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Colorado Court of Appeals

2025CA1785

On Appeal From
District Court, Mesa County, 2012DR18

In re the Marriage of
Appellee: Katherine Lyman Freeman
v.
Appellant: Samuel Collin Robinson

MANDATE

This proceeding was presented to this Court
on appeal from Mesa County.

Upon consideration thereof, the Court of
Appeals hereby **ORDERS** that the **APPEAL** is
DISMISSED.

TIFFANY MORTIER
CLERK OF THE COURT OF APPEALS

DATE: MARCH 9, 2026

Colorado Supreme Court

2026SA13

Original Proceeding: Court of Appeals, 2025CA1785

In re the Marriage of
Appellee: Katherine Lyman Freeman
v.
Appellant: Samuel Collin Robinson

ORDER OF COURT

Upon consideration of the Petition for Orders to Show Cause Pursuant to Colorado Appellate Rule 21 filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Petition for Orders to Show Cause Pursuant to Colorado Appellate Rule 21 shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, MARCH 4, 2026.

Colorado Supreme Court

2026SA13

Underlying Proceeding: Court of Appeals,
2025CA1785

In re the Marriage of
Katherine Lyman Freeman
and
Samuel Collin Robinson

PETITION FOR ORDERS TO SHOW CAUSE PURSUANT TO COLORADO APPELLATE RULE 21

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¹² The supporting documents contained by this original appendix appear in the present appendix, so they are not reproduced here, as that would be redundant.

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Identities of Parties

¶1 Katherine Lyman and Samuel Collin Robinson wed in 2005. She took his last name. In 2011, she opened divorce proceedings that were withdrawn within weeks. In 2012, she opened a second round of divorce proceedings that resulted in dissolution of the marriage 9 ½ months later. As this set the stage for a parenting time dispute that has been going on ever since, the domestic relations case remains active in the District Court for Mesa County. Katherine is the Petitioner in case 2012DR18. Collin is the Respondent. In March of 2014, Katherine married again and took the surname Freeman. In 2025,

Katherine Freeman filed a Motion for Civil Protection Order against Collin. The case remains 2012DR18. Katherine is the Petitioner that requested a protection order. Collin is the Respondent. Temporary and permanent civil protection orders were issued by the district court without honoring necessary due process provisions. Collin objected, raising the issue to the magistrate, then to a district court judge, then to the Colorado Court of Appeals, as case 2025CA1785. In the context of the court of appeals, Katherine was the Appellee and Collin was the Appellant. The present petition to the Colorado Supreme Court is filed by Collin, so in this context, Katherine is the Respondent and Collin is the Petitioner. These labels are the opposite of the labels used in supporting documents from 2012DR18, so confusion could ensue. To prevent this, names are used here, in the interest of clarity. Even this could be a little confusing, as the person that filed the motion for civil protection order and the magistrate that issued the temporary civil protection order have the same first name. Katherine Freeman is represented by counsel, Joshua Martin, Esq.

Identities of Underlying Courts

¶2 The Colorado Court of Appeals refused to address the merits of this due process case in 2025CA1785. The dismissal bears the names of Judges Johnson, Yun, and Kuhn. The District Court for Mesa County also refused to address the merits of

this due process case. The final district court order calling the petition for judicial review moot was signed by Judge Jennilyn Everett Lawrence. The district court magistrate that issued the permanent protection order based on findings from the temporary order was Daniel Garcia. The district court magistrate that denied the due process claims when first raised was Katherine Barnes, the same person that issued the temporary order without honoring due process provisions like convening the required hearing, notifying the maligned party of such hearing, or considering evidence from both sides.

Proposed Respondents

¶3 Please exercise general superintending authority over all Colorado Courts that issue civil protection orders by issuing written instruction to each of these courts, as necessary, to correct an existing procedural deficiency that results in recurring constitutional violation. If deemed necessary to this effort, please also issue orders to show cause to the following proposed respondents.

¶4 Please issue to Judges Johnson, Yun, and Kuhn of the Colorado Court of Appeals an order to show cause why they refused to address the merits of this due process case by citing a supposed lack of jurisdiction, when their own order to Collin to show cause why the court could not excuse itself under the mootness doctrine made no mention of a

jurisdictional question and the response to that order overcame the mootness doctrine in spades.

¶5 Please issue to Judge Lawrence of the District Court for Mesa County an order to show cause why she refused to address the merits of this due process case and chose instead to uphold orders that were made by circumventing clear statutory and constitutional provisions.

