

No.

**IN THE UNITED STATES SUPREME COURT**

CHARITY MERRILL, Pro Se (Petitioner)

vs.

ERIC MUSSELMAN OF GARFIELD & HECHT, et al. (Respondents)

---

***EMERGENCY MOTION FOR LEAVE TO FILE OUT OF TIME:  
ON PETITION FOR WRIT OF CERTIORARI***

---

To the Honorable Justices of the Court,

1. This case between Petitioner, Charity Merrill, and Eric Musselman of Garfield and Hecht evolved from a divorce case in which the petitioner was the victim of a marriage scam; this short marriage included title fraud against her personal home and fraud against their jointly owned business which wife solely funded since husband came into the country bankrupt. The marriage included forced isolation and life threatening domestic violence. The married parties were only together a few years due to immigration delays. **Attachment A (pp.18-25 of**

No.

**IN THE UNITED STATES SUPREME COURT**

CHARITY MERRILL, Pro Se (Petitioner)

vs.

ERIC MUSSELMAN OF GARFIELD & HECHT, et al. (Respondents)

---

***EMERGENCY MOTION FOR LEAVE TO FILE OUT OF TIME:  
ON PETITION FOR WRIT OF CERTIORARI***

---

To the Honorable Justices of the Court,

1. This case between Petitioner, Charity Merrill, and Eric Musselman of Garfield and Hecht evolved from a divorce case in which the petitioner was the victim of a marriage scam; this short marriage included title fraud against her personal home and fraud against their jointly owned business which wife solely funded since husband came into the country bankrupt. The marriage included forced isolation and life threatening domestic violence. The married parties were only together a few years due to immigration delays. **Attachment A (pp.18-25 of**



**128): Police Report Domestic Violence, B (pp.26-41 of 128): Police Report: Fraud, C (pp.42-44 of 128): Laura Akers Affidavit, D (pp.45-46 of 128): Tom Akers Affidavit.**

2. The petitioner has a spinal injury (spinal stenosis) and a documented Traumatic Brain Injury, ADHD, and PTSD due to ongoing trauma. The brain injury permanently disabled her executorial skills including but not limited to her ability to focus, organize documents or computer files, finding documents, working with or calculating dates, times and numbers, loss of immediate short-term memory which makes writing, reading and comprehending documents extremely difficult. When under stress or distracted she struggles with clearly articulating due to not being able to find common words. She also struggles with not finishing a thought process and repeating herself in both text and verbal articulation. Causing her to have to rewrite statements over and over. These symptoms are greatly magnified under stress, often limiting the petitioner's processing speed to that of a second grader. **Attachment E (pp.47-50 of 128) Verification Spinal Injury; Attachment F (pp.51-54 of 128) Verification of Cognitive Disability: Dr. Mangeot, and G (pp.55-59 of 128) Verification of Cognitive Disability: Dr. Hughes.**
3. In the original divorce case, during the temporary orders hearing in March of 2020, the husband, a Canadian citizen who came to this country bankrupt,

perjured himself by misleading the courts concerning the actual income. He stated the jointly owned family business, which the petitioner (wife) had solely funded, only made \$6,000 a month when in reality the company made well over \$725,000 for the year.

4. Petitioner's attorney, Eric Musselman and the husband's attorney had stipulated to an income of around \$400,000 prior to that hearing. However, when the husband misled the courts (which was later determined to be perjury), the petitioner's attorney, Eric Musselman, had not come prepared to counter the misrepresentation and therefore failed to deliver the necessary evidence to prove the actual income. **Attachment H (pp.60-62 of 128) Malpractice Certificate.**

5. Due to the negligence of the petitioner's attorney, the petitioner was left without sufficient maintenance to keep her attorney, who quit three days after the temporary orders hearing stating "she did not have the money to pay him." While the petitioner lost her job doing marketing for the company due to the filing of the divorce, the petitioner's husband was given full control of the company and company finances since it was a male dominated business.

6. The petitioner and her friends diligently tried to retain counsel for her through legal aid and other sources, but Ms. Merrill was denied legal aid due to the actual earned income being too high. Additionally, she was unable to secure a new attorney due to not having the financial resources to pay the high retainers demanded in the Aspen area for complicated cases involving title fraud.
  
7. The petitioner approached the courts and clearly stated she had no job and no counsel and was absolutely not able to represent herself. She pleaded with the courts to allow her attorney fees to be paid from the family's jointly owned business that the wife had solely funded, especially since the husband was utilizing the business funds to pay for multiple attorneys in various cases against the wife and others. The wife was "denied access to her own company" funds that would have afforded her legal counsel and was told by the courts to self-represent. <sup>"Fraud upon the court"</sup> **I (pp.63-66 of 128) James Scott DeWind Affidavit; J (pp.67-71 of 128) Christopher James Daniel Affidavit; K (pp.72-73 of 128) Motion For Temporary Orders Requesting an Attorney March 2022**
  
8. This infraction from her own attorney as well as the infractions of the courts in refusing to acknowledge or confirm petitioner's disabilities have caused the petitioner more than five years of ongoing and overlapping legal cases that continue to this day. During this time, she has been forced by the courts insistence to try to self-represent with a brain injury in order to save her family

home which was defrauded. She was told by the court clerk that she had to sign a paper to agree to participate in the hearing and if she refused, she could lose everything by default. **Attachment L (pp.74-76 of 128) Sherry Clark Affidavit.**

9. Due to the petitioner's brain injury and no legal experience/advice she had no way of understanding her rights. This pattern of forced representation without any acknowledgement of petitioner disability and denying her funds from her own business to obtain an attorney, clearly prejudiced Ms. Merrill and caused a landfall of additional cases. That action alone denied her due process, right to counsel, violated A.D.A. laws and Arbitration laws thus violating multiple constitutional rights in multiple cases all stemming from the original divorce case. Now destitute she is facing losing her family farm due to judgements from her former attorneys.
10. The case that comes now before this Court is the case that stems from the petitioner's former attorney, Eric Musselman of Garfield and Hecht, who initially represented her in case (2019 DR 30023), then later sued her in (case in the arbitration courts (JAG 2022-0610A), demanding unwarranted legal fees after withdrawing from the case just three days after the temporary orders hearing where Eric Musselman, her own attorney failed to prove the family income or call the tax accountant as a witness.



11. Despite the Arbitration courts and opposing party clearly being aware of Ms. Merrill's inability to represent herself due to her brain injury, she was again forced to proceed without counsel and try to represent her case against seasoned attorneys. At this hearing, most of her evidence, including her Psychological evaluation showing clearly why she could not represent herself, was thrown out due to procedural mistakes. **M (pp.77-83 of 128) Email Letter in Response to Arbitration Demand; N (pp.84-86 of 128) Gil Villareal Affidavit, O (pp.87-89 of 128) Marcia Villareal Affidavit, and P (pp.90-91 of 128) Henry Villareal Affidavit.**
12. The petitioner, who is 65, had obtained her head injury in a motorcycle accident at the age of 13. She has extreme difficulty in trying to understand and maneuver the legal system with her disabilities. She voluntarily underwent multiple up to date psychological and medical tests and evaluations to present to the courts and opposing attorneys to prove that she was not able to represent herself and to show that she was being greatly prejudiced by being forced to proceed without an attorney. Again, her pleas for aid and for her disability to be recognized were ignored and instead weaponized by opposing attorneys who began to bombard her with multiple boxes of duplicate legal documents and motions that demanded timely responses which petitioner had to try to learn what and how to do when she couldn't organize a fax or bank

statement. **Attachment Q (pp.92-96 of 128) District Court: Respondent Answer, Affirmative Defense, and Counter Claims**

13. Immediately after coming out of life-threatening domestic abuse where her husband threatened to “Put her in a grave so deep they would never find her body” if she told anyone or left the property, she was retraumatized by the courts who repeatedly forced her to try and represent herself under extremely compromising conditions. Additionally, she was still enduring threats of violence and road rage from her husband while trying to figure out how she was going to financially put her life back together since her job opportunities are limited due to her two disabilities.
14. Over the five plus years of legal struggles, all courts leading up to the Federal Court have been provided with clear documentation of the petitioner’s brain injury and have heard her pleas for an attorney multiple times at each level. Additionally, prior to arbitration the petitioner requested that the hearing be halted until either the property settlement was resolved or consistent maintenance was enforced by the lower courts to allow the petitioner to afford counsel, this was also denied. To the date of this motion and over 5 years later the property settlement continues to be both pushed back and ignored by the district courts again shutting the petitioner out financially keeping her from being able to hire or keep an attorney. Collectively, all the courts in Colorado

of which all received her psychological evaluation, denied her request and her pleas that, had they been heard, would have completely prevented some of the lawsuits and allowed her a fair hearing in multiple other cases. **Letters,**

**Motions and Denials : Attachments**

M. (pp.77-83 of 128)	Email Letter in Response to Arbitration Demand
Q. (pp.92-96 of 128)	District Court: Respondent Answer, Affirmative Defense, and Counter Claims (Case 2023CV030127)
R. (pp.97-100 of 128)	District Court Confirmation Award: Proposed Order of Judgement (Case 2023CV030127/ JAG 2022-0610A)
S. (pp.101-109 of 128)	Colorado Court of Appeals: Motion for Extension to file and appeal (Case 2023CV030127/2024CA1306)
T. (pp.110-111 of 128)	Court Of Appeals Denial (Case 2023CV030127/ 2024CA1306 )
U. (pp.112-113 of 128)	District Court: Motion to stay judgement Denial (Case 2023CV030127)
V. (pp.114-115 of 128)	<b>Colorado Supreme Court Decision- Denial (Case 2024 SC581)</b>

15. The petitioner, along with the encouragement and help of the community, has worked tirelessly in attempting to learn the legal process. The community has

continued to help her with formatting and writing legal documents more clearly as they themselves studied it, all in an attempt to give her and others like her a voice. Since Colorado courts have repeatedly insisted on ignoring her cognitive disabilities, she had no other choice but to try and defend herself in these multiple overlapping cases despite her disadvantages.

16. Alone, she has had to battle multiple overlapping cases due to the court's continued refusal to allow her an attorney or to hold husband accountable to perjury, domestic abuse and unpaid maintenance. These cases where wife was never clearly heard due to her disability include: divorce- including a planned fraudulent marriage from a Canadian citizen, ignored property settlement, title fraud, company fraud, domestic violence, arbitration hearings and now ongoing judgements against her only property brought on by the arbitration award where Ms. Merrill had no council. Additionally, there was a false slander suit brought against her by her husband based on the restraining order that was ignored by the courts, multiple credit card and medical collection lawsuits compiled against her due to maintenance payments not being enforced. Finally, she was able to talk a real estate attorney into helping her with a few of the cases and for a time in the divorce but he quit due to the courts not enforcing maintenance payments and thus he wasn't being paid and may request a judgement, so again Ms. Merrill is left with ongoing legal battles and no representation.



17. Under extraordinary circumstances, the petitioner has shown extreme diligence in pursuing her rights. Equitable Tolling laws were established precisely for cases such as this, as demonstrated in the 2005 case of *Pace vs. DiGuglielmo*, 544 U.S. 408 (2005) or the 2010 case of *Holland vs. Florida* 560 U.S. 631 (2010), where the Court established that Equitable tolling could be applied if the petitioner has EITHER a cognitive disability, is suffering trauma, or has no legal counsel that would have jeopardized her having a fair hearing. Where only one is required, in Ms. Merrill's case, all three apply.
18. She has diligently pursued her rights not only for herself but also for the sake of other victims of domestic violence, fraud, judicial tort or for people who are compromised in representing themselves due to lack of finances or intellectual disabilities.
19. This case brings up important questions regarding Colorado courts' innate responsibility to acknowledge and uphold the laws that currently are meant to protect a vulnerable population's "Right to Due Process". This also questions whether new laws need to be established in civil proceedings to ensure fairness and justice throughout our legal system for all demographics of the population. **Gideon vs. Wainwright, 372 U.S. 335 [1963]** established Right to Counsel in

criminal law, but many civil litigants with disabilities or lacking finances including those individuals who are victimized by violence are forced to self-represent in order to seek justice. This group of individuals do not yet have their voices represented, and thus many do not enter or simply do not survive the court system.

20. To date, all Ms. Merrill's cases which she has been forced to struggle through have been compromised from the initial Temporary Orders Hearing of March 4, 2020, to date. As a result, her life has been put on hold and consumed by legal studies as she attempts to expose the lower court's unconscionable actions. She has encountered a system of law which has abetted the offender(s) and constrained her repeatedly both physically and financially to the point of rendering her destitute and broken and without desperately needed medical care or basic needs, thus she has lived in compounded harm for an extended period of time. As recent as April 25, 2025 petitioner has again filed a motion in the District Court requesting for maintenance to be enforced for retention of counsel. Request was denied. **Attachment W (pp.116-118 of 128) Denial of April 25, 2025 Motion ( to stay mediation pending maintenance enforcement for retention of counsel).**

21. Below is a timeline of the petitioners' attempt to follow legal procedure from the date of the **Supreme Court of Colorado Denial on December 23, 2024** to this present Motion to file Out of Time. Ms. Merrill has sought to meet timelines throughout all these legal proceedings but has misunderstood or presented incorrectly due to the petitioner's inability to self-represent or retain counsel. **Attachment V (pp.114-115 of 128) Colorado Supreme Court decision.**

- i. The Supreme Court of Colorado denied the petitioner's Writ of Certiorari on December 23, 2024. **Attachment V (pp.114-115 of 128) Colorado Supreme Court decision.**
- ii. On March 21, 2025, Petitioner refiled a new Petition for Writ of Certiorari intended for the U.S. Federal Supreme Court to a Federal Building in Denver, Colorado. After her denial from the State Supreme Court of Colorado, friends in her community collectively helped petitioner to organize her documents so she could write her Petition for a Writ of Certiorari, and petitioner filed her Petition for a Writ of Certiorari intended for the U.S. Federal Supreme Court to the Colorado United States Court of Appeals Tenth Circuit on March 21, 2025, on time

and within the 90 days. She misunderstood thinking this Federal branch in Denver could receive the Petition on behalf of the Court. **Attachment X (pp.119-120 of 128) Stamped “received” cover letter page.**

- iii. Petitioner was told by the desk clerk that the head clerk would contact her and provide her a case number. She was told not to serve the opposing party until a case number was provided. However, after not hearing from the clerk, the petitioner contacted the clerk’s office and was told they had no record of her filings, she later received an email containing her petition stating she had filed in the wrong court. **Attachment Y (pp.121-122 of 128) Email from the United States District Court clerk.**
- iv. Upon this being pointed out to her, she immediately called the courts for redirection. The state court clerk told her she needed to file a document requesting more time to the federal courts in Washington D.C.
- v. Petitioner filed a motion to file out of time on April 17, 2025. Ms. Merrill again misunderstanding court protocol and procedures, incorrectly requested in this motion a 60 day extension from March 23, 2025 to May 22, 2025 to rework her Petition for Writ of Certiorari.
- vi. The motion from April 17, 2025 to the U.S. Federal Supreme Court was also returned to her with directions to resubmit her motion to file out of time with the Petition for a Writ of Certiorari. **Attachment Z (pp.123-124 of 128) Letter from the Clerk of the Court (clarifying requirements for a motion to file out of time).**



22. Petitioner has been overwhelmed due to simultaneously trying to meet deadlines in another related district court case still unresolved from March 4, 2020 while trying to understand how to rewrite her motion, organize pertaining documents, function through the computer and understand how to clearly follow the formatting.
23. While the initial case is still ongoing, the divorce was granted Dec 31, 2020, the property settlement and enforcement of maintenance has not been enforced to date and yet while it was determined highly prejudicial against Ms. Merrill nothing has been done to address the issues. This case within a case represents substantive unconscionability and exhibits several violations of constitutional rights of due process, right to counsel, ADA laws and Arbitration Laws.
24. Petitioner is now presenting her motion to the highest court in the land asking the Judges to provide a way for justice. By receiving her Writ of Certiorari "out of time", as allowed under the Equitable Tolling laws, this case could solidly secure a pathway of justice for victims of violence or crimes and for people with cognitive disabilities whose voice has again been silenced in the Colorado legal system.

25. Therefore, Ms. Merrill respectfully requests this Court to receive her motion and grant her permission to file the leave out of time.

**Attachments:**

- A. (pp.18-25 of 128) Police Report: Domestic Violence
- B. (pp.26-41 of 128) Police Report: Fraud
- C. (pp.42-44 of 128) Laura Akers Affidavit
- D. (pp.45-46 of 128) Tom Akers Affidavit.
- E. (pp.47-50 of 128) Verification Spinal Injury
- F. (pp.51-54 of 128) Verification of Cognitive Disability: Dr. Mangeot
- G. (pp.55-59 of 128) Verification of Cognitive Disability: Dr. Hughes)
- H. (pp.60-62 of 128) Malpractice Certificate
- I. (pp.63-66 of 128) James Scott DeWind Affidavit
- J. (pp.67-71 of 128) Christopher James Daniel Affidavit
- K. (pp.72-73 of 128) Motion For Temporary Orders Requesting an attorney March 2022
- L. (pp.74-76 of 128) Sherry Clark Affidavit
- M. (pp.77-83 of 128) Email Letter in Response to Arbitration Demand
- N. (pp.84-86 of 128) Gil Villareal Affidavit
- O. (pp.87-89 of 128) Marcia Villareal
- P. (pp.90-91 of 128) Henry Villareal

- Q. (pp.92-96 of 128) District Court: Respondent Answer, Affirmative Defense, and Counter Claims (Case 2023CV030127)
- R. (pp.97-100 of 128) District Court Confirmation Award: Proposed Order of Judgement (Case 2023CV030127/ JAG 2022- 0610A)
- S. (pp.101-109 of 128) Colorado Court of Appeals: Motion for Extension to file and appeal (Cases 2023CV030127/ 2024CA1306)
- T. (pp.110-111 of 128) Court Of Appeals Denial (Cases 2023CV030127/ 2024CA1306)
- U. (pp.112-113 of 128) District Court: Motion to stay judgement Denial (Case 2023CV030127)
- V. (pp.114-115 of 128) **Colorado Supreme Court Decision- Denial (Case 2024 SC581)**
- W. (pp.116-118 of 128) Denial of April 25, 2025 Motion ( to stay mediation pending maintenance enforcement for retention of counsel)
- X. (pp.119-120 of 128) Stamped "received" cover letter page.
- Y. (pp.121-122 of 128) Email from the United States District Court Clerk
- Z. (pp.123-124 of 128) Letter from the Clerk at the Court (clarifying a complete Motion to file Out of Time must include a Petition for a Writ of Certiorari with the Motion)
- AA. (pp. 125-126 of 128). Proposed Order
- BB. (pp.127-128 of 128). Certificate of Service

CC. (pp.129-131 addendum) Affidavit of Timely Filing

DD. (pp.132-138 addendum) Motion to Supplement the Record

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Signed Charity Merrill Bernaldi

Dated 6-23-25

STATE OF CO  
COUNTY OF Gorfield

The foregoing instrument was acknowledged before  
me this 23 day of June, 2025, by Charity Merrill Bernaldi

Amanda Salas  
Notary Public's Signature

Amanda Salas  
Notary Name

My Commission Exp. 08/08/27

Amanda Salas  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID# [REDACTED]  
MY COMMISSION EXPIRES 08/08/2027



SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

COPY

July 25, 2025

Charity Merrill  
[REDACTED]  
[REDACTED]

RE: Charity Merrill v. Garfield Hecht PC (COSC No. 2024SC581)  
Motion to Direct Clerk to File Out of Time

Dear Ms. Merrill:

The above-entitled documents were originally postmarked on April 17, 2025, and were received again on June 27, 2025. The papers are returned for the following reason (s):

While your submission now includes a motion to direct the Clerk to file a petition for a writ of certiorari out of time, a motion to proceed in forma pauperis, and multiple volumes of appendices, the submitted materials do not include a petition for a writ of certiorari directed to the Supreme Court of the United States.

In order to file a motion to direct the Clerk to file a petition out of time, the actual petition for a writ of certiorari must also be submitted with your materials.

Please use the enclosed forms to complete the petition for a writ of certiorari, and resubmit it with all of the materials that are herewith returned to you.

Sincerely,  
Scott S. Harris, Clerk  
By: **COPY**  
Kyle R. Ratliff  
[REDACTED]

Enclosures

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

**COPY**

April 30, 2025

Charity Merrill  
[REDACTED]  
[REDACTED]

RE: Charity Merrill v. Garfield Hecht PC (COSC No. 2024SC581)  
Motion to Direct Clerk to File Out of Time

Dear Ms. Merrill:

The above-entitled motion to direct the Clerk to file a petition for a writ of certiorari out of time was postmarked April 17, 2025, and received April 24, 2025. The papers are returned for the following reason(s):

If you intend to file the above-entitled motion, you must submit a completed petition for a writ of certiorari together with the motion.

Based on your submission, please be advised that it does appear that the petition would be considered out of time. Specifically, the date of the lower court judgment or order denying a timely petition for rehearing was December 23, 2024. Therefore, the petition was due on or before March 24, 2025. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

Please mail both the motion and the completed petition together in one submission.

Sincerely,  
Scott S. Harris, Clerk  
By: **COPY**  
Kyle R. Ratliff  
[REDACTED]

Enclosures

Dear Mr. Ratliff,

Aug, 22,2025

I did receive your letter and package returning my writ of certiorari due to the petition not being included. Apparently, the print store I used bound 2 copies of the writ in my evidence binder and none of the 5 bound books I sent to you had one. However, the flash drive copy I sent to the opposing party had a copy in what I sent them.

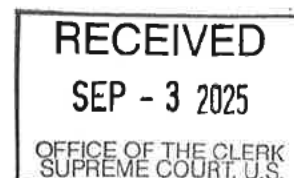
I apologize for the oversight. Due to my intellectual disability, organizing the papers is extremely difficult for me. And currently I have no one to help me.

