26-6097

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SUPREME COURT, U.S.

ORIGINAL

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ENID JANNETTE MELENDEZ,

Petitioner,

v.

OMAR MUNOZ,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE COLORADO SUPREME COURT

(CASE NO. 2026SC51)

PETITION FOR A WRIT OF CERTIORARI

ADA/LEP NOTE: *Petitioner is a Spanish-dominant LEP/ESL litigant appearing pro se. This petition is submitted in English pursuant to court requirements. A Spanish-language version has been preserved for Petitioner's own comprehension pursuant to ADA Title II and Executive Order 13166. The English version controls.*

Respectfully submitted,

By: _____

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September 17, 2026

QUESTIONS PRESENTED:

I. Title VI, Due Process, and Language Access

Whether a state court violates the Due Process Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act when it: (a) relies on an uncertified, court-employee-prepared document—derived from a Limited English Proficient (LEP) domestic violence survivor without a certified interpreter—to override her sworn testimony and alter marital property rights; and (b) systematically fails to provide language access, structural trial recordings, or transcripts to an indigent pro se litigant under Griffin v. Illinois.

II. Title II of the ADA / ADAAA and Family Units

Whether *Title II of the Americans with Disabilities Act and the ADAAA* require state courts to provide effective communication and reasonable accommodations for non-visible disabilities to legal guardians appearing on behalf of disabled adult wards, and whether a written administrative policy categorically excluding *"families"* from ADA accommodations violates federal law.

III. Due Process, Self-Insulating Record Gaps, and Access to Courts

Whether a state court violates Due Process and the fundamental right of access to the courts under *Griffin v. Illinois* and *Bounds v. Smith* when it excludes 180 pages of a pro se litigant's filed evidence from the appellate transfer—and the appellate court subsequently applies an evidentiary presumption against the litigant based on the resulting court-created gap.

IV. Structural Due Process, VAWA, and Asymmetric Notice Systems

Whether a state court violates the Fourteenth Amendment and VAWA (*34 U.S.C. § 12291*) when it: (a) consolidates domestic violence proceedings into a dissolution case over objection and enters a permanent property decree in

absentia—after denying discovery, routing notices to the abuser's physical address while denying electronic access to a homeless victim, and erasing all domestic violence findings without holding a hearing; and (b) systematically suppresses law enforcement records from the originating domestic violence incident across all levels of review.

PARTIES AND RELATED CASES TO THE PROCEEDING

Petitioner *Enid Jannette Melendez* was the Petitioner/Appellant in Case Nos. 2024DR21 (Elbert County District Court), 2024CA1571 (Colorado Court of Appeals), and 2026SC51 (Colorado Supreme Court). She is a Puerto Rican U.S. citizen, Spanish-dominant LEP litigant, neurodivergent person with documented disabilities (*ADD/ADHD, Idiopathic Intracranial Hypertension*), domestic violence survivor, and the legal guardian of Jean-Paul Berrios Melendez, an adult with autism spectrum disorder (*Douglas County Probate Case No. 2021PR116*).

Respondent *Omar Muñoz Melendez* was the Respondent/Appellee in all proceedings. He was represented by counsel Leonard Berenato in the trial court and all appellate proceedings.

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari be issued to review the judgment below.

OPINIONS BELOW

The Colorado Supreme Court's order denying the *Petition for Writ of Certiorari* is unreported and appears at *Appendix A* to the petition. The order was entered on April 20, 2026, in *Case No. 2026SC51*.

A prior order denying the *Motion to Stay Deadlines and Preserve Access to the Record* was entered on January 23, 2026. The Colorado Court of Appeals' decision in *Case No. 2024CA1571* is also unreported.

The Elbert County District Court orders are part of the record in *Case No. 2024DR21*.

JURISDICTION

The Colorado Supreme Court denied the Petition for Writ of Certiorari on April 20, 2026 (*Case No. 2026SC51*). The Colorado Court of Appeals issued its Mandate on April 24, 2026 (*Case No. 2024CA1571*). This Court has jurisdiction pursuant to *28 U.S.C. § 1257(a)*.

This Petition is filed pursuant to *28 U.S.C. § 2101(c)* and *Rule 13*, within the time as extended by this Court's Order of July 15, 2026 (*No. 26A58*), setting a new filing deadline of September 17, 2026.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1 (Due Process Clause and Equal Protection Clause). 42 U.S.C. § 12132 (ADA Title II). Pub. L. 110-325 (ADA Amendments Act of 2008 — ADAAA). 29 U.S.C. § 794

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STATEMENT OF THE CASE

PRELIMINARY NOTE: *This case did not originate as a divorce. It originated on February 23, 2024, as a domestic violence matter involving physical, economic, financial, habitational, verbal, psychological, and medical abuse against Petitioner and her two adult sons — Jean- Paul Berrios Melendez (an adult with autism spectrum disorder under court-appointed guardianship) and Jean-Gabriel Melendez — as well as Petitioner's service dog "Junior".*

Respondent, on the same day took title to the marital home purchased with marital 401(k) funds, forcibly displaced the family to bring a third party to reside in the marital residence.

Petitioner and Jean-Paul sought protection orders (Cases 2024C19 and 2024C20). Jean-Paul's protection order was denied in early 2024; Petitioner contends this occurred without explanation, though the underlying denial order itself remains to be produced. Petitioner's was granted temporarily. The cases were then consolidated with the dissolution proceedings in Case No. 2024DR21 over Petitioner's express written objection. The dissolution decree erased every domestic violence finding. No hearing on domestic violence was ever held — not for Petitioner, not for Jean-Paul, not for Jean-Gabriel. The Colorado Court of Appeals then limited its review exclusively to the dissolution decree, immunizing the domestic violence proceedings entirely from appellate review. The constitutional questions presented arise from that structural erasure and its consequences at every level of the Colorado court system.

The underlying proceedings originated in domestic-violence protection-order matters (Cases Nos. 2024C19 and 2024C20) that were later intertwined with the dissolution proceedings in Case No.

2024DR21. The constitutional questions presented concern the structural barriers that prevented Petitioner from meaningfully participating in those proceedings and preserving her federal claims for appellate review.

A. Background — The Structural Barriers to Access

Petitioner is a Spanish-dominant litigant with documented disabilities including ADD/ADHD and Idiopathic Intracranial Hypertension — both non-visible disabilities directly affecting her ability to process complex legal documents in English under time pressure. She appeared entirely pro se before Elbert County District Court (*Case No. 2024DR21*), the Colorado Court of Appeals (*Case No. 2024CA1571*), and the Colorado Supreme Court (*Case No. 2026SC51*).

At every level, her requests for language access, disability accommodations, and meaningful access to the record were denied or effectively nullified.

A-1. The February 23, 2024 Incident and the Court-Prepared Amendment.

Petitioner's request for language access began at the very first contact with the justice system on February 23, 2024 — the 911 call itself. When Petitioner called 911, she expressly requested that a Spanish-speaking officer be dispatched and notified dispatch that an adult with autism was present in the home. No Spanish-speaking officer was sent. All six responding officers were male and none spoke Spanish. Inside the home, Petitioner's adult autistic son Jean-Paul — himself a person with a cognitive disability under court-appointed guardianship — informally assisted with whatever translation he could, recorded on the officers' body-worn cameras. That recording has never been produced. The failure to provide language access did not begin at the courthouse. It began before law enforcement crossed the threshold of the home.

