

District Court, Division 02, County of Jefferson STATE OF COLORADO 100 Jefferson County Parkway Golden, Colorado 80401 303.271.6120	<p style="text-align: center;">▲ Court Use Only ▲</p>
PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. Steve Douglas Gartin, Defendant.	
Thomas C. "Doc" Miller, Reg. No. 22652 1026 Lincoln Place Boulder, Colorado 80302 303.484.8229	Case Number: 00 CR 3371 Division: 02
MOTION FOR FORGIVENESS AND PETITION TO SEAL	

Comes now, the Defendant, **Steve Douglas Gartin**, by and through his lawyer, Thomas C. "Doc" Miller, and moves this Honorable Court to grant the above captioned Motion for Forgiveness and Petition to Seal and as grounds therefore states as follows:

BACKGROUND

1. In testimony dated October 13, 2000, Investigator Gary Clyman of the Colorado Attorney General's Office (AG Investigator Clyman) stated that he was an expert on "Domestic Terrorism and so-called patriot investigations." Grand Jury Testimony of Gary Clyman, October 13, 2000, page 3. (The Grand Jury transcript of October 13, 2000, in attached hereto and incorporated herein as Exhibit A and herein referred to as Testimony).
2. AG Investigator Clyman described Mr. Gartin as a subject of investigation for "domestic terrorism and patriot activities" in his Testimony. *Ibid.*
3. On pg. 5 of the Testimony, AG Investigator Clyman relates his expertise to persons who are, "anti-government," and further, that, "A good example would be the federal building in Oklahoma City that was a domestic terrorism act by people involved in the patriot movement."
4. Mr. Gartin has never committed an act of terrorism or a crime of violence.
5. Motivated by patriotism, Mr. Gartin did serve four years in the United States Coast Guard from which he was honorably discharged.
6. Based upon misdemeanor warrants regarding restraining orders in Mr. Gartin's divorce case, AG Investigator Clyman states,

"We decided to try to find him, get him arrested on those, and get him off the street for a while until we could get this case filed and get him on a significant bond. We had gotten information on September 19 that he was going to be in a house in Lakewood. We set up a surveillance on the house, myself and a number of other officers in this residential area. I was set up on the front of the house with Jefferson County detectives. About 6 o'clock Mr. Gartin was seen leaving the house and getting

into the back of an SUV with two other people. As they drove off, we had the **Lakewood Police Swat Team** [emphasis added] nearby to make the traffic stop for us in the event this worked out the way we hoped it would. We followed the vehicle a few blocks. We basically surrounded the vehicle on the street about a felony traffic stop, removed all the people out of the car at gun point, and placed them into custody.” *Ibid.* pg. 11-12.