I've tried calling you several times and I've left a message. I do not understand if I need to send copies of our recent communications about the missing document to the opposing party since they actually received a copy of the writ from what I sent them from the flashdrive by email. Can you please call me or email me to answer that question. Just to be safe, I think I will send the entire file again but I'd like to be sure what the procedures are.

This process is overwhelming to me and from what I understand, with this being a "case within a case" it would be difficult for any attorney to work through but with no former legal experience, an intellectual disability and currently working through other cases at the district court who is again ignoring federal and constitutional law by forcing me to represent myself and blocking financial assets from my own company for almost 6 yrs now that could afford me an attorney, I am way over my head here.

Additionally due to the stress I was sick and on bed rest for almost a month and unable to work. I have included the doctor's letter if you should need that to verify any late response and I would be happy to send you the email sent to the opposing party that shows the Writ included in their document that I sent at the time of filing.

I would like to speak to you when you have a moment to try and understand what I need to do to get my documents accepted. I have a list of questions concerning the procedure in admitting any additional documents.



Thank you again for your time and I sincerely apologize for the confusion in having to deal with my T.B.I. as I am well aware it's not easy for anyone.

P.S. I have now included 2 copies of the petition for the Writ of Ceritoari, one is now bound in the appropriate place matching the binder sent earlier to the opposing party and a second copy is attached to the " letter to the clerk " book with a notarized updated financial statement and a clearer copy of the verification of my intellectual disability which is already included in the Writ.

Additional Attachments include:

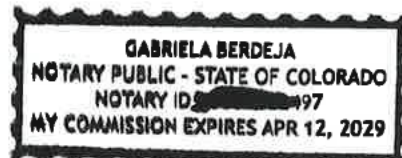
Doctors letter of medical rest needed through the month of July.  
District Courts dates and deadlines that are currently in process..

Charity Merrill

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

*Charity Merrill*  
8/23/25

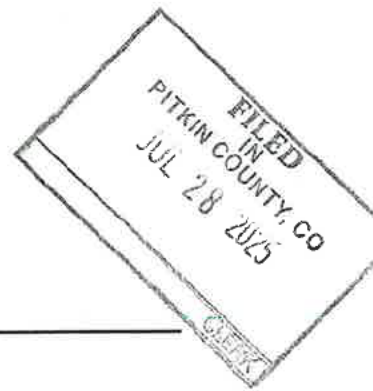
County/City of Garfield  
Commonwealth/State of Colorado  
The foregoing instrument was acknowledged  
before me this 23 day of Aug, 2025  
by Charity Merrill  
(name of person seeking acknowledgement)  
[Signature]  
Notary Public  
My Commission Expires: 4/12/29



**DISTRICT COURT**

**Pitkin County, Colorado**

**535 Main St. Aspen CO. 81611**



**In Re. The Marriage of:**

**Petitioner: Michel Bervaldi**

**V.**

**Respondent: Charity Merrill**

**Party w./o. an attorney**

**Charity Merrill (FKA- Charity Bervaldi)**

**6337 Crystal Lane**

**Carbondale CO. 81628**

**970-306-2277**

**charitymerrill@gmail.com**

**Case No.: 2019DR30023**

*Ex. 100102*

**MOTION TO RESET DEADLINES DUE TO MEDICAL ILLNESS AND  
DISABILITY**

COMES NOW the Petitioner, Charity Merrill, respectfully moving this Court to reset all court-imposed deadlines retroactively by thirty (30) days, due to the Petitioner's documented medical illness, verified cognitive disability, and inability to retain legal counsel. In support of this motion, Petitioner states the following:

1. **Medical Illness Prevented Compliance:** Over the past month and currently, Petitioner suffered from serious lung infections, trouble breathing, viral infections and related complications, as documented by treating physicians. These conditions significantly impaired Petitioner's

*1/20*

ability to meet time-sensitive court deadlines. The petitioner is prevented from filing online and has been unable to file in Aspen until now.

(see Attachments A. pg 4-5 and B. 6-7 Medical evaluations)

2. **Cognitive Disability:** Petitioner suffers from a medically diagnosed traumatic brain injury which affects executive functioning, memory, and processing speed. This disability has been disclosed to the Court in prior filings and severely impairs the Petitioner's ability to meet procedural demands, particularly without legal assistance.
3. (See Attachments C. pg 8-9, D. pg.10-12, E.13-17, F. 18-20 Intellectual Disability reports)
4. **Lack of Legal Counsel:** Petitioner remains unrepresented due to financial hardship and has repeatedly been denied access to marital assets or enforcement of basic maintenance support for retaining counsel, further compounding the challenges of self-representation.
5. **No Prejudice to Other Parties:** Granting this motion will not cause undue prejudice to the Respondent, and serves the interests of justice and due process.
6. **Request for Equitable Relief:** Pursuant to principles of equitable tolling and due process protections under the Fourteenth Amendment, Petitioner respectfully requests that the Court reset all relevant deadlines in this case, moving them back thirty (30) days from the date (July 28,2025) as determined by the doctors which suggested when petitioner may return to activity, or such time as the Court deems fair and just.

WHEREFORE, Petitioner respectfully prays that this Court:



- Grant this Motion to Reset Deadlines;
  - Reset all pending deadlines to reflect a 30-day extension from the date of 07/28/2025;
  - And for any further relief the Court deems just and proper.
- 

**Attachments Include:**

- A. pg. 4-5: Dr. Maddie McDowell: note confirming illness.
- B. pg. 6-7: Lisa Hicks: Note confirming illness.
- C. pg. 8-9: Dr. Shanley Mangeot: 1, Intellectual disability confirmation.
- D. pg.10-12: Dr Shanley Mangeot: 2. Intellectual disability defined.
- E. 13-17: Dr. John Huges: Intellectual disability confirmation defined.
- F. 18-20: Therapist Chris J. Daniel: Letter confirming disability

Respectfully submitted,

Charity Merrill

Signature:

Date: 8/23/25





Madeleine  
McDowell  
MD, FAAP

[REDACTED]  
Carbondale, CO 81623  
[REDACTED]

July 18, 2025

Subject: Medical Confirmation for Charity Merrill

To Whom It May Concern,

I am writing to confirm that Charity Merrill (date of birth: September 30, 1959) consulted with me on July 9, 2025, for symptoms consistent with a respiratory infection. At the time of her visit, she reported experiencing fever, muscle aches, cough, and nausea for approximately one week.

Treatment included clear fluids, supplemental oxygen, albuterol nebulizer treatments, zofran and ibuprofen.

Please do not hesitate to contact me if you require any further information.

Sincerely,

Please feel free to contact me if you require any additional information.

Sincerely,

Madeleine McDowell, MD

Colorado Medical license # [REDACTED]

5/20



07/17/2025

To Whom It May Concern:

Charity Merrill is currently under my medical care and may not return to work at this time.

Please excuse Charity beginning 7/1/25 .

She may return to work on 07/28/2025.

Activity after return to work is as follows: no restriction.

Please contact us at [REDACTED] if you have any questions.

Thank you,

**Provider**

Hicks, Lisa 07/17/2025 3:10 PM

*Lisa Hicks, PA.C*

**Document generated by: Lisa Hicks 07/17/2025**

---

Mountain Family Health Centers

[REDACTED] 23 Emma Road, Suite 100

[REDACTED] Basalt, CO [REDACTED] 621-9169

Phone: (970) 945-2840

Fax: [REDACTED] 945-2893

7/20

**Important - case 19DR30023 Bervaldi - Merrill**

1 message

vergara postay, maria &lt;maria.vergara@pcsa1210101.state.co.us&gt;

Thu, Jul 31, 2025 at 11:09 AM

To: "charitymerrill@gmail.com" &lt;charitymerrill@gmail.com&gt;

Good morning,

Please find attached documents

DENIED, Document Title: Order: Proposed Order For Expedited Motion To Be Excused From Court  
Ordered Mediation- Denied

DENIED, Document Title: Order: Proposed Order Expedited Motion to re set Deadline Due to Medical  
Illness and Disability- Denied

Thank you .

**M. Ines Vergara**

Court Judicial Assistant

Pitkin County Combined Courts

[REDACTED] (t) 0)

maria [REDACTED]@judicial.state.co.us



This e-mail is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution or copying of this e-mail or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this e-mail in error, please e-mail or call the 9<sup>th</sup> Judicial District, Clerk of the Court of Pitkin County and destroy the original message and all copies.

**2 attachments****order denied expedited.pdf**

180K

**order denied.pdf**

Attention, Kyle R. Ratliff

June , 2025

Supreme Court of the United States

1 First Street, NE

Washington, DC 20543

Re: *Petition for Writ of Certiorari in Charity Merrill v. Eric Musselman / Garfield and Hecht*

Docket No: Not yet assigned

Dear Mr. Ratliff,

Enclosed please find my Petition for a Writ of Certiorari to the Supreme Court of the United States. I am the Petitioner in this case and I am submitting this petition pro-sea, due to forced representation by the lower courts who ignored my verified intellectual disability.

This petition arises from the final judgment of the Colorado State Supreme Court, who denied my request for review. entered on December 23, 2024. I respectfully request that the Court consider this petition pursuant to Rule 13 of the Rules of the Supreme Court of the United States.

Also enclosed are:

- An **affidavit of timely filing**, explaining circumstances relevant to the Equitable tolling of the deadline due to intellectual disability, trauma and

being denied legal representation as well as admitting documents into the wrong court.

- A motion to file out of time as requested.
- The requisite number of copies for proceeding in forma pauperis, I believe it is one. My request for in forma pauperis is included.
- A certificate of service confirming that the Respondent has been properly served.

If there is any issue with the form or completeness of this submission, please notify me at the contact information above. I respectfully request that this petition be filed and docketed.

Thank you for your time and attention to this matter.

Sincerely,

*Charity Merrill* 6/23/25

Charity Merrill, Petitioner, Pro Se

[REDACTED]  
0337 Crystal Lane

[REDACTED]  
Carbondale, CO, 81623

[REDACTED]  
970-306-2277

[REDACTED]  
charitymerrill@gmail.com

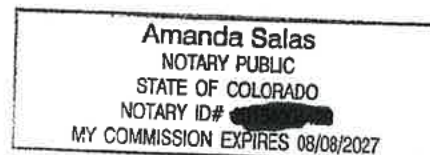
STATE OF CO  
COUNTY OF Garfield

The foregoing instrument was acknowledged before me this 23 day of June, 2025, by Charity Merrill Bervaldi

Amanda Salas  
Notary Public's Signature

Amanda Salas  
Notary Name

My Commission Exp. 08/08/2027



**SUPREME COURT OF THE UNITED STATES**

**Charity Merrill, Petitioner**

**v.**

**Eric Musselman of Garfield & Hecht, Respondent**

---

**Affidavit of Timely Filing**



## AFFIDAVIT OF TIMELY FILING

I, Charity Merrill, being first duly sworn, depose and state as follows:

I am the Petitioner in the above-captioned case.

On March 21, 2025, I submitted a Petition for Writ of Certiorari on time within the 90 day time frame to the clerk at Federal Courts in Denver Colorado. That document was intended for the U.S. Supreme Court of the United States, but due to the petitioner's intellectual disability she misunderstood the clerks instructions and court process and had to repeat the process multiple times before getting it right.

Additionally, due to the Petitioner's brain injury, for over 5 years she has had to petition people to help her understand as she tries to study each step of this process as it presents itself to her. She has little computer skills, a broken computer and needs glasses but cannot afford to get her eyes checked due to the ongoing legal battles.

Due to her brain injury, it has taken a lot of time with the Petitioner still not being able to grasp some of the procedures and having to repeat steps over and over.

Lastly the Petitioner has also had multiple medical issues including Covid (twice) and suffers from ongoing repeated shingle outbreaks due to stress.

\*

The Petition is being submitted within the time allowed by Supreme Court Rule 13, or alternatively, I assert that equitable tolling applies due to a medically documented cognitive disability that materially impedes my ability to comply with the deadline.

I respectfully request the Court consider the petition as timely filed under Rule 13 and relevant equitable **tolling doctrine**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23 day of June, 2025

Charity Merrill

*Charity Merrill*

0337 Crystal Lane

Carbondale, CO. 81623

28 U.S.C.

28 U.S.C. § 1746 alternative:

\* Additionally: Please see the letter from Dr. Maddie McDowell in Appendix 226 A-227A (for the petition for the writ)

STATE OF CO  
COUNTY OF Co. Field

The foregoing instrument was acknowledged before me this 23 day of June, 2025, by Charity Merrill Bernaldi

Amanda Salas  
Notary Public's Signature

Amanda Salas  
Notary Name

My Commission Exp. 08/08/2027

Amanda Salas  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID# 28  
MY COMMISSION EXPIRES 08/08/2027



**SHANLEY DONELAN MANGEOT, PSY.D**

Licensed Clinical Psychologist  
Neuropsychologist

1111 Blake Avenue #205 • Glenwood Springs, CO 81601  
E-mail: shanley.mangeot@gmail.com

Phone: (970) 923-9241  
Fax: (970) 923-1562

January 23, 2023

RE: Charity Merrill (Date of Birth: 9/30/59)

To Whom It May Concern,

Charity Merrill completed a comprehensive neuropsychological evaluation in November 2022, and requested a summary of the findings and recommendations from that evaluation, which were as follows:

Ms. Merrill is a 63-year-old female who demonstrates low-average overall cognitive ability, with a relative strength in verbal comprehension and a significant relative weakness in processing speed. That is, Ms. Merrill demonstrates intact ability when asked to take in verbal information, use words to compare and contrast ideas, or explain what she knows about a subject. However, she struggles to process information quickly or efficiently in order to provide a response. Within that context, Ms. Merrill demonstrates difficulties with attention and executive functioning skills, including planning and organization. She also demonstrates isolated weaknesses in memory. Her fine motor control in her dominant hand is within expectations, while speed and dexterity is below expectations in the left hand.

From a neuropsychological perspective, the current findings are not strongly localizing; however weaknesses in attention and executive functioning skills, including a marked deficit in processing speed appears consistent with her reported history of traumatic brain injury. A diagnosis of mild neurocognitive disorder due to traumatic brain injury is therefore appropriate. Ms. Merrill's cognitive difficulties are also clearly exacerbated by mood related concerns, including significant anxiety and symptoms of depression, and she recognizes that her level of stress and emotional overwhelm contributes to her cognitive symptoms. A diagnosis of generalized anxiety disorder and major depressive disorder, with anxious distress is appropriate given Ms. Merrill's current report of symptoms. Given her childhood history of neglect and abuse, in addition to recent domestic violence, an additional diagnosis of post-traumatic stress disorder is also likely appropriate.

Based upon these findings I highly recommend that Ms. Merrill address her symptoms of depression and anxiety, including previous trauma, through individual psychotherapy. As Ms. Merrill is able to better identify and understand contributing emotional factors, she can then work on developing more effective coping strategies, and her cognitive symptoms will hopefully improve as a result. I also encourage her to consult with her physician or a psychiatrist to consider medication options for better managing her anxiety and other mood related symptoms.

Short-term occupational or cognitive rehabilitation therapy, aimed at promoting her overall executive functioning skills, and specifically her attention and processing speed may also be helpful. Along with this, Ms. Merrill will need to identify and implement consistent daily routines for managing tasks. It is important that Ms. Merrill challenge herself to remain active and cognitively engaged, but at a pace that does not leave her overly stressed or fatigued. Unfortunately her current legal stresses are significantly contributing to her sense of overwhelm and deteriorating mental health.

To assist with current deficits in executive functions, Ms. Merrill should allow herself ample time to complete a variety of tasks. Placing pressure upon herself to perform tasks will only create excessive

anxiety, which in turn will exacerbate any cognitive difficulties. Others around her will also need to be patient with Ms. Merrill, allowing her more time to process information during conversation and when she is completing a variety of different tasks. She may need to encourage others to speak slowly and repeat information as necessary to facilitate her recall. Ms. Merrill should also get in the habit of keeping a day planner, notebook, or her phone with her at all times so that she can keep a written record of what she needs to remember. If she's using her phone this could include her camera, calendar, and use of reminders or other apps to track daily responsibilities, as well as use of the Notes app, with key words that can easily be searched.

Finally, Ms. Merrill's ability to effectively represent herself and navigate the numerous requirements currently placed on her related to her legal situation is considered significantly compromised by her current cognitive difficulties, as well as her overall mental health. I highly recommend that she be afforded legal assistance as appropriate to settle her affairs. Along with this, Ms. Merrill will need assistance in prioritizing daily tasks and setting appropriate goals. This will hopefully promote her overall organization and time management, but also assist in developing realistic expectations for herself.

**DSM-5 DIAGNOSIS/CLASSIFICATION:**

- Generalized Anxiety Disorder (F41.1)
- Major Depressive Disorder (F32.1), mild to moderate, recurrent
- Posttraumatic Stress Disorder (F43.10)
- Mild Neurocognitive Disorder Due to Traumatic Brain Injury (G31.84)



---

Shanley Donelan Mangeot, Psy.D.  
Licensed Psychologist (CO [REDACTED])

**SUPREME COURT OF THE UNITED STATES**

**Charity Merrill, Petitioner**

**v.**

**Eric Musselman of Garfield & Hecht, Respondent**

---

**Motion to Supplement the Record**

(Pertaining to the Affidavit of Timely Filing)

**SUPREME COURT OF THE UNITED STATES**

**Charity Merrill, Petitioner**

**v.**

**Eric Musseman-Garfield and Hecht, Respondent**

**Case No. - unassigned**

Clerk

Supreme Court of the United States 1 First Street N.E.  
Washington D.C. 20543

**MOTION TO SUPPLEMENT THE RECORD / APPENDIX**

Pursuant to Supreme Court Rule 25.5 and in the interest of justice, the Petitioner respectfully moves the Court for leave to supplement the record in support of the Petition for Writ of Certiorari filed June \_\_\_\_, 2025.

In the course of compiling the Petition and accompanying Appendix, Petitioner inadvertently omitted current documents that need to be recognized. There are currently ongoing and overlapping legal demands in additional cases which were caused by the courts failure to allow petitioner an attorney. While the Writ is written, she is attempting to compile the appendix part of the document, due to her brain injury this is exactly what the petitioner does not have the ability to do. Thus, she is having to find someone who will be able and willing to help her complete the appendix section which is essential to compiling the writ.



The document attached is an email showing the request for more documents in their ongoing cases where again, petitioner is being denied an attorney. This Attachment A is titled

**“Email from overlapping cases, requesting more documents and Motions submitted by petitioner requesting counsel and denial”.**

Petitioner respectfully requests that the Court accept this supplemental document of the record for full and fair consideration of the issues presented in the Petition.

Respectfully submitted,

Charity Merrill

[REDACTED]

[REDACTED]

[REDACTED]

Dated June 23, 2025

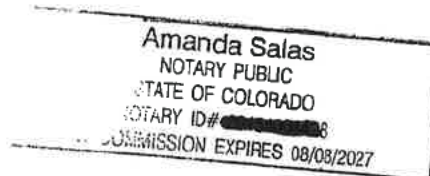
STATE OF CO  
COUNTY OF Garfield

The foregoing instrument was acknowledged before me this 23 day of June, 2025, by Charity Merrill Bervadi

Amanda Salas  
Notary Public Signature

Amanda Salas  
Notary Name

My Commission Exp. 08/08/2027





**ATTACHMENT A**

**For Motion to Supplement the Record  
(Pertaining to the Affidavit of Timely Filing)**

**Email from overlapping cases requesting more documents May 29,2025  
And Motions submitted by petitioner requesting counsel and denied**



Charity Merrill &lt;charitymerrill@gmail.com&gt;

**Postponement**

2 messages

Charity Merrill &lt;charitymerrill@gmail.com&gt;

Wed, May 28, 2025 at 9:23 PM

To: [REDACTED]

Dear Ms. Tallant,

I have been out of service and will be unable until around June 6th due to a prior commitment. Since I currently have no counsel due to Mr. Bernaldi's refusal to pay appropriate maintenance, and I have a TBI, I will need additional time to research exactly what you are requesting. I would like to request a postponement until appropriate maintenance fees are paid and counsel could be set in place to represent my interest.

Thank you for your understanding.  
Charity Merrill

Tammy Tallant [REDACTED]

Thu, May 29, 2025 at 4:52 PM

To: Charity Merrill &lt;charitymerrill@gmail.com&gt;

Dear Ms. Merrill:

What is the date you would be able to provide financial disclosures and a response to the requested discovery?

**Current clients and colleagues can schedule an appointment [HERE](#).**

Sincerely,  
Tammy Tallant  
Resolution Law, LLC  
A Virtual Law Firm

[REDACTED]  
[REDACTED]

[Quoted text hidden]

Pitkin County Court  
506 East Main, Suite E  
Aspen CO 81611 United States



CHARITY MERRILL BERALDI

1007 CRYSTAL LAKE  
CARBONDALE CO 81623

1-149-1016

To: Charity Merrill Bernaldi

Subject: Service of documents in 2019DR30023.

You are being served with documents filed electronically through the Colorado Courts E-Filing system. Please review the following details concerning this service.

- Court Location: Pitkin County
- Case Number: 2019DR30023
- Filing ID: N/A
- Filed Document Title(s):
  - Order: Motion to stay mediation and proceedings pending payment of appropriate maintenance and retention of counsel
- Submitted on Date/Time: Fri Apr 25 18:30:09 MDT 2025
- Submitted by Authorizing Organization:
- Submitted by Authorizing Attorney: Pitkin County Court

If you have a question about the above listed case, please contact the court.  
Information for all Colorado court locations is listed on the Colorado Judicial Branch website <http://www.courts.state.co.us/Index.cfm>.

DISTRICT COURT, PITKIN COUNTY, COLORADO		DATE FILED April 25, 2025
Court Address: 506 EAST MAIN, SUITE E, ASPEN, CO, 81611		
Petitioner(s) MICHEL BERALDI and Respondent(s) CHARITY MERRILL BERALDI		<div>⚠ COURT USE ONLY ⚠</div> <div>Case Number: 2019DR30023 Division: 5      Courtroom:</div>
<b>Order: Motion to stay mediation and proceedings pending payment of appropriate maintenance and retention of counsel</b>		

The motion/proposed order attached hereto: ACTION TAKEN.

