

INDEX TO APPENDICES

- APPENDIX A. Chaffee District Court "Order Denying Petition for Writ of Habeas Corpus" issued October 28, 2024 in case 2024 CV 9 by District Judge Patrick w. Murphy; pg. 1-3.
- APPENDIX B. Chaffee district Court "Order" issued August 8, 2025 in case 2025 CV 7 by Judge Dayna Vise; pg. 1-5.
- APPENDIX C. Logan District Court "Order Denying Petition to Stop Illegal Confinement Pursuant to C.R.S. 13-45-1-1 issued November 19, 2024 in case 2024 CV 14 by Judge Robert Charles James; pg. 1.
- APPENDIX D. Logan District Court "Order Denying Second Petition to Stop Illegal Confinement Pursuant to C.R.S. 13-45-1-1 issued December 20, 2024 in case 2024 CV 15 by Judge Robert Charles James; pg. 1.
- APPENDIX E. Logan District Court "Order Denying Defendant's Third Petition to Stop Illegal Confinement Pursuant to C.R.S. 13-45-1-1 issued January 24, 2025 in case 2025 CV 2 by Judge Robert Charles James; pg. 1-2.
- APPENDIX F. Colorado Supreme Court's "Order of the Court" issued August 28, 2025 Denying Gottorff's "Motion for Expedited Review and Entry of Judgment" in case 2025 SA 256.
- APPENDIX G. Colorado Supreme Court's "Order of Court" vacating Gottorff's writ of error appealing the Ouray District Courts denial of his "Second" motion for post-conviction relief pursuant Colo. R. Crim. P. 35(a) issued February 24, 2025 in case 2025 SA 49.
- APPENDIX H. Colorado Supreme Court's "Order of Court" vacating Gottorff's C.A.R. 21 petition in original jurisdiction seeking a writ of mandamus compelling the Ouray District Courts to conduct and inquiry into the subject matter jurisdiction of the trial court after its denial of Gottorff's "Second" motion for post-conviction relief pursuant Colo. R. Crim. P. 35(a) issued March 10, 2025 in case 2025 SA 48.
- APPENDIX I. Colorado Supreme Court's "Order of Court" denying Gottorffs Motion for Emergency Relief for Writ of Habeas Corpus pursuant C.R.S. 13-45-101 issued February 22, 2024 in case 2024 SA 25.

- APPENDIX J. U.S. District Court of Colorado "Judgment" dismissing Gottorff's application for a writ of habeas corpus pursuant 28 U.S.C. 2254 for failure to exhaust state remedies issued July 9, 2024 in case 24-CV-00695.
- APPENDIX K United States Court of Appeals for the Tenth Circuit "Order" granting Gottorff's motion to voluntarily withdraw his appeal of the U.S. District Courts denial of his application for writ of habeas corpus pursuant 28 U.S.C. 2254 issued June 23 2025; pg. 1-2.
- APPENDIX L Colorado Court of Appeals "Order of the Court" denying of Gottorff's Petition for Review of Denial of Appeal Bond under C.R.S. 16-4-204 issued July 15 2024 in case 2023 CA 1857.
- APPENDIX M. (withdrawn)
- APPENDIX N. Colorado Court of Appeals "Order of the Court" issued June 20, 2025 dismissing without prejudice Gottorffs appeal in case 2025 CA 881 by Colorado Appellate Court Judges Harris, J.; Brown, J. and Moultrie, J.
- APPENDIX O. Colorado Supreme Court's "Order of the Court" issued September 4, 2025 in case 2024 SA 322 Affirming the Logan District Courts November 19, 2024 "Order Denying Petition to Stop Illegal Confinement Pursuant C.R.S. 13-45-101" in case 2024 CV 14.
- APPENDIX P. Colorado Supreme Court's "Order of the Court" issued September 4, 2025 in case 2025 SA 17 Affirming the Logan District Courts December 20, 2024 "Order Denying Second Petition to Stop Illegal Confinement Pursuant C.R.S. 13-45-101" in case 2024 CV 15.
- APPENDIX Q. Colorado Supreme Court's "Order of the Court" issued September 4, 2025 in case 2025 SA 50 Affirming the Logan District Courts January 24, 2025 "Order Denying Defendant's Third Petition to Stop Illegal Confinement Pursuant C.R.S. 13-45-101" in case 2025 CV 2.
- APPENDIX R. Colorado Supreme Court's "Order of the Court" issued August 28, 2025 315 Denying Gottorff's "Motion to Find Claims Admitted and Enter Judgment" in case 2024 SA 315