¶6 Please issue to Magistrate Garcia of the District Court for Mesa County an order to show cause why he refused to hear Collin out and at least allow description of due process faults committed by Magistrate Barnes. Please prompt Magistrate Garcia to also show cause why he chose to base his permanent order on the prior findings made by Magistrate Barnes without convening the necessary hearing or considering evidence from both sides.

¶7 Please issue to Magistrate Barnes of the District Court for Mesa County an order to show cause why she disregarded some of the highest laws of the land in order to deny the valid due process claim made by the motion for stay. Please order Magistrate Barnes to show cause why she issued the temporary protection order and firearms relinquishment order without first convening the hearing necessary to determine whether sufficient cause existed per Colorado Revised Statute 13-14-104.5(8)(a), without even attempting to notify Collin of this hearing, and without at least considering evidence from both sides.

¶8 Please issue to Katherine Freeman an order to show cause why she failed to notify Collin Robinson that there should be a hearing to determine whether sufficient cause existed for the temporary civil protection order she requested.

Unlawful Orders

¶9 In case 2025CA1785 the Colorado Court of Appeals issued an order dismissing the case without addressing the merits of the due process appeal. Appendix, Document A¹³. The appellate court failed to act, and instead shirked its duty to review the unlawful orders of the court below. Prior to this, the District Court for Mesa County also issued an order dodging its duty to address the merits of the due process claim. Appendix, Document E¹⁴. These failures to provide any material review followed violations of Collin's constitutional rights to due process by Magistrates Garcia and Barnes. Appendix, Documents F, H, and K¹⁵.

Relief Sought

¶10 Please exercise general superintending authority over all Colorado Courts that issue civil protection orders, per Colorado Revised Statute 13-14-104.5, and attendant firearms relinquishment requirements, per 13-14-104.5 and 105.5, by issuing written instruction to each of these courts specifying

¹³ Appendix D of the present document.

¹⁴ Appendix H of the present document.

¹⁵ Appendix I, K and N of the present document.

that they must make reasonable attempts to contact parties maligned by complaints or motions for civil protection orders to notify them of settings and hearings to determine whether sufficient cause exists for issuance of temporary civil protection orders and attendant firearms relinquishment requirements prior to the time such hearings are convened, that they must honor Colorado Revised Statute 13-14-104.5(4) and 104.5(8)(a) by convening these hearings prior to issuing temporary civil protection orders and attendant firearms relinquishment orders, and that they must consider evidence from both sides prior to reaching findings at these hearings, except when respondents evade notice or fail to appear. This written instruction is necessary to fill a gaping hole in status quo de facto court procedure and prevent recurring constitutional violation. Please also strike unconstitutional portions of Colorado Revised Statute 13-14-104.5 and 105.5. In addition, please enunciate to the Colorado Court of Appeals that refusing to acknowledge jurisdiction here is not acceptable. Together with these measures to correct court procedure everywhere in Colorado, please furnish relief in the present case by overturning the illegal civil protection and firearms relinquishment orders of the district court against Collin Robinson.

No Other Remedy Available

¶11 The reason why no other remedy is available, regardless of adequacy, is that both of the underlying courts dodged their duty to review the merits of this

due process claim, so there has been no other remedy at all. The last remaining possibilities are the Colorado Supreme Court, and if necessary, the United States Supreme Court. Had the Colorado Court of Appeals reviewed the claim on its merits, and issued an erroneous opinion, the appeal would have continued with a petition to the Colorado Supreme Court for a writ of certiorari. As this did not occur, as both of the underlying courts have outright ducked the procedural questions here, and as the court of appeals introduced the question of jurisdiction, the present petition instead seeks exercise of the general superintending authority of the Colorado Supreme Court under Colorado Appellate Rule 21 and Section 2 of Article VI of the Colorado Constitution. No other authority capable of providing the necessary relief is available in Colorado.

Issues Presented

¶12 Jurisdiction: 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 order to the Colorado Court of Appeals. 102(1)(a)-(h) lists exceptions, none of which are applicable here. Nevertheless, the court of appeals disavowed jurisdiction. Did the court of appeals have a duty to address the merits of the due process claim under the appellate jurisdiction established by statute?

¶13 Mootness: Courts use the mootness doctrine to excuse themselves from reviewing the merits of appeals. The due process violations in this case are not moot, and even if they were, the case is a clean specimen presenting issues that qualify for review under well-established exceptions to the mootness doctrine. Mootness is no excuse here. Should the underlying courts have taken up the merits of the due process claims?