The Court has reviewed the expedited motion, to prioritize motions labeled as expedited, forthwith and emergency. The subject matter presented in the motion does not require the expedited handling requested of the Court. The Court will address the motion in due course after briefing on the scheduled laid out in the civil rules.

Issue Date: 4/25/2025

  
LAURA C MAKAR  
District Court Judge

**Attachment A**

**Police Report: Domestic Violence**



# PITKIN COUNTY SHERIFF

Deputy Report for Incident 19P019273

Nature: WELFARE CHK  
Location: PC08

Address: [REDACTED]  
PITKIN COUNTY CO

Offense Codes: HARA, DVCR, ANIC

Received By: FITZPATRICK, HI  
L

How Received: T

Agency: PC

Responding Officers: RYAN, KYLE, GRAY, DUSTIN, BENJAMIN, BRUCE

Responsible Officer: RYAN, KYLE

Disposition: AA 09/27/19

When Reported: 17:33:47 09/26/19

Occurred Between: 17:19:47 09/26/19 and 17:19:47 09/26/19

Assigned To:

Detail:

Date Assigned: \*\*/\*\*/\*\*

Status:

Status Date: \*\*/\*\*/\*\*

Due Date: \*\*/\*\*/\*\*

## Complainant:

Last:

First:

Mid:

DOB: \*\*/\*\*/\*\*

Dr Lic:

Address:

Race:

Sex:

Phone:

City:

## Offense Codes

Reported:

Observed:

Additional Offense: HARA HARASSMENT

Additional Offense: DVCR DOMESTIC VIOLENCE -  
Criminal

Additional Offense: ANIC ANIMAL INCIDENT/CRIME

## Circumstances

LT20 Residence/Home

## Responding Officers:

Unit:

RYAN, KYLE

64

GRAY, DUSTIN

68

BENJAMIN, BRUCE

21

Responsible Officer: RYAN, KYLE

Received By: FITZPATRICK, HIL

How Received: T Telephone

When Reported: 17:33:47 09/26/19

Judicial Status:

Agency: PC

Last Radio Log: 12:13:44 09/27/19 CMPLT

Clearance: RT REPORT TO FOLLOW

Disposition: AA Date: 09/27/19

Occurred between: 17:19:47 09/26/19

Misc Entry:

and: 17:19:47 09/26/19

Modus Operandi:

Description :

Method :

**Involvements**

Date	Type	Description	Relationship
09/26/19	Name	MERRILL, CHARITY [REDACTED]	Victim
09/26/19	Name	BERVALDI, MICHEL	Suspect
09/26/19	Cad Call	17:33:47 09/26/19 WELFARE CHK	Initiating Call



## Narrative

Kyle Ryan 64 - Thu Sep 26 22:44:02 MDT 2019

Attachments: None

On Thursday, September 26, 2019 at approximately 1730 hours I, at the direction of the Pitkin County Regional Emergency Dispatch Center, contacted Christian Daniels. 5:30 PM

Daniels told me that he is in Texas but has a friend, Charity Merrill-Bervaldi (DOB: [REDACTED], who lives at [REDACTED] Pitkin County, Colorado. Daniels explained that he believes Merrill-Bervaldi is in an abusive relationship and told me that it has been getting worse over time. Daniels told me he was calling today because of an incident he that occurred around 1600 or 1630 hours on September 26, 2019.

Daniels told me that Merrill-Bervaldi had called him and told him that at about that time Merrill-Bervaldi's husband, Michel Bervaldi (DOB: [REDACTED]) had gotten angry during an argument and thrown Merrill-Bervaldi's pet ferret against the wall as hard as he could. Daniels explained that Bervaldi then told Merrill-Bervaldi 'if you call the police I will hurt you bad like I did my ex-wife.'

Daniels told me that he is a licensed and practicing counselor and has counseled Merrill-Bervaldi in the past. Daniels told me that he is afraid for Merrill-Bervaldi's welfare. Daniels told me on the phone that Bervaldi has "lots" of guns.

I responded to [REDACTED] Address [REDACTED] with Pitkin County Sheriff's Deputy Gray. At the residence we approached the driveway which was closed by a large gate. The gate was signed 'security dog.' A large dog met us at the gate and began barking. We waited at the gate attempting to calm the dog and were eventually met by Bervaldi. Bervaldi was friendly and kind; Deputy Gray and I introduced ourselves and told Bervaldi because we heard he and his wife and been fighting and someone was worried about the couple.

Bervaldi invited us into the home and helped us to find Merrill-Bervaldi. Deputy Gray spoke with Merrill-Bervaldi downstairs while I spoke with Bervaldi upstairs. Bervaldi told me that he did not know why we were at the house. He assured me that he and Merrill-Bervaldi had not fought or argued on that day. Bervaldi told me that he and Merrill-Bervaldi are going through a difficult time in their marriage. He told me that they argue a lot but that they do not argue differently than other couples.

Bervaldi told me he has never been violent to Merrill-Bervaldi and has never threatened her. Bervaldi told me that Merrill-Bervaldi has twice threatened to call the police on him and that his worries him. Bervaldi told me that he feels he is alone, he does not have friends, and Merrill-Bervaldi tells everyone they know that he is bad to her and is dangerous. Bervaldi described these two instances to me; he told me that once, 4-6 months ago they had been fighting and Merrill-Bervaldi hit him in the face, she then threatened to call the police; a second time several weeks ago, he said a man came around the house that made Merrill-Bervaldi uncomfortable, Merrill-Bervaldi told Bervaldi that if the man did not leave she was going to call the police.

Bervaldi generally spoke with me as though he had no concerns he was relaxed and his behavior was more like speaking with a friend than the police. He would

describe being

the victim of Merrill-Bervaldi's rumor-spreading and then begin describing his time as a firefighter in Montreal.

I spoke with Deputy Gray who told me that Merrill-Bervaldi was reporting the same events Daniels had described but was reporting that they occurred on the night of September 25, 2019.

I asked Bervaldi to tell me about what happened with the ferret last night, Bervaldi appeared agitated for a moment and then calmed. He told me that the ferret had crawled in bed while he was sleeping and bit his toe, Bervaldi described that he reacted by doing nothing at all and added that Merrill-Bervaldi wouldn't know what he did because she was asleep.

I attempted to sympathize with Bervaldi and told him that if I was sleeping and a small animal bit me I was liable to kick it off the bed or at least jolt in surprise possibly knocking it aside. Bervaldi maintained he did not react at all, he did not offer an explanation of how we knew there was a ferret incident and maintained that Merrill-Bervaldi was asleep and unaware of the incident.

Based on my training and experience and Bervaldi's demeanor I believe he was being misleading and deceptive in almost all things he told me. I told Bervaldi that I did not think he was being completely honest with me and Bervaldi became offended, he raised his voice, but maintained his composure. Bervaldi told me that he felt cornered in a new country and began talking again about how things were stacked against him. Bervaldi continually made attempts to change the subject and would often answer different questions than I had asked.

Bervaldi stepped outside to smoke, when he came back in he asked me if he needed to leave the house, I told him that we would work out what needed to happen. Bervaldi told me he felt this was the "nail in the coffin" for his relationship and that he could not trust his wife.

Deputy Gray and I did not feel there was probable cause for the crimes of domestic violence, harassment, or animal cruelty although we believe they likely occurred.

After speaking with Merrill-Bervaldi and Deputy Gray I asked Bervaldi if he could find a different place to spend the night, Bervaldi agreed and began to pack his things.

Bervaldi left and as he walked out the door he was visibly upset, I attempted to answer a question he asked on his way out and he told me he could not understand anything I was saying because I had "put [him] in a bubble."

After Bervaldi left, Deputy Gray and I spoke with Merrill-Bervaldi. Merrill-Bervaldi understood the necessity for probable cause. We explained that while we believed her, we did not have enough factual basis to arrest Bervaldi.

Deputy Gray and I stayed with Merrill-Bervaldi for a significant time. We helped her contact Response and we talked about the options she had to keep herself safe. After speaking with Emily from Response I agreed to drive Merrill-Bervaldi to a safe hotel for the night. Emily agreed to arrange for someone from Response to meet Merrill-Bervaldi in the morning to help her through her next steps.

Merrill-Bervaldi told us while we talked that Bervaldi tracks where she goes

with apps on her phone and in her car. She described that he is controlling and manipulative and that he displays one version of himself to the public and another to her. Merrill-Bervaldi cried and appeared to be in genuine fear.

I drove Merrill-Bervaldi to the hotel, she told me she understood her plan with Response in the morning.

Case Status: Closed

Responsible LEO:

Approved by:

Date

**Name Involvements:**

Victim : 31355

Last: MERRILL

DOB: [REDACTED]

Race: W Sex: F

Suspect : 158486

Last: BERVALDI

DOB: [REDACTED]

Race: Sex:

First: CHARITY

Dr Lic: [REDACTED]

Phone: [REDACTED]

Mid: [REDACTED]

Address: [REDACTED]

City: [REDACTED]

First: MICHEL

Dr Lic: [REDACTED]

Phone: ()-

Mid:

Address: [REDACTED]

City: PITKIN COUNTY, CO



# INCIDENT CHECKLIST

**WARNING:** This form is provided to help you prepare for your hearing. You may keep it or you may file it with your complaint. **IF YOU DO FILE IT, IT WILL BECOME A PART OF THE PUBLIC RECORD AND WILL BE SERVED ON THE RESPONDENT AS A PART OF THE COMPLAINT.**

Type of Abuse	Location Where Abuse Occurred	Date(s) of Incident(s)	Physical Injury, if Any	Police Contact?
Name-calling/Directed Use of Obscenities	home, cars,	2018-present multiple times		✓ may 2019
Threatening/Harassing Phone Calls	✓	✓		Sept 24, 2019
Threat to Injure Self	Jumped out of a car while car was moving	5 Oct. 2019		
Threat to Injure Others	✓	✓		
Threat by Physical or Sexual Abuse to Children				
Threat by Displaying or Pointing Weapon, or by Access to Weapon				
Threat by Cruelty to Animals	home	Sept 26, 19	Yes.	yes
Threat by Following	yes	2018-2019		
Threat by Damage to Property	yes -			
Throwing Things	yes			
Grabbing	yes			
Shoving or Pushing	yes			
Forcing Sexual Contact	yes			
Physically Abusing Children in Household				
Sexually Abusing Children in Household				
Slapping (with an open hand)				
Punching (with a closed fist)				
Kicking				
Using Weapon				
Biting				
Choking or Strangling				
Beating				
Forcing Other to Stay in Closet, Room, Homes, or Other Locations	yes			

Date: 9-26-19

Petitioner: Charity M. Bewaldt

**Attachment B**

**Police Report: Fraud**



# PITKIN COUNTY SHERIFF

Deputy Report for Incident 19P019355

Nature: FRAUD  
Location: PC01

Address: 530 JUSTICE EXWY; PCSO  
ASPEN CO 81611

Offense Codes: FORG, 1FEL, THPO

Received By: zzHARRIS,JOE

How Received: O

Agency: PC

Responding Officers: RYAN,KYLE, JAHNKE, GRANT, MERRITT,MONIQUE, SULEK,CHRIS

Responsible Officer: RYAN,KYLE

Disposition: AA 05/07/20

When Reported: 09:32:42 09/28/19

Occurred Between: 09:32:42 09/28/19 and 09:32:42 09/28/19

Assigned To:

Detail:

Date Assigned: \*\*/\*\*/\*\*

Status:

Status Date: \*\*/\*\*/\*\*

Due Date: \*\*/\*\*/\*\*

## Complainant:

Last:

First:

Mid:

DOB: \*\*/\*\*/\*\*

Dr Lic:

Address:

Race:

Sex:

Phone:

City:

## Offense Codes

Reported:

Observed:

Additional Offense: FORG FORGERY

Additional Offense: 1FEL FELONY REPORT

Additional Offense: THPO THEFT - Property, Other

## Circumstances

LT11 Government/Public Bldg

## Responding Officers:

Unit :

RYAN,KYLE

64

JAHNKE, GRANT

12

MERRITT,MONIQUE

20

SULEK,CHRIS

72

Responsible Officer: RYAN,KYLE

Agency: PC

Received By: zzHARRIS,JOE

Last Radio Log: 09:53:02 05/07/20 CMPLT

How Received: O Ofc Initiated

Clearance: RT REPORT TO FOLLOW

When Reported: 09:32:42 09/28/19

Disposition: AA Date: 05/07/20

Judicial Status:

Occurred between: 09:32:42 09/28/19

Misc Entry:

and: 09:32:42 09/28/19



Modus Operandi:

Description :

Method :

**Involvements**

<b>Date</b>	<b>Type</b>	<b>Description</b>	<b>Relationship</b>
10/02/19	Law Incident	THEFT 19P019662	Associated Case
09/28/19	Law Incident	WELFARE CHK 19P019273	Associated Case
04/17/20	Name	CONNORS, SEAN	Subject
09/28/19	Name	MERRILL, CHARITY DAWN	Victim
09/28/19	Name	BERVALDI, MICHEL	Suspect
09/28/19	Cad Call	09:32:42 09/28/19 FRAUD	Initiating Call

### Narrative

Kyle Ryan 64 - Sat Sep 28 09:58:56 MDT 2019

Attachments: None

On September 28, 2019 at approximately 1000 hours I spoke with Charity Merrill (DOB: [REDACTED]) regarding follow up on a recent welfare check and civil problem at her home, [REDACTED] Pitkin County, Colorado.

While on the phone with Merrill she told me that she has owned her home for 30 years. Her husband, Michel Bervaldi (DOB: [REDACTED]) who has lived there for approximately 4 years, has not been an owner of the home.

Merrill told me that after some of her friends were suspicious of Bervaldi and concerned that he was taking advantage of Merrill they received from Pitkin County, records which show Merrill signed documents adding Bervaldi to the home's deed. \*

Merrill told me that she signed no such document. She told me the form is notarized and her signature is forged on the document.

Merrill and Bervaldi's relationship is not in good health. Merrill believes that Bervaldi may be trying to steal from her as the relationship fails.

Case Status: Open/Active pending investigation and contact with Pitkin County Offices for documents

approved: Borst, Levi  
Sat Sep 28 20:56:55 MDT 2019

Responsible LEO: \_\_\_\_\_

Approved by: \_\_\_\_\_

Date \_\_\_\_\_

## Supplement

Kyle Ryan 64 - Tue Oct 08 12:25:25 MDT 2019

Attachments: Copies of documents from Pitkin County Recorder

On Monday 07, 2019 I, Pitkin County Sheriff's Deputy Kyle Ryan, met with staff from the Pitkin County Clerk and Recorder's Office.

Staff helped me to receive copies of all documents related to Merrill, to include the change of deed which she reports she did not sign.

The change of deed in question is notarized by Sean Connors, Notary ID: [REDACTED]

The Colorado Secretary of State's Office provided me the following information about Connors:

Email: seanconnors@ [REDACTED] com  
Home phone: [REDACTED]  
Work phone: [REDACTED]  
Home address: [REDACTED]  
Mailing address: [REDACTED]  
Work address: [REDACTED]

I requested that the Secretary of State's Office request Connors' notary records and provide them to me for review. My request with their office is pending.

The signature on the document in question appears to be visually inconsistent with other signatures found in documents on file with the Recorder's Office, although the documents span many years.

Case Status: Open/Active

APPROVED BY GJ12 Wed Oct 09 19:54:18 MDT 2019

# Supplement

Kyle Ryan 64 - Thu Dec 12 03:58:44 MST 2019

Attachments: None

Since obtaining the documents from the Pitkin County Recorder I made repeated attempts to meet with Merrill in person to review the documents which I had received. I spoke to Merrill regularly on the phone while attempting to set up a time.

Merill told me that she continued to collect documents; she spoke to her bank, Alpine Bank, in Carbondale, who provides the mortgage for her home; and she told me that the bank is the only place she had recently had anything notarized.

Merill told me that Sean Connors was the notary at her bank, she was surprised to hear from me that Sean Connors had notarized the document in question. Merill spoke to the bank again, who told Merill that they had not produced any documents which would have changed the ownership of her property. \*

On December 11, 2019 I met with Merill. Merill brought a packet she got for her bank, which they reported to her was all the documents they had relating to her property. Sean Connors was the notary on these documents, they were dated April 06, 2018. \*

The special warranty deed in question was notarized on April 26, 2018. Merill told me that she had not been back to the bank on that day, had not had anything notarized following her visit to the bank on April 06, 2018, and would never sign anything with the word "deed" or "title" printed on it without consulting with an attorney as doing so had caused trouble for her in the past. \*

I asked if Merill thought the signature on the page was her own, she told me she could not tell because her signature is always different.

I told Merill that my next step would be to determine the validity of the notarization of that document and to investigate records held by Sean Connors.

Case Status: Open/Active

Approved C1 Thu Dec 12 11:12:21 MST 2019

## Supplement

Kyle Ryan - Mon Dec 23 02:58:54 MST 2019

Attachments: Paperwork from Merrill (3 pages)

On December 19, 2019 Merrill left for me, paperwork related to her case. This paperwork was received by Deputy Gray and left for me.

On December 22, 2019, when I returned to work, I received the paperwork.

In review of the paperwork left for me, it appears that Bervaldi filed Articles of Organization for Care Ministries, LLC. The paperwork appears to have been filed electronically with the Colorado Secretary of State on August 02, 2016 at 0834 hours.

Merrill seems to be reporting to me that this is her ministry and that Bervaldi had no right to have filed this document or to represent himself as an agent of the ministry in any way.

It does not appear that this document is relevant to the fraud case currently being investigated, nor does it appear that a criminal violation has occurred in completing or filing this document.

I have emailed Merrill letting her know I received the paperwork and that this is likely a civil matter. I will follow up with Merrill about the filing when I meet with her next.

Case Status: unchanged

approved: Borst, Levi

Mon Dec 23 21:37:05 MST 2019

**Supplement**

Kyle Ryan 64 - Tue Jan 07 16:41:29 MST 2020

Attachments: Property Control Sheet

On January 07, 2020 I, at Alpine Bank in Carbondale, Garfield County, Colorado, met with Sean Connors.

I told Connors I needed to view his Notary Journal as part of an ongoing investigation. I told Connors I had no reason to believe he had done anything wrong and was simply investigating accusations of a fraud.

Connor's journal which he first produced went back only to November 2019. I told him I was looking for dates in April 2018 and he retrieved a second journal which he presented for me.

I found in the journal the entry for the documents which were notarized on April 06, 2018. This entry, on pages 35 and 36, was complete, it identified Merrill by both her maiden and married names, and indicated she was identified by her driver's license, which was recorded as driver's license number [REDACTED] \*

I also found the entry for the disputed April 26, 2018 notarization. This journal entry lists Merrill's name by her married name and also lists Michel Bervaldi as a signer. The box is checked indicating that the signer was identified by an identification card but the details are listed only as "See Page 36." The signature of signer was left blank. \*

At this time Connors' demeanor changed, he became reserved and avoided eye contact with me, he appeared very nervous. He remained this way though the remainder of my contact with him. \*

Connors told me that he forgot to get the signature and that he is certain that Merrill was there in person, he told me he would not notarize a document if the signer had not appeared in person. \*

I asked Connors about the document, I told him that when Merrill had received documents from the bank the document in question here was not included. Connors looked on his computer for the document, he told me that he just needed permission to print it and release it to me. \*

Garret Jammaron, Branch President, joined us at Connors' desk. He told me that they could not release the document without a court order and told me that he would look to see if they have it and would call me to let me know.

As of the time of this report Jammaron had not called me.

I asked if they were familiar with Merrill, Connors did not answer but Jammaron told me that she is a customer that he recognizes and that she has been with the bank for a long time.

I took photographs of the two pages of the notary journal. I later submitted them to evidence on a disk.

Case Status: Unchanged

approved: Borst, Levi  
Sun Jan 12 19:46:42 MST 2020



## Supplement

Kyle Ryan 64 - Tue Jan 28 11:40:28 MST 2020

Attachments: Court order for the production of records  
Proof of Service

On January 24, 2020 I served on Alpine Bank, by email to Sandra Legg, a court order for the production of records for video footage of when the document is reported to have been notarized. I also requested in this order, a copy of the document from the bank.

I submitted a proof of service with the court clerk.

Case Status: Unchanged

approved: Borst, Levi

Tue Jan 28 13:44:35 MST 2020

**Supplement**

Kyle Ryan 64 - Wed Mar 04 13:27:36 MST 2020

Attachments: Return and Inventory  
Alpine Bank Letter

On February 24, 2020 I received from Alpine Bank, a notarized statement that they were unable to provide any documents requested by the court order.

The video footage was no longer available as a function of the time elapsed, and they do not have on file any paperwork titled "Special Warranty Deed" for the involved parties.

Case Status: Unchanged

approved: Borst, Levi  
Sun Mar 08 17:43:59 MDT 2020

## Supplement

Kyle Ryan 64 - Sun Mar 08 06:35:06 MDT 2020

Attachments:       Email  
                  Document left at Sheriff's Office

On March 08, 2020 I received an email from Merrill. Merrill describes in the email that she believes Bervaldi has committed tax frauds.

I responded to Merrill's email and have sent an email to an agent at the Colorado Department of Revenue related to the tax information described by Merrill.

Case Status:        Unchanged

approved: Borst, Levi  
Sun Mar 08 17:41:46 MDT 2020

## Supplement

Kyle Ryan 64 - Wed Apr 15 13:01:47 MDT 2020

Attachments: Note from Merrill & copy of document

Merrill dropped off at the Sheriff's Office a copy of a bank document. Attached to the document was a note which read:

"Dear Kyle,

This is a document that was notarized in Rife CO, w/ my name on it-  
I was never in the bank there ever.  
I do not know what it is-"

In reviewing the document, it appears that it relates to Merrill's mortgage. \*  
While her name does appear on the document her name is not signed on it.

The title of the document is cut-off.

Without a greater understanding of the document and its origins it does not appear that this document is related to this case or that it suggests any criminal act has been committed.

