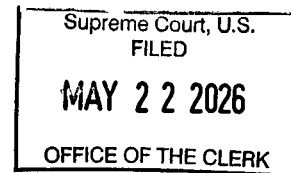


26-538

No.



IN THE
Supreme Court of the United States

SAMUEL COLLIN ROBINSON,
Petitioner

v.

KATHERINE LYMAN FREEMAN,
Respondent

On Petition for Writ of Certiorari
to the Supreme Court of Colorado

PETITION FOR WRIT OF CERTIORARI

Samuel Collin Robinson
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QUESTIONS TO REVIEW

The United States Supreme Court holds that when an individual has been found by a court to pose a credible threat to the physical safety of another, such individual may be temporarily disarmed without falling foul of the Second Amendment. *U.S. v. Rahimi*, 602 U.S. 680, 680 (2024). This decision endorses United States Code, Title 18, Section 922(g)(8)(C)(i), and similar state laws.

When a parent went alone, and unarmed, to church, to see their child, making no threat of any kind while there, may a magistrate order, as a consequence, per the wishes of the other parent, that the first must relinquish the firearms they had owned for decades? Does *Rahimi* endorse requiring relinquishment where there is no finding of a threat to physical safety, as in this situation, matching parameters of 922(g)(8)(C)(ii)?

May a petitioner's demand be deemed sufficient cause for a magistrate to deprive a respondent of personal property under state law without giving notice and opportunity to respond before making findings? Does *Rahimi* exempt Colorado Revised Statutes 13-14-104.5 and 105.5 from constitutional due process requirements like those made explicit prerequisites by 922(g)(8)(A) and the Fourteenth Amendment?

Sections 13-14-104.5(4) and 104.5(8)(a) require a hearing to determine whether there is sufficient cause to issue a temporary civil protection order.

Section 104.5(4) allows, but does not require, that the hearing be held ex parte. Must the court at least attempt to notify the accused, before convening the hearing? Is the statute unconstitutional for lacking explicit requirements that the accused be given notice and an opportunity to participate before a determination is made? When an order is issued without even holding the hearing, does it violate the authorizing statutes and, therefore, violate procedural due process?

When a temporary civil protection order is issued, and the grounds include physical force, 104.5(9) requires that the respondent also comply with 105.5(1) by relinquishing firearms and ammunition. Section 105.5(1) requires that the court determine whether physical force was involved by reviewing the petition for the protection order. There is no mention of reviewing any response. Is this one-sided review unconstitutional?

104.5(8)(a) and 104.5(10) require a second hearing to determine whether a temporary civil protection order should be made permanent. May rubberstamp findings, made, without due process, at the time of the temporary order, be relied upon as conclusive for the purpose of deciding the outcome of the permanent protection order hearing, including a firearms relinquishment order that never expires?

PARTIES TO THE PROCEEDING

Samuel Collin Robinson is the Petitioner here. Katherine Lyman Robinson, now Katherine Lyman Freeman, is the Respondent. To date, there are no other parties to this proceeding. Katherine was the original Petitioner in Colorado District Court for Mesa County case 2012DR0018. Collin was the Respondent. Those designations remain in use. They are the opposites of the conventions required here, so confusion could ensue. Therefore, names are used in this petition, in the interest of clarity. Katherine is represented by counsel, Joshua Martin, Esq.

RELATED PROCEEDINGS

In Re the Marriage of Robinson, 2026SA13, Colorado Supreme Court. Order Denying Petition, filed March 4, 2026. Appendix B.

In Re the Marriage of Robinson, 2025CA1785, Colorado Court of Appeals. Order Dismissing Appeal, filed December 5, 2025. Mandate issued March 9, 2026. Appendices A and D.

In Re the Marriage of Robinson, 2012DR18, District Court for Mesa County, Colorado. Order Denying Judicial Review, filed by Judge on September 2, 2025. Appendix H.

In Re the Marriage of Robinson, 2012DR18, District Court for Mesa County, Colorado. Order Denying Stay, filed by Magistrate on August 7, 2025. Appendix K.

In Re the Marriage of Robinson, 2012DR18, District Court for Mesa County, Colorado. Temporary Protection Order packet, filed by Magistrate on July 30, 2025. Appendix N.