7. Despite AG Investigator Clyman’s claim of warrants regarding misdemeanor restraining orders, AG Investigator Clyman revised his testimony to a “felony traffic stop.”
8. Mr. Gartin was thus arrested on September 19, 2000 and charged in case number 00 CR 2419.
9. A grand jury indictment naming Mr. Gartin on the underlying charges in 00 CR 3371 was issued on December 18, 2000.
10. Having bonded out of jail and released from custody, and while not having been served with the indictment in 00 CR 3371, and while unaware of its issuance, Mr. Gartin moved from Colorado to Marin County, California.
11. On March 13, 2001, Mr. Gartin was arrested, **in the presence of children and their parents**, upon arriving at his martial arts academy by FBI S.W.A.T. Team based upon a Federal Warrant issued for Unlawful Flight to Avoid Prosecution. (Exhibit B is attached hereto and incorporated herein).
12. Mr. Gartin was then held in solitary confinement for seven (7) days in California until the charge of Unlawful Flight to Avoid Prosecution was dismissed.
13. Nevertheless, police officials continued to hold Mr. Gartin in custody and incommunicado in Santa Rita maximum security facility until was returned to Colorado by agents of the Jefferson County Sheriff’s Office on April 4, 2001.
14. On April 30, 2000, charges in 00 CR 2419 were dismissed.
15. Mr. Gartin remained in custody at the Jefferson County Jail until a negotiated plea was entered in 00 CR 3371.
16. On April 8, 2002, Mr. Gartin pleaded guilty to a felony charge of Extortion on Count I and a misdemeanor charge of Filing a False Instrument on Count II in 00 CR 3371.
17. On Count I, Mr. Gartin was sentenced to two years deferred judgment.
18. On Count II Mr. Gartin was sentenced to time served.
19. Mr. Gartin was ordered to attend anger management, and to provide urinalysis for one year.
20. Mr. Gartin completed anger management and provided urinalysis as ordered.
21. A charge of Carrying a Concealed Weapon, *while traveling in a private conveyance*, was dismissed in 00 CR 3371 in order to protect Mr. Gartin’s employment in cutlery sales, design, and distribution, in addition to his lifetime work as a martial arts teacher.
22. On November 23, 2002, Mr. Gartin was arrested, handcuffed, and jailed related to 02 CR 3011 on charges of Theft on Count I, First Degree Aggravated Motor Vehicle Theft on Count II, and Theft of Trade Secrets on Count III.
23. Investigating Officer Monique Gilstrap in 02 CR 3011 issued the Affidavit for Warrantless Arrest on November 11, 2002, after researching the National Crime Information Computer (NCIC) and the Colorado Crime Information Computer (CCIC).
24. The information provided in the NCIC and CCIC data bases states, “Approach with caution. Subject is a martial arts expert and is known to carry multiple knives concealed on his person. If contacted notify the Colorado Attorney General’s Office Special Prosecutions Unit at 303.866.5622 or Inv. Clyman at 303.806.7479” (the Jacket).
25. Based upon the information in those data bases, Officer Gilstrap contacted investigator, AG Investigator Clyman in regard to 02 CR 3011.

26. Following a difficult criminal justice experience, all charges in 02 CR 3011 were dismissed by this Honorable Court on January 12, 2004, upon motion of the District Attorney's Office of Jefferson County.
27. On November 16, 2003, Mr. Gartin and two of his martial arts students were returning from a martial arts training seminar in Los Angeles, California.
28. Mr. Gartin's vehicle was stopped, ostensibly for a cracked windshield, near Flagstaff, Arizona by police officials.
29. After presenting his driver's license, Mr. Gartin's automobile was surrounded and all three occupants were confronted by police officers with drawn guns.
30. All three occupants of Mr. Gartin's automobile were then handcuffed, intimidated, and physically punished and threatened.
31. Further, these police officers insulted Mr. Gartin and his traveling companions with such derogatory statements as, "only a fool brings a knife to a gun fight."