DISTRICT COURT, CHAFFEE COUNTY, COLORADO

Eleventh Judicial District

142 Crestone Ave, P.O. Box 279, Salida, CO 81201

Telephone: (719) 539-2561; FAX: (719) 539-6281

DATE FILED
October 28, 2024

Petitioner: David J. Gottorff

V.

Respondents: Executive Director of Colorado Department of Corrections, and Warden of Buena Vista Correctional Facility

^ Court use only ^

Case Number: 2024CV9

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

This case is before the court on petitioner's "Petition to Stop Illegal Confinement Pursuant 13-45-101" and his concurrently filed "Inmate Motion Requesting to: File Without Prepayment of Filing/Service Fees Pursuant to § 13-17.5-103, C.R.S." The court finds:

Petitioner has filed an inmate account statement as required by §13-17.5-103, C.R.S., and has filed a supporting financial affidavit (form JDF 205) as required by Chief Justice Directive 98-01, as amended. It shows he does not have sufficient funds to pay the filing fee. He has not paid the civil filing fee of \$235.00.

This is a civil action filed by a prison inmate in the custody of the Colorado Department of Corrections (DOC) and is therefore an “inmate lawsuit” governed by §13-17.5-101, C.R.S. *et seq.* and a motion to proceed without prepayment of the filing fee is governed by §13-17.5-103, C.R.S. The statute provides that “if the action on its face is frivolous, groundless, or malicious, or fails to state a claim upon which relief may be granted or seeks monetary relief from a

defendant who is immune from such relief, the motion to proceed as a poor person shall be denied." §13-17.5-103(1), C.R.S. (Emphasis added).

A complaint is subject to dismissal for failure to state a claim under C.R.C.P. 12(b)(5) when, accepting the allegations of the complaint as true and viewed in the light most favorable to the plaintiff, the plaintiff can prove no set of facts that would entitle the plaintiff to relief. *Verrier v. Colorado Dept. of Corrections*, 77 P.3d 875 (Colo. App. 2003). "[A] complaint must contain sufficient factual matter, accepted as true, to 'state a claim for relief that is plausible on its face.'" *Warne v. Hall*, 373 P.3d 588, 589–90, 2016 CO 50, ¶ 1 (Colo. 2016). If it fails to do so it is subject to dismissal. *Id.*

Petitioner may not proceed on the present petition because it fails to state a claim upon which relief may be granted and is groundless. He is not eligible for waiver of prepayment of the filing fee.

The court takes judicial notice of Ouray County District Court case number 2022CR8. That is the case for which petitioner is presently incarcerated. See mittimus attached to petition. In 2022CR8 on August 26, 2024, petitioner filed a "Motion to Set Aside Judgment" (MSAJ). It alleged that he was "an unlawfully detained state prisoner in the custody of the Colorado Department of Corrections at the Buena Vista Minimum Center under color of law by Order of (the Ouray County District) Court". MS�, p. 1. He argued his sentence was illegal as being in violation of "Double Jeopardy", the "Doctrine of Collateral Estoppel", and statutory law. *Id.*, p. 3. His estoppel and jeopardy arguments argued that CRE 404(b) evidence from a previous case - 2022CR4, in which he had been acquitted - was used to convict him in 2022CR8. *Id.*, pp. 4 and 5. These are the same grounds as are pleaded in the petition before this court. Petition, pp. 2 through 5. For relief, Mr. Gottorf in the MS� asked that court to "enter an Order to the Executive Director of the Colorado Dept. of Corrections Compelling the Defendant's release from custody." *Id.*, p. 8. Petitioner here seeks habeas corpus relief for respondents to "show cause why Petitioner should not be immediately released from the custody of the Respondent(s)." Petition, p. 14. In short, petitioner relies on identical factual and legal grounds for the same relief in the MS� and in this petition.