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OPINIONS BELOW

¶1 On March 4th, 2026, the state court of last resort, the Colorado Supreme Court, declined review of this case by an unpublished order that appears as Appendix B to the present petition. On December 5th, 2025, the Colorado Court of Appeals declined review of the merits of this case by an unpublished order that appears verbatim as Appendix D. On September 2nd, 2025, a Judge of the District Court for Mesa County declined review of this case by an order that appears as Appendix H.

JURISDICTION OF THE SUPREME COURT

¶2 Important questions of federal law were decided by magistrates of the District Court for Mesa County, Colorado, in ways that conflict with a recent and relevant decision of the United States Supreme Court, *U.S. v. Rahimi*, 602 U.S. 680 (2024). There was gross misinterpretation and misapplication of precedent. State appellate courts ducked, dodged, and declined to review the merits of the case, so, the issues remain to be settled at the federal level. United States Supreme Court Rule 10(c).

¶3 In addition to specifying that precedent must not be misused, resolution of this case should include declaring enacted statutes invalid for being repugnant to the state and federal constitutions. Therefore, Collin pleads for the United States Supreme Court to exercise discretionary jurisdiction, given by United States Code, Title 28, Section

1257(a). The Solicitor General of the United States is being served notice, simultaneous with this petition. United States Supreme Court Rule 29.4(b). The Attorney General of Colorado is also being served notice, simultaneous with this petition. Rule 29.4(c).

LEGAL PROVISIONS CONCERNED

¶4 Constitution of the United States of America,

Amendment 1: "Congress shall make no law...abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition...for a redress of grievances."

Amendment 2: "...the right of the people to keep and bear Arms, shall not be infringed."

Amendment 6: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed;...and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

Amendment 7: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved..."

Amendment 8: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."

Amendment 14, Section 1: This is the federal law that governs the bulk of the present appeal. The relevant part is, "...nor shall any State deprive any person of life, liberty, or property, without due process of law..."

¶5 United States Code,

Title 18, Section 922(g)(8): Part of this federal statute is under scrutiny here. "It shall be unlawful for any person...who is subject to a court order that-

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; ...

to...transport in interstate...commerce, or possess in or affecting commerce, any firearm or ammunition..."

¶6 Colorado Constitution,

Article II, Section 25: "No person shall be deprived of life, liberty or property, without due process of law."

¶7 Colorado Revised Statutes,

Title 13, Article 4, Section 102(1): "Any provision of law to the contrary notwithstanding, the court of appeals shall have initial jurisdiction over appeals from final judgments of, and interlocutory appeals of certified questions of law in civil cases pursuant to section 13-4-102.1¹ from, the district courts, the probate court of the city and county of Denver, and the juvenile court of the city and county of Denver, except in: (a)-(h)²."

Title 13, Article 14, Section 101(2.1):
"Domestic violence", commonly known as "intimate partner violence", means a pattern of violent behavior or an act, attempted act, or threat of violence, stalking, harassment, or coercion that is committed by a person against another person with whom the actor is involved in an intimate relationship..."

Title 13, Article 14, Section 104.5: This state statute is under scrutiny here. The statute is

¹ This separate section is not the same as 102(1); this one deals with interlocutory appeals of determinations of questions of law in civil cases.

² These exceptions include water rights, habeas corpus, and certain other types of cases, none of which apply here.

lengthy. The pertinent portions are found in subsections 4, 8, 9, and 10. These appear as Appendix P.

Title 13, Article 14, Section 105.5: This state statute is also under scrutiny. The statute is lengthy. Select subsections 1, 2, 4, and 5 are presented as Appendix Q.

STATEMENT OF THE CASE

¶8 The issues presented here arise from a motion filed at 1:04 pm on July 30th, 2025, by Katherine Freeman, for a civil protection order to bar Collin Robinson from attending church to see the parties' son. Appendix O. Katherine fortified the motion with false claims of domestic violence, some purportedly committed over 14 years ago, as a means of misleading the court and sabotaging co-parenting. The undisputed facts are, for at least the past 5 years, Collin had been going to church with some regularity, alone, and unarmed, to see the parties' children, who were there under the influence of Katherine. The parties' daughter turned 18 and stopped attending the congregation. The parties son is 16 and continues to attend. Aside from maturation of the children, the sole recent change in circumstance was that Katherine moved across town in July, so the family changed chapel locations.

