No. 19-1342

In The

# Supreme Court Of The United States

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EDWARD LEE MULCAHY, PhD, pro se

*Petitioner,*

v.

ASPEN PITKIN COUNTY HOUSING AUTHORITY ("APCHA")

*Respondent.*

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**On Petition for Writ of Certiorari**
**To The Colorado Court of Appeals**

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## PETITION FOR WRIT OF CERTIORARI

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## QUESTION PRESENTED

1. Did the District Court violate Mulcahy's constitutional rights by denying Defendant-Petitioner Edward L. Mulcahy, Jr.'s ("Mulcahy") C.R.C.P. 60(b) motion to vacate the underlying judgment for procedural due process violations where the underlying judgment severely impacts Mulcahy's property rights by ordering him to sell his house and home; where, in obtaining the judgment, Plaintiff-Respondent Aspen Pitkin County Housing Authority ("APCHA") disregarded almost every single procedural requirement in state court designed to ensure fair litigation practices, including improperly electing into the C.R.C.P. 16.1 expedited procedure, failing to serve orders on Mulcahy that would have apprised him of case management procedures, failing to serve discovery disclosures of any kind on Mulcahy, and failing to file a certificate of compliance with the court; and, further compounding these issues, where the District Court itself failed to follow-up or otherwise ensure procedural requirements were being met before entering early summary judgment in APCHA's favor?

## LIST OF PARTIES

All parties are listed in the caption.

## RULE 29.6 STATEMENT

None of the petitioners is a nongovernmental corporation. None of the petitioners has a parent corporation or shares held by a publicly traded company.

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## PETITION FOR WRIT OF CERTIORARI

Lee Mulcahy respectfully petitions for a Writ of Certiorari.

## OPINIONS BELOW

Mulcahy appeals the District Court's denial of his C.R.C.P. 60(b) motion to vacate the underlying judgment for due process violations in District Court. The order denying Mulcahy's C.R.C.P. 60(b) motion is found at Appendix A. There is no Court of Appeals opinion as Mulcahy filed this petition pursuant to C.A.R. 50 with the Colorado Supreme Court, before the Court of Appeals has rendered a ruling. The denial of my writ of certiorari by the Colorado Supreme Court is unreported and found at B.

## STATEMENT OF JURISDICTION

The Colorado Supreme Court denied the petition for writ of certiorari on December , 2019. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

## CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. Amend. V, which in pertinent part, provides: "No person shall be ... nor be deprived of life, liberty, or property, without due process of law; ...."

U.S. Const. Amend. XIV, § 1, which in pertinent part, provides: "No State shall ... deny to any person within its jurisdiction the equal protection of the laws."

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## STATEMENT OF THE CASE

### I. APCHA IMPROPERLY FILES THIS ACTION AND DISREGARDS EARLY ORDERS OF THE COURT DESIGNED TO APPRISE DEFENDANTS OF THEIR RIGHTS AND OF CASE PROCEDURES

APCHA, the entity responsible for enforcing the City of Aspen and Pitkin County's affordable housing program, filed this lawsuit in December 2015 seeking an order from the District Court forcing Mulcahy to sell his house and home based on his alleged failure to exhaust administrative remedies. [CF, pp. 1-20, 1404-21 (Complaint and attached exhibits)].

Specifically, APCHA asserted it was entitled to judgment as a matter of law because Mulcahy had failed to timely request a hearing with APCHA in response to a Notice of Violation ("NOV") alleging deed restriction violations and, accordingly, asserted Mulcahy had failed to exhaust his administrative remedies and that the District Court could consider none of Mulcahy's defenses. [CF, pp. 16-19, 99 (Complaint and summary judgment motion)].