The petition must be denied as failing to state a claim on which relief may be granted because incarcerated persons are not entitled to successive motions for similar post-conviction relief.

Turman v. Buckallew, 784 P.2d 774, 780 (Colo.1989).

Further, petitioner may not seek habeas corpus relief on grounds that are available to him in the court of appeals in his appeal of the judgment in the criminal case for which he alleges illegal confinement in this action. *Graham v. Zavaras*, 877 P.2d 363, 363 (Colo.1994)(“A writ of habeas corpus proceeding may not be used as a substitute for appeal.”). The grounds on which petitioner relies constitute alleged errors of law by the trial court in the Ouray case for which relief is available by way of appeal of that case, not via a writ of habeas corpus in a separate case.

Therefore, it is ordered:

1. The petition for a writ of habeas corpus is denied for failing to state a claim on which relief may be granted and as groundless.
2. The Inmate Motion Requesting to: File Without Prepayment of Filing/Service Fees Pursuant to § 13-17.5-103, C.R.S., is denied.
3. Plaintiff shall pay the filing fee of \$235.00 within 28 days from the date of this order. If it is not paid by that date the fee shall be paid and collected as provided in § 13-17.5-103(2)(b), C.R.S.
4. The court clerk shall mail a copy of this order to the attorney general as required by § 13-17.5-102.7(3)(a), C.R.S.

By the court, this 21st day of October, 2024,

/s/ Patrick W. Murphy, District Judge.

District Court, Chaffee County, Colorado 142 Crestone Avenue Salida, Colorado 81201	
Plaintiff: David Gottorff v. Defendant: Executive Director of Colorado Department of Corrections, and Warden of the Buena Vista Correctional Facility	DATE FILED August 8, 2025
Prepared by the Court: Hon. Dayna Vise District Judge, 11 th Judicial District Chaffee County, Colorado	Case No. 25CV7
ORDER	

The matter comes before the Court on Petitioner's "Petition for Writ of Habeas Corpus Pursuant to C.R.S. 13-45-101" and Petitioner's request to proceed without payment of filing fees. The Court finds and Orders as follows:

Petitioner has filed an inmate account statement as required by §13-17.5-103, C.R.S., and has filed a supporting financial affidavit (form JDF 205) as required by Chief Justice Directive 98- 01, as amended. It shows he does not have sufficient funds to pay the filing fee. He has not paid the civil filing fee of \$235.00.

This is a civil action filed by a prison inmate in the custody of the Colorado Department of Corrections (DOC) and is therefore an "inmate lawsuit" governed by §13-17.5-101, C.R.S. et. seq. and a motion to proceed without prepayment of the filing fee is governed by §13-17.5-103, C.R.S. The statute provides that "if the action on its face is frivolous, groundless, or malicious, or fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant

who is immune from such relief, the motion to proceed as a poor person shall be denied.” §13-17.5-103(1), C.R.S.

A complaint is subject to dismissal for failure to state a claim under C.R.C.P. 12(b)(5) when, accepting the allegations of the complaint as true and viewed in the light most favorable to the plaintiff, the plaintiff can prove no set of facts that would entitle the plaintiff to relief. *Verrier v. Colorado Dept. of Corrections*, 77 P.3d 875 (Colo. App. 2003). “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a claim for relief that is plausible on its face.’” *Warne v. Hall*, 373 P.3d 588, 589–90, 2016 CO 50, ¶ 1 (Colo. 2016). If it fails to do so it is subject to dismissal. *Id.*

Petitioner may not proceed on the present petition because the petition fails to state a claim upon which relief may be granted and is groundless. He is, therefore, not eligible for waiver of prepayment of the filing fee.