¶9 Later the same afternoon that the motion for a civil protection order was filed, Magistrate Barnes issued a temporary protection order at 5:11 pm,

including a firearms and ammunition relinquishment requirement, before Collin was even aware that a motion for a protection order had been filed, and without making any attempt to notify Collin of a hearing to determine the existence of sufficient cause. Appendix N. There was no chance to scrutinize evidence, file a response, present evidence, be heard, or otherwise participate in the process that led to the court decision depriving Collin of property he owned for decades. Collin does not even know whether the required hearing was convened. The court file contains no documentation of any such hearing. There was no due process.

¶10 That evening, Collin checked email and found out about the situation, learning all at once that the motion and order had both been uploaded to the electronic filing system. The next evening, July 31st, Collin moved the court for a stay of action that would halt the requirement to relinquish until after the scheduled permanent protection order hearing gave opportunity for both sides to be heard. Appendix M. This was the stage in the proceedings before the court of first instance when the federal questions sought to be reviewed were raised. A constitutional due process challenge was made. The case was distinguished from the Supreme Court decision in *U.S. v. Rahimi*.

¶11 The morning after, on August 1st, a process server brought a copy of the temporary order to Collin's home. Appendix L. The order gave 48 hours

for compliance with the relinquishment requirement. On August 7th, 2025, Magistrate Barnes summarily denied the motion for stay, ignoring both the due process challenge and distinction from *Rahimi*. Appendix K. The very next day, August 8th, Collin petitioned for judicial review, raising the same issues. Appendix J.

¶12 A permanent protection order hearing was convened by Magistrate Garcia on August 12th, and a permanent civil protection order was issued from the bench at the conclusion of the hearing. The hearing was marred by the magistrate misinterpreting and misapplying *Rahimi*. Also, the magistrate prohibited Collin from explaining *Rahimi*. Further, the magistrate relied on faulty findings, made without due process at the time of the temporary protection order. These prior “findings” were taken as conclusive for the purpose of deciding results of the permanent order hearing. Appendix I³, TR, 2025.08.12, pp 63:4-8, 64:3-25, and 65:1-18.

³ The hearing transcript is long. Appendix I is just a sample. The transcript contains many typographical and clerical errors. As example, the date of the hearing is given on the third page as occurring in 2018, although the year is 2025. Another example is found on page 79 (transcript numbering, not appendix numbering) at line 15 where, “...I love my children...” is mis-transcribed as, “...I left my children...”. Many such mistakes occur throughout the text, so, please read with a flexible mindset to ascertain what was said, as opposed to what was transcribed. This will allow consideration of the case

¶13 On September 2nd, 2025, Judge Lawrence issued a final order calling the petition for judicial review of the motion to stay the relinquishment requirement of the temporary order moot. In issuing this order, the judge again outright ignored questions of due process and misapplication of precedent.

Appendix H. This final order was then raised to the Colorado Court of Appeals for review. Appendix G.

¶14 The opening brief to the Colorado Court of appeals was mailed on September 27th, 2025. The brief acknowledged the mootness issue, explaining that courts can and do address otherwise moot questions of public importance that are capable of repetition yet evade review because of short statutory time frame. This was the stage in the proceedings before the appellate courts when the federal questions sought to be reviewed were raised. A constitutional due process challenge was again made. The case was again distinguished from the Supreme Court decision in *U.S. v. Rahimi*. Appendix G. On October 30th, 2025, the Court of Appeals issued an order to show cause why the appeal should not be dismissed as moot. Appendix F. The order to show cause made no mention of the opening brief explanation of mootness exceptions where issue recurrence and evasion of review are present. The

without incurring the additional delay that would be occasioned by correction of the transcript. Thank you.

order to show cause made no mention of any question of jurisdiction.

¶15 A thorough response to the order to show cause was mailed to the court of appeals on November 17th, 2025. Appendix E. Instead of acknowledging that the response overcame the mootness doctrine, and instead of taking up the merits of the case, as is their duty, the judges of the court of appeals pivoted to excuse themselves from the case by claiming a lack of jurisdiction. No explanation was given. Appendix D.

