

DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT OF COLORADO

A F F I D A V I T

By: **Steve Douglas, Gartin** - Sui Juris

Date: Twenty Eighth Day of the Eleventh Month in the Year of our Messiah, **YahShewa** Two Thousand and One, A.D.

Regarding: Case #00CR3371: **15 minute Meeting with Henry Toby from Colorado State Hospital**

4-12-101. Form of oath. Whenever any person is required to take an oath before he enters upon the discharge of any office, position, or business or on any other lawful occasion, it is lawful for any person employed to administer the oath to administer it in the following form: The person swearing, with his hand uplifted, shall swear "by the Everliving God".

Steve Douglas, Gartin, child of יְהוָה (YHVH-The Everliving God), a Public Minister and sovereign Inhabitant of the California Republic, *currently imprisoned in Colorado*; First Secured Party of the "strawman defendant" in the above captioned matter and "*attorney-in-fact*" firmly established pursuant to U.C.C. Private Security Agreement #SDG09112000-SA, registered, *and uncontested*, with the Secretary of STATE U.C.C. Division; **appearing by special visit, not general appearance**, in propria persona (pro-se); who is of legal age, sound mind, speaks the truth and has first hand knowledge of the facts contained herein; affirms and attests that the following information is true, correct, complete, not misleading and is made under the penalty of perjury, knowingly, willingly and without threat or coercion; hereby states for the record:

Affiant departed from the Law Library at 10:50 AM. Upon arrival at the overcrowded cell denoted 7C-25 I greeted my cell-mate, made a cup of coffee and dialed PHONETICS, a R.I.C.O. Enterprise pursuant to 18 U.S.C. §1961 et seq. and began a telephone conversation. Within the first minute Deputy Brinkman, the On-Duty POD Deputy called out "Gartin, visit." Since PHONETICS charges the called party \$2.20 for each .35¢ local call and limits the time to 15 minutes per call, I completed the call before proceeding to the "visit."

Approximately 11:15 AM I entered visiting room #8 and observed a slender, emaciated gentleman appearing to be in his late 40's seated at the west side of the table with brief case opened on a chair beside him, pen in hand and a pad of paper on the table.

I offered him my hand, introduced myself and asked his name. "Henry Toby" he replied, "I'm from the State Hospital in Pueblo."

He asked if I knew why he was here and I explained that I had cursorily perused the Court Ordered Evaluation by Judge Leland P. Anderson and that I understood there was to be an evaluation the week of November 12.

He confirmed that was indeed the purpose of his visit, so I asked him if he had received a copy of my Motion to the Honorable Court to have Advisory Counsel Daniel Edwards, Esquire and Private Investigator Scott Kulp present and to have the proceedings recorded on audio tape. He told me that he had no knowledge of any such request or motion and that he had simply been assigned to conduct a competency evaluation for the Court by the State Hospital in Pueblo.

He further explained that the results of the examination would be "open" records and that both the Prosecution and the Defense would have access to them. I expressed my understanding of that fact and therefore my concern that no mistakes in transcription or interpretation would be transmitted that would lead to any erroneous conclusions attributable to an "expert" opinion that either side would have to endeavor to correct or rebut in order to provide a factual account of the evaluation that may otherwise be tainted by subjective

interpretation. I explained that the simple solution of having witnesses present and a tape recording of the proceedings would eliminate any issues of "interpretation" that may in the future be raised by either the Defense or the Prosecution and that would protect the rights of all parties involved.

Mr. Toby said the evaluation would take approximately an hour and a half. I did not ask him why he came during the lunch hour, but I wondered. I did ask him if he would be so kind as to stroll across the street to Judge Anderson's CourtRoom and secure a tape recorder before beginning the interview. He replied that he did not have time to "go looking for a judge," and I explained that Judge Anderson was very easy to locate and that the Clerk of the Court could probably provide the tape recorder and audio tape without even bothering Judge Anderson since the Motion to Witness the Proceedings had been on file since 4 November, 2001 and Judge Anderson must have seen the Motion and made a decision by now. I also explained that I had sent another Motion for a SPEEDY HEARING on the first Motion on 25 November, 2001 in an effort to expedite the Competency Evaluation and get to trial so that I could be exonerated from the pending charges and released from jail. I did not ask Mr. Toby why he had not met the Court's week of November 12 timeline.