On or about March 20, 2020 I contacted Connors and requested he meet with me at the Sheriff's Office for an interview to follow up on our previous conversation. \*  
Connors agreed and set a date and time to meet with me. a short while later Connors called me back and moved the interview in order to allow for an attorney from Alpine Bank to join him.

The next day Connors called me and told me that he had been ill and due to precautions surrounding the COVID-19 pandemic he had been advised by his doctor to self-quarantine for 14 days. Connors told me he would call me back when he was well to reschedule. \*

During the week of March 30, 2020 I spoke with Piktin County Deputy Chris Sulek. I gave Deputy Sulek the details of the case. Deputy Sulek agreed to take over the investigation.

Case Status: Unchanged, transferred to Deputy Sulek

approved: Borst, Levi

Wed Apr 15 20:19:14 MDT 2020

## Supplement

Chris Sulek 72 Wed May 06 12:14:03 MDT 2020

Attachments: None

On Wednesday, 4/01/20, Pitkin Deputy Kyle Ryan called me to transfer this case to me. Deputy Ryan explained the details of the case to me and informed me he had previously had an interview with Connors and Alpine Bank's attorney, but this had been postponed due to COVID-19 and Connors reportedly needing to self-quarantine.

On the morning of 4/17/20, I called Merrill and updated her on the status of her case.

On 4/24/20 at 0908 hours, I called Connors and left him a voicemail with my contact information.

On 5/06/20, I called Merrill and discussed her case further. During this conversation, Merrill told me the following:

- Some time while Bervaldi was living with Merrill, Bervaldi had taken jewelry from her, including a watch, earrings, and rings.
- Merrill started to give me a description of the watch, "black opal tuxedo," but would not give me any further information regarding the jewelry, other than it was jewelry she owned before Bervaldi had moved in.
- The only items she would have had notarized with Bervaldi are a \$50,000 loan and a \$150,000 loan from Alpine Bank that were notarized at the Carbondale branch.
- Merrill has 5-7 boxes of "files" that show that Bervaldi embezzled over \$100,000 from her company.
- Merrill had an address for Bervaldi, [REDACTED] but she believes Bervaldi is not staying at this address.
- Merrill believes Bervaldi is living on a "back road" in Glenwood Springs.
- Bervaldi is driving a 2018 Dodge Ram dually, unknown license plate.

On 5/06/20 at 1233 hours, I called Connors and left a voicemail.

End Narrative

Case Open/Active

Approved: DG11 Wed May 06 16:17:28 MDT 2020

---

**Supplement**

### Name Involvements:

Subject : 164027

Last: CONNORS

DOB: \*\*/\*\*/\*\*

Race: Sex: M

Victim : 31355

Last: MERRILL

DOB: [REDACTED]

Race: W Sex: F

Suspect : 158486

Last: BERALDI

DOB: [REDACTED]

Race: Sex: M

First: SEAN

Dr Lic:

Phone: [REDACTED]

Mid:

Address: [REDACTED]

City: [REDACTED]

First: CHARITY

Dr Lic: 921552165

Phone: [REDACTED]

Mid: [REDACTED]

Address: [REDACTED]

City: [REDACTED]

First: MICHEL

Dr Lic: 160470629

Phone: [REDACTED]

Mid:

Address: [REDACTED]

City: [REDACTED]



**Attachment C**

**Laura Akers Affidavit**

# In the United States Supreme Court Affidavit

Testimony of Laura Akers

May 17, 2022

To Whom it May Concern:

I have been a close friend to Charity Merrill for eleven to 12 years now, prior to and all through her relationship with Michel since she met him on-line through Michel's face book page called "Prophetic Voices". Of course, I started befriending Michel and welcoming him into the relationship that I already had established with Charity in support of her new marriage and life with him beginning in 2013, married on November 8<sup>th</sup>. At first Michel charmed his way into the hearts of most of the people in Charity's already established relationships, Church Family, and Community, although some were skeptical from the beginning giving cause for concern and caution despite of his charm and giftedness in many aspects. Shortly after their union in marriage, there was a long battle and much stress with Michel's Immigration Status. Charity started early on fighting for Michel's welfare and supporting him financially, while working many extra hours and holding things together on their property on her own. In 2016 they gained legal access for Michel to enter back into the USA to reunite with Charity. Michel could not work for 3 months while waiting for his green card. Michel then convinced Charity to get a loan on her house (home equity) to enable him to start business. Charity tirelessly and devotedly began supporting Michel in getting business started. This is where I started hearing and seeing some character concerns in Michel. When hanging out with them – he became subtly arrogant with statements like "Charity would have lost this property if it weren't for Him" or "She is so lucky to have a Man like me", when, in reality, Michel would not have had anything at this point and beyond without the love of this gracious, giving, and devoted woman. After this point there were many questionable situations that caused me great concern as I saw my friend always trying to take upon herself the responsibility for the growing descension and conflict in their marriage. In 2016 Charity, while continuing to work overtime with a long- term illness and still supporting and helping her husband up to this point, became increasingly exhausted and ill with severe abdominal pain. Charity ended up having to go to Florida for surgery. During this time I had great concern for her recovering after surgery and Michel not seeming to be attentive to her needs but rather going fishing from early in the morning till later evening. I felt as though I needed to go myself to take care of her as I kept in touch with her and had concern of Michel's character and how he would treat her – not knowing for sure. Charity, being the strong woman that she is pulled through and came home and things just escalated from there. Michel kept pushing her and subtly demeaning her in front of us when we hung out with them and I no longer truly felt welcome when I would stop by to see Charity, but I would anyway. I just felt that something was not right – Charity also became withdrawn and quiet whenever I was around – totally not herself. There were many incidents of concern in between, but one night Charity showed up at my door, anxious and in tears, asking if she could just stay with my husband and I and, of course we let her stay. She just told us that she needed peace and a break and that she no longer wanted to be around Michel. From then on Charity reluctantly and fearfully started opening up with me more about what was really going on "behind closed doors" and I told her that I knew something was not right. It all escalated to her being threatened by Michel to not tell anyone or "He would put her in the ground and they would never find her body"! Charity's Counsellor called the police on September 26, 2019. They came and placed her in

a Motel for safety in Aspen. On September 27th Charity was scared to return home and filed a restraint order and told me that she had to get to the bank to get funds out to protect her money in case Michel tried to take it all, she would have nothing to live on. Shortly after talking to Charity on the phone, My husband reported to me that Michel had anxiously showed up at my property (The Inn at Raspberry Ridge) while I was gone - he was looking for Charity. He walked in on my husband and asked if Charity was here and hiding in one of our rooms and my husband said "No". He turned around and hastily started going back out the door and stated that "The bear rifle is gone and that He needed to find her because people would think that He did something to her".

In October of 2019 Michel all of a sudden decides to file for divorce. Despite of Michel's charm and giftedness in his work, His true, hidden character has without doubt been in question to the point that I was even afraid to be a witness with the "inside" fear and intimidation tactics that he uses upon being "found out" or confronted in his behavior; however, after watching what My friend has been through, no amount of manipulation and Intimidation would stop me from standing with her.

Sincerely,

Laura Akers

[REDACTED] 574 County Road 3

[REDACTED] MENARD, TX 76523

Land line: [REDACTED] 870 963-2437

Cell: [REDACTED] 817-843-9447

Under penalty of perjury, I hereby declare and affirm that the Above mentioned statement is, to the best of my abilities and knowledge, true and correct.

Affiant's Signature Laura Akers  
Date 3/20/25



SUBSCRIBED AND SWORN BEFORE ME THIS  
20th DAY OF March, 2025.  
by Laura Akers  
[Signature]  
NOTARY - LARIMER COUNTY - COLORADO  
MY COMMISSION EXPIRES 07/24/2027

**Attachment D**

**Tom Akers Affidavit**

# Affidavit

MARCH 20, 2025

Hello, my name is Thomas Akers. I have been a friend to Charity for many years. My wife and I at that time were the owners/operators of The Inn at Raspberry Ridge in Marble, CO. On Sept. 27, 2019 I was installing new flooring in the kitchen when Michel came into the kitchen and asking/demanding "Where's Charity". I know she has to be here" I said "I have not seen her" and she is not here that I know of". He turned and went into the common space/entrance and started down the hall to the guest rooms and asked "which room is she hiding in", my reply was "she is not here". At which point he looked at me and said "the bear gun is gone too" "if anything happens to her everyone will think I did something". At that he left. His demeanor in this brief encounter was demanding, rude, and he seemed very angry.

On March 20, 2025

I swear that this testimony is true.

Thomas P. Akers

SUBSCRIBED AND SWORN BEFORE ME THIS  
20<sup>th</sup> DAY OF March, 2025

by Thomas P. AKERS

NOTARY - LARIMER COUNTY - COLORADO

MY COMMISSION EXPIRES 07-24-2027





## **Attachment E**

### **Verification Spinal Injury**

50 - 45

Charity Merrill

# THE SPINE CENTER



VALLEY VIEW

Date: 06/07/2023

RE: Charity Merrill. DOB: [REDACTED]

To Whom It May Concern:

Charity Merrill was last seen in our office on 06/08/2022 for her lumbar spine. She has severe canal stenosis and instability in her spine. She is currently on restrictions including no bending, twisting, lifting >10lbs, and no standing for >20minutes at a time. Thank you for your time and cooperation.

Sincerely,

Electronically Signed by: DAWN HERSHBERGER, PA-C



Charly Merrill Beiveld MR - MRI LUMBAR 6/6/2022

CPI13/002

Sex: F

144665  
31M: 9  
208699501

98.824 ET: 22  
R 3215  
C: 1  
THK: 5 SP  
AST: GEMS  
ema Corporation

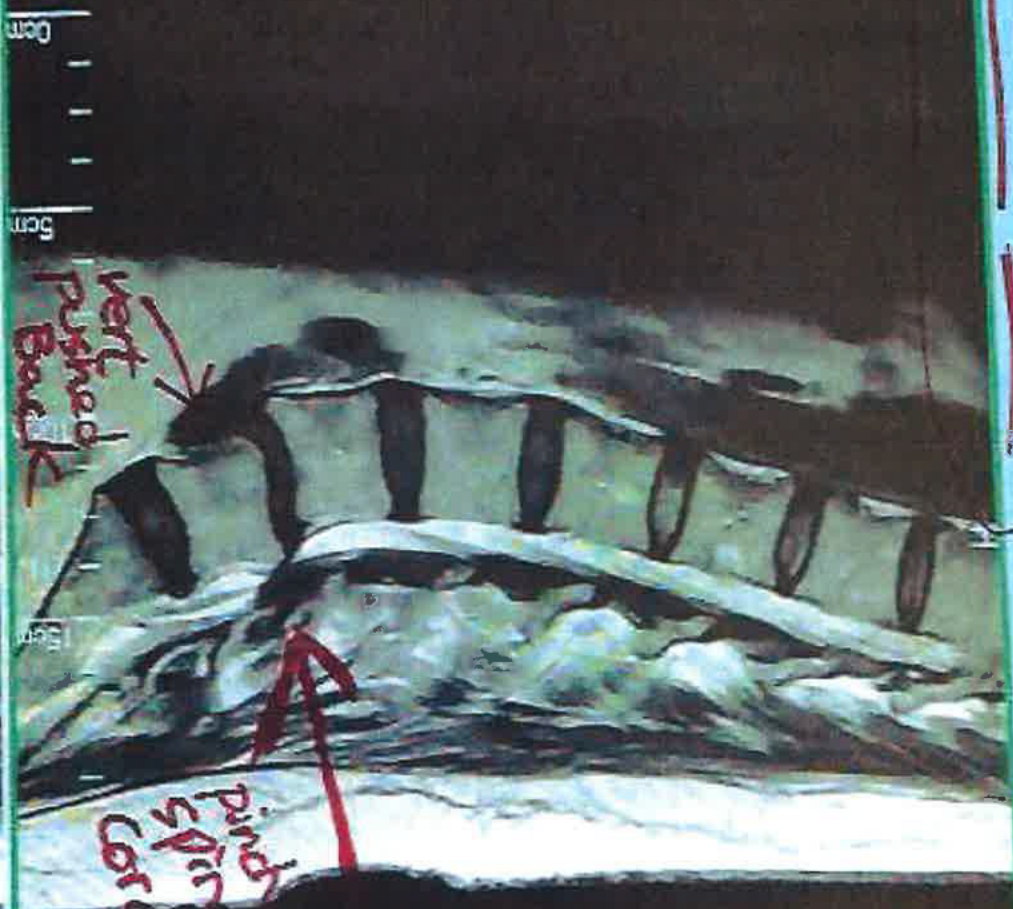
CPI13/002

08: [redacted] Sex: F

2508-L: 1299

144665

31M: 10



Inst: CPI GLENWOOD  
Ref MD: Einrich Bean PA  
Acq Tm: 12:15 PM  
Pat Pos: FF3

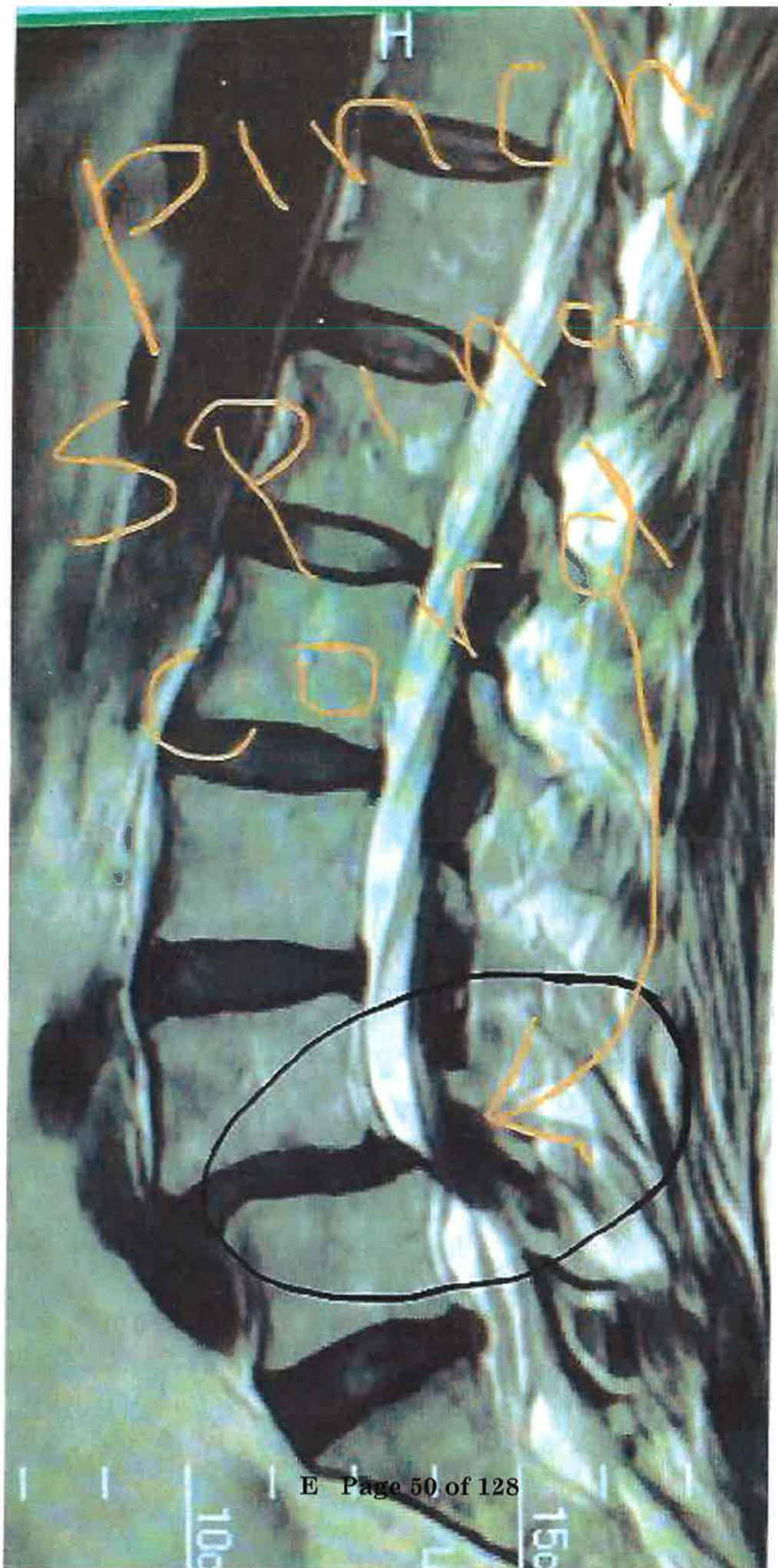
5cm  
10cm  
15cm  
20cm  
25cm

5cm  
25cm

Inst: CPI GLENWOOD  
Ref MD: Einrich Bean PA  
Acq Tm: 12:15 PM  
Pat Pos: FF3

NEX: 2  
LUMBAR w/ S  
CONT:  
ZOOM: 100.00  
512x512





## **Attachment F**

### **Verification of Cognitive Disability: Dr. Mangeot**

7120



SHANLEY DONELAN MANGEOT, PSY.D

Licensed Clinical Psychologist  
Neuropsychologist

517 Blake Avenue #203 • Glenwood Springs, CO 81602  
E-mail: shanley.mangeot@gmail.com

Phone: (970) 943-9841  
Fax: (970) 943-2662


February 27, 2024

RE: Charity Merrill (Date of Birth [REDACTED])

To Whom It May Concern,

Charity Merrill completed a comprehensive neuropsychological evaluation in November 2022 and recently requested a very brief summary of the findings from that evaluation. Diagnoses at that time included Mild Neurocognitive Disorder Due to Traumatic Brain Injury (G31.84), Generalized Anxiety Disorder (F41.1), Major Depressive Disorder (F32.1), and Posttraumatic Stress Disorder (F43.10).

Ms. Merrill's ability to effectively represent herself and navigate the numerous requirements placed on her related to her legal situation is considered significantly compromised by her cognitive difficulties. I highly recommend that she be afforded legal assistance as appropriate to settle her affairs. More detailed information and recommendations were provided in a previous detailed evaluation report.

  
Shanley Donelan Mangeot, Psy.D.  
Licensed Clinical Psychologist

County/City of Glenwood Springs  
Commonwealth/State of Colorado  
The foregoing instrument was acknowledged  
before me this 28<sup>th</sup> day of Feb, 2024,  
by Shanley Donelan Mangeot  
(name of person seeking acknowledgment)  
Notary Public  
My Commission Expires: 09/28/2025

ROLF K HERMANSON  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID # [REDACTED]  
MY COMMISSION EXPIRES 09/28/2025

A





**SHANLEY DONELAN MANGEOT, PSY.D**

Licensed Clinical Psychologist  
Neuropsychologist

517 Blake Avenue #203 • Glenwood Springs, CO 81601

E-mail: shanley.mangeot@gmail.com

Phone: (970) 943-9641

Fax: (970) 943-2662

January 23, 2023

RE: Charity Merrill [REDACTED]

To Whom It May Concern,

Charity Merrill completed a comprehensive neuropsychological evaluation in November 2022, and requested a summary of the findings and recommendations from that evaluation, which were as follows:

Ms. Merrill is a 63-year-old female who demonstrates low-average overall cognitive ability, with a relative strength in verbal comprehension and a significant relative weakness in processing speed. That is, Ms. Merrill demonstrates intact ability when asked to take in verbal information, use words to compare and contrast ideas, or explain what she knows about a subject. However, she struggles to process information quickly or efficiently in order to provide a response. Within that context, Ms. Merrill demonstrates difficulties with attention and executive functioning skills, including planning and organization. She also demonstrates isolated weaknesses in memory. Her fine motor control in her dominant hand is within expectations, while speed and dexterity is below expectations in the left hand.

From a neuropsychological perspective, the current findings are not strongly localizing; however weaknesses in attention and executive functioning skills, including a marked deficit in processing speed appears consistent with her reported history of traumatic brain injury. A diagnosis of mild neurocognitive disorder due to traumatic brain injury is therefore appropriate. Ms. Merrill's cognitive difficulties are also clearly exacerbated by mood related concerns, including significant anxiety and symptoms of depression, and she recognizes that her level of stress and emotional overwhelm contributes to her cognitive symptoms. A diagnosis of generalized anxiety disorder and major depressive disorder, with anxious distress is appropriate given Ms. Merrill's current report of symptoms. Given her childhood history of neglect and abuse, in addition to recent domestic violence, an additional diagnosis of post-traumatic stress disorder is also likely appropriate.

Based upon these findings I highly recommend that Ms. Merrill address her symptoms of depression and anxiety, including previous trauma, through individual psychotherapy. As Ms. Merrill is able to better identify and understand contributing emotional factors, she can then work on developing more effective coping strategies, and her cognitive symptoms will hopefully improve as a result. I also encourage her to consult with her physician or a psychiatrist to consider medication options for better managing her anxiety and other mood related symptoms.

Short-term occupational or cognitive rehabilitation therapy, aimed at promoting her overall executive functioning skills, and specifically her attention and processing speed may also be helpful. Along with this, Ms. Merrill will need to identify and implement consistent daily routines for managing tasks. It is important that Ms. Merrill challenge herself to remain active and cognitively engaged, but at a pace that does not leave her overly stressed or fatigued. Unfortunately her current legal stresses are significantly contributing to her sense of overwhelm and deteriorating mental health.

To assist with current deficits in executive functions, Ms. Merrill should allow herself ample time to complete a variety of tasks. Placing pressure upon herself to perform tasks will only create excessive

anxiety, which in turn will exacerbate any cognitive difficulties. Others around her will also need to be patient with Ms. Merrill, allowing her more time to process information during conversation and when she is completing a variety of different tasks. She may need to encourage others to speak slowly and repeat information as necessary to facilitate her recall. Ms. Merrill should also get in the habit of keeping a day planner, notebook, or her phone with her at all times so that she can keep a written record of what she needs to remember. If she's using her phone this could include her camera, calendar, and use of reminders or other apps to track daily responsibilities, as well as use of the Notes app, with key words that can easily be searched.