On February 23, 2024, at approximately 7:30 a.m., Petitioner was physically assaulted by Respondent, who shoved her with both hands, causing her to fall to the floor. Six responding officers, none of whom spoke Spanish, made no arrest; one officer stated, *"I don't see blood, I can't do anything,"* and another told Petitioner, "*This marriage is fixable — go get a divorce.*"

Officers directed Petitioner to the Elbert County courthouse.

From approximately 11:00 a.m. to 3:00 p.m. that day — without food, under acute trauma, and without a certified interpreter — Petitioner completed five separate forms in Spanish documenting nine years of cohabitation and the domestic violence history. Court staff, rather than providing a certified interpreter, supplied two victim advocates who were not certified interpreters and required Petitioner to redo all five forms in English without certified assistance. Staff then used Petitioner's completed forms to prepare their own Amendment to the Verified Complaint for Civil Protection Order, without Petitioner's participation or review, and obtained her signature on it without informed consent.

The court-employee-prepared Amendment recorded only four years of marriage, omitting the additional five years of common-law cohabitation Petitioner had documented in her original forms. This erroneous entry was recorded as *ROA Event ID 000009*. Petitioner never authorized four years as the duration of the marital relationship. At a subsequent hearing, when Petitioner testified under oath that the relationship spanned nine years, the court responded: "*you put four years*" — crediting the court-employee-prepared Amendment over Petitioner's own sworn testimony. Under *In re Marriage of Hogsett, 478 P.3d 713 (Colo. 2021)*, the nine-year period should have been the operative measure for marital property division. Petitioner's Motion for Release of Audio Recordings (*ROA Event ID 000114*) — the only evidence that could have documented the court's

reliance on the erroneous Amendment over her sworn testimony — was denied the same day it was filed, with no explanation beyond "*Petitioner may request transcripts of proceedings but not the audio recordings.*"

B. The ADA Coordinator's Written Policy — 'Only Individuals, Not Families'

The ADA Coordinator for the Colorado Supreme Court and the Colorado Court of Appeals — Sonya Stromberg — stated in writing on February 6, 2025: *"ADA accommodations apply only to individuals, not to families."* This written policy was applied simultaneously to both Colorado appellate courts by the same officer. It constitutes a facially erroneous interpretation of *Title II of the ADA and the ADAAA*, and directly denied meaningful access to the courts to Petitioner as a legal guardian appearing on behalf of her adult disabled son.

The Colorado Court of Appeals Clerk confirmed this policy in writing on November 24, 2025, stating: *"All briefs filed with the court are required to be in English."* Applied to a Spanish dominant LEP litigant, this policy excluded Petitioner's primary-language filings and Spanish language submissions from the appellate record as a matter of official court policy.

Sonya Stromberg, the ADA Coordinator for both the Colorado Supreme Court and the Colorado Court of Appeals, stated in writing on February 11, 2025: *"Indigency and language barriers are not disabilities under the ADA. Furthermore, the ADA applies to an individual, not a family."* Five days earlier, on February 6, 2025, Ms. Stromberg had confirmed in writing that she served as ADA Coordinator for both appellate courts simultaneously — a dual role Petitioner contends created a structural conflict of interest, since the same officer was positioned to review ADA determinations at both the intermediate appellate level and the level of last resort within the state system.

C. The 180-Page Gap — Meaningful Access Denied Through Record Exclusion

Petitioner submitted approximately 180 pages of exhibits — documents that were stamped, accepted, and confirmed received by the trial court — that do not appear in the official appellate record as transmitted to the Colorado Court of Appeals. The omitted materials included nine sworn affidavits submitted as the evidentiary foundation of Petitioner's appeal, ADA and LEP accommodation requests, Spanish-language filings accepted by the trial court, and motions confirmed received by the court but absent from the appellate record.

The appellate court therefore reviewed an artificially English-only record that omitted Petitioner's primary-language filings, translation requests, ADA accommodation requests, and evidentiary affidavits. The Colorado Court of Appeals then applied a presumption against Petitioner based on the absence of those exhibits — using the gap as a basis to affirm the trial court. The court created the evidentiary gap and then used that gap against the party whose evidence had been excluded.

A precise, single-document illustration of this exclusion mechanism is Petitioner's Emergency Motion to Request Stay of Eviction Order and a Protective Order (Stay Away Order), filed September 11, 2024 and file-stamped by the Elbert County District Court Clerk that same day, together with its accompanying Certificate of Service confirming filing and service on Respondent's counsel. Court staff confirmed in writing that this filing was received by the court. The Colorado Court of Appeals Clerk's own February 6, 2026 written itemization of the documents constituting the official appellate record does not include this motion among them.

The motion exists, was filed under a contemporaneous court stamp, and was confirmed received — yet it is absent from the official record the Court of Appeals used to review Petitioner's case.

C-1. Post-Appellate Confirmation of Record Gap — Clerk's Belated Production

The record gap is confirmed by subsequent conduct of the Elbert County District Court itself.

On August 21, 2026 — nearly two years after the September 10, 2024 dissolution decree and months after all Colorado appellate proceedings had concluded — the successor Clerk of Court, Lynda Eichler, transmitted to Petitioner five separate email packages (labeled *Exhibits Parts 1 through 5*) containing documents from Case No. 2024DR21. The Clerk's production included Petitioner's Exhibits/Evidence PDF — the same approximately 180 pages of evidence that was absent from the official appellate record at every level of review. However, the Clerk's production conspicuously omitted Petitioner's Trial Management Certificate (CTM) and the Motion that was submitted together with the CTM and Exhibits as a single package on September 10, 2024. Petitioner notified the Clerk in writing on September 2, 2026, that the three components — CTM, Motion, and Exhibits — were submitted together and that the CTM and Motion remained missing. No response was received. This belated, partial production — delivered after all appellate review had concluded — confirms that the Exhibits existed in the Court's possession throughout the appellate proceedings and were never transmitted to the reviewing courts. The Court retained Petitioner's evidence and simultaneously allowed that evidence to be used as a basis for affirming the decree by its absence.

Petitioner filed two formal VAWA-based Motions to Waive Mediation (*ROA Events 000032 and 000035*). Both were ignored without ruling. The Mediation Certificate (*ROA Event 000058, July 11, 2024*) was filed by a non-party, not by Petitioner — raising the question of whether Petitioner was compelled to participate through fees she did not authorize and could not safely pay.

D. Denial of Access to the Record — Despite Active ADA Accommodation

The Colorado Supreme Court Clerk granted Petitioner an ADA accommodation on January 26, 2026, permitting all filings and communications by email, expressly acknowledging Petitioner's

homeless status and her situation living in a vehicle in Los Angeles, California. In the same written response, however, the Clerk stated: "*We can send you another copy [of therecord on appeal] but we can only send it to you on a thumb drive at a physical address. We cannot email the record to you.*" Thus, although the court granted email accommodation for filings, it denied email access to the record itself, making meaningful appellate review impossible for a homeless litigant without a stable mailing address.

This is the constitutional injury in precise form: the court granted an ADA accommodation for filings and simultaneously denied that accommodation for access to the record itself. A litigant who is homeless, has no stable physical address, and has been explicitly granted email-based ADA accommodations cannot receive the appellate record on a thumb drive mailed to an address she does not have. Without the record, she cannot identify what is missing, verify what was omitted, or build the arguments necessary to preserve her federal claims for review.