¶16 The case was then raised to the Colorado Supreme Court by a Petition for Orders to Show Cause, mailed on January 10th, 2026. The petition sought the exercise of the general superintending authority of the Colorado Supreme Court over the Court of Appeals and the lower court that issued the civil protection orders and firearms relinquishment orders in this case, as well as over all lower courts that issue such orders under the statutes concerned here. The petition also sought to have the unconstitutional portions of those statutes declared invalid. Appendix C. On March 4th, 2026, the Colorado Supreme Court issued an order declining to grant the petition. No explanation was given. Appendix B. The mandate of the Colorado Court of Appeals was issued on March 9th, 2026, dismissing the case after exhaustion of all avenues of remedy in Colorado. Appendix A.

REASONS TO GRANT WRIT

¶17 Stopping Misapplication of *Rahimi*: There are several compelling reasons to grant certiorari in this case. The principal reasons are to stop misapplication of recent precedent and to prevent proliferation of the problem. The United States Supreme Court holds that when an individual has been found by a court to pose a credible threat to the physical safety of another, such individual may be temporarily disarmed without falling foul of the Second Amendment of the United States Constitution. *U.S. v. Rahimi*, 602 U.S. 680, 680 (2024). In the present case, the *Rahimi* decision was misinterpreted, conflated, and misapplied as a smokescreen for grave injustice being perpetrated by the court of first instance. Contrary to the assertion of the district court, *Rahimi* does not govern here because the cases are very different.

¶18 No Threat to Physical Safety: The first distinction between this case and *Rahimi* is circumstance. In *Rahimi*, the Supreme Court dealt with a case involving a credible threat to physical safety. In this case, there was and is no threat of any kind. Even the malicious and fallacious Motion for Civil Protection Order did not claim a *physical* threat. In Appendix O, Paragraph 1, the boxes were checked for “Domestic Abuse”, “Domestic Violence”, and “Stalking”, but not for “Physical Assault, Threat, or other situation”. The “findings” of Magistrate Barnes also lack this element. In Appendix N,

Paragraph 5(a), the box for "Sufficient cause exists for the Court to enter a Civil Protection Order" is checked, but not the box for "The protection order is based on an act of Domestic Violence. That act involved the threat, use, or attempted use of physical force." Paragraph 6(f) purports to document a domestic violence finding, but makes no mention of any physical element.

¶19 Collin did not perpetrate domestic violence of any kind, but even if he had, that would not necessarily pose a threat to physical safety. How can this be? In plain language, in the senses of interest here, domestic means, "of or relating to the household or the family," and violence means, "the use of physical force so as to injure, abuse, damage, or destroy." Merriam-Webster Dictionary. Statutory definitions of domestic violence corrupt the plain language by also including threats, stalking, harassment, and coercion. Colorado Revised Statutes (C.R.S.) 13-14-101(2.1)⁴. Although these acts are abusive and unacceptable, they do not include use of physical force, and should not, therefore, be categorized as violence. This inconsistency makes it necessary for statutes that mention domestic violence in context that

⁴ The alternative statutory definition given by C.R.S. 18-6-800.3(1) is not the same, but is similar, and also includes any municipal ordinance violation used to control, intimidate, or exact revenge.

contemplates the true definition of violence to include terms identifying physical force as a necessary additional element for certain provisions, e.g. C.R.S. 13-14-105.5(1). This is also the reason that the motion form and order form for civil protection have separate check boxes for physical threats. Appendices O and N.

¶20 Don't these points about checking boxes and statutory definitions amount to quibbling that misses the spirit of the law? No. They underpin a very real distinction. Mr. Rahimi dragged the other party, shoved them into a vehicle, drew a firearm, discharged it, and followed on with a telephone call to threaten murder as deterrence against reporting. Rahimi conceded that statutory criteria were met. The court found that Rahimi posed a credible threat to the physical safety of the other party. In contrast, Collin went to church to see his child. Collin went alone and unarmed, was quiet and respectful, made cordial chit chat with members of the congregation when appropriate, and then left. Katherine mischaracterized events. Collin refuted the false narrative. Appendix M, Exhibit A. The district court did not "find" a credible threat to physical safety. Therefore, the *Rahimi* decision does not apply to, and does not control disposition of, this case...at least, it would not, were the district court thinking with unbiased clarity.