The Court takes judicial notice of Chaffee County District Court case number 24CV9, Ouray County District Court case number 22CR4 and Ouray County District Court case number 22CR8.

Initially the Court notes that in Chaffee County District Court case 24CV9, the Petitioner raised identical claims to those contained in the petition filed in this case. Those claims, specifically, are that the trial judge in Ouray County District Court case number 22CR8 erroneously allowed evidence from Ouray County District Court case number 22CR4 to be introduced at trial and that the prosecution of 22CR8 equated to double jeopardy. The Petitioner also requests identical relief – immediate discharge from his prison sentence.

The Court dismissed the petition in Chaffee County District Court case number 24CV9 and found that the petition was groundless and failed to state a claim upon which relief may be granted.

For that reason alone, the Court will dismiss the petition in this case. For sake of clarity, however, the Court will recite the reasons why the petition in Chaffee County District Court case 24CV9 and the petition in this case should be dismissed.

Petitioner is currently incarcerated in the Colorado Department of Corrections due to a sentence imposed in Ouray County District Court case number 22CR8. On August 26, 2024, Petitioner filed a "Motion to Set Aside Judgment" (MSAJ) in 22CR8. The Motion alleged that the Petitioner was "an unlawfully detained state prisoner in the custody of the Colorado Department of Corrections at the Buena Vista Minimum Center under color of law by Order of (the Ouray County District) Court". MS AJ, p. 1. He argued his sentence was illegal as being in violation of "Double Jeopardy", the "Doctrine of Collateral Estoppel", and statutory law. Id., p. 3. His estoppel and jeopardy arguments argued that CRE 404(b) evidence from a previous case - 2022CR4, in which he had been acquitted - was used to convict him in 2022CR8. Id., pp. 4 and 5. These are the same grounds as are pleaded in the petition before this court. Petition, pp. 2 through 5. In the MS AJ, the Petitioner asked that court to "enter an Order to the Executive Director of the Colorado Dept. of Corrections Compelling the Defendant's release from custody." Id., p. 8. Petitioner here seeks habeas corpus relief for respondents to "show cause why Petitioner should not be immediately released from the custody of the Respondent(s)." Petition, p. 14. In short, Petitioner relies on identical factual and legal grounds for the same relief in the MS AJ, the Petition in Chaffee County District Court case 24CV9, and in this petition.

The petition must be denied as failing to state a claim on which relief may be granted because incarcerated persons are not entitled to successive motions for similar post-conviction relief. *Turman v. Buckallew*, 784 P.2d 774, 780 (Colo.1989).

Further, petitioner may not seek habeas corpus relief on grounds that are available to him in the court of appeals in his appeal of the judgment in the criminal case for which he alleges illegal confinement in this action. *Graham v. Zavaras*, 877 P.2d 363, (Colo.1994) ("A writ of habeas corpus proceeding may not be used as a substitute for appeal."). The grounds on which petitioner relies constitute alleged errors of law by the trial court in the Ouray case for which relief is available by way of appeal of that case, not via a writ of habeas corpus in a separate case.¹

Therefore, it is ordered:

1. The petition for a writ of habeas corpus is denied for failing to state a claim on which relief may be granted and as groundless.

2. The Inmate Motion Requesting to File Without Prepayment of Filing/Service Fees Pursuant to § 13-17.5-103, C.R.S., is denied.

3. Plaintiff shall pay the filing fee of \$235.00 within 28 days from the date of this order. If it is not paid by that date the fee shall be paid and collected as provided for in § 13-17.5-103(2)(b), C.R.S.

4. The court clerk shall mail a copy of this order to the attorney general as required by § 13-17.5-102.7(3)(a), C.R.S.

¹ It could be argued that Petitioner raises a third issue in the current petition, namely that the Ouray criminal cases should have been tried together as one case. While Petitioner mentions this in the Petition, this issue is not included in his concluding prayer for relief. Petition, p. 7. In any event, that issue, like the other two issues, is reviewable by an appellate court and thus not eligible for relief via a habeas corpus petition.