Mr. Toby felt that was too much trouble to go to and explained that if I did not want to subject myself to the evaluation that I would have to spend a month in Pueblo under observation in order to accomplish what he felt could be completed within an hour and a half in Visiting Room #8.

I assured Mr. Toby that I too wanted to expedite the process and that I had no desire to spend a month in Pueblo or to extend my unlawful incarceration any more than necessary. I explained that my concern cast no distrust upon his veracity, nor his motives, but that I believed in full-disclosure and did not care to become involved in private meetings wherein decisions the magnitude of mental competency would be decided by only one person, no matter who the person, nor how well qualified they may be.

Mr. Toby appeared to take offense and opened his briefcase and put his pad of paper and pen inside, locked the latches with obvious agitation and prepared to depart, saying "I'll have to let my superiors handle this."

I endeavored to calm Mr. Toby and explained that my reservations had nothing to do with him personally, but only that I want ALL the proceedings in this matter to be open to the public and open to the view of all parties concerned. He again explained that he was an agent of the State and that this was a "courtesy" visit to me and that it could be much harder on me if I resisted.

I expressed understanding that I am indeed at the mercy of the State and that the State could indeed make it very hard on me, but that my concern is that all the information gleaned from this intended evaluation be open to the public record. I suggested that he call the Honorable Court to see if we could hold an emergency hearing on the "spur of the moment" since the evaluation would only take about 90 minutes in total. Mr. Toby was unwilling to consider that as an option. It seemed an appropriate solution to me if the Judge were willing.

Searching for a workable solution, I suggested that Mr. Toby accompany me up to the law library on the next floor, where the Education Specialist Mr. Brandon Brown has a tape recorder and where we could conduct the Evaluation between just he and I, on tape, but without Mr. Edwards and Mr. Kulp present as witnesses.

Mr. Toby appeared reluctant, but had released the grip on his briefcase and seemed to be listening.

Once again, I explained that I have no objection what-so-ever to the Competency Evaluation and suggested that he explain the parameters of the evaluation and that if he would be willing to accept and notate the caveat that I had agreed to the interview, without Witnesses, based on the fact that the Evaluation would be tape recorded. as a concession in order to expedite the proceedings and to get to trial, that I would be agreeable to conducting the Evaluation immediately in the Law Library with the tape recorder as the only witness.

Mr. Toby appeared to relax somewhat and continued by asking me what my interpretation of "competency" is.

I explained that I perceived competency to be intrinsic to the issue at hand. I used the example of taking notes, since Mr. Toby had retrieved his notepad and pen and was now taking notes of our conversation. Mr. Toby's handwriting could be compared to that of a physician in that only he could tell what he has written, so I explained that my concept of taking competent notes could take two different views; the stenographical perspective, wherein there is an actual science merging with technology and a person is plying the trade as a professional; or that of a layman, perhaps a student preparing for an exam. Obviously one would be called to a higher level of competency than the other. Mr. Toby quickly focused on the legal competency issue.

He asked what my perception of "legal competency" is and said that when I was done that he would explain his concept.

Considering this exchange repartee prior to and in preparation for the evaluation in the law library that would be audio taped, I sketched my understanding of the legal system without delving into any of the details, beginning with the invocation of proper Jurisdiction, its foundation of law, Positive Law, Constitutional Law, Common Law, Legislative enactments, Codes, Statutes and Ordinances – the foundation of American Jurisprudence and how Stare Decisis and Res Judicata influence the issues before the court. He stopped me before I could brush upon the United States Codes, the Colorado Revised Statutes, the Federal Rules of Civil and Criminal Procedure and Colorado's counterparts as well as the Federal Rules of Evidence which Colorado also mirrors.

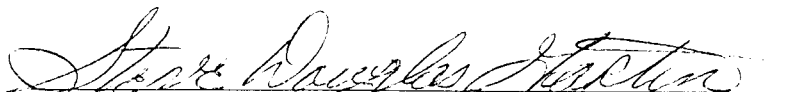
Mr. Toby explained that his interpretation of "competency" had to do with whether a person understood the cause and the nature of the criminal charges facing them and whether or not they could meaningfully cooperate with their Attorney to defend against those charges; but without waiting for any response from me, he then rapidly re-packed his pad and pen, locked his briefcase and explained:

"This issue is for the Judge to decide. I can see that if you don't like what I say, or don't believe what I have written down that legal action may result and I don't have the authority to proceed under these circumstances." [ParaPhrased by Affiant – not exact quote, but retaining the spirit of the statement]

Mr. Toby stood up to leave and backed up against the West door, signifying the finality of our conversation; so I thanked him warmly for coming all the way from Pueblo, wished him God's Blessings, and exited #8 by the East door, bidding farewell and a safe journey to Henry Toby. I returned to POD 7C in time for lunch. The entire "interview" encompassed approximately 15 minutes.