E. The Proceeding That Made Meaningful Participation Structurally Impossible

On August 13, 2024, Petitioner appeared at a hearing noticed on unusually short advance notice by Respondent's counsel *(ROA Event ID 000077)*, over Petitioner's documented objection. Petitioner's own contemporaneous motions describe this notice period inconsistently — one, filed shortly after the hearing, states the notice was less than sixteen (16) hours; another states it was less than twenty (20) hours. Both figures come from Petitioner's own filings; the underlying notice document itself, showing its exact transmission time, should be produced to resolve the discrepancy before this Petition is finalized. At that hearing, the court proceeded without ever ruling on Petitioner's pending Motion to Subpoena Duces Tecum *(ROA Event ID 000041, filed June 5, 2024)* — leaving Petitioner without access to the financial records that motion sought —

and set the permanent dissolution hearing for September 10, 2024, twenty-eight (28) days later, without specific prior notice that final property division would be addressed. Respondent did not appear until 9:38 a.m. — thirty eight minutes after the scheduled start time — and the court proceeded to vacate the existing Temporary Protection Order and ordered Respondent to pay $5,000 to Petitioner's attorney, an order that would remain unenforced for twenty-one months. *See Section I, infra.*

One day earlier, on September 9, 2024, Petitioner filed an "Urgent Motion to Suspend the Hearing Scheduled for Sept 10, 2024 and to Request a Review" (*ROA Event ID 000089*). Like the motion that followed it, this filing received no ruling in the official record. On September 10, 2024, Petitioner filed an Emergency Motion to Postpone beginning at 7:33 a.m. due to documented medical conditions (*ROA Event ID 000091*). The court confirmed receipt at 9:08 a.m. and confirmed receipt of Petitioner's exhibits at 9:17 a.m. The hearing commenced at approximately 9:15 a.m. without Petitioner. The Decree of Dissolution was signed at approximately 9:35 a.m. — twenty minutes after the hearing began, while Petitioner's documents were still being uploaded. The Decree was entered based solely on Respondent's unilateral Trial Management Certificate (*ROA Event ID 000096*).

The contrast between the two *Trial Management Certificates* filed in this case illustrates the constitutional injury with precision. Respondent's certificate — five pages prepared by retained counsel — was adopted wholesale as the basis for the permanent decree. Petitioner's certificate — thirty-plus pages filed *pro se*, citing nineteen unanswered motions, documenting a nine-year common-law relationship (*February 2015–February 2020*) predating the formal marriage, a 401(k) account Petitioner personally opened in 2019 with a documented expected balance of

$67,000 versus the $27,352 presented by Respondent without independent verification, explicit demands for spousal maintenance under *C.R.S. § 14-10-114*, formal ADA and LEP accommodation requests, VAWA mediation objections, and a $159,000 documented contribution history — was ignored and never cited in any ruling at any level. The court did not resolve the conflict between the two certificates. It adopted one and erased the other.

Mathews v. Eldridge, 424 U.S. 319, 333 (1976), requires a meaningful opportunity to be heard at a meaningful time and in a meaningful manner. That standard is not satisfied when the court hears only one party's sworn account and adopts it as the decree.

This pattern of adopting Respondent's later-filed submissions over Petitioner's own is not limited to the September 10, 2024 hearing — it began months earlier, in the record itself.

Petitioner filed her own Proposed Decree (*ROA Event ID 000023*) on May 23, 2024, together with a complete package of required financial disclosures — a Sworn Financial Statement (*Event ID 000026*), Certificate of Compliance with Mandatory Financial Disclosures (*Event ID 000027*), Separation Agreement (*Event ID 000024*), Affidavit for Decree without Appearance (*Event ID 000030*), and Proposed Support Order (*Event ID 000025*) — more than four months before Respondent filed his *Trial Management Certificate (Event ID 000087)* on September 3, 2024. At the September 10, 2024 hearing, the court adopted Respondent's later-filed *Trial Management Certificate* "as the property and debt division" without addressing, distinguishing, or explaining its rejection of Petitioner's earlier-filed Proposed Decree, notwithstanding that both documents were properly before the court. Compounding this asymmetry, the *Supporting Schedule of Assets (JDF 1111SS)* required to accompany Petitioner's Sworn Financial Statement has no corresponding entry anywhere in the 187- event Register of Actions for Case No. 2024DR21 — though the Sworn

Financial Statement itself (*Event ID 000026*) does appear — leaving Petitioner's own asset disclosure structurally incomplete in the very record the court used to adjudicate the marital estate. The state court record contains irreconcilable, facial contradictions that establish a fatal defect in procedural due process. As documented in ROA Event ID 000096, the state court simultaneously entered an order stating that the Petitioner "knowingly, freely, and permanently waives maintenance," while concurrently entering an affirmative Maintenance Order to begin September 15, 2024 based on the Respondent's testified ability to pay.

Petitioner's own *Trial Management Certificate* — filed before the hearing began — explicitly demanded maintenance and documented the sworn factual basis for it. A waiver cannot be "knowing and free" when the waiving party is absent, unrepresented, without a certified interpreter, and had filed a sworn document requesting the opposite outcome minutes before the hearing began. *D.H. Overmyer Co. v. Frick Co., 405 U.S. 174, 185 (1972).* Petitioner does not ask this Court to review the state-law guideline computation as such; Petitioner offers it only as measurable evidence of the harm that resulted from the process failures described throughout this Statement. The permanent order set maintenance at $439 per month for eighteen months. A calculation under Colorado's guideline formula, *C.R.S. § 14-10-114*, using the income figures reflected in Respondent's own Sworn Financial Statement, would yield a monthly figure in the range of $2,000 to $2,500 — meaning the order actually entered fell to roughly one-fifth of what the guideline would produce on this record. That gap is not a marginal miscalculation; it is the direct, quantifiable consequence of a hearing that proceeded on Respondent's certificate alone, without the maintenance evidence contained in Petitioner's excluded *Trial Management Certificate*. The Petitioner was entirely absent from the courtroom when these contradictory entries were

manufactured, and she was systematically denied a certified Spanish interpreter or access to the electronic docket to review these entries. Forcing a permanent waiver of statutory rights into the judicial record of a Spanish dominant pro se litigant in her absolute physical absence violates the core tenets of the *Fourteenth Amendment's Due Process Clause* and renders the entire state record unreliable for federal review.

E-1. Additional Register of Actions Irregularities — Same-Day Denial and a Backdated Docket Entry

The Register of Actions documents two further irregularities independent of, and corroborating, the pattern described above.

On November 18, 2025, while the underlying proceeding remained active, Petitioner filed a Motion to Incorporate and Supplement the Record (*ROA Event ID 000168, Case No. 2024DR21*), seeking to add material evidence to the case file. The trial court denied the motion the following day, November 19, 2025 — within twenty-four hours, without a hearing, and without written findings (*ROA Event ID 000169*).

The Register also reflects an independent indicator of record irregularity in the related, consolidated Case No. 2024C19. An "Indigent Party" entry is recorded under *Event ID 000007* with a nominal event date of October 15, 2024 — the same date the court granted the corresponding fee waiver (*Event ID 000006*). The Register itself, however, carries the following clerk annotation beside that entry: "CODE NOT ENTERED PREVIOUSLY; ENTERED 9/12/25 /LME." By the court's own contemporaneous record-keeping, the entry reflecting an October 2024 event was not actually made in the system until nearly eleven months later, in September 2025.