The case was assigned to District Court Judge Seldin, who had been appointed to the bench only a month prior. [Jason Auslander, *Assistant attorney picked as new judge*, THE ASPEN TIMES, Sep. 16, 2015, *available at* https://www.aspentimes.com/news/assistant-attorney-picked-as-new-judge/ (indicating

Judge Seldin began his judgeship November 1, 2015)]. Mulcahy, unable to afford a $20,000 retainer at the time, acted pro se in the District Court proceedings through the rendering of a summary judgment order in APCHA's favor. [CF, p. 127 ¶ 26].

With respect to the procedural components of the case, APCHA's disregard for state court procedural requirements began almost immediately as, in filing the lawsuit, APCHA opted into the C.R.C.P. 16.1 expedited procedure despite its own filings indicating that the property in question was clearly valued well over $100,000; that is, above the C.R.C.P. 16.1 cutoff. [*Compare* CF, pp. 1402, 1404 (Civil Case Cover Sheet electing into C.R.C.P. 16.1 and deed attached as Exhibit A to the Complaint indicating Mulchy had purchased the undeveloped property from APCHA in 2006, approximately 10 years prior to the lawsuit, for $150,000[1]), *with* C.R.C.P. 16.1(b)(2) (indicating 16.1 is not proper if "the value of [a] party's claims against one of the other parties is reasonably believed to exceed $100,000")].

Similarly, soon after APCHA filed its Complaint in December 2015, the District Court entered a Delay Reduction Order containing early procedural information regarding the case; including specific information about when a case management conference should be set and directing APCHA, as a represented plaintiff and the responsible party, to set one. [CF, p. 21 ¶ 2]. The Delay Reduction Order also directed APCHA to serve a copy of the order on any parties that do not enter an appearance electronically, such as pro se parties. [CF, p. 21 ¶ 5]. Despite the order explicitly directing

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[1] Notably, the value of the property has only gone up since 2006 as, pursuant to requirements for receiving the property, Mulcahy developed and built his home on the lot. [*See* CF, p. 123 ¶ 4].

it to, APCHA never served the order on Mulcahy and Mulcahy was left unapprised of when to expect a case management conference or who was responsible for setting one. [CF, p. 980 ¶ 2 (Mulcahy affidavit)].

Importantly, the Colorado Rules of Civil Procedure mandate – for both expedited procedures under C.R.C.P. 16.1 as well as normal procedures under C.R.C.P. 16 – that a presiding court **must set and hold** an in-person case management conference where a party is pro se. [C.R.C.P. 16.1(j) ("If any party is unrepresented . . . the court **shall** set a case management conference.") (emphasis added). *See also* C.R.C.P.16(d) (also mandating a case management conference if any of the parties are unrepresented)]. APCHA never set a case management conference and, similarly, the District Court never followed up on the mandate of C.R.C.P. 16.1(j) and set one of its own accord. A case management conference was never held.

Notably, the purpose of the mandate to hold a case management conference where a party is unrepresented is clear, it's so the presiding court can speak with the pro se party; ensure the pro se party is apprised of his rights; ensure the pro se party is, at a minimum, aware of which procedural rules apply; and, moreover, ensure any opposing parties, especially those that are represented, are honoring their obligations and not taking advantage of the pro se party. [*See generally Petition R.A.M. v. for the Adoption of B.G.B.*, 2014 COA 68 at ¶¶ 7, 43-44 (Colo. App. 2014) (discussing, in light of a due process analysis, the importance of a court advising a pro se father in an adoption proceeding "of the nature of the hearing, what the court must determine, the burden of proof, and [asking whether the father] understood"); *Jaxon v. Circle K. Corp.*, 773 F.2d 1138, 1140

(10th Cir. 1985) ("The rights of pro se litigants require careful protection where highly technical requirements are involved . . . . District courts must take care to insure that pro se litigants are provided with proper notice regarding the complex procedural issues involved") (citations and quotations omitted)].