¶21 Isn't this obvious? Isn't it unnecessary to occupy the limited time of the United States

Supreme Court with this issue? Based on the actions of the court of first instance in this case, and on the appellate courts avoiding eye contact with the problem, the answer is, “no.” Lower courts must be stopped from misapplying, and from looking the other way to allow misapplication of, *Rahimi*.

¶22 The district court confused or conflated its own “findings” as a means of supporting its unjustifiable firearms relinquishment order under cover of misapplication of *Rahimi*.⁵ The court refused to acknowledge this in its orders responding to Collin’s pleading documents, and Magistrate Garcia refused to allow Collin to explain this on the record.

Appendix I, TR, 2025.08.12, pp 63:4-8, 64:3-25, and 65:1-18. The Colorado Court of Appeals dodged taking up the merits of the issue, and the Colorado Supreme Court declined consideration of the case.

¶23 The statute endorsed by *Rahimi* is United States Code, Title 18, Section 922(g)(8)(C)(i).

Although, in the present case, no federal statute was cited by the temporary civil protection order, proper, and no applicable federal statute was mentioned during the permanent civil protection order hearing, the circumstances leading to firearms relinquishment here match the parameters of 922(g)(8)(C)(ii), and 922(g)(8) is cited by one of the orders signed by Magistrate Barnes and included in

⁵ “...the case...” relied upon by Magistrate Garcia, including at Appendix I, TR, 2025.08.12, pp 64:10-12, 65:15-18.

the packet⁶ of material served with the temporary order. Section 922(g)(8)(C)(ii) is applicable to the distinct scenario of a person subject to a court order that prohibits the use, attempted use, or threatened use of physical force, *even though* there was *no* finding of a credible threat to physical safety. This scenario was *not* considered by the Supreme Court. The Court stated, “Our analysis starts and stops with Section 922(g)(8)(C)(i)...We need not decide whether ... Section 922(g)(8)(C)(ii) is also permissible.” *U.S. v. Rahimi*, 602 U.S. 680, 693 (2024). While this topic was ancillary to *Rahimi*, it is *central* here.

¶24 Section 922(g)(8)(C)(ii), should be declared unconstitutional because of situations like this, where the protection order is not necessary to protect anyone from physical danger, and instead serves to create a pretext for requiring unjust relinquishment of firearms in order to harass, coerce, and project a general pall of false creepiness over, a parent, so as to sabotage co-parenting and monopolize a child. The existence of a protection order, independent of

⁶ This is a 29-page packet of documents consisting of blank forms, forms in a state of partial completion, boilerplate information, and multiple court orders. Appendix N serves as a placeholder. For substantive review, please refer to the original packet that can be found in the court file. Thank you. Section 922(g)(8) is cited at page 152 of Appendix N and appears at page 26 of the original PDF efiled by the magistrate.

the existence of a credible threat, is incongruent and inadequate to deprive a citizen of personal property protected by the Constitution.

¶25 The United States Supreme Court holds, "...it [to be] a precept of justice that punishment...should be...proportional to the offense." The Court goes on, "We cannot think that the possibility of a coercive cruelty being exercised through other forms of punishment was overlooked. We say 'coercive cruelty,' because there was more to be considered than the ordinary criminal laws. Cruelty might become an instrument of tyranny; of zeal for a purpose, either honest or sinister." *Weems v. U.S.*, 217 U.S. 349, 366-367, 373 (1910).⁷ This is a cruel and unusual punishment precedent, articulating principles of application of the 8th Amendment of the United States Constitution.

¶26 One might argue that the orders here are not punishments at all, but measures to protect Katherine. This argument is fallacious. There is no threat to Katherine from Collin, and deprivation of property *is* a punishment. Being forced to relinquish valuable personal property, for life, as a consequence of going to church and being polite, is punitive and manifests gross disproportion.