Further, Affiant says no more.

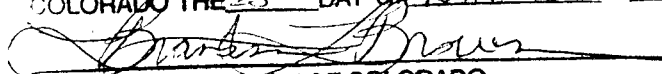
Wednesday, November 28, 2001


Steve Douglas, Gartin – In Propria Persona – Sui Juris
"expressly without the United States"
c/o P.O.Box 16700 Golden, Colorado [80402]

Pursuant to 28 USC 1746 (1) and executed "without the United States," I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, to the best of my belief and informed knowledge.

NOTARY PUBLIC SEAL

SUBSCRIBED AND AFFIRMED, OR SWORN TO BEFORE
ME IN THE COUNTY OF JEFFERSON STATE OF
COLORADO THE 23rd DAY OF November 2001


NOTARY PUBLIC, STATE OF COLORADO
MY COMMISSION EXPIRES 7-19-2004

DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT OF COLORADO

A F F I D A V I T

By: **Steve Douglas, Gartin** - Sui Juris

Date: Thirteenth Day of the Twelfth Month in the Year of our Messiah, **YahShewa** Two Thousand and One

Regarding: Case #00CR3371: **Psychological Evaluation by Henry Toby from Colorado State Hospital**

4-12-101. Form of oath. *Whenever any person is required to take an oath before he enters upon the discharge of any office, position, or business or on any other lawful occasion, it is lawful for any person employed to administer the oath to administer it in the following form: The person swearing, with his hand uplifted, shall swear "by the Everliving God".*

Steve Douglas, Gartin, child of יהוה (YHVH-The Everliving God), a Public Minister and sovereign Inhabitant of the California Republic, *currently unlawfully imprisoned in Colorado*; First Secured Party of the "strawman defendant" in the above captioned matter and "attorney-in-fact" firmly established pursuant to U.C.C. Private Security Agreement #SDG09112000-SA, registered, *and uncontested*, with the Secretary of STATE U.C.C. Division; **appearing by special visit, not general appearance**, in propria persona (pro-se); who is of legal age, sound mind, speaks the truth and has first hand knowledge of the facts contained herein; affirms and attests that the following information is true, correct, complete, not misleading and is made under the penalty of perjury, knowingly, willingly and without threat or coercion; hereby states for the record:

Affiant arrived in Meeting Room #8 at 4:25 PM. Upon arrival seated at the west side of the table with brief case opened on a chair beside him, pen in hand and a pad of graph paper and the Court Order for Competency Evaluation by Judge Anderson on the table in front of him was Mr. Henry Toby. No tape recording or video recording device was anywhere in view within Meeting Room #8 – no advance notice had been provided.

I said "Hello, Mr. Toby, good to see you again," and sat down opposite of him with legal pad and pencil, prepared to participate in the evaluation and take notes of the proceeding.

Mr. Toby stated that he had received Judge Anderson's denial of my motion for Witnesses but made no mention of the tape recording request being denied, which of course, it had not been at that time. Due to Affiant's oft stated desire to proceed immediately to trial with great dispatch, I did not mention the fact that another motion had been filed with the Honorable Court to provide recording devices to document the Evaluation with authorities and valid reasons to fully justify the granting of the motion.

Mr. Toby again explained that the results of the examination would be "open" records and that both the Prosecution and the Defense would have access to them. I expressed my understanding of that fact and re-stated my concern that any mistakes in transcription or interpretation may lead to erroneous conclusions that Affiant had made a good faith effort to avoid. I explained that, at this point, after NINE MONTHS of unlawful incarceration on bogus and frivolous charges, my foremost focus was on a speedy trial and acquittal – so I would acquiesce, *under protest*, to the Evaluation with the caveat that I objected to the Honorable Leland P. Anderson's denial of my petition for witnesses and tape recording of the event and I informed Mr. Toby that I had also filed a Writ of Prohibition with the Colorado State Supreme Court concerning that issue.

Mr. Toby then explained that he was a licensed psychologist employed by the STATE Mental Hospital. I inquired about the distinction between a Psychiatrist and a Psychologist and he stated that a medical degree was the distinguishing factor. In answer to my question, Mr. Toby stated that he was NOT trained in the law.