¶14 Notice: Colorado Revised Statutes 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. The statute fails to give explicit instruction that the accused be notified of the setting and hearing. Should the district court magistrate have at least attempted to notify the accused by telephone call before issuing a temporary civil protection order? Is 104.5(4) unconstitutional for failing to give explicit instruction on this point?

¶15 Opportunity to Participate – Temporary Protection Order: Colorado Revised Statutes 13-14-104.5(4) allows, but does not require, that the necessary temporary civil protection order hearing, “may 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, yet the magistrate gave no opportunity for the accused to participate. Should

the magistrate have allowed a response or an appearance so that evidence from both sides could be considered before issuing an order? Is 104.5(4) unconstitutional for failing to give explicit instruction on this point as well?

¶16 Opportunity to Participate – Firearms Relinquishment Order: Colorado Revised Statutes 13-14-105.5(1) obligates courts to require relinquishment of firearms if a protection order is issued *and* the court determines on the record after reviewing the petition for a protection order (complaint or motion) that additional criteria are met. The statute fails to direct the court to also review evidence from the accused, such as a response to the complaint or testimony given at the necessary hearing, prior to depriving them of property in their possession before, in this case decades before, the complaint was filed. Should the magistrate have at least considered evidence from both sides prior to ordering relinquishment of firearms? Does this violation of due process make 105.5 unconstitutional?

¶17 Hearing: The case file contains no documentation of any hearing to determine the existence of sufficient cause prior to issuing the temporary civil protection order, as required by Colorado Revised Statutes 13-14-104.5(4) and 104.5(8)(a). A hearing is mandatory. None was convened. Does this failure to honor the authorizing statutes invalidate the order? Does this violate the due process rights established by Colorado

Constitution II – 25 and United States Constitution Amendment 14?

¶18 Contamination of Permanent Protection Order: Colorado Revised Statutes 13-14-104.5(8)(a) and 104.5(10) require a second hearing regarding whether a temporary civil protection order should be made permanent. Do these statutes or any other authority allow findings made for the temporary protection order, without considering any evidence from the accused, to govern the permanent protection order decision? In the present case, rubber stamp finding by the first magistrate were relied on by the second magistrate as basis for the permanent protection order. Magistrate Garcia accepted, as conclusive, boxes checked by Magistrate Barnes, who made no inquiry of the accused. Does this contamination make the permanent protection order invalid?

Factual Foundation

¶19 Supporting documents, cited herein, accompany this petition in a separate, indexed, appendix. 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, Document L¹⁶. Katherine fortified the motion with false claims of domestic violence, some purportedly committed over 14 years

¹⁶ Appendix O of the present document.

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.

¶20 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, Document K¹⁷. 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.

¹⁷ Appendix N of the present document.

¶21 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, to meet due process requirements. Appendix, Document J¹⁸. The morning after, on August 1st, a process server brought a copy of the temporary order to Collin's home. Appendix, Document I¹⁹. The order gave 48 hours for compliance with the relinquishment requirement.

¶22 On August 7th, 2025, ignoring the due process challenge outright, Magistrate Barnes summarily denied the motion for stay. Appendix, Document H²⁰. The very next day, August 8th, Collin petitioned for judicial review. Appendix, Document G²¹. The 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. Appendix, Document F²².

¹⁸ Appendix M of the present document.

¹⁹ Appendix L of the present document.

²⁰ Appendix K of the present document.

²¹ Appendix J of the present document.

²² Appendix I of the present document. The original footnote here was footnote 1 in the original document. The footnote reads: The hearing transcript contains many errors. As

¶23 The permanent protection order hearing was marred by the magistrate refusing to hear Collin out. Further, the hearing was contaminated by the faulty findings of the temporary protection order that were made previously, without due process, and then relied on to reach conclusions in the permanent order hearing. Appendix, Document F²³, TR, 2025.08.12, pp 63:4-7, 64:17-19, and 65:17-18²⁴.

¶24 After that, on September 2nd, 2025, again ignoring the question of due process outright, 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. Appendix, Document E²⁵. This final order was then raised to the Colorado Court of Appeals for review. Appendix, Document D²⁶.

¶25 The opening brief to the Colorado Court of appeals was mailed on September 27th, 2025. The

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 at line 15 where, "...I love my children..." is mis-transcribed as, "...I left my children...". As many such mistakes occur throughout the text, please read with a flexible mindset to ascertain what was said, as opposed to what was transcribed. This will allow consideration of the case without incurring the additional delay that would be occasioned by correction of the transcript. Thank you.

²³ Appendix I of the present document.

²⁴ This was footnote 2 in the original document. The footnote reads: At 64:12 Robinson is mis-transcribed as Martin.