FORGIVENESS

32. On March 22, 2003, Mr. Gartin mailed a letter of apology to Colorado Attorney General Office's Special Prosecutor, Marlene Langfield for any inflammatory rhetoric of his in pleadings related to 00 CR 3371.
33. In that same letter, Mr. Gartin advised of his ongoing trepidation related to the investigation of AG Investigator Clyman and others. (The letter of March 22, 2003 is attached hereto and incorporated herein as Exhibit C).
34. Mr. Gartin and AG Investigator Clyman have a long and well-documented history resulting from the investigation and prosecution of Mr. Gartin in 00 CR 3371.
35. This history includes S.W.A.T. team arrests of Mr. Gartin in residential neighborhoods, at martial arts schools with children present, and on the national interstate highway system.
36. Mr. Gartin's life, and the lives of numerous innocent persons, has been put at risk as they were thrown to the ground, handcuffed, and had numerous firearms, including automatic weapons, pointed to their heads.
37. Mr. Gartin has also named AG Investigator Clyman, and Special Prosecutor of the Colorado Attorney General Office's Marlene Langfield in numerous legal filings contesting their conduct as unconstitutional and illegal in 00CR2419 and 00 CR 3371.
38. Mr. Gartin has named AG Investigator Clyman in a notice of intent to sue for his involvement in the S.W.A.T. team arrest identified in Mr. Clyman's Grand Jury Testimony.
39. Mr. Gartin has been menaced and threatened at every police encounter once he identifies himself and police officials search NCIC or CCIC data bases.
40. Mr. Gartin has been charged with serious crimes, based upon evidence found insufficient by the Jefferson County District Attorney's Office following a Lakewood Police Detective's (Monique Gilstrap) conversation with AG Investigator Clyman.
41. Mr. Gartin is the Elder Brother of the YahSheuan Assembly.
42. As such, it is Mr. Gartin's religious belief and duty to ask forgiveness from this Honorable Court, the Colorado Attorney General Office's Special Prosecutor, Marlene Langfield, and AG Investigator Clyman for any act of Mr. Gartin's that has incited these repeated life-threatening interactions and acts of intimidation against his person, the persons of any of his companions and/or fellow worshippers of the YahSheuan Assembly, and numerous innocent men, women, and children in Arizona, California, and Colorado.
43. These life threatening interactions stem from the data contained in NCIC and CCIC databases.

CONSTITUTIONAL ISSUES

44. AG Investigator Clyman has stated to Mr. Gartin's investigator that the information contained in NCIC and CCIC data bases is necessary for the safety of police officials.
45. AG Investigator Clyman has a vested interest in the continued intimidation resulting in life threatening actions of police officials by virtue of AG Investigator Clyman's potential defendant status in several pending law suits.
46. Additionally, in his Grand Jury Testimony Mr. Gary Clyman states on page #6, "*I have personally been the subject of those in a prior case where they file fraudulent liens against your real property as an intimidation tactic to try to get you to, you know, drop an investigation or return property that you have seized on a warrant.*"
47. The Colorado State Attorney General's office acts as defense counsel for Jefferson County judicial defendants in Federal Civil Rights cases 97-N-1501, 97-D-1036, 97-S-1523 and 01-ES-1145 and thus presents a prima facie conflict of interest in any dealings with the Plaintiff, Mr. Steve Gartin.
48. Beverly Fulton, A.G. defense counsel for state defendants in the above noted cases is related to Senior Partner, Larry C. Fulton, of the lawfirm of Karsh & Fulton, P.C. who represented Mr. Gartin's ex-wife in a very controversial divorce action, 95-DR-2718 in the Jefferson County Courts and a Federal Civil Rights action, 95-B-1747 in the 10th Federal District, in which action attorney A. Troy Ciccarelli of Karsh & Fulton filed false information in official pleadings.
49. Within ten days of Mr. Gartin's telephone complaint to Maurice Knaizer at the State Attorney General's Office, Jefferson County Sheriff's Deputy Donald L. Estep, in concert with the Multi-Jurisdictional SWAT Team deployed upon Mr. Gartin's residence in Golden, in overwhelming force of arms, smashed through locked doors and placed Mr. Gartin in custody, ostensibly serving some misdemeanor warrant. After the fact Mr. Estep and Terry Manwarring crafted a AFFIDAVIT OF WARRANTLESS ARREST and charged Mr. Gartin with two counts of violation of C.R.S. § 18-6-803 In the Jefferson County Court.
50. Mr. Gartin arranged bond on those charges only to find that Greenwood Village Police Department Agent Mark Stadterman, who had been present at Mr. Gartin's arrest by SWAT and conducted a warrantless canine search of Mr. Gartin's residence, had filed charges in Arapahoe County for for one county of violation of C.R.S. § 18-6-803.5 and an additional \$5000 bond was set. Mr. Gartin bonded out and found himself homeless and deeply in debt.
51. Jefferson County cases 97M811 and 97M812 were subsequently dismissed by Judge Tina Olsen on October 2, 1997 for failure of Mr. Estep to adequately define an offense.
52. Arapahoe County Case 97M472 was subsequently dismissed by the District Attorney on _____ 2002.
53. Although Jefferson County case 97M811 had been dismissed, Public Defender Kathleen McGuire failed to inform Mr. Gartin and a jury trial was conducted in November 1998 and Mr. Gartin was found guilty. Jury instructions, Exhibit H, were not tendered to the jury describing the elements of violation of a restraining order.
54. When Mr. Gartin bonded out of jail a week following the Golden SWAT incident, Mr. Gartin formally registered for the upcoming Sheriff's election.
55. One month later, Mr. Gartin was jailed for SIX MONTHS, no good time, by Magistrate Marilyn Leonard for some undefined contempt.
56. Mr. Gartin was subsequently attacked by several inmates who he converted into students. Jail officials then moved Mr. Gartin into solitary confinement were he could not teach martial arts to the inmates.
57. While in solitary confinement, Mr. Gartin filed three civil rights actions (noted above) in Federal Court complaining of the actions of government servants in abrogation of his protected civil rights.