Mr. Toby then proceeded to fill out the "standard" form and inquired of my home address and emergency contact; I replied with my California domicile and step-mother.

Mr. Toby then referred to Judge Anderson's Order – Page 4 paragraph (1) and briefly discussed “mental disease” while retrieving a pad of graph paper upon which he began writing. Then he inquired of my early life; father, mother, schools, etc. I answered his questions and he wrote down the answers on the graph pad.

Mr. Toby then asked about my education. I explained the connection between the academic scholarship for Arizona State University Pre-Medical that was interrupted by the Viet Nam War and how I had chosen to enlist in the U.S. Coast Guard as a Medic in order to serve my Country in Viet Nam while maintaining my commitment to YHVH as a conscious-objector to war and violence. Mr. Toby expressed admiration for my ability to reconcile competing obligations in an honorable and creative manor.

Mr. Toby then inquired about my business history and I touched upon my career as a traveling photographer, my decision to locate in the Denver Area, the founding of Auto Trader, the promotion of Spyderco to international prominence, the design of the knife line, computerization, media promotions and the ultimate choice to take a 2/3rd pay-cut to move to Western in order to satisfy my ex-wife's desire for “more of my time.” I further explained Spyderco's theft of over \$40,000.00 from my bank account, how my ex-wife discovered the theft and how the I.R.S. then charged me TAX on the stolen funds, unlawfully seized all my assets and the chain of events that ultimately led to the divorce which commenced the legal odyssey that has culminated in the charges before the court in this instant matter.

Mr. Toby then moved on to a psychological “test” concerning four items he asked me to remember and requested that I cease keeping notes of this portion of the evaluation. The items were a piano, carrot, robin and green. He then asked me to define the connection between an orange and a banana, to which I answered “fruit,” a car and a boat, to which I answered “transportation or vehicle,” and a table and a chair, to which I answered “a complementary ensemble.” He then asked my why a man-hole cover is round, to which I answered that would not expose any dangerous sharp corners as would a square or triangle. He asked what I would do if I were the first in a movie theatre to discover “smoke – as in a fire” to which I answered that I would calmly inform the Staff, who was trained to deal with such an emergency. Finally, he asked what I would do if I were to observe a two-year-old alone on the end of a pier, to which I answered that I would go and sit down beside them and talk with them while remaining in a position to protect them should they happen to fall into the water.

Mr. Toby then asked if I had ever had a psychological problem [NO], ever been prescribed medication for mental health issues [NO], ever been counseled for psychological problems [NO], ever been committed to a psychiatric unit [NO], ever had any unusual or unexplained visions [NO], ever had depression [NO], ever been overly excited or insomniac [NO], ever had problems with appetite [NO], ever had problems sleeping [NO], ever heard God speak [NO]; and did I believe that I had been singled out by God for some purpose, to which I replied that God wills that ALL His Children come to salvation, not just me alone.

Mr. Toby then asked if I believed that I had been singled out by the authorities, to which I replied that I suspect that any and all People identified by the government as “Patriots” have been the brunt of an invidious discriminatory animus and that suspicion was based upon the Grand Jury Transcript wherein COLORADO STATE ATTORNEY GENERAL'S OFFICE Investigator Gary Clyman states on at least seven separate occasions that he is involved in “Patriot Investigations” and that various actions are indicative of “Patriot Activity” and other such comments to the Statewide Grand Jurors that appeared to be calculated to inflame their passion and hatred based upon statements by Mr. Clyman that allege a connection with the Oklahoma City Bombing, which of course was tried here in Denver where the Statewide Grand Jury was unlawfully impaneled to return the indictment in this matter. Mr. Toby then asked me to recite the four items he asked me to remember and I related piano, carrot, robin and green in the order he had presented them.

Henry Toby then switched gears and asked if I knew why Judge Anderson had ordered this competency evaluation. I replied that I suspected that Judge Anderson would like to resolve this case as soon as possible

and that a mental competency issue would provide him with a convenient rubric under which to simply dismiss the case reliant upon statute. I further expounded that he had expressed concern that my charges of attempted murder were indeed very serious charges against Donald L. Estep, who had three times initiated S.W.A.T. Team deployment upon the Affiant with orders to shoot to kill based upon the assumption that the Affiant is somehow "armed and dangerous." On at least two of those occasions, Gary Clyman, Maurice Knaizer or others at the COLORADO STATE ATTORNEY GENERAL'S OFFICE conspired with Donald Estep to unlawfully deploy S.W.A.T. Teams to serve misdemeanor unsigned warrants. I related to Mr. Toby that No RETURN OF SERVICE has ever been filed on those bogus warrants.