F. Jean-Paul Berrios Melendez — ADA Access Denied to a Disabled Adult

Jean-Paul Berrios Melendez is an adult with autism spectrum disorder under Petitioner's court-appointed legal guardianship. On February 26, 2024, the court denied him a Temporary Protection Order; Petitioner contends no explanation was provided, though the order itself has not yet been located to confirm its stated reasoning. Petitioner further contends that, at the August 13, 2024 hearing described in *Part V* above (*ROA Event ID 000077*) — the same hearing at which Petitioner's Subpoena Duces Tecum went unruled upon and the temporary *protection order was vacated — the court stated to Jean-Paul directly: "You are old enough to take care of yourself."* Petitioner contends this statement is directly at odds with the court's own guardianship record establishing his legal incapacity and Petitioner's role as his court appointed guardian. This contention requires the transcript or minute order confirming the exact statement before it is presented as established fact. Petitioner's subsequent motions seeking protection for Jean-Paul — filed as his legal guardian — were never resolved. Under the ADA Coordinator's written policy that accommodations apply *"only to individuals, not to families,"* the guardian's accommodation requests were categorically excluded from the *ADA* administrative file. Jean-Paul has remained without judicial protection for over twenty-seven (27) months.

The *Temporary Protection Order* was vacated on August 13, 2024 (*ROA Event TROV*). No permanent protective order hearing was ever scheduled or held, and no permanent protective order was entered. The official *Register of Actions* contains no entry reflecting such a hearing or ruling. This gap is compounded by the Colorado Court of Appeals' own September 16, 2024 Order (*Case No. 2024CA1571, Tow, J.*), which declined to review the vacated temporary protection order and denied the motion to stay on the same unsupported premise — entered one day after Petitioner's August 12, 2024 written opposition to dismissal, which was never addressed.

POINT I: *THE COURT VIOLATED THE FOURTEENTH AMENDMENT BY PROCEEDING IN A DOMESTIC VIOLENCE MATTER WITHOUT APPOINTING INDEPENDENT LEGAL REPRESENTATION OR A GUARDIAN "AD LITEM" FOR THE WARD, JEAN PAUL.*

Jean-Paul Berrios Melendez is an adjudicated incompetent person who lacks the legal capacity to represent his own interests in any judicial proceeding. As an adult under court appointed guardianship (*Douglas County Probate Case No. 2021PR116*), his rights and interests were directly at stake in the domestic violence and dissolution proceedings below. The court never appointed independent counsel or a *Guardian Ad Litem* (GAL) to protect the ward during these proceedings. By failing to appoint independent counsel or a *Guardian Ad Litem*, the court committed a structural error and violated his fundamental right to Due Process under the Fourteenth Amendment. No ruling was ever issued on the *Amended Protection Order* (*ROA Event ID 000029*) naming Jean-Paul as a protected party. He has remained without judicial protection for over twenty-seven (27) months.

POINT II: THE CHRONIC MISIDENTIFICATION OF THE RESPONDENT'S NAME AND THE UNWARRANTED SHIFTING OF CASE TITLES DEPRIVED PETITIONER OF CONSTITUTIONAL NOTICE AND PREJUDICED THE PROTECTION OF THE WARD.

The record exhibits an unconstitutional pattern of shifting case titles — interchangeably labeling the matter as *Domestic Violence and Divorce* — while chronically misidentifying the Respondent as "Omar Melendez," "Omar Munoz Melendez," and "Omar Munoz." This failure to maintain an accurate and consistent judicial record deprived the Petitioner and the ward of proper notice, compromised the enforceability of protective orders, and caused severe legal prejudice. If the Respondent's name is recorded inconsistently across the domestic violence system, law enforcement cannot identify him for arrest or enforcement if he approaches Jean- Paul in violation

of any protective order. The constitutional right to notice is not satisfied by a record that cannot be consistently identified or enforced.

G. Exhaustion of State Court Remedies and Preservation of Federal Claims.

Petitioner has exhausted all available state court remedies. The Elbert County District Court denied relief. The Colorado Court of Appeals denied review on December 18, 2025. The Colorado Supreme Court denied the *Petition for Writ of Certiorari* on April 20, 2026 (*Case No. 2026SC51*). There are no further state court remedies available.

The federal questions presented in this Petition did not arise solely from Case No. 2024DR21. They arose from a series of related proceedings originating from the February 23, 2024 domestic-violence incident, including *Protection Order Cases Nos. 2024C19 and 2024C20*, which were later consolidated with or materially affected the dissolution proceedings in Case No. 2024DR21. Requests for records, *ADA* accommodations, *LEP* accommodations, interpreter services, police recordings, and related evidence were made throughout these interconnected proceedings. The denial of access to those records and materials affected Petitioner's ability to present, preserve, and obtain review of her federal claims at every level of the Colorado court system.

These federal issues were raised through Petitioner's *ADA* accommodation requests, *LEP* requests, appellate motions regarding the omitted record, and filings before the Colorado Court of Appeals and the Colorado Supreme Court. The questions presented were raised at each level of the Colorado court system and were either denied or left unaddressed, satisfying the preservation requirement of *28 U.S.C. § 1257(a)*.

H. Ongoing Prejudice — Homelessness, Eviction, and Litigation from a Motor Vehicle.

The procedural and human prejudice inflicted upon the Petitioner and her autistic ward is catastrophic and ongoing. Through an arbitrary and expedited order, the state court unconstitutionally evicted the Petitioner from the marital residence with less than seven days' notice, forcing the Spanish-dominant, disabled legal guardian and her vulnerable autistic ward, Jean-Paul, into immediate homelessness.

Since said eviction, the Petitioner has been forced to litigate this entire federal and state appellate action directly from inside a motor vehicle, where she and the ward currently reside. Compounding this extreme hardship, the lower court insulated the Respondent from his liabilities while legally forcing the indigent Petitioner to pay the monthly marital debt for the Respondent's leased vehicle (*Honda Ridgeline*). Litigating a complex constitutional appeal from a vehicle without shelter, utilities, or financial resources — while systematically being blocked from electronic docket access — constitutes an absolute deprivation of property and liberty without Due Process under the Fourteenth Amendment.

I. Systematic Dissipation of Marital Assets Without Court Intervention.

The record documents a pattern of marital asset dissipation to which the court took no protective action despite repeated notice. The RV was removed with law enforcement escort and never included in the property division. A 401(k) freeze order (*ROA Events 000147- 000148, entered January 31, 2025*) was nullified without explanation fourteen days later (*ROA Event ID 000151*). The marital home was titled solely in Respondent's name using marital 401(k) funds. Federal COVID-19 stimulus payments (in excess of $3,200) were retained by Respondent. Petitioner further contends that Respondent retained sole control over a vehicle titled in the name of Petitioner's other son, Jean-Gabriel Melendez, including the associated debt — leaving that son

financially exposed to obligations he did not incur and could not control. The *Motion to Subpoena Duces Tecum* that would have documented these transactions was never ruled upon (*ROA Event ID 000041*).