²⁵ Appendix H of the present document.

²⁶ Appendix G of the present document.

brief acknowledged the mootness issue, explaining that courts can and do address moot questions of public importance that are capable of repetition yet evade review because of short statutory time frame. Appendix, Document D²⁷, ¶ 23. On October 30th, 2025, the Court of Appeals issued an order to show cause why the appeal should not be dismissed as moot. Appendix, Document C²⁸. The order to show cause made no mention of the opening brief explanation of mootness being immaterial where issue recurrence and evasion of review are present. The order made no mention of any question of jurisdiction.

¶26 A thorough response to the order to show cause was mailed to the court of appeals on November 17th, 2025. Appendix, Document B²⁹. 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. Appendix, Document A³⁰. No explanation was given.

²⁷ Appendix G of the present document.

²⁸ Appendix F of the present document.

²⁹ Appendix E of the present document.

³⁰ Appendix D of the present document.

Argument

¶27 The Colorado Supreme Court should take up this case for reasons explained by the subsequent paragraphs.

¶28 Jurisdiction of 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 by calling the issue moot. Colorado Revised Statute 13-4-102(1) assigns initial jurisdiction to review this final order to the Colorado Court of Appeals. 102(1)(a)-(h) lists exceptions, none of which are applicable here.

Therefore, an opening brief, explaining why the issue was proper for appellate review, was sent to the court of appeals. The court of appeals attempted to excuse itself from considering the brief by citing the mootness doctrine and ordering Collin to show cause why the appeal should not be dismissed as moot. A successful response was filed. Instead of acknowledging the valid response, and taking up the merits of the case, the court of appeals pivoted to excuse themselves from the case by disavowing their jurisdiction, which they did without citing any statutory exception allowing this, or giving any explanation whatever. The claim that the court of appeals lacks jurisdiction is false. The court of appeals should have taken up the merits of the case.

¶29 Mootness of Issues: As explained in detail by Document B³¹ of the Appendix, even if the issues on appeal are moot, this case is a clean specimen of one presenting issues apt to occur again and apt to evade appellate review. 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 short, compared to appellate time frames, offering the fig leaf of mootness. By a well-established exception to the mootness doctrine, earnest courts can and do take up cases where this occurs. *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 in subsequent proceedings. The faulty civil protection order in this case must be overturned to remedy ongoing violation of constitutional rights.

¶30 Failures to Provide Due Process: Failures to provide due process took three forms here. First, the authorizing statutes are inadequate and unconstitutional. Second, Magistrate Barnes failed

³¹ Appendix E in the present document.

to honor an essential provision of the primary statute by skipping the prescribed hearing to determine whether sufficient cause for the temporary protection and firearms relinquishment orders existed. Third, Magistrate Garcia made matters even worse by relying on inadmissible faulty findings from the temporary order as controlling basis for the permanent order. When the district court was petitioned for judicial review of the original due process faults, the topics were ignored, as if due process is absent from proceedings of this type as a matter of course – as if the court violates due process requirements on a regular basis and need not trouble itself to abide by the constitutions of the state and nation – as if the outcome of the process was a foregone conclusion, and the accused would be found guilty, regardless of the facts. The court of appeals looked the other way and allowed this disgraceful behavior.

¶31 Unconstitutionality of Statutes: Colorado Constitution, Article II, Section 25 and United States Constitution, Amendment 14, establish that no person may be deprived of life, liberty, or property, without due process of law. The essence of due process is the requirement that a person in jeopardy of serious loss 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 statutes relied on by Magistrate Barnes in this case were Colorado Revised Statutes 13-14-104.5 and 105.5. As written, these statutes are inadequate and unconstitutional because they fail to provide the accused with notice and opportunity to participate.

¶32 Notice: 104.5(4) and 104.5(8)(a) require courts to set motions for civil protection orders for hearings to determine whether sufficient cause exists to issue temporary civil protection orders. The statutes require courts to set the hearings as soon as possible and hear the evidence as expeditiously as possible. There is no requirement that the accused be notified of the setting or the hearing. Once issued, the temporary order in this case did notify the accused of the next, distinct, permanent civil protection order hearing, 13 days later, as specified by 104.5(10). Appendix, Document K³². This must not be conflated with the temporary civil protection order hearing. There was no effort whatever to notify the maligned party here of the time or place of the temporary protection order setting or hearing. This is because the statutes are deficient and the magistrate did not act in forthright manner. As the statutes fail to require notice, they are unconstitutional for violating due process.