Finally, Ms. Merrill's ability to effectively represent herself and navigate the numerous requirements currently placed on her related to her legal situation is considered significantly compromised by her current cognitive difficulties, as well as her overall mental health. I highly recommend that she be afforded legal assistance as appropriate to settle her affairs. Along with this, Ms. Merrill will need assistance in prioritizing daily tasks and setting appropriate goals. This will hopefully promote her overall organization and time management, but also assist in developing realistic expectations for herself.

**DSM-5 DIAGNOSIS/CLASSIFICATION:**

- Generalized Anxiety Disorder (F41.1)
- Major Depressive Disorder (F32.1), mild to moderate, recurrent
- Posttraumatic Stress Disorder (F43.10)
- Mild Neurocognitive Disorder Due to Traumatic Brain Injury (G31.84)



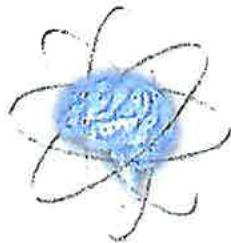
---

Shanley Donelan Mangeot, Psy.D.  
Licensed Psychologist (CC [REDACTED])

**Attachment G**

**Verification of Cognitive Disability: Dr. Hughes**





# TBI Therapy

Regenerative Therapy for Brain Injury

May 26, 2021

**Re: Charity Merrill**

To Whom It May Concern:

This letter serves as medical verification that Ms. Merrill suffers from the following debilitating conditions:

Moderately severe traumatic brain injury (TBI) with post-concussive syndrome including the following: headache and head pressure, vertigo, confusion, difficulty communicating thoughts and emotions, loss of attention and focus, mental and physical fatigue, cognitive decline, memory loss, loss of concentration, mood lability, sensitivity to stressors including light, and sound, tinnitus, vision changes (included blurred vision), and seizures

Whiplash

Somatic dysfunction of head, neck, and thoracic spine

PTSD

The above diagnosis of TBI and post-concussive syndrome make it difficult, and at times, impossible, for Ms. Merrill to be present in everyday life or in a court of law at full capacity, especially under stress. Ms. Merrill is unable to represent herself in these cases as her inability to read, communicate, follow instructions, stabilize her mood, manage headache and neck pain, or other stressors is significantly compromised due to the TBI.

There is solid evidence to support the fact of Ms. Merrill's impaired condition including her history, physical exam, standardized assessment of concussion, qEEG (Wavi) scan, as well as DSM V criteria (2013). Outlined below is the DSM V criteria for the type of Major Neurocognitive Disorder that characterizes Ms. Merrill's condition.

DSM-V Diagnostic Criteria for Major or Mild Neurocognitive Disorder Due to Traumatic Brain

TBI Therapy, LLC - Basalt, CO (930) 489-6665

## Injury:

- The criteria for major or mild neurocognitive disorder must be met.

Ms. Merrill meets this requirement due to your significant cognitive decline that occurred after the traumatic brain injury due to a violent trauma in July 2011. This major cognitive decline interferes with Ms. Merrill's ability to work and ability to function independently and coherently.

- There is evidence of a traumatic brain injury—that is, an impact to the head or other mechanisms of rapid movement or displacement of the brain within the skull, with **ONE** or more of the following:
  - Loss of consciousness (LOC).
  - Posttraumatic amnesia (PTA).
  - Disorientation and confusion.
  - Neurological signs (e.g., neuroimaging demonstrating injury; a new onset of seizures; a marked worsening of a preexisting seizure disorder; visual field cuts; anosmia (loss of smell); hemiparesis)<sup>1</sup>

Per history and other medical records, Ms. Merrill has met one or more of the above requirements for a traumatic brain injury.

Ms. Merrill also meets this last criterion of the DSM-V as your post-concussion symptoms include loss of attention, executive function, coherent speech, and social cognition. DSM-V Associated Features Supporting Diagnosis for Major or Mild Neurocognitive Disorder Due to Traumatic Brain Injury:

Major or mild neurocognitive disorder due to TBI may be accompanied by disturbances in emotional function (eg. irritability, easy frustration, tension and anxiety, affective lability); personality changes (eg. disinhibition, apathy, suspiciousness, aggression), physical disturbances (eg. headache, fatigue, sleep disorders, vertigo or dizziness, tinnitus or hyperacusis, photosensitivity, anosmia, reduced tolerance to psychotropic medications, and particularly in more severe TBI, neurological symptoms and signs. (p. 625)

The DSM-V distinguishes Major vs. Mild Neurocognitive Disorder with evidence of a severe vs. modest cognitive decline from previous level of performance in one or more of the cognitive domains, which include the following:

- complex attention
- executive function

---

<sup>1</sup> American Psychiatric Association. (2013). Diagnostic and statistical manual of mental disorders (5th ed.). Washington, DC: Author. Retrieved from <https://archive.org/stream/DSM-5#page/n657/mode/2up>. The criteria for a Major Neurocognitive Disorder include: 1) Significant cognitive decline 2) Interfere with independence 3) Not due to dementia 4) Not due to other mental health disorder. The criteria for a Minor Neurocognitive Disorder include: 1) Moderate cognitive decline 2) Does not interfere with independence 3) Not due to dementia 4) Not due to other mental health disorder

- learning and memory
- language
- perceptual-motor
- social cognition<sup>2</sup>

In addition to meeting the criteria for the DSM V, Ms. Merrill has a qEEG scan (a Wavi scan) that better determines her condition over any traditional diagnostic imaging exams such as a MRI or CT scans.

The diagnostic basis of using neuroimaging scans (routine MRI or CT scan) is inadequate for the determination of the traumatic brain injury or its degree of injury. Quoting Flanagan et al. (2008) in "Traumatic brain injury: Future assessment tools and treatment prospects" in the journal *Neuropsychiatric Disease and Treatment*:

Traditional imaging techniques, such as computerized tomography (CT) and conventional magnetic resonance imaging (MRI) have proven to be highly effective in identifying macroscopic lesions, which is a necessary component in managing acute trauma. ...[However], individuals with mild TBI often have normal appearing neuroimaging studies despite manifesting cognitive and behavioral problems. Given the limitations of conventional imaging technologies, it is not surprising that they are poorly prognostic of outcomes (Diaz-Marchan et al 1996) and offer little information regarding the assessment of efficacy of TBI-related treatments. (p. 878)<sup>3</sup>

Because of the limitations of standard MRI and CT imaging in diagnosing TBI and post-concussion syndrome, Ms. Merrill was referred by my clinic to receive a qEEG scan (Wavi scan) to help determine clinically her degree of injury based on voltage, brain wave characteristics and amplitude, and brain reaction time (P300). A recent Florida court case has upheld the admissibility of using qEEG scans as valid, when presented with other clinical evidence, for the diagnosis of traumatic brain injury and its post-concussive sequelae.

Based on the evidence offered at two hearings, the court concluded that qEEG testing related to traumatic brain injury was reliable and scientific when used with other tests or data.<sup>4</sup>

<sup>2</sup> Diagnosing Traumatic Brain Injury with the DSM-5. Retrieved from <https://rozeklaw.com/2015/02/10/diagnosing-traumatic-brain-injury-with-dsm-v/>

<sup>3</sup> Flanagan, S. R., Cantor, J. B., & Ashman, T. A. (2008). Traumatic brain injury: future assessment tools and treatment prospects. *Neuropsychiatric Disease and Treatment*, 4(5), 877. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2626927/pdf/NDT-4-877.pdf>.

<sup>4</sup> The National Law Review. "Florida Court Upholds Admissibility of the quantitative electroencephalogram (qEEG), 11 May 2021 <https://www.natlawreview.com/article/florida-court-upholds-admissibility-quantitative-electroencephalogram-qeeg> ... The plaintiff submitted numerous peer-reviewed TBI Therapy, LLC - Basalt, CO (888) 489-6665

The attached Wavi scan (functional qEEG scan) for Ms. Merrill (dated 4-19-2021) demonstrates the clear areas of deficit in her brain and qualifies her, along with her history, exam, and DSM V criteria that she has a TBI with post-concussive syndrome that severely impairs her ability to fully operate independently at full functional capacity.

Please contact my office for any further questions about this patient.

With kind regards,

John Hughes, D.O.

---

articles comprising over 140 pages, including book chapters and scientific journals supporting the use of qEEG in TBI diagnosis. The peer-review literature produced by the plaintiff denied the error rate argument supported by the defendant and established the wide-spread use of qEEG in diagnosing traumatic brain injury throughout the VA Hospital system. The plaintiff's experts, Dr. Avery and Dr. Richard Boehme, M.D., testified that they used qEEG in their everyday practices and were familiar with the literature and its use. Due to their clinical experience, the court found the plaintiff's witnesses to be persuasive.

TBI Therapy, LLC - Basalt, CO (727) 489-6827



**Attachment H**

**Malpractice Certificate**

DISTRICT COURT, PITKIN COUNTY, COLORADO Court Address: 506 East Main Street, Aspen, Colorado 81611 970-925-7635	DATE FILED: February 12, 2021 2:51 PM FILING ID: EA573111A1F71 CASE NUMBER: 2020CV30093
<b>Plaintiff:</b> GARFIELD & HECHT, P.C., a Colorado professional corporation  <b>v.</b>  <b>Defendant:</b> CHARITY MERRILL-BERVALDI, an individual	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<b>Attorneys for Defendant:</b> The Pearman Law Firm, P.C. Shaun Pearman, #16619 Eric P. Apjoke, #46269 4195 Wadsworth Blvd Wheat Ridge CO 80033 Tel. (303) 991-7600	Case No: 2020CV030093  Div: _____ Ctrm: _____
<b>CERTIFICATE OF REVIEW PURSUANT TO C.R.S. § 13-20-602</b>	

Defendant, by and through her attorneys, hereby submits her Certificate of Review pursuant to C.R.S. § 13-20-602 and states:

1. I, Eric P. Apjoke, am an attorney licensed to practice law in the State of Colorado;
2. I have consulted a professional who has expertise in the area of attorney negligence;
3. Such professional has reviewed the known facts, including such records, documents, and other materials which the professional has found to be relevant to allegations of negligent conduct and, based on a review of such facts, has concluded that a counterclaim does not lack substantial justification within the meaning of C.R.S. § 13-17-102(4).

Respectfully submitted this 12th day of February, 2021.

**THE PEARMAN LAW FIRM, P.C.**



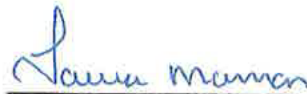
Shaun Pearman, Colorado Reg. No. 16619  
 Eric P. Apjoke, Colorado Reg. No. 46269

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing **CERTIFICATE OF REVIEW PURSUANT TO C.R.S. § 13-20-602** on February 12, 2021 to the following individual(s) by the method(s) indicated below:

Via E-Service

Garfield & Hecht, P.C.  
Haley Carmer  
625 East Hyman Avenue, Ste. 201  
Aspen, CO 81611



\_\_\_\_\_  
Signature of Person Certifying Service



**Attachment I**

**James Scott DeWind Affidavit**

## To the Honorable Judges of the United States Supreme Court,

I first came to meet Charity Merrill in the early fall of 2013 during a conference. We exchanged some thoughts during a short conversation and left without seeing her again until the Spring of 2014. This was when Charity became a close friend of our family and engaged in many conversations and times together with my wife and family.

Charity had gone through some challenging times previously, and we spent time encouraging her in the new seasons of her life. She had introduced us to her new Canadian husband via a facetime call as he was unable to get across the border. Once Michel (her husband) came across the border things started to change, and we began to have diminished contact with Charity. A couple of years later, in 2019, Charity started to reach out stating some serious things about her husband that raised concerns about her physical safety and wellbeing. Things started escalating with repeated calls to the local Sheriff's Office, resulting in Michel being removed from the property and subsequently Charity going to a safehouse for physical protection.

After this point, things became more and more convoluted and quite honestly unbelievable. Divorce proceedings commenced. I was asked to help inventory the contents of their company property, a foundation repair company. During a time when Michel had come on site to remove company property (joint property at that point in time), I had to personally walk with Michel around the property to ensure nothing of excess was taken as he was demanding many items that Charity felt was hers.

Charity went into this legal battle of divorce with a high-profile local attorney feeling they would perform to a premier level of legal representation to help defend her from a physically and verbally abusive relationship and help provide a fair settlement. What was seemingly a straightforward case started becoming convoluted and difficult to follow. Many things were continually pushed down the road, hearing after hearing. Things became more and more concerning when Charity was then left without counsel due to the departure of her first attorney. After a rejection of the court appointed attorney, Charity was left to defend herself in a world she was not familiar with nor had the mental ability to track all the ins and outs due to her disability with TBI. We came to understand that Charity has challenges with organization and tracking, and the pressure of having to defend herself in the legal court system caused her to become even more confused and scattered. We admire her diligence to continue this fight, and many times tried to assist her in organization processes.

As the hearings started to build and as various cases came up, it was obvious Charity was unable to properly defend herself and due to inadequate maintenance agreements and lack of enforcement by the court system, Charity was left with minimal finances to barely survive with many times having little monies for food or heat. Her living conditions and livelihood started to deteriorate due to lack of financial maintenance. She experienced fraud upon her house which has never been followed up

properly even though the courts ruled there was an illegal notary procedure in filing the fraudulent document. She never had the proper enforcement of the required maintenance and consistently had summary and status hearings pushed down month after month and year after year. Numerous contempt hearings occurred only to be granted in favor of her ex-husband who reaped all the financial benefits of a joint company being able to pay his legal fees only to leave Charity with nothing to survive on or even represent herself with.

We have witnessed Charity attempting to learn the law as best as possible but many times unable to connect dots where needed. This is seemingly from her TBI and inability to stay focused on topic for a long period of time. We have seen her house scattered with papers everywhere and post-it notes on numerous surfaces and papers and Charity doing everything she could to keep it all together. It has always astonished me how the legal system would allow this to continue in this manner for over five years without some protection for Charity and in many ways punishing her for her inability to retain legal counsel and forcing her to represent herself. The narrative was constantly flipped against her for simply trying to defend herself then left out to the wolves. Many times, she was not permitted to submit documents and/or even speak on her own behalf due to her lacking counsel or impatience of the local judge. On one occasion, we helped Charity organize over 2000 pages over numerous hours and into late evening hours for an arbitration hearing only to find out they did not accept the files, and they were thrown out for no known reason. This left Charity at a severe disadvantage at the Arbitration hearing.

We have seen her quality of life disintegrate year after year and now she barely has the basic living needs due to a system that has been manipulated against her and her disability to properly defend herself. She, being a single woman with a TBI disability, has been a victim of an unjust system and the attorneys who were there to protect and fight for her have now become her advisors along with the public court system.

We have only desired for her to have fair and equal distribution from her marriage and joint company assets, of which she has not received anything, proper maintenance of which has been determined by the courts but has not been enforced, fair justice of fraud against her on her property, and a conclusion to this legal process that has consumed over five years of her life nonstop. Without any further help from any legal systems, we are concerned she will lose everything she has simply because of a biased and unfair legal system stemming from an abusive marriage and a handicap that limits her ability to protect herself in the legal system.

Thank you for your consideration, and we trust in your guidance and leadership on this matter.

Truly,

Scott DeWind

I, James Scott DeWind, affirm that the statement and facts listed above are correct and true to the best of my knowledge and belief.



James Scott DeWind

State of Colorado

County of Garfield

Signed and sworn to (or affirmed) before me on March 21, 2025 (date) by  
James DeWind (name[s] of individual[s]).



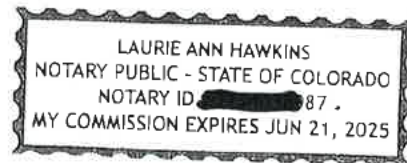
Signature of Notarial Officer

(Seal)

Notary

Title of Office

My Commission Expires: June 21, 2025



**Attachment J**

**Christopher James Daniel Affidavit**

AFFIDAVIT OF Christopher James Daniel on behalf of Ms. Charity Merrill

STATE OF TEXAS §

Kerr COUNTY §

"My name is Christopher James Daniel, I am above the age of 18, of sound mind, and the facts stated herein are true and correct."

1. **Personal Information and Relationship to Ms. Charity Merrill:** I, Christopher James Daniel, have known Ms. Charity Merrill since 1992. Throughout this time, I have had a personal friendship with Ms. Merrill. At various times, I have provided her with financial guidance while I was a financial consultant from 1993-1996 with Rauscher Pierce Refnes. Additionally, I was a Licensed Professional Counselor (LPC), from 2002 to 2021. During this period, I provided Ms. Merrill with pro bono mental/emotional support. However, due to our pre-existing personal relationship, I did not have a formal counseling relationship with Ms. Merrill. In reviewing old phone records, I have provided over 1,300 hours of mental/emotional support (pro-bono) to Ms. Charity Merrill during the period of April 2019 thru June 2022. I do not have records at this time of calls since then, but there have been many more up to March 2025. In the summer of 2020, I came up to Colorado from Texas to physically assist Ms. Merrill in trying to organize, file, and plan how to use many boxes of legal documents and transcripts for her upcoming court hearings at that time as well as being a witness in her legal case.
2. **Observations of Ms. Merrill's Mental Health and Cognitive Struggles:** Over the 30+ years of knowing Ms. Merrill, I have observed Ms. Merrill to be a polite, kind, and well-meaning person. However, she has struggled with certain cognitive and emotional difficulties, such as being easily overwhelmed with certain tasks. These difficulties include scattered thinking (trouble following conversations and difficulty finding words), decision making challenges, short-term memory problems, and symptoms of depression and/or anxiety. These difficulties have been exacerbated especially in situations regarding organizing, creating content for, and completing paperwork since I have known her. I believed for years these were just "quirks"/consequences resulting from earlier tough experiences in her life, but later in a conversation with Ms. Merrill, I realized it was due to a TBI.
3. **Details of Ms. Merrill's Traumatic Brain Injury (TBI and/or cognitive disability):** In a conversation years ago with Ms. Merrill, she disclosed to me that she had been involved in a motorcycle accident at the age of 13, back in 1972, which resulted in significant injuries to her head, neck, and back. Ms. Merrill stated she did not have a helmet on at the time of the accident, and the injury was severe enough that an X-ray or CAT scan revealed an "air-pocket"



between her brain and skull. While Ms. Merrill has little memory of the event itself, family and friends reported that her personality changed following the accident. Upon learning about this accident and considering the symptoms she had displayed that I had seen myself, I realized that Ms. Merrill was a victim of a Traumatic Brain Injury (TBI).

4. **Symptoms and likely Impact of Ms. Merrill's TBI/Cognitive Disability:** Based on my experience working with individuals who have suffered TBIs, and specifically my work with young persons addicted to drugs and alcohol who had TBI's in my counseling practice and work at a treatment center (La Hacienda, Hunt, Tx), I believe that Ms. Merrill has been suffering from TBI-related symptoms much of her life since her accident in 1972. These symptoms include:

- Memory loss and concentration problems,
- Depression and/or anxiety,
- Difficulty in planning and organizing tasks,
- Occasional speech abnormalities, such as slurred speech,
- Sleep disturbances, including trouble falling asleep or staying asleep, as well as excessive sleep,
- Frequent headaches and dizziness,
- Ringing in her ears.

Ms. Merrill's cognitive and emotional struggles have only worsened under the stressful tasks of managing, creating, and producing the endless paperwork that is required in navigating the legal system for protection and justice, let alone attempting to learn and "deliver a case" within the courts of law. Much of this could be the results of her TBI, cognitive disability.

5. **Charity Merrill's Marriage to Michel Bervaldi and Domestic Abuse:** I have been aware of Ms. Merrill's marriage to Michel Bervaldi and the struggles with emotional, physical, and verbal abuse. Specifically, on September 26, 2019, I received a phone call from Ms. Merrill who stated to me an incident that had "just happened" when her husband, Michel Bervaldi, threw her ferret against a wall in anger and threatened her life. During "that call", I heard a level of fear and distress in Ms. Merrill's voice that I had never heard before from Ms. Merrill in the entirety of our friendship. It "felt like a high-risk situation" to me, so I immediately got off the phone and called the Carbondale, CO police requesting them to do a "Wellness Check" on Ms. Merrill. Later, the police officer called me back to tell me that they did the "Wellness Check" and went to Ms. Merrill's home. The police disclosed to me that they responded to the situation there by requesting Ms. Merrill to go with them to a safe shelter for her own protection as they deemed the situation to be very dangerous, which Ms. Merrill did – going to the safe shelter with the police.

6. **Ms. Merrill's Experience with the Colorado Family Law System:** After the incident above, a few days later the husband Michel Bervaldi filed for divorce



from Ms. Merrill which began Ms. Merrill's journey into the Colorado Family Law System, seeking justice and protection from her abusive husband. Unfortunately, Ms. Merrill's efforts have been thwarted. Despite her clear victimization, including potential crimes committed against her by her ex-husband, such as domestic abuse, possible title fraud on her family farm, and possible financial fraud in the jointly owned company, Ms. Merrill has faced significant barriers in obtaining legal representation and a fair trial. The courts failed to acknowledge Ms. Merrill's cognitive disabilities/TBI and did not provide fair access to legal counsel to represent her by not enforcing "maintenance payments" needed to pay for Ms. Merrill's legal counsel and representation. In the summer of 2020, I personally visited Ms. Merrill in Colorado to attempt to assist her with organizing and preparing her paperwork for trial. In reading various legal documents and transcripts, I realized the courts had failed to recognize the cognitive disability that Ms. Merrill had suffered from, and thus the court's actions and inactions around enforcing maintenance payments by ex husband, Mr. Bervaldi, had essentially denied Ms. Merrill the ability to access legal counsel as she was dependent upon her ex-husband and their jointly owned family company for income which was still paying money to her ex-husband and/or his possible agents.