Separately, and continuing into the Colorado Supreme Court proceedings, Petitioner recorded a Lis Pendens (*Reception No. 647755*) on the marital residence at 3162 Belleville Ridge Road, Elizabeth, Colorado, on December 15, 2025, in an effort to protect the property from transfer while these proceedings remained pending. The Elbert County Recorder's Office mis-indexed the filing — categorizing it as a "LIEN" rather than a Lis Pendens, and indexing it against the wrong lot. When Petitioner raised the issue within Case No. 2024DR21, the Clerk of Court responded in writing on December 5, 2025: *"The Court can not intervene with the Elbert County Clerk and Recorder on your behalf. You will need to work directly with [the Recorder's Office]."* The court thus declined to address, within the case record, a defect affecting the instrument meant to protect the disputed marital property at the center of that same case.

This is a separate, ongoing instance of the same pattern: a filing intended to preserve disputed marital property was not given effect within the judicial record, notwithstanding Petitioner's repeated attempts to have it recognized.

Separately, the court's August 13, 2024 order directing Respondent to pay $5,000 to Petitioner's attorney (*ROA Event ID 000081*) has gone uncontested and unenforced for twenty-one months. Respondent's counsel, Leonard Berenato, admitted this debt in writing on September 12, 2024 and October 9, 2024. Petitioner provided banking information on October 14, 2024. Payment was never made. The Register of Actions reflects "NO ACTION TAKEN" on every subsequent enforcement request (*ROA Events 000135, 000151, 000156, 000167, 000169*). This pattern of non-

enforcement, together with the asset dissipation described above, reflects a pattern of deliberate indifference to Petitioner's rights rather than isolated administrative delay. See *Farmer v. Brennan, 511 U.S. 825, 837 (1994).*

J. Emergency Relief Sought and Denied at Every Level.

Petitioner sought emergency injunctive relief or a stay at every available level of the state and federal court system to prevent or remedy the displacement of herself, her autistic adult son, and their service animal from the marital home. No court, state or federal, held a hearing on any of these requests.

Forum	Date	Relief Sought	Result
Elbert County District Court	Sept. 9, 2024	Emergency Motion to Postpone Hearing (Event 000089).	No Ruling
Elbert County District Court	Sept. 10, 2024	Emergency Motion to Postpone; Decree entered same day (Event 000091)	No Ruling; Decree entered
Elbert County District Court	Sept. 11, 2024	Emergency Motion To Stay Eviction	Denied Sept. 27, 2024 (Event 000097)
U.S. District Court, D. Colo. (No. 1:24-cv-02532)	Sept. 13, 2024	TRO and Stay	Dismissed Oct. 25, 2024, without Hearing
Colorado Court of Appeals (No. 2024CA1571)	Fall 2025	Emergency Stay Motion(s), including the Sept. 15, 2025 Motion To Freeze Marital Property	No Ruling Identified as of Sept. 25, 2025
Colorado Supreme Court (No. 2026SC51)	Jan. 23, 2026	Motion to Stay Deadlines / Preserve Record Access	Denied

Three days after the September 10, 2024 decree was entered in her absence, Petitioner filed an *Emergency Motion for Temporary Restraining Order and Stay* in the U.S. District Court for the District of Colorado, No. 1:24-cv-02532, seeking to nullify and suspend the ADA and domestic-violence-related violations from that hearing. The federal court dismissed the case on October 25, 2024 — forty-two days after filing — without a hearing.

K. Financial Relief Ordered But Not Received.

The trial court entered several remedial financial orders that Petitioner contends were never complied with. The table below distinguishes what was ordered, what opposing counsel, or the Court of Appeals characterized as having occurred, and what Petitioner contends she actually received.

Obligation	Amount Ordered	Third-Party Characterization	Amount Received
Relocation Pmt.	$5,000	Confirmed by Opposing Counsel by email Oct. 9, 2024, as owed	$ 0.00
Attorney's Fees	$5,000	Confirmed by Opposing Counsel by email Sept. 12, 2024; Court of Appeals characterized as "received".	$ 0.00
Spousal Maintenance ($439 x 18 mo.)	$7,902		$ 0.00
QDRO / 401(k) Transfer	$7,352 per the operative Order	Petitioner's own Trial Mgt. Certificate documented an expected bal. of $67,000; Opposing Counsel's Oct. 9, 2024 email referenced a transfer of "approximately $42,000; The Court of Appeals characterized this amount as "received".	$ 0.00
Marital Equity Per Respondent's adopted Trial Mgt. Certificate	Approx. $30,000 "allocated to each party," per Court of Appeals Opinion (App. B § 3	The Court of Appeals Opinion describes this as the allocation adopted by the District Court.	$ 0.00

Petitioner contends that the marital-property figures are unreconciled across at least four separate sources — her own contemporaneous filing ($67,000 for the 401(k) alone), opposing counsel's email ($42,000), the operative order ($27,352), and the Court of Appeals' own description of the adopted decree (approximately $30,000 allocated to each party) — and that regardless of which figure is correct, Petitioner contends she received none of it.

This is not merely an unresolved accounting dispute. Petitioner contends that her right to her share of the marital estate has been denied through the compounded failure of every institution positioned to enforce it: the plan sponsor has not furnished accurate, verifiable benefit information; the plan administrator has not executed a *Qualified Domestic Relations Order* dividing the account; and the state court, despite repeated written requests for enforcement, has entered no order compelling either to act. More than eighteen months after the decree, Petitioner has received none of the property the decree itself says is hers.

Petitioner's related administrative complaint remains unresolved before the *U.S. Department of Labor's Employee Benefits Security Administration*. Petitioner offers this not as a separate claim for this Court to adjudicate, but as further evidence that the process below did not merely miscalculate her property rights — it has left them unenforced altogether. Petitioner does not ask this Court to resolve which of the three figures is accurate; Petitioner offers the unreconciled discrepancy itself, together with the Court of Appeals' characterization of these sums as "received" when Petitioner contends she received $0.00 of any of them, as further evidence of the record's unreliability for the purposes for which it was used below.

REASONS FOR GRANTING THE PETITION

This case presents questions no federal circuit has squarely resolved: (1) whether *ADA Title II* and the *ADAAA* require state courts to accommodate non-visible disabilities of legal guardians appearing on behalf of disabled adult wards, and whether a written policy categorically excluding "families" from *ADA* accommodations satisfies that obligation; (2) whether the Fourteenth Amendment is violated when a state court's omission of a litigant's filed evidence from the appellate record is then used by the appellate court as a basis to affirm — a self insulating cycle

that no circuit has addressed; (3) whether a state court's simultaneous grant of an *ADA* accommodation for filings and denial of that same accommodation for access to the record satisfies Due Process; (4) whether *VAWA* and the *Due Process Clause* are violated when a state court absorbs domestic violence proceedings into a dissolution decree without ever holding a hearing on the domestic violence claims; and (5) whether systematic suppression of all law enforcement records from the originating domestic violence incident — across every level of review — violates the *Due Process Clause and VAWA*. Each question recurs in state courts across the country and affects every *LEP* and disabled litigant, domestic violence survivor, and guardian who seeks meaningful appellate review.

I. THE ADA/LEP POLICIES DENY MEANINGFUL ACCESS TO THE COURTS — A QUESTION OF NATIONAL IMPORTANCE

The written policy of the Colorado appellate courts — that "*ADA accommodations apply only to individuals, not to families*" — categorically excludes from *ADA Title II* protection every legal guardian, caregiver, and family member appearing in state court on behalf of a disabled person. If left uncorrected, this policy denies meaningful access to the courts to an entire class of litigants.