With no case management conference held, the District Court never went over the unique case procedures of C.R.C.P. 16.1 with Mulcahy; never ensured he was even aware that C.R.C.P. 16.1 had been elected into; never gave Mulcahy the opportunity to elect out of C.R.C.P. 16.1 given the value of the property at issue; and never explained that early discovery disclosures, including APCHA's, are especially critical in C.R.C.P. 16.1 proceedings as initial disclosures, in effect, represent the full discovery of the case. [*See* C.R.C.P. 16.1(a)(2), (k) (2015) (indicating that the normal discovery mechanisms do not apply and the rule requires early, full disclosure of discoverable information)].

Indeed, Mulcahy's filings through the District Court proceedings reflect this as he clearly did not understand the complexity of such procedures, nonetheless that special procedures of C.R.C.P. 16.1 applied. In particular, in April 2016, and weeks after a case management should have already been held, Mulcahy filed a motion to amend his Answer indicating he was still expecting a case management conference to occur along with a trial. [CF, p. 165 ¶ 12 (Mulcahy requesting leave to amend his Answer because "the case has not progressed substantially toward trial [and] a case management conference has not even been held")].

Similarly, had the Delay Reduction Order actually been served on Mulcahy as directed by the Court, Mulcahy would have known a conference should have been held

early in the case - well before he filed his motion to Amend - and, furthermore, that APCHA was responsible for setting it. Similarly, if Mulcahy was apprised of C.R.C.P. 16.1 he would have known that, even if APCHA didn't set a conference, the District Court was mandatorily obliged to hold one. Instead, Mulcahy was in limbo waiting for a case management conference that never was set and never was held. Indeed, the District Court never ruled on Mulcahy's motion to amend until it granted APCHA's summary judgment motion. [CF, p. 191-92 (summary judgment order addressing motion to amend)].

## II. APCHA GOES ON TO DISREGARD ALMOST EVERY OTHER PROCEDURAL COMPONENT OF C.R.C.P. 16.1 AND THE DISTRICT COURT FAILS TO FOLLOW-UP OR ENFORCE THEM

As if disregarding a case management conference wasn't enough – which is perhaps the most important procedural check the Colorado Supreme Court has mandated for ensuring pro se rights are protected – APCHA went on to disregard almost every other procedural safeguard in C.R.C.P. 16.1 as well. In particular, despite C.R.C.P. 16.1 specifically requiring upfront and early discovery in the form of initial disclosures, APCHA never served discovery disclosures **of any kind** on Mulcahy. [*See* C.R.C.P. 16.1(a)(1)(k) & cmt. [8]]. Indeed, Mulcahy never received any discovery at all from APCHA, regardless of form or type of discovery mechanism. [CF, p. 980 (Mulcahy affidavit)].

Furthermore, Mulcahy's filings, including his April 2016 motion to amend his Answer, clearly evidences he is unaware of C.R.C.P. 16.1's upfront and comprehensive disclosure requirements as he states multiple times **discovery has not even begun** and

asks the District Court to allow commencement of discovery. [CF, pp. 165 ¶ 13, 181, 254 (motion to amend stating "Defendant is filing the motion now, before the onset of discovery"; reply for motion to amend "No discovery has yet occurred and no trial date has been set"; motion to reconsider asking the District Court to "allow commencement of discovery")]. Mulcahy should have received APCHA's initial disclosures almost a month prior to his April 2016 filing.

Similarly, and compounding these errors, APCHA never filed the required certificate of compliance attesting that it had complied with all of its obligations. [*See* C.R.C.P. 16.1(h)]. The District Court never caught these issues – the lack of compliance by APCHA, Mulcahy's filings indicating he did not understand the C.R.C.P. 16.1 procedure, and C.R.C.P. 16.1's mandate to set a case management conference – and, instead, granted APCHA's summary judgment motion that it had filed early in the case, within 14 days of it becoming at issue.