Done and dated this 8th day of August, 2025.

BY THE COURT:

Dayna Vise
Hon. Dayna Vise
District Court Judge

DISTRICT COURT, LOGAN COUNTY, COLORADO		DATE FILED November 19, 2024
Court Address: 110 RIVERVIEW ROAD, ROOM 205, STERLING, CO, 80751		
Plaintiff(s) DAVID J GOTTORFF v. Defendant(s) JEFF LONG et al.		<div style="text-align: center;">△ COURT USE ONLY △</div>
		Case Number: 2024CV14 Division: D Courtroom:
Order Denying Petition to Stop Illegal Confinement Pursuant to C.R.S. 13-45-101		

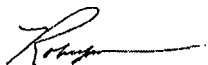
The Defendant filed a Petition seeking a writ of Habeas Corpus regarding his sentence stemming from Ouray County case 2022CR8. As grounds for his petition, he states that Ouray County District Court Judge Corwin Jackson lacked jurisdiction to enter the sentence. For the reasons below, the Defendant's Petition in this case must be dismissed.

A Petition for Writ of Habeas Corpus cannot take the place of a motion for postconviction relief pursuant to Colo. R. Crim. Pro. 35. *Kailey v. Colo. State Dept. of Corr.*, 807 P.2d 563, 566 (Colo. 1991); *Graham v. Gunter*, 855 P.2d 1384, 1385 (Colo. 1993). The claim that the sentencing court lacked jurisdiction is a claim encompassed by Colo. R. Crim. Pro. 35(c)(2)(III). Because of this, the petition is improperly framed as a habeas action.

Further, the exact issues set forth in this case are also encompassed in pleadings in Ouray County case 2022CR8, which is the proper venue and mechanism for addressing the jurisdiction question raised here. See *Graham v. Gunter*, *supra*.

The Petition fails to assert any grounds for the issuance of a Writ of Habeas Corpus, therefore the Court DENIES the Petition to Stop Illegal Confinement Pursuant to C.R.S. 13-45-101.

Issue Date: 11/19/2024



ROBERT CHARLES JAMES
District Court Judge

Appendix C

DISTRICT COURT, LOGAN COUNTY, COLORADO		DATE FILED December 20, 2024
Court Address: 110 RIVERVIEW ROAD, ROOM 205, STERLING, CO, 80751		
Plaintiff(s) DAVID J GOTTORFF v. Defendant(s) STERLING CORRECTIONAL FACILITY et al.		
		△ COURT USE ONLY △
		Case Number: 2024CV15 Division: D Courtroom:
Order Denying SECOND PETITION TO STOP ILLEGAL CONFINEMENT FOR WRIT OF HABEAS CORPUS		

The Defendant filed a second, successive Petition seeking a writ of Habeas Corpus regarding his sentence stemming from Ouray County case 2022CR8 after the same issues were raised and denied in Logan County case 2024CV14. As grounds for his petition, he states that Ouray County District Court Judge Corwin Jackson lacked jurisdiction to enter the sentence. For the reasons below, the Defendant's Petition in this case must be dismissed.

A Petition for Writ of Habeas Corpus cannot take the place of a motion for postconviction relief pursuant to Colo. R. Crim. Pro. 35. *Kailey v. Colo. State Dept. of Corr.*, 807 P.2d 563, 566 (Colo. 1991); *Graham v. Gunter*, 855 P.2d 1384, 1385 (Colo. 1993). The claim that the sentencing court lacked jurisdiction is a claim encompassed by Colo. R. Crim. Pro. 35(c)(2)(III). Because of this, the petition is improperly framed as a habeas action.

Further, the exact issues set forth in this case are also encompassed in pleadings in Ouray County case 2022CR8, which is the proper venue and mechanism for addressing the jurisdiction question raised here. See *Graham v. Gunter*, *supra*.

Finally, the Petition fails to assert any grounds for the issuance of a Writ of Habeas Corpus and the petition is successive, therefore the Court DENIES the Second Petition to Stop Illegal Confinement.