Tennessee v. Lane, 541 U.S. 509 (2004), established that *Title II of the ADA* applies to state courts and that meaningful access to judicial proceedings is a constitutional requirement.

This case presents the next question: whether *Title II and the ADAAA* require state courts to *accommodate non-visible disabilities of legal guardians appearing on behalf of disabled adult wards — and whether a blanket "individuals only" policy satisfies that requirement.*

The *ADAAA, Pub. L. 110-325*, expressly broadened the definition of disability to cover nonvisible conditions — including *ADD/ADHD* and cognitive processing disorders — that substantially limit major life activities such as reading, concentrating, and communicating.

The Colorado courts' written policies represent precisely the narrowing of *ADA* protections that Congress enacted the *ADAAA* to prevent.

Title VI requires recipients of federal financial assistance — including state courts — to take reasonable steps to ensure meaningful access for *LEP* individuals. *See also Executive Order 13166* (Improving Access to Services for Persons with Limited English Proficiency). The Colorado Court of Appeals' written English-only brief policy, applied to a Spanish-dominant LEP litigant, ensured that the appellate record contained no primary-language voice of the party challenging the trial court's rulings.

The human and constitutional costs of denying language access in civil courts are well established. Chief Judge Eric T. Washington of the District of Columbia Court of Appeals has stated: *"When state courts fail to provide competent interpreters for people in civil cases who are of limited English proficiency, they can't protect their children, they can't protect their homes, they can't protect their safety. Courts suffer because they lose faith in the justice system. Society suffers because its laws cannot be enforced: laws guaranteeing minimal wages, laws barring domestic violence and illegal evictions can't be enforced." U.S. Dept. of Justice, Language Access in State Courts (2016).* Former Chief Justice Michael L. Bender of the Supreme Court of Colorado — Petitioner's own highest state court — acknowledged that *Colorado's Chief Justice Directive 06-03* mandates language interpreters *"for all case types"* and ensures *"language access in all court operations." Id.* That directive was in force throughout these proceedings. It was not followed.

The Brennan Center for Justice has documented that the failure to provide competent court interpreters forces family members — including children and disabled persons — to serve as

informal interpreters in sensitive proceedings involving divorce, child custody, and domestic violence. *Laura Abel, Language Access in State Courts, Brennan Center for Justice (2009).*

That is precisely what occurred at the inception of Case No. 2021PR116: the court used Jean-Paul's brother — himself a neurodivergent adult, an interested party in the same proceeding, and without certification as an interpreter — as the sole interpreter at the guardianship hearing that adjudicated Jean-Paul's legal rights. Under *Title VI and Colorado Chief Justice Directive 06-03*, using an interested, uncertified, neurodivergent family member as interpreter in a proceeding that directly determined that family member's brother's legal status is not a reasonable accommodation. It is a constitutional violation. The resulting guardianship order was built on a record that no party could verify, understand, or meaningfully challenge. That same pattern — family members pressed into service as informal interpreters because the court provides none — began at the very first moment of the February 23, 2024 incident, when Jean-Paul assisted with whatever informal translation he could while six non-Spanish-speaking, all-male officers responded to a domestic violence call inside the family home.

The ADA denial documented in this case is not an inference drawn from the record. It is confirmed by Petitioner's own *Trial Management Certificate* — a contemporaneous sworn filing submitted to the trial court before the September 10, 2024 hearing. *Section 24* of that certificate states that Petitioner formally requested a certified Puerto Rican Spanish interpreter, virtual hearing access, document delivery in PDF format by email, and an *ADA* coordinator — beginning February 23, 2024 — and that every such request was denied by the Court, former counsel, the ADA coordinator for the Town of Elizabeth, crisis organizations, court administration, and Respondent's attorney. This is not a post-hoc legal argument. It is a document filed in the trial court, in real time,

describing what *ADA Title II* requires and what the court failed to provide. The Court of Appeals never addressed it. It could not — the filing was excluded from the appellate record. The *ADA* violation that this filing documents thus escaped appellate review through the same mechanism by which it was inflicted: the denial of access.

II. THE APPELLATE RECORD GAP IS A STRUCTURAL DUE PROCESS VIOLATION

The Fourteenth Amendment requires that a litigant have a meaningful opportunity to be heard at a meaningful time and in a meaningful manner. *Mathews v. Eldridge, 424 U.S. 319, 333 (1976).* That opportunity is hollow when the evidence supporting the litigant's claims has been removed from the record before the reviewing court considers it.

The court-created evidentiary gap became self-insulating: evidence was excluded from the record, and the resulting absence of that evidence was then used as a basis to affirm. This Court held in *Griffin v. Illinois, 351 U.S. 12 (1956)*, that poverty shall not be a barrier to appellate review. The same structural principle applies here: when the record gap is caused by the court's own conduct — not the litigant's failure — the appellate presumption cannot properly be used against the litigant.

The Petitioner's Trial Management Certificate is direct evidence that the record gap was not Petitioner's failure. The Colorado Court of Appeals held, at paragraph 7 of its December 18, 2025 opinion, that the absence of evidence in the appellate record triggered a presumption supporting the trial court's findings. *App. B, ¶ 7.* That presumption is constitutionally impermissible here because the evidence was absent not due to Petitioner's failure to file — but because the court excluded it.

The belated production by Clerk Lynda Eichler in August 2026 — transmitting Petitioner's PDF Exhibits nearly two years after the decree — confirms that the evidence existed in the Court's custody throughout all appellate proceedings and was never transmitted to any reviewing court. The Court held the evidence and used its absence against Petitioner at the same time. This is the self-insulating record gap this Court's review is required to address.

Petitioner's *Trial Management Certificate*, filed September 10, 2024 — logged in the Register of Actions as *Events 000092-000093*, but never categorized as a "*Trial Management Certificate*" event type at all, unlike Husband's (Respondent) two such filings (*Events 000067 and 000087*) — contained thirty-plus pages of specific factual claims and legal arguments including: a documented nine-year common-law relationship predating the formal 2020 marriage; a 401(k) account with a documented expected balance of $67,000 at the time of the decree versus the $27,352 figure presented by Respondent without independent verification; a Motion to Subpoena Duces Tecum for financial records (*ROA Event ID 000041*) that was never ruled upon by the court — the only mechanism available to verify that discrepancy; twenty-one motions filed and confirmed received, approximately nineteen of which received no ruling; formal *VAWA* motions to waive mediation (*ROA Events 000032 and 000035*), both ignored without ruling; and an explicit sworn request for spousal maintenance under *C.R.S. § 14-10- 114* citing Petitioner's age (53), neurodivergent status, documented medical conditions, and nine-year contribution history.

The permanent decree states that Petitioner *"knowingly, freely, and permanently waives maintenance." ROA Event ID 000096.* Petitioner's own *Trial Management Certificate* — filed before the hearing — explicitly demanded maintenance and documented the factual basis for it under oath. A waiver cannot be *"knowing and free"* when the waiving party is absent,

unrepresented, without an interpreter, and had filed a sworn document requesting the opposite outcome before the hearing began. *D.H. Overmyer Co. v. Frick Co., 405 U.S. 174, 185 (1972).*

The Court of Appeals affirmed this decree based on a record that contained Respondent's five-page certificate and excluded Petitioner's thirty-page certificate. The Court of Appeals' own opinion acknowledges that the record showed only forty-nine pages of exhibits uploaded for the permanent-orders hearing, and states it is unclear whether those forty-nine pages were part of the larger 180-page submission Petitioner describes — the Court's own uncertainty about what its record contained, at the very moment it used that record's silence against Petitioner. *App. B, ¶ 15.* The court used the absence of Petitioner's evidence — evidence excluded by the court itself — to affirm the decree that the excluded evidence would have contradicted. This is the self-insulating record gap this Court's review is required to address.