Notably, these errors become even more critical when considering expedited procedures, because of the limited rights involved, are more susceptible to due process violations where they are not carefully followed. [*Whiteside v. Smith*, 67 P.3d 1240, 1250 (Colo. 2003) (discussing how a limited and error prone procedure increases the risk of an erroneous deprivation and, in turn, the risk of a due process violation)]. Indeed, the Colorado Supreme Court has specifically recognized such dangers under C.R.C.P. 16.1 as the rule explicitly mandates sanctions when obligations are not complied with. [*See* C.R.C.P. 16.1 at cmt. [8] ("Because of the limited discovery, it is **particularly important** . . . that parties honor the requirements and spirit of full disclosures. Parties should expect

courts to enforce disclosure requirements and **impose sanctions** for the failure to comply with the mandate to provide full disclosures") (emphasis added)].

Furthermore, APCHA's discovery violations were not minimal as, and discussed further below, the final NOV that APCHA based its exhaustion of administrative remedies argument upon was issued **almost a full month prematurely**. Moreover, it was accelerated and issued while APCHA's employees knew that Mulcahy – an outspoken artist and Tea Party member well known in Aspen's small community for criticizing the local government – was known to be traveling in place of his recently deceased father for charity work in Africa. [CF, pp. 957-63, 971-74 (C.R.C.P. 60(b) motion discussing the factual background and impact of APCHA's failure to provide disclosures)].

Importantly, APCHA had amended its guidelines between the time period when APCHA issued the NOV to Mulcahy and filing the lawsuit to shorten the NOV process and do away with the regulations that indicated Mulcahy's had been issued prematurely. [CF, pp. 971-74]. Had APCHA complied with initial disclosures and served on Mulcahy, at a minimum, the APCHA guidelines in effect when the NOV was issued, Mulcahy would have been able to point to definitive regulations that APCHA violated in issuing the NOV. [*See* CF, pp. 1246 (APCHA guidelines)]. That is, Mulcahy would have had teeth for a due process defense to PCHA's exhaustion of administrative argument; that APCHA's NOV was invalid as it had administratively and improperly cut Mulcahy's time to reply to alleged deed restrictions in half, by almost 30 days, despite APCHA's regulations explicitly indicating otherwise. [CF, pp. 971-977].

Altogether, the overall deprivation of due process here is patent. APCHA accelerated the final NOV issued to Mulcahy by almost a month knowing he was traveling and would be unavailable to respond; then, when Mulcahy did, in fact, not respond, APCHA used that non-response to assert Mulcahy failed to exhaust administrative remedies and that the District Court could hear none of Mulcahy's defenses; and then, in state court, elected improperly into an expedited procedure, kept Mulcahy from being advised of the specific procedures available to him through a case management conference, and made no discovery disclosures on Mulcahy, including the APCHA guidelines effective when the NOV was issued. APCHA got its wish and the District Court entered summary judgment in its favor. Notably, that order was entered without Mulcahy ever being afforded a hearing, at the administrative or trial court level, on whether he was ever actually in violation of the deed restrictions. To date, Mulcahy has not received a hearing; he has repeatedly asserted he was not in violation of the employment restrictions.

After it was entered, Mulcahy appealed the original exhaustion of administrative remedies judgment and, through working with counsel while it was pending, found out about the numerous due process issues discussed above. Accordingly, Mulcahy promptly filed his C.R.C.P. 60(b) motion to vacate the underlying judgment seeking to have a full and fair opportunity to defend against APCHA's claims. The District Court denied Mulcahy's C.R.C.P. 60(b) motion; Mulcahy appealed; and the District Court denied Mulcahy's subsequent motion to stay the judgment pending appeal. On appeal, and with

no explanation, the Court of Appeals also denied Mulcahy's motion to stay the judgment pending appeal.

