed Documents to include the MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and the PETITION FOR WRIT OF CERTIORARI, to just send the original in.

Respectfully submitted this 9<sup>th</sup> day of March, 2018.

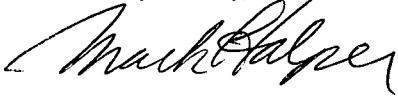


Mark Halper, Defendant

#### CERTIFICATE OF COMPLIANCE

I hereby certify that according to WORD document, the DEFENDANT - APPELLANT Petition For Writ of Certiorari contains 5,179 words.

Respectfully,



Mark Halper

#### CERTIFICATE OF SERVICE

I hereby attest that a true and correct copy of the PETITION FOR WRIT OF CERTIORARI was sent via U.S.P.S., first class mail, postage prepaid and by e-mail to Ian Fowler, Deputy D.A. and Ingrid Barrier, Attorney General's Office, addressed as follows, on March 9, 2018.

Ian Fowler  
Deputy D.A.  
1140 N. Grand  
Montrose, CO 81401  
[mail@co7da.org](mailto:mail@co7da.org)

Ingrid Barrier  
Colorado Attorney General's Office  
1300 Broadway; 10<sup>th</sup> Floor  
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[Ingrid.barrier@coag.gov](mailto:Ingrid.barrier@coag.gov)

Respectfully,



Mark Halper