¶27 Proportionality is required in civil cases as well as criminal cases. The United States Supreme Court

⁷ St. Thomas Law Review: Vol.17, Iss.2, Win. 2004, by Headley.

also holds, "The Due Process Clause of the Fourteenth Amendment prohibits the imposition of grossly excessive or arbitrary punishments ... courts must ensure that the measure of punishment is both reasonable and proportionate to the amount of harm to the plaintiff." *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 416, 425-426 (2003).⁸

¶28 Here, there was *no* harm to Katherine. While she may feel uncomfortable in the same room as someone she doesn't agree with, this is not harm; it is a normal part of life as a grown citizen of a free society where Democrats and Republicans, Jews and atheists, Yankees fans and Mets fans, German immigrants and Mexican immigrants, cat enthusiasts and dog aficionados, and the general diversity of humanity must learn and practice tolerance in order to get along.

¶29 Due Process of Law: The second distinction between this case and *Rahimi* is the nature of the question of law presented for determination. In *Rahimi*, the Supreme Court dealt with a Second Amendment challenge. In this case, a due process challenge is presented. The 14th Amendment of the United States Constitution and Article II, Section 25, of the Colorado Constitution protect every person from being deprived of life, liberty, or property, without due process of law. In plain language, *due*

⁸ This is from the same St. Thomas Law article as note 7.

process indicates, “a course of formal proceedings...carried out...in accordance with established rules and principles”. Merriam-Webster Dictionary. The essence of *due process of law* is a requirement that a person in jeopardy of serious loss at court be given notice of the case against them and opportunity to meet it. *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976). The constitutional rights to due process are not set aside by any exception for temporary orders. Due process is essential to preservation of public liberty. The state may not, and must not be allowed to, deprive a person of property without going through due process of law. While firearms are the property in question here, the principle is the same as if the subject were a toothbrush. The court can’t just take it away, based on the say-so of an adverse party with mercenary ulterior motives. The court must *first*, at *least*, consider information from both sides.

¶30 The *Rahimi* decision requires a specific finding, and does not excuse any court from abiding by due process requirements, while working toward a finding that the necessary element is, or is not, present. In fact, the statute considered in *Rahimi* is predicated on an explicit prerequisite that rudiments of due process take place. There must first be a hearing, of which the accused received actual notice, and at which the accused had an opportunity to participate. United States Code, Article 18, Section 922(g)(8)(A). Therefore, due process protections are

implicit in *Rahimi*. Misapplication of precedent, as a smokescreen for due process violations, is not acceptable. *Rahimi* does *not* allow courts to skip due process of law, as occurred in this case.

¶31 Notification of the Accused: Magistrate Barnes rubberstamped the temporary civil protection order the same afternoon the motion requesting the order was filed, without making any attempt whatever to even notify the accused about the motion. Collin did not learn of the motion until evening, after the corresponding temporary order was issued. Collin learned of it that soon as a result of his own proactive initiative. The process server did not arrive until a day and a half later. C.R.S. 13-14-104.5(4) requires that, "a motion for a temporary civil protection order shall be set for hearing at the earliest possible time, which hearing may be ex parte...". Established rules and principles require that both parties be notified in advance of settings and hearings. There was no notice of the time or place of either the setting or the temporary protection order hearing. The statute allows, but does not require, that the hearing be ex parte. This causes confusion. To prevent confusion, 104.5(4) should include an explicit requirement that the maligned party be notified prior to the hearing, similar to United States Code, Article 18, Section 922(g)(8)(A). Also, the magistrate should have been forthright. Both safeguards failed. The order was illegal and the statute is unconstitutional.

¶32 Opportunity to Participate: As mentioned in the preceding paragraph, 104.5(4) allows a hearing on a motion for a temporary civil protection order to be ex parte. The statute fails to specify the circumstances under which an ex parte hearing would be acceptable, such as when a respondent evades notice or fails to appear. Here there was no evasion of notice, and Collin could not have appeared, because he was not notified. The magistrate gave no opportunity for the accused to respond before issuing orders curtailing Collin's liberty and requiring that he relinquish personal property. This left the order illegal for violating constitutional due process rights and revealed that 104.5(4) is unconstitutional for failing to give explicit instruction on this point, the way 922(g)(8)(A) does. Due process rights exist to give accused parties a modicum of protection from misrepresentation and false accusation by allowing them to present the other side of the story. There was no such opportunity here.