Because of the importance of Mulcahy's home – it was constructed personally by Mulcahy and his now deceased father, represents a last remaining vestige of Mulcahy's relationship with his father, and was constructed to allow Mulcahy to take care of his approximately 84 year old mother who now resides there with him – and in Mulcahy being deprived of house and home, Mulcahy also filed a motion to stay the judgment in the Colorado Supreme Court which was denied. Mulcahy's petition for certiorari argument follows below.

## REASONS FOR GRANTING THE WRIT

### I. CERTIORARI IS APPROPRIATE BECAUSE THIS CASE DEALS WITH IMPORTANT MATTERS OF NATIONAL INTEREST – PARTICULARLY MINIMUM DUE PROCESS STANDARDS FOR COURT PROCEDURES AND PRO SE PARTIES

The specific due process issues raised in this appeal have never been before addressed by the Colorado Supreme Court. In particular, while Colorado appellate courts have addressed procedural due process requirements for civil lawsuits in Colorado courts, the vast majority of those cases deal with service and notice issues of the lawsuit itself. [*See First National Bank of Telluride v. Fleisher*, 2. P.3d 706, 712 (Colo. 2000) (discussing how lack of notice for a default judgment or initiation of legal proceeding can constitute a serious procedural error requiring a judgment to be vacated for due process

violations); *Rael v. Taylor*, 876 P.2d 1210, 1224 (Colo. 1994) (discussing due process requirements for notice by publication in a quiet title action)].

In contrast, the issues of this case deal with due process rights for the more substantive aspects of a civil lawsuit. That is, minimum procedural rights in actually litigating a lawsuit after initial service of it. For example, whether pro se parties have the right to be apprised of the applicable procedural rules; whether a mandatory case management conference is, in fact, mandatory; why the Colorado Supreme Court specifically mandated a case management conference for pro se parties in the rules; whether a complete disregard of discovery, especially under expedited procedures, can constitute a due process violation; and whether C.R.C.P. 16.1, cmt. [8]'s mandate of sanctions for discovery violations is actually mandatory.

Notably, undersigned counsel was unable to find any Colorado appellate cases specifically addressing due process requirements under the unique procedures of C.R.C.P. 16.1 and, similarly, whether a complete deprivation of discovery in civil court procedures is sufficient to constitute a due process violation. Other states' courts have opined on this. [*See E.S.R. v. Madison County Department of Human Resources*, 11 So.3d 227, 234 (Ala. Civ. App. 2008) ("this court implied that the guarantee of procedural due process entitles . . . the right to discovery, to cross-examine witnesses, and subpoena power"); *Wagner v. Wagner*, 299 P.3d 170, 174 (Alaska 2013) (trial courts have a duty to "inform a pro se litigant of the proper procedure for the action he or she is obviously attempting to accomplish")].

Finally, not only does this case present an opportunity to give nationwide guidance on minimum due process requirements for pro se civil litigants, but the specific legal issues here also represent a risk of substantial and irreparable injury to Mulcahy as well as other potential pro se litigants. More specifically, the impact of the due process issues here has the potential to deprive Mulcahy, as well as his mother who resides with him, of house and home. Not to mention a house and home that Mulcahy and his father personally built. Moreover, if the due process violations here are left to stand, it will effectively allow other plaintiffs to take advantage of pro se defendants by ignoring important procedural safeguards and completely disregarding discovery disclosure requirements. [*See Orner v. Shalala*, 30 F.3d 1307, 1310-11 (10th Cir. 1994) (affirming the vacating of an attorney's fees judgment as void on due process grounds and going on to chastise plaintiff's counsel for taking advantage of a clear procedural due process error)].

Accordingly, *Pro Se* petitioner respectfully requests that this Court grant my Petition for Writ of Certiorari or in the alternative, that an order be given for a settlement in typical Aspen fashion: a ski off between the owner of Aspen Skiing, billionaire Jim Crown (or APCHA's executive director) against my Montana girlfriend, Shawn Cox.