58. Upon release from jail, Mr. Gartin proceeded to prosecute case 97N1501 and prevailed in the AG's attempt for dismissal.
59. Mr. Gartin then proceeded to trial on 97M811 not having been informed by his Public Defender that the case had been dismissed by Judge Tina Olsen. Upon being found guilty in what can only be characterized as a void proceeding, Mr. Gartin moved in to the Bonilla's slum properties and began working for the Bonilla Family while attempting to correct the injustice done to him by convicting him of a case that had been dismissed.
60. After Carlos Bonilla was arrested on drug charges, Mr. Gartin's controversy with the Bonilla Family resulted in Arabella Bonilla complaining to the FBI, who finding no chargeable offense, brought her complaint to the State Attorney General's Office Investigator Gary Clyman who has close ties with the Joint-Multi-Jurisdictional-Domestic-Terrorism-Task-Force and Mr. Gartin was branded as a "Patriot" and prosecuted accordingly.
61. Mr. Gartin is not involved in the patriot movement and the actions Mr. Clyman believed to be "patriot activity" was simply Mr. Gartin's best effort to understand and cooperate **within** the system and to seek correction of the wrongs perpetrated against him by government officials.
62. Never, at any time, has Mr. Gartin filed liens against government officials; nor has he ever threatened to do so.
63. Mr. Gartin has simply been endeavoring to establish standing and capacity in which to seek equal application of the law and access to justice. Mr. Gartin has never used his knowledge or abilities to seek money, but only justice.
64. Each time Mr. Gartin has applied to law enforcement or the judicial system for redress of the grievances he has suffered, he receives even greater abuse and deprivation of basic human rights.
65. Mr. Gartin has suffered 20 months of imprisonment, six months in solitary confinement and fourteen months in overcrowded conditions in general population in Jefferson County Jail.
66. Additionally, he has spent the last two years on probation with law enforcement personnel actively pursuing any possible avenue by which to again imprison him.
67. Mr. Gartin has been in effect, imprisoned, either actually or constructively since Donald L. Estep's SWAT deployment of 2-27-97. Mr. Gartin has not been allowed to even see or speak to his children since 6-18-96 due to the actions of legal professionals. Mr. Gartin has suffered enough to satisfy any imaginable consequence for his audacity in seeking justice.
68. Since the encounter in Flagstaff, Arizona, Mr. Gartin has been so intimidated by the possibility of a police contact that he has put his automobile in storage.
69. Mr. Gartin is so intimidated by the repeated threats of death by armed police officials throughout the United States that he cannot leave his home, and is thus *ipso facto* sentenced to home detention.
70. Mr. Gartin's friends, associates, business contacts, and fellow worshippers of the YahSheuan Assembly fear for their lives should Mr. Gartin come into police contact in their presence.
71. Mr. Gartin's right to free association in the community has thus been jeopardized by the life-threatening interactions and acts of intimidation imposed upon his companions and fellow worshippers.
72. Mr. Gartin's right to travel throughout the United States of America has thus been jeopardized by these life-threatening interactions and acts of intimidation.
73. Mr. Gartin's right to employment has thus been jeopardized by these life-threatening interactions and acts of intimidation.
74. Mr. Gartin's right to life, liberty, and the pursuit of happiness has thus been jeopardized by these life-threatening interactions and acts of intimidation.
75. Mr. Gartin's right to practice his religion has thus been jeopardized by these life-threatening interactions and acts of intimidation.