Issue Date: 12/20/2024



ROBERT CHARLES JAMES
District Court Judge

Appendix D

DISTRICT COURT, LOGAN COUNTY, COLORADO		DATE FILED January 24, 2025
Court Address: 110 RIVERVIEW ROAD, ROOM 205, STERLING, CO, 80751		
Plaintiff(s) DAVID J GOTTORFF v. Defendant(s) JEFF LONG et al.		<p style="text-align: center;">△ COURT USE ONLY △</p>
		Case Number: 2025CV2 Division: D Courtroom:
Order Denying Defendant's Third Petition to Stop Illegal Confinement for Writ of Habeas Corpus Pursuant to C.R.S. 13-45-101 as Successive and Frivolous		

The Court has reviewed the Defendant's Third Petition to Stop Illegal Confinement for Writ of Habeas Corpus Pursuant to C.R.S. 13-45-101 and finds and orders as follows:

This court previously reviewed the Defendant's first and second petitions for writs of Habeas Corpus and denied both as set forth in the court's order in Logan County case 2024CV14. In that order, issued November 19, 2024, the court stated:

"The Defendant filed a Petition seeking a writ of Habeas Corpus regarding his sentence stemming from Ouray County case 2022CR8. As grounds for his petition, he states that Ouray County District Court Judge Corwin Jackson lacked jurisdiction to enter the sentence. For the reasons below, the Defendant's Petition in this case must be dismissed.

A Petition for Writ of Habeas Corpus cannot take the place of a motion for postconviction relief pursuant to Colo. R. Crim. Pro. 35. Kailey v. Colo. State Dept. of Corr., 807 P.2d 563, 566 (Colo. 1991); Graham v. Gunter, 855 P.2d 1384, 1385 (Colo. 1993). The claim that the sentencing court lacked jurisdiction is a claim encompassed by Colo. R. Crim. Pro. 35(c)(2)(III). Because of this, the petition is improperly framed as a habeas action. Further, the exact issues set forth in this case are also encompassed in pleadings in Ouray County case 2022CR8, which is the proper venue and mechanism for addressing the jurisdiction question raised here. See Graham v. Gunter, supra.

The Petition fails to assert any grounds for the issuance of a Writ of Habeas Corpus, therefore the Court DENIES the Petition to Stop Illegal Confinement Pursuant to C.R.S. 13-45-101."

Undeterred, the Defendant filed an identical petition in Logan County case 2024CV15, which the court denied on December 20, 2024 for the same reasons. Now, in the instant case, the Defendant has filed a THIRD Petition to Stop Illegal Confinement for Writ of Habeas Corpus Pursuant to C.R.S. 13-45-101 and asserts identical claims not only to 2024CV14 and 2024CV15 in Logan County, but also to those claims set forth in Ouray County case 2022CR8 (framed as a Rule 35 Motion for Post-Conviction Relief), Colorado Supreme Court case 2024SA231 (regarding the witness intimidation aspect of his claims) and, most recently, in Colorado Supreme Court case 2024SA332.

Notably, the Defendant submitted the EXACT claims he asserts in this case in a Petition to Stop Illegal Confinement for Writ of Habeas Corpus Pursuant to C.R.S. 13-45-101 filed in 2024SA332. In that case, the Defendant argues that the Logan County District Court erred in denying both previously filed requests for writs of habeas corpus in 2024CV14 and 2024CV15 and then asks the Supreme Court to rule directly on the habeas corpus requests based entirely on the exact same claims he previously put forth in the Logan County actions. On January 9, 2025, the Colorado Supreme Court DENIED the Defendant's request for relief and declined to issue the writ requested.

The issues argued by the Defendant in this case are successive and have been fully considered denied previously not only by this court, but now by the Colorado Supreme Court. The Defendant's claims are without merit and are frivolous. The Court, pursuant to C.R.S. 13-17.5-102.7 gives the Defendant notice that any further filings regarding these issues may require full payment of court filing fees.