**AFFIDAVIT**

I, Lee Mulcahy, swear in front of a notary the truth of the following:

1. We're in a world where the most powerful are able to commit the most egregious crimes with impunity. Why? Because the law is exploited as a weapon to shield and entrench power, and severely punish those who challenge it. In Aspen, the

law is being written by both an out of control quasi-judicial Aspen housing board that brags about their 3000 units in a town with a population of 6,788 people and a former local politician-cum-assistant Pitkin county attorney-cum-judge Chris Seldin who is highly ambitious and is attempting to curry favor with power by railroading my family from the home we built ourselves and have never been late in taxes -all the while by breaking the law. It is the very definition of petty tyranny.

2. As a conservative Republican who believes in limited government, I ran for Mayor in a two man race and was crushed by the Democrat Steve Skadron who then used City Hall to criminalize my speech and art. Worse, he used the city housing department (APCHA) to vindictively refuse to count any of the work I did on my family's self-built house or my work as an international artist who has exhibited in the Aspen Institute, Aspen's Red Brick for the Arts, Anderson Ranch, Carbondale's Council for the Arts, Berlin's KW Institute of Contemporary Art, Beijing's 798, and East Africa's most prominent museum, the Nairobi National.
3. The City Manager and APCHA Executive Director are recent arrivals to our community from Ohio and both are very ambitious. Neither have much respect for the Sheriff and our Western mythos of the Sheriff being the highest representative of the law, bar none. While Skico has some influence, our Sheriff told me this whole issue is a "witch-hunt" and that art should be counted as a profession. APCHA employees are paid by the "City" of Aspen and under the City Manager's direction. APCHA board members were told by staff that an artist "does not count as work." This idea is entirely against the very ethos of Aspen

with its long artistic history. I realize that this court cannot take our case until all appeals are finished in the lower courts; but I wanted to bring attention to the flagrant corruption that has become systemic in our nation.

4. Just last week, America's homegrown militia protested legally with guns in the Michigan state capitol peacefully. Government seems incapable of hearing us little people? We are tired of petty tyranny. As discussed above, APCHA broke the law multiple times, multiple ways. My family has appeared before the politicians that sit on APCHA with three unelected appointed members, two of which are bankers and one who regularly fails to recuse himself from our case (even though his employer and I are in litigation before this Supreme Court) in both public and secret "executive" meetings on our house. Just so this Court is aware, another District judge called out APCHA for violating our right to free speech here. The Colorado District Court order that found APCHA in violation of our constitutional rights is found here: https://bloximages.newyork1.vip.townnews.com/aspendailynews.com/content/tncms/assets/v3/editorial/6/bb/6bba9b90-df3d-11e9-a924-23c5e78d9751/5d8ad2faee335.pdf.pdf Lastly, we took over 2000 signatures on a petition into the elected boards asking for 15 minutes of their time on a public agenda. Thus far, it has fallen on deaf ears.
5. Last night, we had a wonderful dinner party where people from the neighborhood spontaneously joined. The conversation centered around church, community and the old Aspen - a place less corporate. Many of us have worked as "servants" to

the billionaires. There were wild stories of Donald Trump when he used to spend time here skiing our beautiful mountains decades ago - stories about his kindness and generosity you don't often hear in the mainstream media. There were also stories of the mean spiritedness and greediness of the current owners of Aspen Ski, billionaires from Chicago.

6. The two most powerful entities in Aspen are the Aspen Ski Company ("Skico") and the City of Aspen's housing department, APCHA. I am currently in the Supreme Court with Skico in a free speech case. Nearly ten years ago, I was interrupted passing out a union flyer advocating a living wage; my 15 year employment was immediately suspended while simultaneously being banned from public lands under Skico's purview. The case is on petition for certiorari. It is the story of power and influence of billionaires on our judicial system for Skico is owned by the powerful billionaire Lester Crown family that entertain Supreme Court justices in their homes and tweet out pictures. An Aspen time honored tradition is the ski off. My 84 year old mother, known locally as Mama Sandy, challenged Lester Crown to a cross country ski off. Lester never responded. Lester Crown admitted to bribing politicians.
7. We sent this letter to Jim Crown, Lester's billionaire son who runs Aspen Skiing: Dear Jim, I am grateful for the fantastic life I've had and the extraordinary Aspen ski slopes on the public lands that you lease. As my boyfriend Lee Mulcahy writes:

> "These days our politicians are just boring blowhards; whereas, our Revolutionary forefathers deeply respected a good fight. One of the more famous duels back in the day occurred when Vice President Burr

> fatally wounded former Secretary of Treasury Hamilton in a High Noon shootout.
> Taking inspiration from the latest *Aspen Times'* Roger Marolt and *Aspen Daily News'* Lo Semple ski challenge: Why not a Jim Crown/Shawn Cox ski off at the base of Aspen now?
> Set up bleachers and the whole town can attend... you could use the Little Nell suite above Ajax Tavern as a VIP section. Cheerleaders? Would your wife Paula bring pom-poms and go all Dallas Cowboys for you?
> It'll be hilarious: billionaire vs. bartender; man vs. woman; owner of Aspen Ski & General Dynamics vs. peon; elite Chicago North Shore vs. podunk Montana; Gulfstream flying Master of the Universe vs. convertible driving blonde bombshell; President of Aspen Institute vs. Wild West free spirited Libertarian; "limousine liberal" Democrat vs. NRA "Don't tread on me" tea partier; Obama's self-proclaimed "best friend" vs. Trump's biggest cheerleader; Deep State vs. the little people. Or how about a ski moguls contest on Aspen Highlands Scarlett's instead of all this legal stuff?"

So come on, Mr. Crown, Independence Pass is open June 1st for skiing. The "Old Guard" of Aspen would love it and it would be so community oriented. But if I win the ski off, the Mulcahys' get to keep the house they built.

Sincerely, Shawn Cox

8. I am grateful for many things, especially having an amazing Mom and Dad that provided me an example to live by and a way through this corruption. Before my Father passed, he started Africa Water Wells (www.africawaterwells.orgh) which drills water wells at Kenyan public schools in the Rift Valley. My mom is completing a book on their amazing love and journey.

9. Before he was fired as Basalt town attorney, current APCHA attorney Thomas Fenton Smith III was investigated for dishonesty and conflict of interest by the Colorado Supreme Court's Attorney Regulation Counsel. He was cleared because

no employee of the town of Basalt would testify against him. The joke is that lawyers are "paid liars." In his last response to this Court in case No. 18-513 representing APCHA in their Brief in Opposition, APCHA's attorney wrote on page i, "Mulcahy did not raise any constitutional claims in the state courts." Anyone familiar with the case or the local newspapers knows that is a bald-faced lie. Furthermore, I brought constitutional issues up in nearly every Pro Se brief.

10. This whole sad episode can simply be worked out by neighbors that live four blocks apart, sit down, have a beer and agree to disagree. I fully admit to have made mistakes and apologize; but our community suffers because of our ongoing feud and billionaires' arrogance. We all need to be able to laugh at ourselves; however, to this day, after firing folk singer Dan Sheridan, the billionaire Crowns banned his song "Big Money Ruins Everything" from all of their Aspen Skico properties, including leased public lands.

E. Lee Mulcahy 5/7/2020

Subscribed and sworn to me before this 7th day of May, 2020. I am duly authorized under the laws of the State of Colorado to administer oaths.

Notary Public

My commission expires: 11/26/22

KELBY FARIAS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20184045165
My Commission Expires November 26, 2022

## CONCLUSION

Wherefore, for the foregoing reasons, Mulcahy requests this Court grant his petition for certiorari.

Respectfully submitted,

Lee Mulcahy, Pro Se

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May 7, 2020

Signature: */s/Lee Mulcahy*
Lee Mulcahy