76. Mr. Gartin's right to due process has thus been jeopardized by these life-threatening interactions and acts of intimidation by public servants and law enforcement professionals.

PETITION TO SEAL

77. The records in 00 CR 3371 may not be sealed pursuant to C.R.S. 24-72-308(1)(a)(I)(II)(B).
78. Nevertheless, pursuant to C.R.S. 24-72-308(1.5) this Honorable Court may protect the author of any correspondence (AG Investigator Clyman) through its authority to issue an order "to seal any information, including but not limited to, basic identification information contained in said correspondence" in 00 CR 3371.
79. A plethora of Mr. Gartin's constitutional rights, as well his personal health and safety, as well as the constitutional rights and health and safety of his friends, associates, business contacts, and fellow worshippers of the YahSheuan Assembly, and numerous men, women, and children are jeopardized by the "Jacket" described in paragraph twenty-four (24).
80. Pursuant to C.R.S. 24-72-308(c), the court may hold a hearing to determine if "the harm to the privacy of the petitioner or dangers of unwarranted adverse consequences to the petitioner outweigh the public interest in retaining the records."
81. NCIC and CCIC records contain intimidating and life threatening information in the "Jacket" that this Honorable Court must order to seal.
82. Mr. Gartin does not object to the provisions of C.R.S. 24-72-308(1)(a)(I)(II)(B) as regards the relevant basic identification information that is non intimidating and life threatening regarding 00 CR 3371.
83. Mr. Gartin strenuously objects to the current "Jacket" in NCIC and CCIC databases.
84. Mr. Gartin is filing a Petition to Seal in the District Court of Jefferson County pursuant to C.R.S. 24-72-308(I)(a)(I) in 02 CR 3011 concurrent with this Motion for Forgiveness and Petition to Seal.

Wherefore, in the interests of substantial justice and fundamental fairness, and under the protections of the Constitution of the United States of America, the Colorado Constitution, and pursuant to C.R.S. 24-72-308, Steve Gartin requests this Honorable Court to grant the foregoing Motion for Forgiveness and Petition to Seal.

Respectfully submitted this Tuesday, May 24, 2022,

Thomas C. "Doc" Miller, Reg. No. 22652
1026 Lincoln Place
Boulder, Colorado 80302
303.484.8229

ORDER

This Honorable Court, having been apprised of the contents of the foregoing Motion for Forgiveness and Petition to Seal, hereby Grants the Motion and Orders that the following information (the Jacket) be removed from all databases and criminal records in the within matter:

Approach with caution. Subject is a martial arts expert and is known to carry multiple knives concealed on his person. If contacted notify the Colorado Attorney General's Office Special Prosecutions Unit at 303.866.5622 or Inv. Clyman at 303.806.7479

Leland P. Anderson, District Court Judge

Certificate of Service

I, Thomas C. "Doc" Miller, hereby certify that on Tuesday, May 24, 2022, a true and correct copy of the foregoing **Motion for Forgiveness and Petition to Seal** was placed in the United States Mail, postage prepaid, and addressed to the following parties:

Clerk of the District Court, Division 02
Jefferson County District Court
100 Jefferson County Parkway
Golden, Colorado 80401

Marlene Langfield, Esquire
Colorado Attorney General's Office
1525 Sherman Street, 6th Floor
Denver, Colorado 80202

Thomas C. "Doc" Miller