¶33 Opportunity to Participate: 104.5 and 105.5 do not make explicit any opportunity for the accused

³² Appendix N of the present document.

to participate in due process prior to depriving them of liberty and property under temporary civil protection and firearms relinquishment orders.

¶34 Temporary Protection Order: 104.5(4) allows, but does not require, that temporary protection order hearings be held ex parte. The statute fails to specify the circumstances under which an ex parte hearing may be acceptable. As example, when a party evades notice or fails to appear after being notified, an ex parte hearing may be justified. In the present case, there was no effort to notify the accused. There was no evasion of notice. There was a proactive effort to meet the false allegations in prompt manner, before the process server arrived. An ex parte hearing could not have been warranted. The statute is inadequate and unconstitutional for allowing the court to deprive the accused of liberty and property without any opportunity to first file a response, scrutinize evidence, present evidence, or otherwise participate in due process.

¶35 Firearms Relinquishment Order: 104.5(9) and 105.5(1) obligate courts to order accused parties to relinquish firearms and ammunition when a temporary order is issued, if determination is made on the record, after reviewing the petition or motion, that additional criteria are met. 105.5(1) requires review of the motion, without requiring like review of a response. This allows the state to deprive a person of property based on one side of the story without even considering the other side. This is

unconstitutional for failure to provide opportunity for the accused to meet the accusations. There is no opportunity to scrutinize evidence, present evidence, or otherwise participate. This must not be allowed to stand.

¶36 Failure to Convene Required Hearing:

Colorado Revised Statutes 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.

Magistrate Barnes did not convene the required hearing. There is no documentation of any such hearing in the case file. Deficient as the statutes are, they do specify some procedural requirements. The magistrate skipped the essential requirement. This was not a case of inadvertent imperfection during a scramble to react to an impending threat. A father went alone, unarmed, to church, to see his son, as he had for years. He was cordial and polite. There was no threat. The mother responded by moving for a civil protection order to sabotage co-parenting. The district court magistrate went along as a partisan by issuing a knee-jerk rubber stamp temporary protection order without even attempting to notify the father of a hearing to determine whether there was sufficient cause for the temporary order and without convening the necessary hearing. Current court procedures might be based on incompetent reading of the authorizing statutes, or perhaps the magistrate gave this case special malicious

treatment. Either way, the temporary civil protection order and firearms relinquishment order were issued in a backroom blitzkrieg, blindsiding the accused, and setting the subsequent permanent civil protection order hearing up for similar failure. The District Court for Mesa County must be reined in by the superintending authority of the Colorado Supreme Court.

¶37 Contamination of Permanent Protection Order: The temporary civil protection order issued by Magistrate Barnes was based on faulty findings rubber stamped after review of information from one side without review of information from 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. Appendix, Document F³³, TR, 2025.08.12, pp 63:4-7, 64:17-19, and 65:17-18. Therefore, the permanent protection order hearing was contaminated by the same egregious due process faults as the temporary protection order and the resulting permanent order should be cancelled.

Points of Authority

¶38 The published opinions, court rules, statutes, and constitutional provisions cited by the preceding

³³ Appendix I of the present document.

paragraphs give points of authority requiring correction of the due process violations committed by the underlying courts. These violations evaded review on their merits at three distinct levels so far. The violations are not mere technicalities; they are abject failures to honor essential points of basic due process of law. The resulting orders curtailed several constitutional rights, such as the right to assemble in peaceable manner, the right to liberty, the right to property, and the right to keep arms. Curtailment of constitutional rights can be a penalty for being convicted of committing a crime; however, there were no charges and there was no conviction here. The magistrates followed bad laws that circumvent due process and levy criminal penalties without trial by an impartial jury or even hearing the accused before finding them guilty. The resulting order and the laws it is based on are unconstitutional, and must be overturned. No points of authority beyond the state and federal constitutions should be necessary; however, as the underlying courts have ignored this fact, please exercise the superintending authority granted by Colorado Appellate Rule 21 to correct their incompetent, unacceptable, partisan procedure.

Summary

¶39 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 magistrate is required to convene a hearing and should be required to at least consider evidence from both sides before ordering these punitive measures. Enforcement of these rudiments of due process is essential to preservation of public liberty. Due process is a line we must hold. Please censure the underlying courts for flagrant violations, strike down the defective portions of the statutes used to perpetrate this injustice, overturn the resulting permanent protection order, and issue written instruction insisting that all future proceedings, wherever they may occur in Colorado, give the accused fair notice, even if it's just a telephone call, and opportunity to respond, *before* findings are made and orders are issued, even temporary orders.