I explained that Estep and Clyman had even resorted to such bizarre measures as to deploy a F.B.I. S.W.A.T. Team to assault, menace, threaten and unlawfully arrest me in the presence of women and children at the AfterSchool Program at my business location in my HomeTown of Fairfax, California on March 13, 2001 – since when I have been unlawfully incarcerated.

I further explained to Mr. Toby that I always put "paranoia" to the "S.W.A.T. Team Test" – where if there is NOT a S.W.A.T. Team pointing high-capacity heavy-caliber fully loaded lazer-sighted weapons at my head – I assume paranoia. Thus far, that has never been the case!

I explained to Mr. Toby that my suspicion was that Judge Anderson perceived the seriousness of the charges that I have formally brought against Mr. Estep, Mr. Clyman and other co-conspirators and wanted to be convinced that it was not the result of some "mental disease" before performing his duty and obligation pursuant to 42 U.S.C. § 1986 to report the crimes that he is cognizant of to the proper authorities.

I explained to Mr. Toby that I perceive Judge Anderson as a very careful and studious professional who understands the great weight of his position and the magnitude of the repercussions of any action he may be compelled, *by duty*, to initiate. He surely understands that if what Affiant says is true, many careers are rightfully imperiled.

I elucidated that Affiant respects and honors that cautious inspection by Judge Anderson in full understanding of his duty and responsibility to discern the truth and make righteous decisions. He would be remiss in his duty if he acted upon charges of such serious import on the testimony of a mentally diseased or delusional schizophrenic. Careers are hanging in the balance!

Mr. Toby then asked why I incorporate the Hebrew Tetragrammaton in all my pleadings. Affiant explained that after the 70 year Captivity of Israel and Judah by the Assyrians prophesied by Isaiah, two Tribes – Judah and Benjamin – returned to Jerusalem to rebuild the Temple – who ultimately became known as "Jews" – and the other ten Tribes migrated North over the Caucas Mountains and were scattered, as prophesied by Moses, Isaiah, Jeremiah and Ezekiel, amongst the Northern Tribes of Europe and became to be known as "Caucasians." Affiant explained that I adhere to the belief that I am indeed of the Nation of Israel and that I believe that I am therefore Heir of the Original Covenant between the Twelve Tribes of Israel and the EverLiving Creator Who is known in Holy Scripture as יהוה.

I further explained that this relates to a matter of "Standing and Capacity" in law. As Heir of the Promise of YHVH to Israel, certain Rights have been given to me and future generations by the EverLiving Creator.

Those God-Given Rights have been secured and guaranteed by Four Contracts limiting government intrusion into the lives, liberty and business of the People. Those contracts are the Magna Charta 1215 A.D. – the Constitution for the united States of America 1791 A.D. – the Constitution for the California Republic 1849 A.D. and the Colorado Constitution 1876 A.D.

I explained to Mr. Toby that those contracts must be vigorously defended in order to remain legally viable and in force for future generations, therefore, in every manner that I understand – it is the duty and responsibility that I swore an Oath to when I joined the United States Coast Guard to protect and defend the Nation and the

Constitution from all enemies foreign and domestic and that is the sacred duty that I intend to fulfill for future generations of Gartins.

Mr. Toby then asked me about my Children. I told him about April Rose, my fourteen year old daughter and Elijah Rock, my twelve year old son. I explained to Mr. Toby that the driving force behind my intense desire to be restored to the Freedom granted by God, YHVH, and secured by Constitutions is to protect those God-given, constitutionally secured and guaranteed Rights for my Progeny.

Mr. Toby then asked what I perceived the role of the Judge to be. I explained that the judge, *historically*, was the arbiter and "referee" of sorts and it was his duty to conform the court procedure to the Common Law court procedures; now the Federal Rules of Civil Procedure and the Colorado counterpart, the Colorado Rules of Criminal Procedure are the accepted norm for court procedure. Under the current rules, it is the judge's duty to judge the law and it is the duty of the jury to judge the facts. In the Common Law, the fully informed jury judges both the law and the fact.