Bottom Line: The court's continual assumption that Mr. Bervaldi, who had an attorney, was operating in "good faith", and reliance on his testimony that no monies were available for maintenance payments to Ms. Merrill, created the situation in which Ms. Merrill had to challenge in a court setting Mr. Bervaldi's testimony and his attorney, create and present an alternative financial picture of the company and its ability to pay her. This necessary "legal response" to fight for her maintenance income in the courtroom, was indeed beyond her cognitive abilities due to her TBI, which again the Court failed to recognize as relevant to the case. Without maintenance income, Ms. Bervaldi was unable to get appropriate legal representation, which led to the current situation of forced self-representation by the court. Was this "Just and Equitable" for all parties?

7. **Summary and Conclusion:** Based on my personal experiences with Ms. Merrill, including my observations of her cognitive struggles, her disclosures about the traumatic brain injury she sustained, and her victimization in both her marriage and the legal system, I firmly believe that Ms. Merrill has been unable to fully represent herself in legal matters of which she has never wanted to do in the first place. Her cognitive disabilities, specifically related to her TBI, have significantly impaired her ability to advocate for herself, and she has not received the legal protections to which she is entitled as a result.

Affiant's Signature: \_\_\_\_\_


*Christ James Daniel*

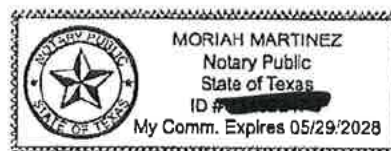
Date: \_\_\_\_\_

*3/18/2025*

Before me, the undersigned notary public, this day, personally, appeared Christopher  
James Daniel  
Who being duly sworn attests to this statement.

Sworn and subscribed to me on March 18, 2025.

  
\_\_\_\_\_  
NOTARY PUBLIC  
State of Texas  
My commission expires: 5/29/28



**Attachment K**

**Motion For Temporary Orders Requesting an Attorney March  
2022**

<input checked="" type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court <u>970-925-1635 x4</u> <u>Pitkin</u> County, Colorado Court Address: <u>506 E. Main, Ste 300, Aspen CO. 81611</u> In re: <input checked="" type="checkbox"/> The Marriage of: <input type="checkbox"/> The Civil Union of: <input type="checkbox"/> Parental Responsibilities concerning:  Petitioner: <u>Nichol Bernaldi</u> and Co-Petitioner/Respondent: <u>Charity Merrill</u> Attorney or Party Without Attorney (Name and Address): <u>Charity Merrill</u> [REDACTED] Phone Number: <u>970</u> E-mail: FAX Number: [REDACTED]   Atty. Reg.#:	▲ <b>COURT USE ONLY</b> ▲    Case Number: <u>2019 DR 30023</u>  Division:   Courtroom:
<b>MOTION FOR TEMPORARY ORDERS</b>	

The ☐ Petitioner ☒ Co-Petitioner/Respondent (check one) requests this Court to enter Temporary Orders. The Court authorized the filing of this motion on Nov 2020 (date). Temporary Orders are necessary for the following issues:

- |   |   |
|---|---|
| <input type="checkbox"/> Allocation of parental responsibilities        | <input type="checkbox"/> Parenting time   |
| <input type="checkbox"/> Child support                                  | <input checked="" type="checkbox"/> Maintenance (spousal/partner support)   |
| <input type="checkbox"/> Possession/use of property                     | <input type="checkbox"/> Possession/use of residence  |
| <input checked="" type="checkbox"/> Responsibility for payment of debts | <input checked="" type="checkbox"/> Insurance coverage ( <input checked="" type="checkbox"/> Medical <input type="checkbox"/> Dental) |

☒ Other: To continue paying company loan

☒ Other: Attorney fees to be paid from Marital Assets

- ☒ By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.  
☐ By checking this box, I am acknowledging that I have made a change to the original content of this form.

### SIGNATURE

Petitioner Signature: _____ Date: _____	<u>Charity Merrill</u> Co-Petitioner/Respondent Signature <u>3/8/22</u> Date	
Petitioner's Attorney Signature, if any: _____ Date: _____	Co-Petitioner/Respondent's Attorney Signature, if any: _____ Date: _____	

### CERTIFICATE OF SERVICE

I certify that on 3/11/22 (date), a true and accurate copy of the *Motion for Temporary Orders* was served on the other party by:

- ☐ Hand Delivery or ☒ Faxed to this number 970-963-905 or  
☐ By placing it in the United States mail, postage pre-paid, and addressed to the following:

To: Joe Park [REDACTED]

Charity Merrill  
 Your signature

**Attachment L**

**Sherry Clark Affidavit**

In the Supreme Court of the United States

Garfield & Hecht  
Plaintiff

vs.

Charity Merrill f/k/a Charity Bervaldi  
Defendant

In reference to Arbitration Case JAG20220610A

**AFFIDAVIT OF:**

Sherry Brown Clark  


To the Honorable Justices of the Supreme Court,

I, Sherry Brown Clark, being duly sworn and deposed, state the following:  
The facts and statements contained in this affidavit are true and accurate to the best of my knowledge.

I am an 88 yr. old retired widow and have known Charity Merrill for over 20 years. I have known her to be honest and of good character. Over the years I have noted Ms. Merrill's inability to manage simple paperwork, focus or articulate under certain types of stress, all which are obviously due to her disabilities. It is a known fact Ms. Merrill has a TBI and a spinal injury.

On Oct. 8th, 2020 When Ms. Merrill was called to participate in her own divorce hearing without an attorney, she was extremely stressed. I had



offered to help her carry file boxes and binders into the courthouse due to her back injury. Thus, I was present when a clerk entered the room with a piece of paper to give us instructions. Ms. Merrill told the clerk she had no legal experience and did not have the ability to represent herself.

The clerk told her that the Judge was waiting to start and said, "if you refuse to participate today, you could loose everything by default" and stated Ms. Merrill would have to sign a paper saying she was willing to take part in the hearing before they could proceed. The clerk then briefly left the room and returned with another court clerk, she was immediately handed the paper which Ms. Merrill signed as both clerks watched.

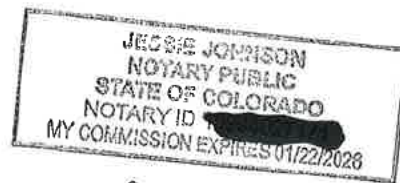
During the all day hearing against experienced attorneys, Ms. Merrill was not allowed to start her testimony until the afternoon. During her testimony she was continually interrupted and rushed which only added to her confusion and being scattered. At times it was obvious she could not see or find documents. She did not understand what was going on, what or when to object, how to give testimony, how to work through her evidence binder or ask questions to the opposing party. Her entire time to witness was only about 2.5 hrs, most of which she struggled to find word, lost her thought or understand, what was being asked of her.

As the day ended it was clear Ms. Merrill's story was not heard and most of her evidence went unheard.

Under penalty of perjury, I hereby declare and affirm that the above statement is true and correct.

Affiant's Signature: Sherry Brown Clark

Date 3-18-25



Ch 3-18-25



**Attachment M**

**Email Letter in Response to Arbitration Demand**



Charity Merrill &lt;charitymerrill@gmail.com&gt;

**Response to Demand for Arbitration**

2 messages

Charity Merrill &lt;charitymerrill@gmail.com&gt;

Tue, Mar 14, 2023 at 2:08 PM

To: "Anderson, Emily" &lt;emil@jaginc.com&gt; "Ross W. Pulkrabek" &lt;rpulkrabek@keatingwagner.com&gt;, &lt;alle@keatingwagner.com&gt;

**Judicial Arbiter Group, Inc. 1601 Blake Street, Suite 400 Denver,  
Colorado 80202 Phone: 303-572-1919 Facsimile: 303-571-1115****▲ COURT USE ONLY ▲  
JAG Case No. 2022- 0610A****In Re the Arbitration of: Garfield & Hecht, PC****Claimant, v.****Charity Merrill f/k/a Charity Bervaldi Respondents.****RESPONSE TO THE DEMAND FOR ARBITRATION**

Dear Honorable Judge Anderson,

**INTRO:** This letter is my response to Mr. Pulkrabek's demand for arbitration. Mr. Pulkrabek states that I have again misunderstood your orders in setting a date and that I have failed to respond to a prior demand for arbitration.

Therefore, I am going to try to wing it and do the best I can to respond to this demand for arbitration without knowing anything about law or timing or what needs to be included. Any person not an attorney would have difficulty with this but a person with a TBI and under these conditions has about as much chance at attempting to be their own attorney as a judge has trying to steer the Titanic through an ice storm without any prior nautical experience or direction from anyone else, but it seems to me under the circumstances I am being forced again to move ahead without an attorney.

You stated in one of our conferences that under extreme circumstances a defendant could have a second chance at stating their claim or proving their case despite misfilings or missed protocols. I researched that and believe my situation qualifies for just that and I would like for you to consider the circumstances and events surrounding me originally obtaining Mr. Musselman as my attorney.

**Severe Distress;** At the time of meeting Mr. Musselman, I was under extreme distress from every area in my life.

**Musselman Took Advantage:** I am claiming Mr. Musselman took advantage of me and my case from the very beginning. He knew of my distress in detail and he knew I was afraid. He told me it was important that I obtain an attorney right away since Mr. Bervaldi already had one and things were moving quickly. He said things were moving forward whether I had an attorney or not. He took the case and promised to protect me and my property if I hired him. I simply trusted him and by what he said I felt it was urgent to move ahead as I needed someone to protect me.

However, he ended up not taking my position seriously thereby endangering me and adding years of stress and jeopardizing my case by his negligence that forced me into a position of being self represented.

**What I Am Asking;** Under Colorado law it states that if a person enters into a contract while being mentally impaired or incapacitated by extreme stress, mental fatigue, extreme fear, financial distress or if they are found to have a cognitive disorder that would compromise their understanding of the contract, that that contract could be voided. I am stating that without a doubt I was severely incapacitated.

**Dismissal;** I am asking the arbitration courts to void the contract and dismiss the arbitration based on extreme duress at the time of signing the contract and a then unknown but now verified TBI injury (traumatic brain injury) PTSD, depression and ADHD caused by the initial and ongoing trauma exacerbated and brought on by Mr. Bervaldi and the situation at that time.

**Malpractice;** I am also requesting that a case for malpractice be opened and/or remanded back to the district court (Judge Selden) who witnessed the negligence of Mr. Musselman when he did not come prepared to the temporary orders hearing and thereby failed to do the simplest of task which was to prove the income. When Mr. Bervaldi (the opposing party) purposely misled the courts stating we only made \$6000 a month. Mr. Musselman failed to provide proof of our actual income nor did he call a witness that could have easily verified the correct income. Mr. Musselman was well aware of the income and stated in phone calls and a previous email just 3 days before the hearing that we had made over \$400,000 that year but said he was not going to need to call a witness as he and the opposing attorney had agreed on the number.

Mr. Musselman quit the case 3 days after the Temporary Orders Hearing stating a lack of payment then demanded I pay him \$36,000. I would have had the money to pay him to continue my case through temporary support payments had he done his job that he was contracted to do. Afterwards, Legal aid refused to help me stating we made so much money. That is the very detail that has caused me to not have income or an attorney for over 3 years and has caused me over 3 years of unnecessary and unimaginable stress. I have obtained a certificate of Malpractice from an expert which I believe was admitted into the district court.

#### **Facts of trauma and distress at time of signing;**

**Financial distress;** I was self-sufficient prior to meeting Mr. Bervaldi, I had a company that did hospice/senior care working almost 100 hrs a week and rented out my home in vacation rentals while I was working hospice. Mr. Bervaldi talked me into foregoing those companies and building the "family business" with him from my home. He suggested foregoing the rental and starting the business from home. He stated I could have the spinal surgery I desperately needed and do the marketing from home and take care of the farm animals as I could. I loaned the company \$150,000.00 from the equity in my home to buy equipment since Mr. Bervaldi came here with almost nothing and no credit, a fact that I found out after his arrival. When the police removed him from my property 2 days later he filed a new name for the company by adding an s to the original name. He then moved all the assets to the new company and left all the debt to me. This left me in great financial distress as the family business was the only source of income especially since I had major disabilities, 19 animals to feed and winter was around the corner.

1. **Meeting Musselman;** I met with Mr. Musselman on or about Oct. 7, 2019. I explained to Mr. Musselman that I had just come out of a domestic violence shelter a week prior (Sept. 27, 2019) because my husband of only a few years had become extremely emotionally and physically abusive to both me and my animals. I thought it was stress as he had been pushing me really hard to market the company saying we had to do it quick as we were getting older. As the company started getting jobs he started isolating me from my family and friends but when the company signed its first \$100,000.00 contract with projections of a million for the upcoming year the abuse and isolation escalated and the real abuse started overnight.

He threatened me multiple times saying if he ever called the house and I wasn't there I would be in trouble. He said I had to be there to answer the phones and work. On several occasions he threatened to kill me if I told anyone or ever called the police. He stated, "If you ever tell anyone or ever call the police, I will kill you and put you in a grave so deep they will never find your body." He made this statement while grabbing me around my neck with his fist raised over his



head just 6 hours before the police arrived. And while the police were in my home but out of sight, He said, That's it, you just put the last nail in the coffin, when the policemen stepped back into view, he then added "of our marriage". That is in the police report. There were dozens of other situations similar to this also.

I told Mr. Musselman an acquaintance had helped me get a restraining order on Mr. Bervaldi and that I was in serious danger. I told Mr. Musselman that I had recently found out that Mr. Bervaldi had defrauded my home title and was planning on stealing the joint business as well, putting all the assets in his name and leaving all the debt to me. I told him that a former prosecuting attorney for women of domestic violence had seen his behaviors and how he guarded me in public places and how she and several other women had cornered me and did an intervention proving to me that he was a criminal and I was in danger and needed to get out now before it was too late. They showed me his name was on my property title when I had never transferred title to him. I knew I was in danger and I was scared.

That same attorney told me that she bet he had a big life insurance policy on me and bet that he was different at home than in public. She told me she bet my home was monitored and she bet I was being tracked right there where I was standing in front of her. All of what she was saying was correct but I was numb and things started moving in slow motion as I was trying to process it. I told her he had some problems but tried to argue that she was wrong about being tracked and that's when she talked me into letting her check my new phone and then she showed me on my phone that he was indeed tracking my every move, every email and every text. She added, "Don't wait till he lights the match" I was starting to wake up and scared to death.

After the police took Mr. Bervaldi away and this attorney helped me get the restraining order in place and I was back home afraid to go to sleep, another friend called me and told me that while I was in safe housing, Mr. Bervaldi had called them wanting to know if I was there, Mr. Bervaldi told them "if anything happens to her, everyone's going to think I did it." I told all this to Mr. Musselman the day I met him.

**What I expected;** Mr. Musselman assured me he understood and would protect me and the divorce would be no problem. At the time I knew I needed help right away to keep Mr. Bervaldi away and to prove the title fraud. I also knew I could not maneuver through the legal process as I had trouble understanding, organizing or keeping up with any kind of documents, paperwork billing or computer work, though at the time I did not know why or the extent of my inability to handle these things. I just knew when I had to deal with papers I had panic attacks, my mind would go blank and I became very confused. However in my distress, I felt relieved that he would help me.

**Musselman backpedals;** 2. Mr Musselman took the case but soon after he started backpedaling on many promises he made. He talked me into withdrawing the restraining order and told me a mutual stay away agreement was the same thing. I trusted him and complied with everything he said. I later found out from the police officers and a former judge that that was a huge mistake. Thus the road rage continued as well as multiple visits to my home where Mr. Bervaldi continued to steal my personal property and threaten and intimidate me.

Mr. Musselman told me had talked to the police and he himself would come to the property and take photos of the assets, company materials, business equipment and the destruction Mr. Bervaldi had inflicted on the home and property while I was in safe housing PRIOR to allowing Mr. Bervaldi access to take anything more. Instead of protecting me or the assets, Mr. Musselman then backpedaled and without logging evidence told me I had to comply and let Mr. Bervaldi take what he wanted that morning. I was scared and called the police and friends to come be with me. The police told me that they had never spoken to Mr. Musselman if Mr. Bervaldi came to the house without court approval and tried to harm me that I should not be afraid to use the guns. After I knew Mr. Musselman had lied to me about talking to the police and reneged on his promises to protect me and my property, my friends and I became concerned he was not doing his job and I wrote emails to him expressing this. I felt completely vulnerable.

**Was the fear real or imagined?** Since the signing of the contract, my fears have all been confirmed to be valid based on events that took place AFTER the signing of the contract and this is just a partial list.

**1. Tried to steal the Company:** Mr Bervaldi tried to steal the company by changing the name just 3 days after he was removed from my property but we did not find out about it until after I hired Mr. Musselman.

**2. Lied under Oath;** Mr. Bervaldi lied under oath about the income and has recently been called out by Judge Selden for perjury and fraud in the courts records.

**2. Cautioned by police;** The police officers who were investigating the fraud told me they had spent some time with Mr. Bervaldi, they told me if in an officer's career, they ever met a true Psychopath it would be a landmark moment for them. He said, you married one, be happy you're alive. They cautioned me to keep the guns loaded and to not be afraid to protect myself.

**3. Stalking;** Mr Bervaldi continued to stalk me, road rage me and make threats every chance he got, even going so far as trying to negotiate with a judge who was acting as a mediator saying he wanted to know who I was sleeping with.

**4. Chose a new victim, she's found dead;** 9 months before he remarried, I foretold several people he would remarry again quickly as he "needed someone to abuse" and I added "her life will be in danger". About a year or less after our divorce was final Mr. Bervaldi drove 2 hrs out of town to a mental health facility where he entered group counseling (he hated counseling) and found another victim (Torri Moorman), he swept her off her feet with his charm and they almost immediately stopped counseling and he quickly started to isolate her. They quickly married and about 6 months later, she/Torri was found drugged and shot in her car under "suspicious" circumstances. 9 hrs after her death he posted a comment on FB stating *"I like that. That's how I roll, My beautiful wife Torri died under dramatic circumstances, My heart is broken and the pain is difficult to bear. I will rise up again and finish the race."* He claimed it was suicide.

**5. Poison?;** The detectives investigating her "suspicious" death contacted me and after talking asked to come photograph some evidence at my home, specifically my lab work results where I secretly had toxicology tests on my own blood and hair while living with Mr Bervaldi. I was having repeated cycles of illnesses of convulsions, vomiting up blood, severe intestinal distress, sweating and chills that were thought to be related to something ingested since there were no infections found. Mr. Bervaldi would sometimes insist that I drink or eat something he had made "special" for me. When I refused, he would get angry and throw water or dishes at me. I had quit eating any open food in my home. Without thinking, I gave some protein powder to a friend who also became violently ill with the same symptoms. There were also suspicious instances of Carbon Monoxide threats and isolated trips he wanted to go on and yes, there was a life insurance policy on me.

**5. Lawsuit Claiming Deceased wife's property;** Mr. Bervaldi started a lawsuit against the parents of his wife Torri who was found dead, making claim to her home and all property.

**6. Remarried wife # 3;** About 6 weeks after Torris death, he remarried a 3rd woman.

**7. Refuses to pay, 1.1 mil \$ Slander suit;** Mr. Bervaldi is not a U.S. Citizen, even after coming into this country bankrupt and with nothing and using my assets, credit and marketing skills to build the company Mr. Bervaldi refused to make court ordered payment, and when he did have to make a payment, he quickly sued me for slander forcing me to spend that money on an attorney to help me answer documents I could not possibly understand. As soon as I had an attorney who responded to the accusations, Mr. Bervaldi dropped the bogus case.

**Real or imagined?** I was paralyzed with fear. Obviously, the fears that I was struggling with were not imagined, it was very real, life and death real.

Not only was I scared out of my mind, I was and am currently dealing with a TBI, PTSD, Depression and ADHD that I did not know I had at that time of signing the contract, all due to the ongoing trauma and fear.

**Evidence Protocol ?:** Because I am not an attorney and have no legal counsel because of Mr. Musselman's complete disregard for my case, I cannot provide for the courts a caselaw or reference number as I have very limited tools to research other than google and occasional discussions with attorneys. I also do not know if I should include evidence with this response now or if there will be a followup hearing where I will get a chance to show my documents and bring in my witnesses which are many.

**What I am asking for in compensation;** Because of my TBI and the property settlement case not being completed, I cannot give an exact dollar amount at this time. I have no idea as to the protocol but I believe once I have been given a chance to prove the facts that the evidence will be overwhelming to dismiss the arbitration and void the contract and remand it back to the district court. I would be asking that Garfield and Hecht return the \$5,000.00 initial retainer, pay all attorney cost directly associated with their neglect, that they would pay all losses in the property settlement case



due to me not having an attorney, that they would pay the income lost during the past years for me not being able to work due to added stress and trying to learn law, all punitive damages and for the extended trauma I have had to endure due to their complete disregard for the seriousness of my situation and improper handling of my case and I am asking that all damages be doubled as Colorado Law states that if someone takes advantage of a person with a disability that they can be made to pay double damages.









Thank you for your consideration in this matter.  
Kind Regards, Charity Merrill

---

Witnesses; 2 Police Officers, 2 Therapist, Friends Scott DeWind, Jim Tarr, Pam Tarr, Laura Acres, Tom Acres, Gilda, A.J.Garcia, Betty Yarbrough, Belinda Diane, Neighbors, 2 Doctors, 2 attorneys, my son just to name a few.

---

**8 attachments**

-  **G&H contract.pdf**  
1839K
-  **TBI confirmation.pdf**  
339K
-  **AFR Name change.pdf**  
87K
-  **Chris Daniel Letter.pdf**  
299K
-  **Laura Acres Letter.pdf**  
355K
-  **Domestic Violence P.D. report.pdf**  
592K
-  **Fraud P.D. report.pdf**  
1010K
-  **Torri-Marriage:Death:FB post.pdf**  
438K

---

**Charity Merrill** <charitymerrill@gmail.com>  
Draft




Thu, Mar 16, 2023 at 3:45 PM

[Quoted text hidden]

—  
*Charity Merrill*

---

**8 attachments**


-  **G&H contract.pdf**  
1839K
-  **TBI confirmation.pdf**  
339K
-  **AFR Name change.pdf**  
87K
- Chris Daniel Letter.pdf**



 299K

 **Laura Acres Letter.pdf**  
355K

 **Domestic Violence P.D. report.pdf**  
592K

 **Fraud P.D. report.pdf**  
1010K

 **Torri-Marriage:Death:FB post.pdf**  
438K

nd P.D. r  
K

nd P.D. r  
K

nd P.D. r  
K

**Attachment N**

**Gil Villareal Affidavit**

In the United States Supreme Court

Garfield & Hecht, PC,  
Plaintiff

vs.