Verification

¶40 The foregoing Petition for Orders to Show Cause is presented to the Colorado Supreme Court to ask the court to exercise its superintending authority over the underlying courts and to overturn the civil protection order issued in this case, because the order results from disregarding and circumventing constitutional due process requirements necessary to evaluate both sides of the story. As hereby verified, under penalty of perjury, the information presented by the petition is true.

Pled from the heart,

s/ Samuel Collin Robinson

Samuel Collin Robinson

2026.01.10

Date

Colorado Court of Appeals

2025CA1785

On Appeal From
Mesa County District Court, 12DR18

In re the Marriage of
Appellee: Katherine Lyman Robinson,
and
Appellant: Samuel Collin Robinson.

ORDER OF THE COURT

To: All Parties and the District Court

Upon consideration of appellant's response to the Court's October 30, 2025, Order to Show Cause, the Court determines that it lacks jurisdiction.

IT IS THEREFORE ORDERED that the appeal is DISMISSED.

BY THE COURT

Johnson, J.

Yun, J.

Kuhn, J.

DATE FILED: December 5, 2025

Colorado Court of Appeals

2025CA1785

On Appeal From
Mesa County District Court, 12DR18
Honorable Jennilyn Everett Lawrence, Judge

In re the Marriage of
Appellee: Katherine Lyman Freeman
and
Appellant: Samuel Collin Robinson

RESPONSE TO ORDER OF THE COURT TO SHOW CAUSE WHY THE APPEAL SHOULD NOT BE DISMISSED

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Constitution of the United States

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Statement of the Case

¶1 The issues presented here arise from a motion filed at 1:04 pm on July 30th, 2025, by Katherine, for a civil protection order to bar Collin from attending church to see the parties' son. CF pp 3,060 – 3,071, main caption at 3,062. 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.

¶2 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. CF pp 3,072 – 3,100. 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 owned for many years. Collin does not even know whether the required hearing was convened. There was no due process.

¶3 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, to meet due process requirements. CF pp 3,101 – 3,110, main caption at 3,104. The morning after, on August 1st, a process server brought a copy of the temporary order to Collin's home. CF pp 3,122 – 3,123. The order gave 48 hours for compliance with the relinquishment requirement. CF p 3,078.

¶4 On August 7th, 2025, ignoring the due process challenge outright, Magistrate Barnes summarily denied the motion for stay. CF p 3,114. The very next day, August 8th, Collin petitioned for judicial review. CF pp 3,124 – 3,134. The 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. CF pp 3,174 – 3,267. TR, 2025.08.12, pp 1 – 94³¹.

³¹ This is footnote 1 in the original document. The footnote reads: The hearing transcript contains many 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 at line 15 where, "...I love my children..." is mis-transcribed as, "...I left my children...". As many such mistakes occur throughout the text, please read with a flexible mindset to ascertain what was said, as opposed to what was transcribed. This will allow consideration of the case without

¶5 The permanent protection order hearing was marred by the magistrate refusing to hear out Collin's attempt to explain differences between legal definitions of domestic violence and physical violence plus crucial contextual differences between Supreme Court precedent and the present case. CF pp 3,236 – 3,238. TR, 2025.08.12, pp 63:4 – 65:18³². Further, the hearing was sabotaged by the faulty findings of the temporary protection order that were made previously, without due process, and then relied on to reach conclusions in the permanent order hearing. CF pp 3,236 – 3,238. TR, 2025.08.12, pp 63:4-7, 64:17-19, and 65:17-18.

¶6 After that, on September 2nd, 2025, again ignoring the question of due process outright, 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. CF p 3,162. The final order is here raised to the Colorado Court of Appeals for review.

¶7 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 moot questions of public importance that are capable of repetition yet evade review because of short statutory time frame.

incurring the additional delay that would be occasioned by correction of the transcript. Thank you.

³² This is footnote 2 in the original document. The footnote reads: At 64:12 Robinson is mis-transcribed as Martin.

The brief described why such is the case here. Opening Brief, ¶ 23. On October 30th, 2025, the Court of Appeals issued an order to show cause why the appeal should not be dismissed as moot. The order made no mention of issue recurrence or evasion of review.

Response

¶8 Mootness of Issues: The order to show cause states that it appears that this appeal may be moot and that a judgment having no effect on an existing controversy qualifies as such. The order goes on to state that when an issue becomes moot because of subsequent events, an appellate court will decline to render an opinion on the merits of an appeal. These principles form the mootness doctrine, excusing courts from taking up points rendered immaterial.