Mr. Toby then asked about the role of the Prosecutor, to which I replied that the duty of the Prosecutor pursuant to the Ethical Rules is to seek justice. He then asked if I felt that the Prosecutor in this matter was adhering to those professional standards. I stated that I did not believe the Prosecution was even remotely interested in seeking justice in this case. If the Prosecution was interested in seeking justice, she would have called Mr. Charles Harry Clements as a witness rather than a co-defendant. Both Donald L. Estep and F.B.I. Special Agent Mark Holstlaw had spoken to Mr. Clements at great length and KNEW that he had not only witnessed the Planning Meeting at the Perkins Restaurant, which had been deliberately misconstrued as "criminal extortion," he had also been commissioned to appraise the Bonilla Art Collection at Arabella's Home in Littleton, and had spoken with her at great length and in great detail about the various businesses that her sons, Carlos, Hector and herself were pursuing with this Affiant. Mr. Clements also traveled extensively with Carlos Bonilla to many Shows and set up with him in the same booth and observed Carlos selling the knives that Affiant had tendered to him in payment for rent in the various business and living locations.

I explained that Mr. Clements was also involved with and privy to the martial arts system which Affiant designed exclusively for the Bonilla Family, to-wit: **American KunTao Silat**, and the extensive and comprehensive business plan for promoting the system locally, nationally and internationally. Mr. Clements was present during the business negotiations with Paladin Press to make the full-length professional video to promote the Empire Mining Claim High-Altitude Training Camp and the Kembaggan video produced by ThunderRock to promote the in-town 38th Street Bonilla Kembaggan.

Then I enumerated a quick list of contract negotiations and business plans which Mr. Clements witnessed. Mr. Clements witnessed both the planning and the preparation for the "CB" proprietary knife line for Carlos Bonilla and is aware of the patentable designs, the very expensive engineering drawings that were produced and the business trips the Affiant undertook in order to secure high-quality, high-quantity production of those knives.

Mr. Clements witnessed the planning and preparation stages of the Computer Internet Business, *which Affiant prepared for Hector Bonilla*, and was involved in some of the actual planning particularly relative to a position for his son Hunter in the computer assembly division.

Mr. Clements is aware of the WebSites that Affiant secured, designed and set up for the Bonilla Family, to-wit: www.razors.net – www.straightrazors.com – www.bonilla.net, and the promise of payment, *which was never consummated*, for those services by Carlos Bonilla as representative of "Bonilla Services, Inc."

Mr. Clements was introduced to the Bonilla Dogs, **Killer, Killer Seito, Duke & Paloma** and witnessed Affiant training those dogs and spoke at great length with Carlos, Hector and Arabella about the amazing progress in discipline and controllability exhibited by the Bonilla Dogs only a short time after the training began. Mr. Clements is aware of video tape evidence of that dog training.

Mr. Clements introduced this Affiant to Carlos Bonilla initially in order to solve Carlos' legal dog problem, but Mr. Clements also witnessed Carlos loose approximately 100 pounds and become quite agile and healthy as the direct result of Affiant's personal training program, special diet, spiritual training and companionship over the course of almost three years.

Affiant explained to Mr. Toby that Mr. Clements was intimately connected to much of the business agreements and contracts Affiant had with the Bonilla Family and would surely have made a first-rate eye-witness for any Statewide Grand Jury Inquiry. The fact that Mr. Clements was INSTEAD maliciously prosecuted and vindictively charged with the exact same seventeen bogus and frivolous charges that have been made against this Affiant is ipso facto proof that the COLORADO STATE ATTORNEY GENERAL'S OFFICE is not seeking justice, but indeed an open and blatant malicious prosecution, knowing that the charges are groundless, frivolous and cannot be proven to a jury.

Affiant further voiced the belief that Donald L. Estep, Gary Clyman, Mark Holstlaw, Duane Fuslier, Kenneth Salazar and Marleen Langfield all knew that case number 00CR3371 was not supported by probable cause and filed the case anyway, in hopes that this Affiant and co-defendants Charles Harry Clements and Eric Gordon Mitchell would "plead" to lesser charges.

I further explained to Mr. Toby that I believe that "plea bargaining" is a blatant abuse of prosecutorial authority and that any "prosecutor" utilizing such foul tactics could not possibly be "seeking justice." I further explained that pursuant to 18 U.S.C. 1621 & 1622 that such tactics were tantamount to perjury, in violation of Federal and State criminal laws.