This structural problem is not unique to this case. Any litigant whose trial court fails to transmit filed evidence faces the same impossibility: to challenge what the record does not contain, using a record that has already excluded the evidence of that challenge. This Court's review is necessary to establish whether this circular result — and the denial of meaningful access to the courts it produces — is constitutionally permissible.

III. THE SIMULTANEOUS GRANT AND DENIAL OF ADA ACCOMMODATION IS A PRECISE CONSTITUTIONAL INJURY

The Colorado Supreme Court's written communication of January 26, 2026 grants email accommodation for filings and denies email access to the record in the same document. For a homeless litigant explicitly granted email accommodation, the denial of email access to the record was a denial of meaningful access to the courts. The Due Process Clause does not permit a court

to grant an accommodation with one hand and revoke it with the other in the same written communication.

The questions presented in this case — the scope of *ADA Title II* and the *ADAAA* for nonvisible disabilities and legal guardians; the *Title VI* obligation for *LEP* appellate litigants; and the due process limits on using a court-created record gap against the filing party — have not been squarely resolved by any circuit. This case is an appropriate vehicle for this Court's resolution of these recurring questions of national importance.

IV. GRIFFIN v. ILLINOIS VIOLATION — TRANSCRIPTS AND RECORDINGS CONDITIONED ON PAYMENT

Colorado's courts unconstitutionally conditioned the production of mandatory audio recordings and verbatim transcripts upon Petitioner's financial ability to pay, in direct defiance of *Griffin v. Illinois, 351 U.S. 12 (1956)*. Petitioner's Motion for Release of Audio Recordings (*ROA Event ID 000113*) was denied the same day it was filed (*Event ID 000114*) with no explanation beyond *"Petitioner may request transcripts of proceedings but not the audio recordings."* The trial court thus conditioned access to the only contemporaneous record of its own proceedings on Petitioner's ability to pay for transcription — while simultaneously denying the electronic recordings that would have made transcription unnecessary. This Court held in Griffin that *"[d]estitute defendants must be afforded as adequate appellate review as defendants who have money enough to buy transcripts."* The same principle applies with equal force to indigent civil litigants and pro se guardians seeking review of proceedings that directly affect disabled adults under their guardianship.

V. ASYMMETRIC NOTICE — ROUTING TO ABUSER WHILE DENYING ELECTRONIC

ACCESS TO VICTIM

The state courts manufactured an *asymmetric notification system* that exposed Petitioner's legal strategies to the Respondent while denying her access to the same information. While the court forced the Spanish-dominant Petitioner to file strictly via email, it refused to provide outgoing electronic notices to Petitioner, claiming that *pro se litigants* have no right to email transmissions. Simultaneously, the trial and appellate courts systematically mailed final case transfer files and judicial orders to the Respondent's physical address — the same address from which Petitioner had been ordered to vacate following the domestic violence incident of February 23, 2024.

This *asymmetric system* produced a *structural due process violation* of the first order: the abuser received the victim's legal filings, orders, and case transfer documents at his home address, while the victim — homeless, without a stable mailing address, explicitly granted email accommodation — received nothing. The combination of the structural suppression of 180 pages of the physical record and the systematic routing of case documents to the adverse party completely extinguished Petitioner's right to be heard. No circuit has addressed whether a domestic violence victim's due process rights are violated when a state court's notice system foreseeably routes her legal materials to her abuser. A related notice failure compounds this pattern. Beginning on November 5, 2024, Petitioner changed her address from USP General Delivery Elizabeth, CO to an address in Guaynabo, Puerto Rico: PMB 382, 405 Avenida Esmeralda Suite 2, Guaynabo, Puerto Rico 00969, by filing Form 1312 "*Contact Information Change*" in Case No. 2024DR21. Despite the informed change of address, Petitioner contends and notified the court she never received any court documents or any other related mailings. However on April 2,

2025, then-Clerk Gina L. Parker confirmed in writing that a package containing several months of court documents — including the order freezing the 401(k) — had been returned to the court as undeliverable, and that the Puerto Rico address was not the address reflected on the *JDF 88* Petitioner had filed. Petitioner contends she never received the freeze order, the appellate notices, or the other documents in that package, and that this is a second, independent channel through which case-critical documents were routed away from her rather than to her.

VI. THE CLERK SUBSTITUTION AND RECORD TRANSMISSION FAILURES CONSTITUTE STRUCTURAL DUE PROCESS VIOLATIONS

Petitioner received her own copy of the certified record from Elbert County District Court — obtained at her own expense — prior to its transmission to the Colorado Court of Appeals.

That same day, in person, she notified the court that the record was missing documents and requested that the clerk be ordered to certify the record under penalty of perjury, with a copy to be provided to the Court of Appeals. Shortly after this request was made, the certifying clerk, Gina L. Parker, was replaced by Lynda Eichler.

The Court of Appeals, upon receiving the record from Elbert County — already shown to reflect fewer than 11% of the actual docket entries, see *supra* — did not provide Petitioner a copy of what it had received, denying her any opportunity to verify that the deficiencies she had already reported in person had been corrected before the Court of Appeals relied on that record to decide her case.

The Colorado Supreme Court then received the record from the Court of Appeals and repeated the identical pattern, denying Petitioner access before disposing of her petition for review.

This is not a series of isolated clerical oversights. Petitioner gave the Elbert County District Court immediate, in-person notice of the deficiency and requested the precise remedy the law provides — certification under penalty of perjury — yet no court thereafter gave her the opportunity to

confirm that remedy had been carried out. Each subsequent court built its decision upon a record inherited from the court below, without ever affording Petitioner the opportunity — guaranteed by the *Due Process Clause* — to see, verify, or correct that record before it became the basis for a decision against her. *See Mathews v. Eldridge, 424 U.S. 319, 333 (1976); Griffin v. Illinois, 351 U.S. 12, 18 (1956).*

The Colorado Court of Appeals then institutionalized this procedural defect. When Petitioner attempted to cure the omission by attaching the excluded documents to her *Opening Brief* along with verified affidavits, the appellate court repeatedly issued orders to strike the filings.

When Petitioner requested the appellate court to compel the lower tribunal to correct the fractured record, the appellate court unconstitutionally remitted Petitioner back to the exact same lower court that had failed to preserve the files in the first place. This circular barrier — file below, get struck on appeal, be sent back to the court that created the gap — rendered appellate review a structural fiction and violated the core tenets of the *Fourteenth Amendment's Due Process Clause. Bounds v. Smith, 430 U.S. 817 (1977); Griffin v. Illinois, 351 U.S. 12 (1956).*

The scale of the resulting gap at the Court of Appeals level can be quantified directly from the Clerk's own written account. In her February 6, 2026 email, COA Clerk Tiffany Mortier identified, by date, everything she confirmed was in the official appellate record: the *notice of appeal* (September 4, 2024); the *Opening Brief* (May 29, 2025); six orders on stay motions; two fee-waiver motions; and two petitions for rehearing that she confirmed were stricken.