In Reference to Arbitration Case  
JAG-2022-0610A

Charity Merrill f/k/a Charity Bernaldi,  
Defendant

---

**AFFIDAVIT**

March 7, 2025

My legal name is Gil Villarreal ("Affiant") and acknowledge I am 55 years old and reside at [REDACTED] in the state of Colorado. I am self-employed as a software engineer/developer.

That facts contained with this affidavit are within my knowledge and are true and correct.

From the end of September to the middle of October 2023, our family provided lodging and assistance to Ms. Merrill with preparation for her upcoming arbitration meeting. I personally worked with Ms. Merrill to assist her with organizing and completing her testimony, documents of evidence, and statements from witnesses which were stored on her laptop.

During this time it was apparent to me that Ms. Merrill's traumatic brain injury(TBI) was seriously compromising her ability to focus on the work she needed to accomplish in order to get her documents organized. She had great difficulty organizing her thoughts, finding words, and writing her thoughts down in preparation to represent herself before legal counsel.

On the day of the arbitration, which was held in our living room via video conference, I watched in disbelief as Ms. Merrill's whole case that we had prepared was systematically thrown out due to her lack of legal knowledge about court/arbitration rules and proceedings.

As Ms. Merrill realized that all her evidence was not going to be considered by the arbitrator, my whole family witnessed her stoic but futile repetition of her personal

testimony in an effort to convince the judge of the unfairness of requiring a person with a TBI and unable to obtain legal counsel, to be forced to represent herself.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: [Signature]

Date: 3/9/2025

### NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Colorado  
County of Garfield

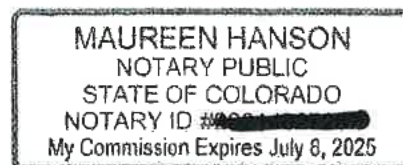
Maureen Hanson 3/9/25

On March 9, 2025 before me, Gil Villarreal, personally appeared Gil Villarreal who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Colorado that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Maureen Hanson



**Attachment O**

**Marcia Villareal Affidavit**

Garfield & Hecht, PC,  
Plaintiff

vs.

Charity Merrill f/k/a Charity Bernaldi,  
Defendant

In Reference to Arbitration Case  
JAG-2022-0610A

---

## AFFIDAVIT

March 7, 2025

My legal name is Marcia Rae Villarreal ("Affiant") and acknowledge I am 54 years old and reside at [REDACTED] the state of Colorado. I am the Executive Director of the 501(c)3 non-profit "One Moment".

That facts contained with this affidavit are within my knowledge and are true and correct.

During the summer of 2022, I personally spent several weeks going to Ms. Merrill's home for six to eight hours each day to assist her in organizing her court documents and preparing forms for several court filings that were coming due. At the time, the large living room in Ms. Merrill's home was filled with stacks of papers on every chair, the couch, and most of the floor. Also in the living room were two separate two-drawer, three foot wide, legal filing cabinets which were also filled with papers, bank statements, bills, etc, of which I was helping go through to find the necessary papers.

Though Ms. Merrill had attempted to keep the documents in some semblance of order, there were so many of them that she had asked for my help in assisting her to organize them and help her find the correct documents that she needed for the upcoming filings. As I worked alongside her during this time, it was clear to me that she was overwhelmed by the several years worth of documents she had accumulated as she had been forced to preside as her own legal counsel and was unable to find the documents, put them together and articulate the evidence she was presenting.

I helped Ms. Merrill fill out a one and a half page court document citing her income and expenses. I was surprised at how difficult Ms. Merrill found it to complete the form, even with my assistance. The numbers were confusing to her, as her Traumatic Brain Injury (TBI) prevented her from putting the numbers in the correct



boxes on the simple form, and adding them and carrying them to the next section of the document.

During the end of September/early October of 2023, Ms. Merrill spent several weeks in our home preparing for her arbitration in which she was being forced to represent herself. On October 16, 2023, I was present during the entire video arbitration and witnessed as Ms. Merrill continually fumbled through her paperwork, even though my husband Gil Villarreal had helped her organize her documents. She was unable to follow the outline which she had prepared and under the stress of representing herself, she was unable to present her case and often resorted to just pleading her case to the judge on an emotional level. There were several breaks in the arbitration and at each break, Ms. Merrill immediately broke down emotionally under the stress. It was clear that she was completely unable and unequipped to represent herself.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: Marcia Rae Villarreal Date: 3/9/25

### NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

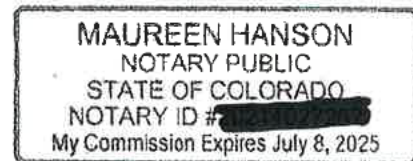
State of Colorado  
County of Garfield

On March 9, 2025 before me, Maureen Hanson, personally appeared Marcia Villarreal who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Colorado that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Maureen Hanson (Seal)



**Attachment P**

**Henry Villareal Affidavit**

In the United States Supreme Court

Garfield & Hecht, PC,  
Plaintiff

vs.

Charity Merrill f/k/a Charity Bernaldi,  
Defendant

In Reference to Arbitration Case  
JAG-2022-0610A

---

**AFFIDAVIT**

March 7, 2025

My legal name is Henry Villarreal ("Affiant") and acknowledge I am 80 years old and reside at [REDACTED] in the state of Colorado. I am retired.

That facts contained with this affidavit are within my knowledge and are true and correct.

I was present at the arbitration that occurred on October 16<sup>th</sup>, 2023. From the beginning it was apparent that Ms. Merrill was very stressed over the whole matter of being put through this ordeal.

As the session progressed it became clear that Ms. Merrill's case was being dismissed. As that fact became apparent to Ms. Merrill, she became almost robotic and continued to repeat her personal daily struggle with TBI, in a desperate attempt to convince the Judge that what she was being put through was horribly unjust. To me it appeared that the Judge was not really listening and made several attempts to stop Ms. Merrill from continuing.


In fairness to the Judge, Ms. Merrill was engaged in repetition. This ordeal was very heart wrenching for me to witnessed.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: Henry Villarreal Date: 3-9-2025

**Attachment Q**

**District Court: Respondents Answer, Affirmative Defense and  
Counter Claims (Case 2023CV030127)**

<b>DISTRICT COURT, PITKIN COUNTY, COLORADO</b> Court Address: 506 E. Main Street Aspen, Colorado 81611 Phone Number: (970) 925 7635		FILED Pitkin Combined Court
<b>Petitioner:</b>  <b>GARFIELD &amp; HECHT, P.C.</b>  v.  <b>Respondent:</b>  <b>CHARITY MERRILL aka CHARITY BERALDI</b>		
<b>Attorney for Respondant</b>  None – Respondent is pro-se 		Case Number: 2023CV30127  Division
<b>RESPONDENT' ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS</b>		

NOW COMES the Respondent and for her Answer and Counterclaims to the Petitioner's Petition, states as follows:

### ANSWER

1. As to the allegations of Paragraph 1 of the Petition, Respondent denies ever receiving a voice mail message, admits that she did receive the email and requested more time to respond and to seek any attorney. Respondent opposes confirmation of the arbitration for the reasons set forth below.
2. Respondent admits the allegations of Paragraph 2 of the Petition.
3. Respondent admits the allegations of Paragraph 3 of the Petition, other than the request for a judgment for the reasons set forth below, and accordingly is denied.

4. As to the allegations of Paragraph 4 of the Petition, Respondent admits that the Petitioner was nominally the prevailing party but that the award should be set aside for the reasons set forth below, and accordingly is denied.

5. As to the allegations of Paragraphs 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the Petition, those allegations contain statements of law, and no responsive pleading is required, but that the award should be set aside for the reasons set forth below.

6. As to the allegations of the Supplemental Petition, Respondent admits that the Petitioner was nominally the prevailing party but that the award should be set aside for the reasons set forth below, and accordingly is denied.

7. Respondent denies each and every allegation contained in the Petition and not previously denied or admitted.

#### **AFFIRMATIVE DEFENSES**

1. Petitioner's claims are barred in whole or part by the equitable doctrine of unclean hands.
2. Petitioner's claims are barred in whole or part by the doctrine of estoppel.
3. Petitioner's claims are barred in whole or part by the doctrine of waiver.
4. Mitigating circumstances reduce in whole or part the amount of Petitioner's claimed damages.
5. Petitioner failed to mitigate damages, if any.
6. Petitioner's claims are barred in whole or part by Petitioner's failure to perform the legal services for which Petitioner was engaged, and for withdrawing from the related divorce case after failing to present admissible evidence.
7. Respondent was unable to represent herself due to a traumatic brain injury but was forced by the courts to represent herself while she was disabled.
8. The award should be vacated as it was obtained by gross unfairness or other undue means.
9. The award should be vacated as it was misconduct of the arbitrator and the courts requiring her to represent herself while she was disabled prejudicing the rights of a party to the arbitration proceeding.
10. The award should be vacated because the arbitrator refused or failed to consider evidence material to the controversy, including statements of Judge Seldin in the



related divorce case that Respondent was greatly prejudiced because Petitioner failed to submit relevant and important evidence, including a malpractice certificate of an expert witness engaged by Respondent who concluded that there was malpractice due to the failure of Petitioner to present evidence and witnesses such as Respondent's CPA/accountant who could have verified the income, or by providing proof of bank statements and deposits, and failed to subpoena witnesses or present witness testimony. See attached document from Eric Apjoke.

11. Respondent reserves the right to amend these affirmative defenses or to bring counterclaims upon discovery of further information.

February 20, 2024

  
Charity Merrill aka Charity Bervaldi  
Respondent

### CERTIFICATE OF SERVICE

I certify that on February 20, 2024, I served a true and correct copy of the foregoing via US Mail, on the following:

Ross W. Pulkrabek, #31111  
Keating Wagner Polidori Free, P.C.  
1290 Broadway, Suite 600  
Denver, CO 80203

  
Charity Merrill aka Charity Bervaldi  
Respondent

DISTRICT COURT, PITKIN COUNTY, COLORADO Court Address: 306 East Main Street, Aspen, Colorado 81611 970-925-7635	DATE FILED: February 12, 2021 2:51 PM FILING ID: EA573111A1F71 CASE NUMBER: 2020CV00093
Plaintiff: GARFIELD & HECHT, P.C., a Colorado professional corporation	
v.	
Defendants: CHARITY MERRILL-BERVALDI, an individual Attorneys for Defendant: The Pearman Law Firm, P.C. Shaun Pearman, #16619 Eric P. Apjoke, #46269 4195 Wadsworth Blvd Wheat Ridge CO 80033 Tel. (303) 991-7600	▲ COURT USE ONLY ▲ Case No: 2020CV00093 Div: _____ Ctm: _____
CERTIFICATE OF REVIEW PURSUANT TO C.R.S. § 13-20-602	

Defendant, by and through her attorneys, hereby submits her Certificate of Review pursuant to C.R.S. § 13-20-602 and states:

1. I, Eric P. Apjoke, am an attorney licensed to practice law in the State of Colorado;
2. I have consulted a professional who has expertise in the area of attorney negligence;
3. Such professional has reviewed the known facts, including such records, documents, and other materials which the professional has found to be relevant to allegations of negligent conduct and, based on a review of such facts, has concluded that a counterclaim does not lack substantial justification within the meaning of C.R.S. § 13-17-102(4).

Respectfully submitted this 12th day of February, 2021.

THE PEARMAN LAW FIRM, P.C.

*Eric P. Apjoke*  
 Shaun Pearman, Colorado Reg. No. 16619  
 Eric P. Apjoke, Colorado Reg. No. 46269

**Attachment R**

**District Court Confirmation Reward: Proposed Order of  
Judgement (Case 2023CV030127 / JAG 2022-0610A )**

DISTRICT COURT, PITKIN COUNTY, COLORADO 506 E Main Street Aspen, CO 81611 970-825-7635	DATE FILED: March 13, 2024 6:29 AM
<b>Petitioner:</b> GARFIELD & HECHT, P.C., a Colorado Professional Corporation,  v.  <b>Respondents:</b> CHARITY MERRILL a/k/a CHARITY BERALDI, an individual	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
	Case Number: 2023cv030127  Div.: 2
<b>ORDER OF JUDGMENT</b>	

This matter comes before the Court on Petitioner Garfield & Hecht, P.C.'s Petition for Order Confirming Arbitration Award and Granting Judgment Thereon ("Petition"). Having reviewed the Petition and Exhibits 1 and 2 as well as Respondent Charity Merrill's response, and being otherwise informed as to the premises, the Court finds and orders as follows:

1. Garfield & Hecht and Charity Merrill, also known as Charity Bernaldi, entered into a Legal Representation and Fee Agreement dated October 7, 2019. In Paragraph 11 of that agreement, the parties agreed to resolve any disputes that might arise between them by binding arbitration administered in Colorado by Judicial Arbiter Group, Inc. ("JAG"). Disputes subsequently arose between the parties.

2. The parties submitted their disputes to arbitration before Arbitrator Emily E. Anderson of JAG in JAG Case No. 2022-0610A. The case proceeded to an arbitration hearing on October 16, 2023, at which both parties presented evidence and argument.

3. The Arbitrator issued a reasoned written Arbitration Award on the merits of the parties' disputes on November 27, 2023 ("Arbitration Award"). The Arbitration Award was filed with this Court as Exhibit 1 to the Petition.

4. The Arbitrator ruled in favor of Garfield & Hecht and against Charity Merrill on all claims raised by either party. The Arbitration Award concluded in relevant part as follows:

G&H is awarded the principal amount of the unpaid balance of \$29,787.37.

Ms. Merrill agreed to pay interest at the rate of 1.5% per month, or 18% per annum, on any balance unpaid after 30 days. G&H is awarded interest of \$19,659.67, per its request for interest from April 2020 to [November 27, 2023].

Arbitration Award at 12. Accordingly, the total dollar amount of the arbitration award in favor of Garfield & Hecht and against Charity Merrill, as of the date of the award, November 27, 2023, was \$49,447.04.

5. The Arbitration Award provides that Garfield & Hecht may submit an application for reasonable attorney fees and costs incurred in connection with the parties' arbitration proceedings in accordance with the parties' agreement. On January 25, 2024, the Arbitrator issued an award of costs in the amount of \$11,658.83 and attorney fees in the amount of \$49,620.00.

6. The Court has jurisdiction to confirm the Arbitration Award and enter judgment thereon pursuant to C.R.S. § 13-22-226(2).

7. The Court has personal jurisdiction over the parties under C.R.S. § 13-1-124.

8. Venue is proper in this judicial district under C.R.C.P. 98.

9. Garfield & Hecht has demonstrated grounds for confirmation of the Arbitration Award in accordance with C.R.S. § 13-1-124. Charity Merrill has shown no grounds for modifying or correcting the award pursuant to C.R.S. § 13-22-220 or C.R.S. § 13-22-224 or for vacating the award under C.R.S. § 13-22-223.

10. The Court therefore orders that the Arbitration Award is confirmed as an order of this Court and is incorporated by reference as part of this order.

11. Pursuant to the terms of the Arbitration Award and the parties' agreement, post-judgment interest shall accrue at the rate of 18% per annum. *See* C.R.S. § 5-12-102(4)(a).

12. If Garfield & Hecht requests costs or reasonable attorney fees in relation to its Petition and subsequent judicial proceedings as provided by C.R.S. § 13-22-225(2), it shall submit its bill of costs and motion for attorney fees within 21 days of this order pursuant to C.R.C.P. 121 § 1-22. However, entry of judgment shall not be delayed for the taxing of costs or any award of attorney fees. *See* C.R.C.P. 58(a).

13. For the reasons set forth herein, the Court enters judgment in favor of Garfield & Hecht, P.C. and against Charity Merrill also known as Charity Bervaldi in the amount of \$49,447.04 plus costs in the amount of \$11,658.83 and attorney fees in the amount of \$49,620 for a total judgment of **\$110,725.87**. Interest shall accrue on the judgment at the rate of 18% per annum from November 27, 2023, until the judgment is satisfied. The Clerk of the District Court shall enter this judgment in the register of actions as a judgment in favor of Garfield & Hecht, P.C. and against Charity Merrill a/k/a Charity Bervaldi.

DATED: March 13, 2024.



ANNE K. NORRDIN  
DISTRICT COURT JUDGE



**Attachment S**

**Colorado Court of Appeal: Motion for Extension to File and  
Appeal (Case 2023CV030127 / Case 2024CA1306)**

Dear Colorado Court of Appeals,  
About these motions:

DATE FILED  
July 19, 2024

Please be patient. I have an intellectual disability/traumatic brain injury, PTSD and ADHD. I have extreme difficulty with documents, computers, organization and often articulation.

I am also destitute due to fraud on my property/business and multiple court cases stemming from these frauds. These cases have been ongoing for over 4 years.


During these cases I have been FORCED by the courts to represent myself from the beginning without an attorney. Also, legal aid would not help me because of the fraud and my TBI which causes confusion.

Due to my head injury and other documented disabilities, I am NOT able to self represent, yet both the district court and the arbitration courts have ignored my disabilities and are forcing me to proceed without an attorney.

Currently, a judgement has been placed on my home which if I loose, I will be homeless. I have no choice but to attempt to try and self represent.

This has been and will be my argument moving forward.

Kindest regards, Charity Merrill (970-306-2277)

  
July 15. 2024

JUL 19 2024

Clerk, Court of Appeals

Colorado Court of Appeals  
2 East 14<sup>th</sup> Avenue, Denver, CO 80203

Plaintiff|Petitioner: Garfield & Hecht  
&  
Defendant|Respondent: Charity Merrill ( Bervaldi)

My Name: Charity Merrill

Full Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

FILED  
DATE FILED  
July 19, 2024  
Pitkin Combined Court

▲ For Court Use ▲

Court of Appeals Case

Number: \_\_\_\_\_

District Court Case

Number: 2023cv030127

County: Pitkin

24 CA 1306

**Motion to/for** Extension of Time to File Notice of Appeal

## 1. Request

I would like the Court of Appeals to:

- *State exactly what action you want the Court to take.*
- *You will explain why in the next section.*

Defendant Charity Merrill is asking the Courts to Grant an extension of Time to file the notice of Appeal.

## 2. Reasoning

The Court should grant my request because:

Ms. Merrill was forced to self represent her case despite the fact she has a Traumatic Brain Injury.

Please see attached T.B.I. evaluation:

## 3. Copies Delivered

I certify that on (enter date) July 16, 2024 ~~cm May 24, 2024 cm~~, I (check one)

☒ mailed | ☐ hand delivered

a copy of this document to:

Name: Pitkin Country District Court

Full Address: 506 ast Mian St. Aspen CO. 81611

Name: Ross Pulkrabek c/o Keating Wagner Polidori Free P.C.

Full Address: 1290 Broadway, #600 Denver CO. 80203

## 4. Signature & Date

Signature:  Dated: July 16, 2024

S Page 104 of 128

**Attachment: Detailed Discussion****Case Number:** 2023cv030127**Court:** Pitkin County District Court**Plaintiff:** Garfield & Hecht**Defendant:** Charity Merrill

---

The defendant respectfully requests an extension of time to file a notice of appeal for the following reasons:

(i) The defendant has a disability (a traumatic brain injury) which impacts her cognitive functions, making it significantly more challenging to navigate the legal process, prepare necessary documents, and understand complex legal requirements without professional help. This situation complicates her ability to comply with the court's deadlines without legal assistance.

(ii) The defendant is currently going through a divorce and has not received any financial support from her ex-husband, leaving her with no income. This lack of financial resources has made it difficult for the defendant to secure legal representation despite her diligent efforts.

Given these circumstances, the defendant has been unable to file a notice of appeal within the standard time frame. The defendant respectfully requests an extension of 30 days to file the notice of appeal. This extension is necessary to provide the defendant adequate time to secure legal representation and ensure she can properly file the appeal.



---

Signature: *Charity Merrill*  
Date: *July 16, 2024*  
~~May 24, 2024~~





4/8

SHANLEY DONELAN MANGEOT, PSY.D

Licensed Clinical Psychologist  
Neuropsychologist

17 Blake Avenue #203 • Glenwood Springs, CO 81601  
Email: shanley.mangeot@gmail.com

Phone: (970) 945-9847  
Fax: (970) 945-2662

January 23, 2023

RE: Charity Merrill (Date of Birth: 07/10/59)

To Whom It May Concern,

Charity Merrill completed a comprehensive neuropsychological evaluation in November 2022, and requested a summary of the findings and recommendations from that evaluation, which were as follows:

Ms. Merrill is a 63-year-old female who demonstrates low-average overall cognitive ability, with a relative strength in verbal comprehension and a significant relative weakness in processing speed. That is, Ms. Merrill demonstrates intact ability when asked to take in verbal information, use words to compare and contrast ideas, or explain what she knows about a subject. However, she struggles to process information quickly or efficiently in order to provide a response. Within that context, Ms. Merrill demonstrates difficulties with attention and executive functioning skills, including planning and organization. She also demonstrates isolated weaknesses in memory. Her fine motor control in her dominant hand is within expectations, while speed and dexterity is below expectations in the left hand.

From a neuropsychological perspective, the current findings are not strongly localizing; however weaknesses in attention and executive functioning skills, including a marked deficit in processing speed appears consistent with her reported history of traumatic brain injury. A diagnosis of mild neurocognitive disorder due to traumatic brain injury is therefore appropriate. Ms. Merrill's cognitive difficulties are also clearly exacerbated by mood related concerns, including significant anxiety and symptoms of depression, and she recognizes that her level of stress and emotional overwhelm contributes to her cognitive symptoms. A diagnosis of generalized anxiety disorder and major depressive disorder, with anxious distress is appropriate given Ms. Merrill's current report of symptoms. Given her childhood history of neglect and abuse, in addition to recent domestic violence, an additional diagnosis of post-traumatic stress disorder is also likely appropriate.