Issue Date: 1/24/2025

Appendix E



ROBERT CHARLES JAMES
District Court Judge

Appendix E

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED August 28, 2025
Appeal from the District Court Chaffee County, 2025CV7	
Plaintiff-Appellant: David J. Gottorff, v. Defendants-Appellees: Bryan Coleman, Warden of the Buena Vista Correctional Facility and Moses Stancil, Executive Director of Colorado Department of Corrections.	Supreme Court Case No: 2025SA256
ORDER OF COURT	

Upon consideration of the Motion for Expedited Review and Entry of Judgment filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion shall be, and the same hereby is, DENIED.

BY THE COURT, AUGUST 28, 2025.

Appendix F.

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED February 24, 2025
Appeal from the District Court, Ouray County, 2022CR8	
Plaintiff: The People of the State of Colorado, v.	Supreme Court Case No: 2025SA49
Defendant: David Gottorff.	
ORDER OF COURT	

The Notice of Filing of Notice of Appeal issued on February 20, 2025 is
HEREBY VACATED. This matter is submitted to the court for review under
C.A.R. 21.

BY THE COURT, FEBRUARY 24, 2025.

Appendix 6

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED March 10, 2025
Original Proceeding District Court, Ouray County, 2022CR8	
In Re:	Supreme Court Case No: 2025SA48
Plaintiff:	
The People of the State of Colorado,	
v.	
Defendant:	
David Gottorff.	
ORDER OF COURT	

Upon consideration of the Petition for Order to Show Cause in Exercise of Original Jurisdiction Pursuant [to] C.A.R. 21 filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Petition for Order to Show Cause in Exercise of Original Jurisdiction Pursuant [to] C.A.R. 21 shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, MARCH 10, 2025.

Appendix H.

Exhibit E

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: February 22, 2024 CASE NUMBER: 2024SA25
Original Proceeding District Court, Ouray County, 2022CR8	
Plaintiff: The People of the State of Colorado, v. Defendant: David Gottorff.	Supreme Court Case No: 2024SA25
ORDER OF COURT	

Upon consideration of the Petition to Stop Illegal Confinement (for Writ of Habeas Corpus) and Motion for Emergency Relief for Writ of Habeas Corpus Pursuant to C.R.S. 13-45-101, filed in the above cause, and now being sufficiently advised in these premises,

IT IS ORDERED that said Petition and Motion shall be, and the same hereby are, DENIED.

BY THE COURT, EN BANC, FEBRUARY 22, 2024.

Appendix I

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 24-cv-00695-LTB-RTG

DAVID J. GOTTORFF,

Applicant,

v.

MOSES "ANDRES" STANCIL, Executive Director, Colorado Department of Corrections,
RICHARD PERSONS, Warden Arrowhead Correction Center, and
PHIL WEISER, the Attorney General of the State of Colorado,

Respondents.

JUDGMENT

Pursuant to and in accordance with the Order of Dismissal entered by Lewis T.
Babcock, Senior District Judge, on July 9, 2024, it is hereby
ORDERED that Judgment is entered in favor of Respondents and against
Applicant.

DATED at Denver, Colorado, this 9 day of July, 2024.

FOR THE COURT,

JEFFREY P. COLWELL, Clerk

By: s/ J. Roberts
Deputy Clerk

Appendix J.

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

**FILED
United States Court of Appeals
Tenth Circuit**

June 23, 2025

**Christopher M. Wolpert
Clerk of Court**

DAVID J. GOTTORFF,

Petitioner - Appellant,

v.

**MOSES ANDRE STANCIL, Executive
Director, Colorado Department of
Corrections; RICHARD PERSONS,
Warden, Arrowhead Correction Center;
PHIL WEISER, The Attorney General of
the State of Colorado,**

Respondents - Appellees.

**No. 24-1307
(D.C. No. 1:24-CV-00695-LTB-RTG)
(D. Colo.)**

ORDER

Before TYMKOVICH, EID, and ROSSMAN, Circuit Judges.