Comparing this list against the approximately 36 filings Petitioner made or attempted to make in Case No. 2024CA1571 — each independently confirmed by email receipt from the Clerk's office — only 9 appear in the official record Ms. Mortier described, of which 2 were stricken.

Absent from that record were, among other things: the Spanish-language version of the *Opening Brief* together with its 9 supporting affidavits and accompanying exhibits; the 9 supporting affidavits for the English-language Opening Brief as well — meaning the version of the brief the Clerk confirmed is in the record is itself missing its own evidentiary support in either language; the Motion to Supplement the Record; more than 18 *ADA/ADAAA/LEP* accommodation requests; and Petitioner's requests for the police records and transcripts discussed elsewhere in this Petition. Ms. Mortier's own stated policies — "[a]ll briefs filed with the court are required to be in English," and filings "rejected by the Court because they do not comply with the appellate rules are not uploaded into the system" — are, in Petitioner's contention, the mechanism by which this gap was created. The Court of Appeals affirmed the judgment below on December 18, 2025, on the basis of this record.

The timing of what Petitioner was actually given underscores the point. Before the December 18, 2025 opinion, what Petitioner received consisted of case-status updates, procedural forms, individual orders, and periodic Register of Actions summaries — not a complete production of the docketed record. A Register of Actions sent October 17, 2025 instructed Petitioner to specify individually which documents she wished copies of, rather than providing the documents themselves. It was only after the Court of Appeals had already affirmed the judgment below — on January 27, 2026, and then in a substantially larger production spanning January 29, 2026, split across eight separate emails — that Petitioner received a broad set of docketed materials dating back to September 2024. Whatever those later productions contain, they were sent more than a month after the decision Petitioner now asks this Court to review had already been rendered.

The transcripts Petitioner requested illustrate the same pattern in a different context: on November 4, 2025, Ms. Mortier confirmed that no transcripts had been located as part of the record described above — meaning that, in addition to the gaps already discussed, the appellate record on which the December 18, 2025 opinion rests did not include transcripts of the proceedings it was reviewing.

VII. SYSTEMIC PROCEDURAL ASYMMETRY AND DISPARATE ENFORCEMENT OF JUDICIAL RULES

The record reflects a documented pattern of disparate procedural treatment: material motions seeking preservation of property, enforcement of existing orders, and protection of Petitioner's federal rights were left unresolved, while comparatively minor procedural defects attributed to Petitioner drew immediate consequences.

Of the 36 motions Petitioner filed in Case No. 2024DR21, 20 received no ruling at all, including her Motion to Subpoena Duces Tecum for financial records (*Event 000041*), her motion to suspend the September 10, 2024 hearing filed the day before it occurred (*Event 000089*), and her Emergency Motion for Compliance with Criminal Background Check Protocol (*Event 000083*). By contrast, Respondent's Motion to Dismiss the Temporary Restraining Order (*Event 000076*, filed August 9, 2024) received a ruling within three days (*Event 000078*, August 12, 2024), and his Motion to Set for Permanent Orders (*Event 000048*) was granted the next day.

The same asymmetry appears in enforcement. The August 13, 2024 order requiring Respondent to pay $5,000 toward Petitioner's attorney fees has gone unenforced for over twenty-one months, with the Register of Actions recording "NO ACTION TAKEN" on every subsequent enforcement request Petitioner filed (*Events 000135, 000151, 000156, 000167, 000169*) — while Petitioner's

own procedural filings, including a Motion for Reconsideration rejected in November 2024 for a case-number error, were held to strict compliance.

This pattern of non-response to asset-preservation requests recurred at both levels of the state court system. In the trial court, Petitioner's Emergency Motion to Freeze Marital Assets (*ROA Event ID 000164*, filed October 16, 2025) was denied on November 17, 2025 (*Event 000167*). Separately, before the Colorado Court of Appeals in Case No. 2024CA1571,

Petitioner filed an Emergency Motion to Preserve and Freeze Marital Property, Prevent Fraud, and Protect the Right to a Fair Division of Assets on September 15, 2025. The Court of Appeals' ADA Coordinator, Sonya Stromberg, confirmed in writing on September 25, 2025 that *"[t]he court has received your motion filed on September 15, 2025, but has not ruled on your motion at this time."* No ruling on that motion has been identified in the record reviewed to date. Two separate requests, at two separate levels of the same court system, to preserve the same disputed marital property from dissipation during litigation, produced two different outcomes — one denial, one indefinite silence — but neither resulted in the property being preserved.

Petitioner does not ask this Court to find, on this record alone, that this asymmetry was intentional. Petitioner asks the Court to recognize that a pattern in which the party seeking enforcement of her own rights received systematic non-response, while the opposing party's procedural requests were resolved promptly and his non-compliance went uncorrected, is itself evidence relevant to whether Petitioner received a meaningful opportunity to be heard under Mathews v. Eldridge, *424 U.S. 319, 333 (1976).*

VIII. THE COURT-PREPARED AMENDMENT OVERRIDING SWORN TESTIMONY PRESENTS AN UNRESOLVED QUESTION OF DUE PROCESS

No circuit court has squarely held whether a court-employee-prepared document — based on oral declarations taken from a LEP litigant without a certified interpreter, never reviewed or approved by the litigant, and later used to override her sworn testimony — can serve as a valid judicial record for purposes of property rights adjudication. The court here credited its own employee's four-year entry (*ROA Event ID 000009*) over Petitioner's sworn nine-year testimony, without addressing *In re Marriage of Hogsett, 478 P.3d 713 (Colo. 2021)*, and without affording Petitioner any mechanism to correct the record before it was used against her. This question recurs wherever LEP litigants interact with court staff who prepare or amend filings on their behalf, and it has not been squarely resolved by this Court.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant the Petition for a Writ of Certiorari to review the judgment of the Colorado Supreme Court in Case No. 2026SC51.

2. Hold that *Title II of the ADA, the ADAAA*, and *Title VI* require state courts to provide effective communication and meaningful access to the courts for self-represented litigants with disabilities and limited English proficiency — including access to the appellate record necessary to present and preserve federal claims on appeal — and that a written policy categorically excluding "*families*" from *ADA* accommodations violates *Title II*;

3. Hold that the *Fourteenth Amendment* is violated when a state court excludes a litigant's filed documentary evidence from the appellate record and the appellate court affirms based on the resulting gap;

4. Hold that a state court's grant of an *ADA* accommodation for filings is constitutionally insufficient when the court simultaneously denies that same accommodation for access to the record;

5. Hold that a court-employee-prepared document — based on declarations taken without a certified interpreter from a *LEP* litigant, never reviewed or knowingly approved by her — cannot be used to override her sworn testimony on a material fact for purposes of property rights adjudication under the *Due Process Clause and Title VI*;

6. Hold that a state court violates *VAWA* and the *Due Process Clause* when it consolidates domestic violence proceedings into a dissolution case over the victim's objection, issues a decree erasing all domestic violence findings, never holds a domestic violence hearing, and the appellate court forecloses all review of those claims;

7. Hold that the *systematic suppression of law enforcement records* — including body-worn camera footage and 911 recordings from the originating domestic violence incident — across all cases and all levels of review, violates the *Due Process Clause* and *VAWA*.

8. Remand for new proceedings before an impartial tribunal with a complete record and full *ADA, ADAAA, Title VI, VAWA,* and *Due Process* protections.

Respectfully submitted,

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September 17, 2026