¶33 The Hearing Was Skipped: C.R.S. 13-14-104.5(4) and 104.5(8)(a) establish that, in order for a temporary civil protection order to issue, a hearing is necessary to determine whether sufficient cause exists. In this case, there was no effort to notify the accused of the hearing and there is no documentation of the hearing in the case file. Magistrate Barnes issued reflexive knee-jerk orders without convening the formal proceeding required in accordance with established rules and principles. She skipped the

essential provision of the authorizing statute. This was a gross violation of procedural requirements protected by constitutional due process rights. The “findings” made as basis were invalid and the resulting order was illegal.

¶34 Review Was One-Sided: When a temporary civil protection order is issued, and the grounds include physical force, C.R.S. 13-14-104.5(9) requires the respondent to also comply with 105.5(1) by relinquishing firearms and ammunition in their possession. There were no legitimate grounds here at all, much less any grounds including physical force. Still, Magistrate Barnes did order Collin to relinquish his firearms, citing 105.5 as the authorizing statute. Section 105.5(1) requires that the court determine whether physical force was involved by reviewing the petition for the protection order. There is no mention of reviewing any response. This one-sided review is unconstitutional for failing to provide due process of law before depriving a party of property. The relinquishment order was illegal and 105.5(1) is invalid for violating both state and federal constitutional due process requirements, e.g. the 14th Amendment.

¶35 Contamination of the Permanent Order: The temporary civil protection order issued by Magistrate Barnes was based on faulty findings rubberstamped after review of information from one side without review of information from the other side, or even attempting to notify the other side, in a clear

violation of due process requirements. These findings and the order itself gave momentum to the accuser. The shoddy findings were given deference at the subsequent permanent order hearing and were relied upon as conclusive for the purpose of deciding the outcome of that hearing. Magistrate Garcia said, "...I know the holding in the case⁹ and I know what Magistrate Barnes found¹⁰, so that's what it is." Appendix I, TR, 2025.08.12, pp 63:4-8, 64:3-25, and 65:1-18, in particular 65:16-18. Therefore, the permanent protection order hearing and the resulting order were contaminated by the same egregious due process faults as the temporary protection order. While the present petition arises from the temporary order, impact on the permanent order is important context to illuminate the full extent of the big cheat perpetrated here.

EXCUSES OF THE COURT OF APPEALS

¶36 The Mootness Doctrine and Exceptions: Courts use the mootness doctrine to excuse themselves from reviewing the merits of appeals when the relief sought would not yield a practical effect for the appellant because events occurring between issuance of the order being appealed and disposition of the appeal have superseded the order or otherwise made

⁹ *U.S. v. Rahimi*, 602 U.S. 680 (2024).

¹⁰ ...when she issued the temporary civil protection order.

it irrelevant. *People in Interest of L.O.L.*, 197 P.3d 291, 293 (Colo. App. 2008). Ignoring the acknowledgement and explanation of this issue that were given by the opening brief, the Colorado Court of Appeals first attempted to dodge this case by stating that it appeared that the appeal may be moot, and ordering Collin to show cause why the appeal should not be dismissed as moot. Appendix F. Collin filed a response that showed cause, and did so in spades, overcoming the mootness doctrine with well-established exceptions. Appendix E. This was not difficult, because, this case is a clean specimen of one presenting issues eligible for exception from the mootness doctrine for being apt to occur again and apt to evade appellate review, issues including constitutional violations. The issues aren't just *apt* to evade review, they *have* evaded review, at three different levels, so far. The issues evaded review because the underlying courts chose to look the other way and allow indispensable rights to be trampled. It is convenient to this shirking of duty that the nominal period between issuance and supersedure of the temporary order is weeks, which is not long compared to appellate time frames in months, offering the fig leaf of mootness. Earnest courts can and do take up cases where these problems occur. *People in Interest of C.G.*, 410 P.3d 596, ¶ 2, 36, 37 (Colo. App. 2015). *People in Interest of L.O.L.*, 197 P.3d 291, 293-295 (Colo. App. 2008). The due process violations committed by the underlying courts here

must be prevented from evading review yet again. Court procedure must be cured to prevent injustice.