¶9 Although the subject temporary civil protection order has been superseded by a permanent order, the permanent order was based on conclusions reached by reliance on findings made prior to the permanent order hearing – rubber stamp findings that were made without due process at the time the temporary order was issued. CF pp 3,236 – 3,238. TR, 2025.08.12, pp 63:4-7, 64:17-19, and 65:17-18. The permanent order hearing was a subsequent event, an event fatally biased by the original errors. Therefore, the existing permanent order is faulty and must be overturned.

¶10 The present appeal raises the due process violation at root of ongoing injustice. For this potent reason, the appeal is not moot, and the appellate court is not excused from rendering an opinion on the merits of the case, giving remedy to errors made by the court below.

¶11 Further reason to grant the appeal should not be necessary, and yet, there are additional reasons to recognize. Considering an alternate scenario, for the sake of argument, in which the violations described by the preceding paragraphs had not occurred, had the temporary order only curtailed certain liberties for a couple of weeks, it may well have been considered moot once superseded; however, the order also required that personal property acquired decades prior be sold or transferred to someone else without any provision to guarantee reversion of ownership, recovery of transaction costs, or any other remedy, as if the outcome of the next hearing was already decided – as if irreversible loss was a forgone conclusion. This is also a valid reason why the appeal is not moot.

¶12 As stated by the opening brief, from the perspective of practicality, it is true that the request for a stay until the permanent protection order hearing could take place became immaterial once the hearing did take place. From the perspective of legality, it is true that there was no implementation of due process of law to permit the court to deprive Collin of liberty and property via the temporary

protection order. Without speculating as to the motives or intent of the district court, the result of the court's choices was that the court dodged responsibility for correcting the due process fault. The issue was still valid at the time it was raised to the district court, and it remains valid and proper for appellate review.

¶13 Exceptions to Doctrine: Even if the issues raised here were moot, the district court should have considered their merits, and the Colorado Court of Appeals ought to consider their merits at present, because they are substantive issues situate well within the exceptions to the mootness doctrine. The Court of Appeals has recognized several of these exceptions. The court resolves cases that concern issues capable of repetition yet evading review, and the court decides cases that concern issues of great public importance or recurring constitutional violation. *People in Interest of C.G.*, 410 P.3d 596, ¶ 2, 36, 37 (Colo. App 2015).

¶14 The existence of these conditions was described by the opening brief in the present case. Opening Brief, ¶ 23. The order to show cause ignored this and cited a prior opinion to support excusing the Court of Appeals from addressing the merits of this appeal, quoting *People in Interest of L.O.L.*, 197 P.3d 291, 293 (Colo. App. 2008). Although unacknowledged by the order, the very next paragraph of the quoted opinion recognizes that

the court of appeals may consider otherwise moot issues capable of repetition yet apt to evade review, in particular when the period between filing an appeal and expiration of the circumstances giving rise to the appeal does not allow for completion of litigation. The opinion goes on to grant exception to the mootness doctrine and reverse the order of the court below.

¶15 Prone to Repetition: The temporary order packet cited 13-14-104.5 and 105.5 C.R.S. as authorizing statutes. The first of these requires the court to set motions for temporary civil protection orders for hearing as soon as possible, and hear all such motions as expeditiously as possible, while allowing, but not requiring, that such hearings be held *ex parte*. 104.5(4). A hearing must take place *before* the temporary order can be issued, in order to determine whether sufficient cause exists. 104.5(8)(a).

¶16 The statute fails to give an explicit requirement that the accused be notified of the setting and the hearing, and the statute does not specify the circumstances under which an *ex parte* hearing may be acceptable. As example, when a party evades notice, an *ex parte* hearing may be justified. Here, there was no effort whatever to notify the maligned party of the time or place of the temporary protection order setting or hearing. An *ex parte* hearing could not have been warranted.

¶17 Once issued, the temporary order did notify the targeted party of the next, distinct, *permanent* civil protection order hearing, 13 days later, set within the 14-day limitation given by law for that subsequent hearing. 104.5(8)(a), 104.5(10). This notice did not give an opportunity to participate in due process for determination of sufficient cause to issue the *temporary* order.

¶18 The second statute, 105.5, directs the court to review only the complaint. Without at least also reviewing a response (and evidence presented at the required hearing), there is no opportunity for the accused party to participate in due process of law, as required before depriving them of property. The court must not be allowed to demand that an accused person relinquish keepsakes owned for decades on the mere 'say so' of another person.