Petitioner appealed the district court's denial of his 28 U.S.C. § 2254 motion and asked this Court for a certificate of appealability. He has now filed a motion to voluntarily dismiss this appeal. We GRANT the motion to voluntarily dismiss the appeal under Federal Rule of Appellate Procedure 42(b)(2). We DISMISS this appeal and DENY all pending motions as moot. A copy of this order shall stand as mandate for this court.

Appendix K

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk

CLIENT'S COPY

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED: July 15, 2024 CASE NUMBER: 2023CA1857
Ouray County 2022CR8	
Plaintiff-Appellee: The People of the State of Colorado, v. Defendant-Appellant: David Gottorff.	Court of Appeals Case Number: 2023CA1857
ORDER OF THE COURT	

To: The Parties and the District Court

The Court has reviewed defendant-appellant's Petition for Review of Denial of Appeal Bond under section 16-4-204, C.R.S. 2023, and the response. Based upon that review, the Court DISMISSES the petition.

BY THE COURT

Harris, J.

Schutz, J.

Lum, J.

Appendix L.

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED June 20, 2025
Ouray County 2022CR8	
Plaintiff-Appellee: The People of the State of Colorado, v. Defendant-Appellant: David Gottorff.	Court of Appeals Case Number: 2025CA881
ORDER OF THE COURT	

Upon consideration of appellant's response to the court's May 21, 2025, Order to Show Cause, the court determines that the order on appeal is not a final order because the district court's order took no action on appellant's postconviction motion; and thus, did not resolve any issue in the case. IT IS THEREFORE ORDERED that the appeal is DISMISSED without prejudice.

The Court notes that appellant's direct appeal is currently pending in case number 23CA1857, and appellant may refile his postconviction motion upon mandate of that appeal.

BY THE COURT:

Harris, J.
Brown, J.
Moultrie, J.

Appendix N

Moultrie, J.

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED September 4, 2025
Appeal from the District Court, Logan County, 2024CV14	
Plaintiff-Appellant: David J. Gottorff, v. Defendants-Appellees: Jeff Long and Executive Director of Colorado Department of Corrections.	Supreme Court Case No: 2024SA322
ORDER OF COURT	

Upon consideration of the Notice of Appeal, together with the brief(s) and the record filed herein, and now being sufficiently advised in the premises,

IT IS ORDERED that the decision of the Logan County District Court is AFFIRMED.

BY THE COURT, EN BANC, SEPTEMBER 4, 2025.

Appendix O

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED September 4, 2025
Appeal from the District Court, Logan County, 2024CV15	
Plaintiff-Appellant: David J. Gottorff, v. Defendants-Appellees: Sterling Correctional Facility and Jeff Long.	Supreme Court Case No: 2025SA17
ORDER OF COURT	

Upon consideration of the Notice of Appeal, together with the brief(s) and the record filed herein, and now being sufficiently advised in the premises,

IT IS ORDERED that the decision of the Logan County District Court is AFFIRMED.

BY THE COURT, EN BANC, SEPTEMBER 4, 2025.

Appendix P

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED September 4, 2025
Appeal from the District Court, Logan County, 2025CV2	
Plaintiff-Appellant: David J. Gottorff, v. Defendants-Appellees: Jeff Long and Sterling Correctional Facility.	Supreme Court Case No: 2025SA50
ORDER OF COURT	

Upon consideration of the Notice of Appeal, together with the brief(s) and the record filed herein, and now being sufficiently advised in the premises,

IT IS ORDERED that the decision of the Logan County District Court is AFFIRMED.

BY THE COURT, EN BANC, SEPTEMBER 4, 2025.

Appendix Q

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED August 28, 2025
Appeal from the District Court, Chaffee County, 2024CV9	
Plaintiff-Appellant: David Gottorff, v. Defendants-Appellees: Jason Lengerich and Moses Stancil.	Supreme Court Case No: 2024SA315
ORDER OF COURT	

Upon consideration of the Motion to find claim admitted and enter judgment filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion shall be, and the same hereby is,
DENIED.

BY THE COURT, AUGUST 28, 2025.

Appendix R