Based upon these findings I highly recommend that Ms. Merrill address her symptoms of depression and anxiety, including previous trauma, through individual psychotherapy. As Ms. Merrill is able to better identify and understand contributing emotional factors, she can then work on developing more effective coping strategies, and her cognitive symptoms will hopefully improve as a result. I also encourage her to consult with her physician or a psychiatrist to consider medication options for better managing her anxiety and other mood related symptoms.

Short-term occupational or cognitive rehabilitation therapy, aimed at promoting her overall executive functioning skills, and specifically her attention and processing speed may also be helpful. Along with this, Ms. Merrill will need to identify and implement consistent daily routines for managing tasks. It is important that Ms. Merrill challenge herself to remain active and cognitively engaged, but at a pace that does not leave her overly stressed or fatigued. Unfortunately her current legal stresses are significantly contributing to her sense of overwhelm and deteriorating mental health.

To assist with current deficits in executive functions, Ms. Merrill should allow herself ample time to complete a variety of tasks. Placing pressure upon herself to perform tasks will only create excessive




anxiety, which in turn will exacerbate any cognitive difficulties. Others around her will also need to be patient with Ms. Merrill, allowing her more time to process information during conversation and when she is completing a variety of different tasks. She may need to encourage others to speak slowly and repeat information as necessary to facilitate her recall. Ms. Merrill should also get in the habit of keeping a day planner, notebook, or her phone with her at all times so that she can keep a written record of what she needs to remember. If she's using her phone this could include her camera, calendar, and use of reminders or other apps to track daily responsibilities, as well as use of the Notes app, with key words that can easily be searched.

Finally, Ms. Merrill's ability to effectively represent herself and navigate the numerous requirements currently placed on her related to her legal situation is considered significantly compromised by her current cognitive difficulties, as well as her overall mental health. I highly recommend that she be afforded legal assistance as appropriate to settle her affairs. Along with this, Ms. Merrill will need assistance in prioritizing daily tasks and setting appropriate goals. This will hopefully promote her overall organization and time management, but also assist in developing realistic expectations for herself.

**DSM-5 DIAGNOSIS/CLASSIFICATION:**

- Generalized Anxiety Disorder (F41.1)
- Major Depressive Disorder (F32.1), mild to moderate, recurrent
- Posttraumatic Stress Disorder (F43.10)
- Mild Neurocognitive Disorder Due to Traumatic Brain Injury (G31.84)



Shanley Donelan Mangeot, Psy.D.  
Licensed Psychologist (0002637)



# TBI Therapy

Regenerative Therapy for Brain Injury

May 20, 2021

Re: Charity Merrill

To Whom It May Concern:

This letter serves as medical verification that Ms. Merrill suffers from the following debilitating conditions:

Moderately severe traumatic brain injury (TBI) with post-concussive syndrome including the following: headache and head pressure, vertigo, confusion, difficulty communicating thoughts and emotions, loss of attention and focus, mental and physical fatigue, cognitive decline, memory loss, loss of concentration, mood lability, sensitivity to stressors including light, and sound, tinnitus, vision changes (included blurred vision), and seizures

Whiplash

Somatic dysfunction of head, neck, and thoracic spine

PTSD

The above diagnosis of TBI and post-concussive syndrome make it difficult, and at times, impossible, for Ms. Merrill to be present in everyday life or in a court of law at full capacity, especially under stress. Ms. Merrill is unable to represent herself in these cases as her inability to read, communicate, follow instructions, stabilize her mood, manage headache and neck pain, or other stressors is significantly compromised due to the TBI.

There is solid evidence to support the fact of Ms. Merrill's impaired condition including her history, physical exam, standardized assessment of concussion, qEEG (Wavi) scan, as well as DSM V criteria (2013). Outlined below is the DSM V criteria for the type of Major Neurocognitive Disorder that characterizes Ms. Merrill's condition.

DSM-V Diagnostic Criteria for Major or Mild Neurocognitive Disorder Due to Traumatic Brain

TBI Therapy, LLC - Basalt, CO (800) 488-8605



SHANLEY DONELAN MANGEOT, PSY.D

Licensed Clinical Psychologist  
Neuropsychologist

517 Blake Avenue #203 • Glenwood Springs, CO 81601

E-mail: shanley.mangeot@gmail.com

Phone: (970) 945-9841

Fax: (970) 945-2667


February 27, 2024

RE: Charity Merrill (Date of Birth: 9/30/59)

To Whom It May Concern,


Charity Merrill completed a comprehensive neuropsychological evaluation in November 2022 and recently requested a very brief summary of the findings from that evaluation. Diagnoses at that time included Mild Neurocognitive Disorder Due to Traumatic Brain Injury (G31.84), Generalized Anxiety Disorder (F41.1), Major Depressive Disorder (F32.1), and Posttraumatic Stress Disorder (F43.10).

Ms. Merrill's ability to effectively represent herself and navigate the numerous requirements placed on her related to her legal situation is considered significantly compromised by her cognitive difficulties. I highly recommend that she be afforded legal assistance as appropriate to settle her affairs. More detailed information and recommendations were provided in a previous detailed evaluation report.

  
Shanley Donelan Mangeot, Psy.D.  
Licensed Clinical Psychologist

County/City of Glenwood Springs  
Commonwealth/State of Colorado  
The foregoing instrument was acknowledged  
before me this 28<sup>th</sup> day of Feb, 2024,  
by Shanley Donelan Mangeot  
(name of person seeking acknowledgment)

Notary Public  
My Commission Expires: 09/28/2025

ROLF K HERMANSON  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID:   
MY COMMISSION EXPIRES 09/28/2025

**Attachment T**

**Colorado Court of Appeals Denial  
(Case 2023CV030127 / Case 2024CA1306)**

Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203	DATE FILED August 2, 2024
Pitkin County 2023CV30127	
<b>Petitioner-Appellee:</b>  Garfield Hecht PC,  v.  <b>Respondent-Appellant:</b>  Charity Merrill.	Court of Appeals Case Number: 2024CA1306
ORDER OF THE COURT	

To: All Parties

After review of the motion for extension of time to file the notice of appeal, and the response, the Court DENIES the motion.

IT IS THEREFORE ORDERED that the appeal is CLOSED.

BY THE COURT  
Dunn, J.  
Pawar, J.  
Moultrie, J.

C

**Attachment U**

**District Court: Motion to Stay Judgement Denied  
(Case 2023CV030127)**



Pitkin County Court  
506 East Main, Suite E  
Aspen CO 81611 United States

8/8



CHARITY MERRILL  
337 CRYSTAL LANE  
CARBONDALE CO 81623

1-252-1017

To: Charity Merrill

Subject: Service of documents in 2023CV30127.

You are being served with documents filed electronically through the Colorado Courts E-Filing system. Please review the following details concerning this service.

- Court Location: Pitkin County
- Case Number: 2023CV30127
- Filing ID: N/A
- Filed Document Title(s):
  - Motion For Extension Of Time To File Notice of Appeal
  - Order: Motion To Stay Of Judgment- Denied
- Submitted on Date/Time: Tue Jul 02 18:30:10 MDT 2024
- Submitted by Authorizing Organization:
- Submitted by Authorizing Attorney: Pitkin County Court

If you have a question about the above listed case, please contact the court.  
Information for all Colorado court locations is listed on the Colorado Judicial Branch  
website <http://www.courts.state.co.us/Index.cfm>.

C

**Attachment V**

**Colorado Supreme Court Decision - Denial  
(Case 2024 SC581)**

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED December 23, 2024
Certiorari to the Court of Appeals, 2024CA1306 District Court, Pitkin County, 2023CV30127	
<b>Petitioner:</b>  Charity Merrill,  v.  <b>Respondent:</b>  Garfield Hecht PC.	Supreme Court Case No: 2024SC581
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals and after review of the record, briefs, and the judgment of said Court of Appeals,

IT IS ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, DECEMBER 23, 2024.

**Attachment W**

**Denial of April 25, 2025 Motion ( to stay mediation pending  
maintenance enforcement for retention of counsel)**

Pitkin County Court  
506 East Main, Suite E  
Aspen CO 81611 United States



CHARITY MERRILL BERALDI

1037 CRYSTAL LAKE  
CARBONDALE CO 81623

1-149-1016

To: Charity Merrill Bernaldi

Subject: Service of documents in 2019DR30023.

You are being served with documents filed electronically through the Colorado Courts E-Filing system. Please review the following details concerning this service.

- Court Location: Pitkin County
- Case Number: 2019DR30023
- Filing ID: N/A
- Filed Document Title(s):
  - Order: Motion to stay mediation and proceedings pending payment of appropriate maintenance and retention of counsel
- Submitted on Date/Time: Fri Apr 25 18:30:09 MDT 2025
- Submitted by Authorizing Organization:
- Submitted by Authorizing Attorney: Pitkin County Court

If you have a question about the above listed case, please contact the court.  
Information for all Colorado court locations is listed on the Colorado Judicial Branch website <http://www.courts.state.co.us/Index.cfm>.

DISTRICT COURT, PITKIN COUNTY, COLORADO		DATE FILED April 25, 2025
Court Address: 506 EAST MAIN, SUITE E, ASPEN, CO, 81611		
<b>Petitioner(s)</b> MICHEL BERALDI and <b>Respondent(s)</b> CHARITY MERRILL BERALDI		
		<b>△ COURT USE ONLY △</b> Case Number: 2019DR30023 Division: 5                      Courtroom:
<b>Order: Motion to stay mediation and proceedings pending payment of appropriate maintenance and retention of counsel</b>		

The motion/proposed order attached hereto: ACTION TAKEN.

The Court has reviewed the expedited motion, to prioritize motions labeled as expedited, forthwith and emergency. The subject matter presented in the motion does not require the expedited handling requested of the Court. The Court will address the motion in due course after briefing on the scheduled laid out in the civil rules.

Issue Date: 4/25/2025



LAURA C MAKAR  
District Court Judge



**Attachment X**

**Stamped “received” cover letter page.**

No.

RECEIVED  
United States Court of Appeals  
Tenth Circuit

CHRISTOPHER M. WOLPERT  
Clerk

In The  
SUPREME COURT OF THE UNITED STATES

CHARITY MERRILL, Pro Se (Petitioner)

v.

GARFIELD & HECHT, et al. (Respondents)

*On Petition For Writ of Certiorari  
To The Supreme Court of the United States*

PETITION FOR WRIT OF CERTIORARI

Submitted by:  
Charity Merrill (Pro Se)

0337 Crystal Lane

Carbondale, Colorado 81623

(970) 306-2277

**Attachment Y**

**Email from the United States District Court Clerk**



Charity Merrill <charitymerrill@gmail.com>

## Request for case number to be assigned

COD ProSe Filing <COD\_ProSe\_Filing@cod.uscourts.gov>  
To: Charity Merrill <charitymerrill@gmail.com>

Wed, Apr 2, 2025 at 8:48 AM

Hello,

You do not have a case in the District of Colorado. I have attached our complaint form that you can use to open a new civil case. Furthermore, this email is not used for corroboration. Please call the Clerk's Office at 303-844-3433 for questions.

And to avoid later confusion, this is not the Supreme Court.

Office of the Clerk of Court

United States District Court | District of Colorado

Alfred A. Arraj United States Courthouse

901 19th Street, Room A-105

Denver, Colorado 80294-3589

(303) 844-3433

From: Charity Merrill <charitymerrill@gmail.com>  
Sent: Tuesday, April 1, 2025 3:01 PM  
To: COD ProSe Filing <COD\_ProSe\_Filing@cod.uscourts.gov>  
Subject: Request for case number to be assigned

CAUTION - EXTERNAL:

Y Page 122 of 128

**Attachment Z**

**Letter from the Clerk at the Court (clarifying a complete Motion to file Out of Time must include a Petition for a Writ of Certiorari with the Motion)**

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

April 30, 2025

Charity Merrill  


RE: Charity Merrill v. Garfield Hecht PC (COSC No. 2024SC581)  
Motion to Direct Clerk to File Out of Time

Dear Ms. Merrill:

The above-entitled motion to direct the Clerk to file a petition for a writ of certiorari out of time was postmarked April 17, 2025, and received April 24, 2025. The papers are returned for the following reason(s):

If you intend to file the above-entitled motion, you must submit a completed petition for a writ of certiorari together with the motion.

Based on your submission, please be advised that it does appear that the petition would be considered out of time. Specifically, the date of the lower court judgment or order denying a timely petition for rehearing was December 23, 2024. Therefore, the petition was due on or before March 24, 2025. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

Please mail both the motion and the completed petition together in one submission.

Sincerely,  
Scott S. Harris, Clerk

By:   
Kyle R. Ratliff  
(202) 479-3029

Enclosures



**Attachment AA**

**Proposed Order**

# **SUPREME COURT OF THE UNITED STATES**

**Charity Merrill**

**vs.**

**Eric Musselman-Garfield & Hecht**

Case No. To Be Assigned

**PROPOSED ORDER For Petition for a Writ of Certiorari:**

\_\_\_\_\_, 2025

Upon consideration of the motion to file out of time, the Court finds that under the conditions, the motion is granted and the petitioner's Writ of Certiorari will be received out of time.

Signed in accordance with Supreme Court rule 30.4 Clerk of the Supreme Court of the United States.

Signed \_\_\_\_\_

date \_\_\_\_\_

**Attachment BB**

**Certificate of Service**

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing motion for leave to file out of time was served on opposing counsel at the below address and date by certified mail.

Sent to:

Christine Garza  
c/o Garfield and Hecht P.C.  
910 Grand Ave, Suite 201  
Glenwood springs Co. 81601  
Ph. (970) 947-1936  
e-mail: [cgazda@garfieldhecht.com](mailto:cgazda@garfieldhecht.com)

I declare under penalty of perjury the foregoing is true and correct.

Respectfully submitted, June 23, 2025

Charity Merrill

0337 Crystal lane

Carbondale, CO. 81623

970-306-2277

charitymerrill@gmail.com

Signed

Charity Merrill

Dated

6-23-25

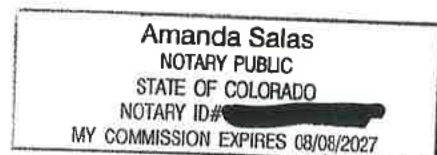
STATE OF CO  
COUNTY OF Garfield

The foregoing instrument was acknowledged before me this 23 day of June, 2025, by Charity Merrill Bernaldi

Amanda Salas  
Notary Public Signature

Amanda Salas  
Notary Name

My Commission Exp. 08/08/27



**Attachment CC**

**Affidavit of Timely Filing**

## **AFFIDAVIT OF TIMELY FILING**

I, Charity Merrill, being first duly sworn, depose and state as follows:

I am the Petitioner in the above-captioned case.

On March 21, 2025, I submitted a Petition for Writ of Certiorari on time within the 90 day time frame to the clerk at Federal Courts in Denver Colorado. That document was intended for the U.S. Supreme Court of the United States, but due to the petitioner's intellectual disability she misunderstood the clerks instructions and court process and had to repeat the process multiple times before getting it right.

Additionally, due to the Petitioner's brain injury, for over 5 years she has had to petition people to help her understand as she tries to study each step of this process as it presents itself to her. She has little computer skills, a broken computer and needs glasses but cannot afford to get her eyes checked due to the ongoing legal battles.

Due to her brain injury, it has taken a lot of time with the Petitioner still not being able to grasp some of the procedures and having to repeat steps over and over.

Lastly the Petitioner has also had multiple medical issues including Covid (twice) and suffers from ongoing repeated shingle outbreaks due to stress.



\*

The Petition is being submitted within the time allowed by Supreme Court Rule 13, or alternatively, I assert that equitable tolling applies due to a medically documented cognitive disability that materially impedes my ability to comply with the deadline.

I respectfully request the Court consider the petition as timely filed under Rule 13 and relevant equitable tolling doctrine.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 23 day of June, 2025

Charity Merrill

[REDACTED] 0337 Crystal Lane

[REDACTED] Carbondale, CO 81623

28 U.S.C.

[REDACTED] 3 U.S.C. § 1746 alternative:

\* Additionally: Please see the letter from Dr. Maddie McDowell in Appendix 226 A - 227 A (for the petition for the writ.)

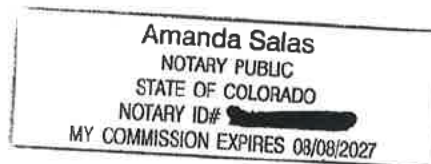
STATE OF CO  
COUNTY OF Garfield

The foregoing instrument was acknowledged before me this 23 day of June, 2025, by Charity Merrill Bernaldi

Amanda Salas  
Notary Public's Signature

Amanda Salas  
Notary Name

My Commission Exp. 08/08/2027



**Attachment DD**

**Motion to Supplement the Record  
(Pertaining to the Affidavit of Timely Filing)**

---

**SUPREME COURT OF THE UNITED STATES**

**Charity Merrill, Petitioner**

**v.**

**Eric Musseman-Garfield and Hecht, Respondent**

**Case No. - unassigned**

---

Clerk

Supreme Court of the United States 1 First Street N.E.

Washington D.C. 20543

**MOTION TO SUPPLEMENT THE RECORD / APPENDIX**

Pursuant to Supreme Court Rule 25.5 and in the interest of justice, the Petitioner respectfully moves the Court for leave to supplement the record in support of the Petition for Writ of Certiorari filed June \_\_\_, 2025.

In the course of compiling the Petition and accompanying Appendix, Petitioner inadvertently omitted current documents that need to be recognized. There are currently ongoing and overlapping legal demands in additional cases which were caused by the courts failure to allow petitioner an attorney. While the Writ is written, she is attempting to compile the appendix part of the document, due to her brain injury this is exactly what the petitioner does not have the ability to do. Thus, she is having to find someone who will be able and willing to help her complete the appendix section which is essential to compiling the writ.

The document attached is an email showing the request for more documents in their ongoing cases where again, petitioner is being denied an attorney. This Attachment A is titled

**“Email from overlapping cases, requesting more documents and Motions submitted by petitioner requesting counsel and denial”.**

Petitioner respectfully requests that the Court accept this supplemental document of the record for full and fair consideration of the issues presented in the Petition.

Respectfully submitted,

Charity Merrill

[REDACTED] 0337 Crystal Lane

[REDACTED] Carbondale, CO 81623

[REDACTED] 970-306-2277

Dated June 23, 2025

STATE OF CO  
COUNTY OF Barfield

The foregoing instrument was acknowledged before me this 23 day of June, 2025, by Charity Merrill Bernaldi

Amanda Salas  
Notary Public's Signature

Amanda Salas  
Notary Name

My Commission Exp. 08/08/2027

Amanda Salas  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID# [REDACTED]  
MY COMMISSION EXPIRES 08/08/2027

**ATTACHMENT A**  
**For Motion to Supplement the Record**  
**(Pertaining to the Affidavit of Timely Filing)**

**Email from overlapping cases requesting more documents May 29,2025**  
**And Motions submitted by petitioner requesting counsel and denied**



Charity Merrill [REDACTED]

---

**Postponement**

2 messages

---

**Charity Merrill** <charitymerrill@gmail.com>  
To: tammy [REDACTED]

Wed, May 28, 2025 at 9:23 PM

Dear Ms. Tallant,

I have been out of service and will be unable until around June 6th due to a prior commitment. Since I currently have no counsel due to Mr. Bervaldi's refusal to pay appropriate maintenance, and I have a TBI, I will need additional time to research exactly what you are requesting. I would like to request a postponement until appropriate maintenance fees are paid and counsel could be set in place to represent my interest.

Thank you for your understanding.  
Charity Merrill

---

**Tammy Tallant** [REDACTED]

To: Charity Merrill [REDACTED]

Thu, May 29, 2025 at 4:52 PM

Dear Ms. Merrill:

What is the date you would be able to provide financial disclosures and a response to the requested discovery?

**Current clients and colleagues can schedule an appointment [HERE](#).**

Sincerely,  
Tammy Tallant  
Resolution Law, LLC  
A Virtual Law Firm  
[REDACTED]

[Quoted text hidden]

DD 136 addendum



Pitkin County Court  
506 East Main, Suite E  
Aspen CO 81611 United States



CHARITY MERRILL BERVALDI

1-149-1016

To: Charity Merrill Bernaldi

Subject: Service of documents in 2019DR30023.

You are being served with documents filed electronically through the Colorado Courts E-Filing system. Please review the following details concerning this service.

- Court Location: Pitkin County
- Case Number: 2019DR30023
- Filing ID: N/A
- Filed Document Title(s):
  - Order: Motion to stay mediation and proceedings pending payment of appropriate maintenance and retention of counsel
- Submitted on Date/Time: Fri Apr 25 18:30:09 MDT 2025
- Submitted by Authorizing Organization:
- Submitted by Authorizing Attorney: Pitkin County Court

If you have a question about the above listed case, please contact the court. Information for all Colorado court locations is listed on the Colorado Judicial Branch website <http://www.courts.state.co.us/Index.cfm>.

DISTRICT COURT, PITKIN COUNTY, COLORADO		DATE FILED April 25, 2025
Court Address: 506 EAST MAIN, SUITE E, ASPEN, CO, 81611		
Petitioner(s) MICHEL BERVALDI and Respondent(s) CHARITY MERRILL BERVALDI		
		△ COURT USE ONLY △ Case Number: 2019DR30023 Division: 5      Courtroom:
<b>Order: Motion to stay mediation and proceedings pending payment of appropriate maintenance and retention of counsel</b>		

The motion/proposed order attached hereto: ACTION TAKEN.

The Court has reviewed the expedited motion, to prioritize motions labeled as expedited, forthwith and emergency. The subject matter presented in the motion does not require the expedited handling requested of the Court. The Court will address the motion in due course after briefing on the scheduled laid out in the civil rules.

Issue Date: 4/25/2025



LAURA C MAKAR  
District Court Judge