Mr. Toby then inquired of my understanding of the "Defense." I explained that, theoretically, the Defense is commissioned to present the law and the facts of the case in a light most favorable to the Accused. I further explained that I perceive the role of the Public Defender's Office as that of a "plea bargainer" and not as that of an advocate presenting a vigorous defense for the Accused.

Mr. Toby asked what the worse charges are that I had ever been faced with and if I have ever been convicted of any crime. Affiant briefly explained the dismissal of Douglas County Case 91CR25 and the conviction in case #97M811, and the fact that it is currently under Appeal, as 01CV1311, although the full excessive sentence has been served.

Mr. Toby asked if I had ever been represented by a Public Defender and I explained briefly about case #97M811 and the terrible injustice committed against me by Public Defender Kathleen McGuire.

Henry Toby then asked what I knew about Pleas. I inquired if he had read my filing entitled "Common Law Pleas," to which he replied affirmatively. He then asked what plea I intended to enter. I explained that, at this point in time, I would probably enter a Plea in Abatement due to the fatal irregularities attributable to the Prosecution and the gross prosecutorial and police misconduct filling the court's record by way of Official Notice and without a waiver of jurisdiction I didn't think that the Honorable Court could establish jurisdiction in this matter.

Mr. Toby then asked if I understood the significance of a plea of "not guilty by reason of insanity." I explained that such a plea would result in dismissal of the case if it were to be confirmed by a professional such as himself. He asked if I would seek such a plea, I answered in the negative.

Mr. Toby then asked if I understood the charges against me. I quoted the language of each of the charges without quoting the statute numbers. He then inquired what my intended defense would be.

At first, I was a bit taken aback, since I did not think that Mr. Toby should be treading on case specific issues and told him so. He replied that I did not have to answer any such questions, but I recalled some part of the

Competency Evaluation Statutes that stated that any such refusal to cooperate could be construed in a negative light, so I decided that it would be wisest to answer. Mr. Toby changed to a white lined notepad.

I explained that first, there was the Challenge of the Statewide Grand Jury process which I had been requesting and demanding discovery for since 11 May, 2001 and such Rule 16 Discovery had been denied to the Defense. I explained that the First Grand Jury Challenge was properly before the Honorable Court, since September 16, 2001, but there had been no reply from the Prosecution or Ruling from the Court on that issue. I explained that the Prosecutor's colloquy had not yet been tendered to the Defense although it had been formally requested.

I then proceeded to explain the challenge process for the defective warrant and the suppression hearing that would have to be conducted AFTER the grand jury challenge phase, that would suppress virtually all of the evidence seized in this case due to gross and egregious police misconduct, and Fourth and Fifth Amendment violations. I briefly explained the unlawful "Felony Traffic Stop" by S.W.A.T. and that warrantless seizure.

I then explained that I had requested a Private Investigator but the Honorable Court had not yet ruled on that issue either, but that a Private Investigator could easily assemble prima facie evidence of the perjury committed by both Arabella and Hector Bonilla, in addition to what was already in the record. Since Carlos Bonilla had recently been convicted of felony perjury, there would be no need to expend any such effort on Carlos.

I enumerated several pre-trial motions and various strategy that I anticipated pursuing **before** the jury trial and then I reiterated the elements of the Official Testimony that Mr. Charles Harry Clements would make before the Jury and explained that there were several more witnesses who were fully informed of the multi-faceted business agreement that existed between the Affiant and the Bonilla Family, and that such witnesses would establish beyond any doubt what-so-ever that contracts existed, good and proper merchandise had been received by the Bonilla Family as "earnest money," legal counsel had been sought to properly construct each of those businesses, percentages of the profits had been agreed upon and that the Affiant had performed upon those contracts with well-documented substantial performance. I expressed the belief that any jury would plainly see that Grand Jury Testimony was in perjury and that any repeat of that perjury in the presence of so many witnesses to the contrary would cast a foul pall upon the Prosecution's case in chief.

I further explained to Mr. Toby that even before getting in front of the jury, the Prosecution would have to defend the knowing and intentional mis-application of the statutes. I briefly explained the definition of the statutory terms relating to liens and how they apply only to "spurious liens" and NOT "false instruments." I briefly explained that an instrument was defined as a "financial instrument" and that there was an obvious distinction between the two. I continued to explain to Mr. Toby that I had already filed such notices into the Honorable Court's Record and that I believed the Honorable Court had the authority to dismiss the entire case based upon the grossly egregious mis-application of the statutes, under the rubric of defective charging instrument. Mr. Toby appeared to have ceased taking notes and acted a bit nervous. One page was almost full.