¶37 Jurisdiction of the Court of Appeals: There was a petition to the district court for judicial review in this case. The district court issued a final order declining to review the merits of the petition. Colorado Revised Statute 13-4-102(1) assigns initial jurisdiction to review this final order to the Colorado Court of Appeals. Section 102(1)(a)-(h) lists exceptions to this jurisdiction, none of which are applicable here. The court of appeals attempted to excuse itself from considering the merits of the brief by citing the mootness doctrine and ordering Collin to show cause why the appeal should not be dismissed. Appendix F. The order to show cause made no mention of any jurisdictional question. A successful response was filed. Appendix E. Instead of acknowledging the valid response, and taking up the merits of the case, the court of appeals pivoted to excuse itself from the case by disavowing jurisdiction. The court did not cite any statutory exception allowing this, or give any explanation whatsoever. Appendix D. The claim that the court of appeals lacks jurisdiction is false. The court of appeals should have taken up the merits of the case.

CIRCUMVENTION OF RULE OF LAW

¶38 The due process violations committed by the underlying courts have evaded review as if disregarding due process requirements occurs in

temporary civil protection order cases on a regular basis, as a matter of course, as if by force of habit or standard operating procedure, as if the district court need not trouble itself to abide by the constitutions of the state and nation, revealing the entire proceeding to have been an unacceptable charade, where the outcome of the process was a foregone conclusion from the very start: the accused would be found guilty, regardless of the facts. These violations are not mere technicalities; they are abject failures to honor essential points of basic due process of law, a constitutional right of individual persons that is essential to public liberty. The resulting orders curtailed several other constitutional rights, such as: the right to assemble in peaceable manner, according to the 1st Amendment; the right to keep personal property, according to the 14th Amendment; and the right to keep arms, according to the 2nd Amendment. There was no evidence adequate to support a criminal charge here, there was no charge, and there was no conviction; still, the magistrates bungled administration of bad laws to levy penalties appropriate to a felony conviction, without trial by an impartial jury, in the spirit of the 6th and 7th Amendments, or even hearing the accused, before finding them guilty, as part of a fully developed protocol for circumventing rule of law, and getting away with it – with utter impunity, to date. The resulting order and the laws it is based on are unconstitutional. Please exercise superintending

authority to correct this incompetent, illegal, and unacceptable, procedure.

AFTERMATH

¶39 After misapplication of *Rahimi* is corrected, after unconstitutional statutes are struck down, and after gross violations of procedural requirements by hearing magistrates are denounced, will courts be left unable to grant protection orders to petitioners who live under genuine threats to physical safety? No. Where real threats exist, petitioners will remain eligible for protection orders. Access to due process of law will be restored to victims of false accusation and mischaracterization. Rule of law will be reestablished. No harm to Katherine will result.

SUMMARY

¶40 Should an accuser's say-so alone be enough for a magistrate to strip a law-abiding citizen of the right to exist in the same community space as their son? Should it be enough to deprive them of personal property they have owned for decades? The answers to these questions are no and no. The court must be required to, at least, attempt to notify the maligned party, and where there is no evasion of notice, convene a hearing to consider evidence from both sides, *before* ordering these punitive measures. Due process of law is essential to preservation of public liberty. We must hold this line. Violations of key

procedural requirements must be denounced, and faulty portions of C.R.S. 13-14-104.5 and 105.5 should be declared unconstitutional.

¶41 Should going to church, unarmed, and being polite while there, be considered adequate reason for the State to deprive a citizen of personal property, that was kept at home, and protected by the Constitution? No. The underlying court's mistaken assertion that Supreme Court precedent endorses requiring a respondent to relinquish their firearms, when there is no finding of a credible threat to the physical safety of the petitioner, must be corrected. Lower courts must be stopped from using misinterpretation and improper application of the *U.S. v. Rahimi* decision, and 18 U.S.C. 922(g)(8)(C)(ii) should be declared unconstitutional.

¶42 Please enunciate clear answers to the questions presented for review and reverse the injustice perpetrated here. Thank you.

Pled in earnest,

Samuel Collin Robinson

Samuel Collin Robinson

2026.08.24

Date