¶19 When the district court was petitioned to review these due process issues, the topics were ignored, as if due process is absent from proceedings of this type as a matter of course – as if the court violates due process requirements on a regular basis, and need not trouble itself to abide by the constitutions of the state and nation. Statutory deficiencies and failure by the court to honor requirements, as if by force of habit or standard operating procedure, leave the problems that gave rise to this appeal prone to repetition, not just capable of happening again, apt to repeat over and over.

¶20 Evasion of Review: Some mootness doctrine exception claims are invalid. Where an appellant failed to provide a reason why a moot issue would evade review, the court declined to address the issue. *In re the Marriage of Williams and Tibbetts*, 428 P.3d 686, ¶ 26 (Colo. App 2018). The nominal 14-day temporary protection order time frame at play here is short when compared with appellate time frames. Also, the 24-hour or 48-hour compliance window imposes near-immediate imposition of injurious impact. Whether intentionally or not, time frame mismatch was availed by the district court judge to avoid addressing the due process challenge. The issue has already evaded review in this case, and is apt to continue evading review, unless addressed by the Court of Appeals. The present case is a clean specimen of an issue apt to occur again and continue evading appellate review because the nominal period between filing for review and supersedure of the temporary order allows review officials to duck the issue as moot. It is incumbent upon the Court of Appeals to prevent this due process violation from evading review yet again. District court procedure must be cured to prevent injustice in subsequent proceedings.

¶21 Recurring Constitutional Violation: The constitutional right to due process of law asserted here is essential to preservation of public liberty. The

essence of due process is the requirement that a person in jeopardy of serious loss be given notice of the case against them and opportunity to meet it. *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976). No such notice and opportunity were given to Collin prior to entry of the temporary order, after the issue was raised to the magistrate, or after the issue was raised to the district court judge. Colorado Constitution, Article II, Section 25 and United States Constitution, Amendment 14 are among the highest laws of the land; yet, they have been ignored outright by the district court in this case over and over, and they are apt to be violated in other temporary civil protection order cases again and again.

Conclusion

¶22 Here, the district court deprived a law-abiding citizen of liberties and property, not under the rule of law, but by circumventing and disregarding due process of law. This horrendous breach occurred after the court either failed to hold the required hearing or convened the hearing without even attempting to notify the accused of the hearing time and location. Left unchecked, a government willing to stoop to such foul play would someday come for any liberties or any property of any person. After that, confiscation of persons themselves would be next, as happens in other countries. Due process is a line the public must hold to preserve our liberty. It is incumbent upon the Court of Appeals to prevent

the due process violations cited here from evading review yet again. Please recognize this compelling cause to take up the case, cure the injustice done here, and prevent recurrence.

Thank you,

s/ Samuel Collin Robinson

Samuel Collin Robinson

2025.11.17

Date

Colorado Court of Appeals

2025CA1785

On Appeal From
Mesa County District Court, 12DR18

In re the Marriage of
Appellee: Katherine Lyman Freeman
and
Appellant: Samuel Collin Robinson

ORDER OF COURT

To: Appellant

From the notice of appeal and a detailed review of the district court's register of actions, it appears that this appeal may be moot.

If a judgment, when rendered on an issue, would not have any effect on an existing controversy, the issue is moot. See *Van Schaack Holdings, Ltd. v. Fulenwider*, 798 P.2d 424, 426 (Colo. 1990). When issues presented in litigation become moot because of subsequent events, an appellate court will decline to

render an opinion on the merits of an appeal. *People in Interest of L.O.L.*, 197 P.3d 291, 293 (Colo. App. 2008).

On July 30, 2025, the district court magistrate entered a temporary protection order and directed appellant to relinquish all firearms and ammunition in his possession or control. Appellant filed a motion to stay the portion of the order requiring him to relinquish firearms and ammunition until the magistrate held a hearing on whether to make the temporary protection order permanent. The magistrate denied the motion to stay, and appellant filed a petition for district court review of the magistrate's ruling. On August 12, 2025, the magistrate conducted the hearing, vacated the temporary protection order, and issued a permanent protection order. The district court then issued an order declining to address appellant's petition for review, determining that it was moot.

Appellant seeks to appeal the magistrate's entry of the temporary protection order and denial of the motion to stay, and the court's order concerning the petition to review those rulings. However, given the proceedings in the district court, it appears that this appeal may be moot.

IT IS THEREFORE ORDERED that appellant shall show cause, within 21 days, why this appeal

should not be dismissed as moot. Failure to timely respond to this Order will result in the dismissal of this appeal without further opportunity to be heard.

BY THE COURT

Date Filed: October 30, 2025

**Additional material
from this filing is
available in the
Clerk's Office.**