Affiant continued to explain the elements of "Computer Crime" and how the statute was intentionally tortured into misfit with the actus reus charged in this case but was a "glove-fit" for the criminal actions of Clyman, Estep, Maleri & Holstlaw when they hacked into my World Wide Web Sites and destroyed Affiant's financial base in order to prevent the Affiant's release on excessive bond. Mr. Toby appeared disinterested.

Affiant attempted to be brief as he explained to Mr. Toby that the "Evidence" to support the allegation of seeking to influence a public servant was a FIRST AMENDMENT Petition for Redress of Grievance. I explained that producing the Ten Articles in Amendment to the Federal Constitution would be sufficient defense for that charge. The Prosecution can not criminalize Constitutionally protected activities.

Affiant further explained that there were FOUR people seated at the Perkins Restaurant during the alleged "criminal extortion" and that I knew for a fact that there was absolutely NO mention of any \$10,000.00 – ever! The meeting was about planning to continue the multi-faceted business agreement between Affiant and the

Bonilla Family while Carlos, *the original President and Chief Executive*, was in prison for importing over 200 pounds of marijuana from Mexico for sale in the United States.

Affiant then recited the statutes concerning "carrying concealed weapons" explained to Mr. Toby that paragraph 2 (b) of the statute provides the statutory exception and defense and that Lakewood Police Agent Kemmy blatantly lied and that there were eye-witnesses that would establish that fact on the Witness Stand.

Affiant did not bother to explain the alleged incident at Hector Bonilla's house purportedly involving Mr. Mitchell since that issue is obviously moot for fraud and time was pressing in on our evaluation meeting.

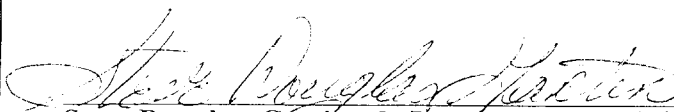
Mr. Toby asked why I proceed In Propria Persona, although he did not remember the actual term, so I explained that my religious belief includes the fact that I have been Redeemed by the Blood of YahShewa, the Messiah, and that it is my responsibility to conduct all of my affairs with open honesty and without any sort of deceit or intrigue. To date, I have not known an attorney who shares that belief in full-disclosure and honesty. Although it appears to be a bit problematic to the Honorable Leland P. Anderson and a quagmire to the unauthorized Prosecution, Affiant intends to pursue NO MOTIONS IN LIMINE. I explained to Mr. Toby that my Defense Strategy will bring ALL ISSUES before the Jury rather than to attempt to "limit" the facts that will be presented. Admittedly, such a strategy will require a very long and detailed trial, but I explained that this case is simply the "Tip-of-the-Iceberg" and that the persecution which I have officially complained of is established firmly by a 10 year pattern of government abuse and that this jury trial, *because of the high standard of proof required for a criminal conviction*, will enable Affiant to establish the record for subsequent civil litigation. I further explained that no "attorney" would proceed with such a "defense strategy," and therefore I had no option except to proceed In Propria Persona.

Mr. Toby's time was up, it was 4:55PM and dinner trays were "rolling" so I bid a fond adieu and God's Blessings to Henry Toby and exited Meeting Room #8 by the East door in time for dinner. Instead of the hour and a half that Mr. Toby originally estimated, the evaluation was concluded within one half hour.

Affiant was denied Regular Law Library Access on Friday, December 14, 2001 during the regular 7C POD session by Deputy Frank Lang even though Affiant's Law Library Kite was seen by several witnesses sitting on the desk in the Law Library. Therefore Notarization of this Affidavit could not be completed and will therefore reflect a Notary date after it was completed.

Further, Affiant says no more.

Friday, December 14, 2001


Steve Douglas, Gartin – In Propria Persona – Sui Juris
"expressly without the United States"
c/o P.O. Box 16700
Golden, Colorado [80402]

Pursuant to 28 USC 1746 (1) and executed "without the United States." I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, to the best of my belief and informed knowledge.

NOTARY PUBLIC SEAL

SUBSCRIBED AND AFFIRMED, OR SWORN TO BEFORE
ME IN THE COUNTY OF JEFFERSON STATE OF
COLORADO, THE 17th DAY OF December 2001


NOTARY PUBLIC, STATE OF COLORADO
MY COMMISSION EXPIRES 7-19-2004