

District Court, County of Jefferson 100 Jefferson County Parkway Golden, Colorado 80401	
PEOPLE OF THE STATE OF COLORADO Plaintiff v. STEVE DOUGLAS GARTIN Defendants	▲ Court Use Only ▲
Defendant in Propria Persona: Steve Gartin c/o 200 Jefferson County Parkway Golden, Colorado Email: <u>sheriffsteve@justice.com</u>	Case Number: 00CR3371 Division: 2 CourtRoom: 5A
MOTION TO DISMISS FOR VIOLATION OF THE CONSTITUTIONAL RIGHT TO SPEEDY TRIAL	

Comes now, **Steve D. Gartin**, pro-se, and moves the Honorable Court to dismiss the above enumerated matter for the due process violation of the deprivation of the **constitutionally** secured right to speedy trial and as grounds therefore states for the record:

Defendant has been denied the constitutional right to speedy trial. In the Honorable Judge Anderson's venerable words, the defendant indeed "*wants his cake and eat it too*" - meaning that defendant has consistently and persistently demanded a speedy trial and actually expects the prosecution and the court to adhere to their responsibility to provide the Accused with a speedy and public trial in the county or district in which the alleged infractions occurred.

⇒ Court's practice of postponing arraignment until all pretrial matters are concluded thwarts purpose of this section and Crim.P.48 (b). *People v. Chavez*, 779 P.2d 375 (Colo.1989)

The constitutional right to Pre-arraignment Grand Jury Challenge has been denied by the court.

It is duty of both prosecutor and trial judge to secure and protect defendant's right to speedy trial. *People v. Chavez*, 779 P.2d 375 (Colo.1989); *Fisher v. County Court*, 796 P.2d 65 (Colo.App.1990).

The Defendant has consistently asserted and been denied the constitutional right to speedy trial.

⇒ Defendant must assert right. A criminal defendant has no duty to bring himself to trial; but he does have a responsibility to assert his right to a speedy trial. *People v. Small*, 631 P.2d 148 (Colo.) cert. denied, 454 U.S. 1101, 102 S.Ct. 678, 70 L.Ed.2d 644 (1981).

On or about 1 February, 2001, the defendant moved the Honorable Court to schedule Jury Trial for the first open date noted as **18 March, 2002**. The Accused has been unlawfully incarcerated for over a year by that date on a case that the Prosecution has minimal chance of winning at a trial by jury.

No response has been received from either the Honorable Court or the prosecution.

The Prosecution has an affirmative duty and responsibility to “*seek justice and not convictions,*” and has stepped outside the bounds of lawful government conduct in bringing groundless and frivolous charges to this Honorable Court which have no foundation in any cognizable law, **no credible witnesses** and no admissible evidence. The Prosecution has maliciously determined to extract its “*pound of flesh*” from the Accused by maintaining him in draconian, overcrowded prison conditions prior to trial.

The Constitutional right to Speedy Trial is intended to prevent just this kind of outrageous government conduct from being unlawfully imposed upon the People without due process of law.

Each and every delay has been directly caused by four individuals:

Defense’s Advisory Counsel Daniel Edwards, *Esquire* –
the unauthorized Prosecutor Marleen M. Langfield, *Esquire* –
the Acting Jefferson County Assistant Attorney Lilly W. Oeffler, *Esquire*
and the Honorable Leland P. Anderson.

- ☑ Each time a court-date has been scheduled, the Honorable Judge Anderson has been forced to move each date forward, first by Marleen Langfield’s schedule and then by Dan Edward’s schedule. During the eleven months of the Accused’s unlawful incarceration, only eleven court dates have been scheduled and 33 motions remained unheard and without ruling until January 16, 2002, when Judge Anderson made a “blanket” denial of all outstanding motions without hearing or argument.
- ☑ District Attorney David J. Thomas, *Esquire* is ostensibly the “Prosecutor” in this matter, and bears the responsibility for providing an assistant Prosecutor that can attend pre-trial hearings and Jury Trial without continual re-scheduling due to case load conflicts and classes that have been the hallmark of COLORADO STATE ATTORNEY GENERAL’S OFFICE Special Prosecutor Marleen M. Langfield, *Esquire*.

Each time a motions hearing was advanced, which was nine times, it meant additional incarceration for the Accused.

That additional incarceration was not just unlawful pre-trial detainment on excessive bond; it was also unlawful incarceration in draconian conditions of overcrowding, inadequate food, 19 Hour a day lock-down, deprivation of fresh air, sunshine and exercise and sufficient space and resources with which to prepare a constitutionally adequate defense to the charges made in case 00CR3371.

The Accused in this matter has **never requested** nor contributed to any delay that has occurred and any delay even remotely attributable to the “Defense” can be identified as a Religious belief of NEVER WAIVING any God-given or Constitutionally secured Right, such as the fundamental right to challenge an clearly tainted and unlawfully manipulated Grand Jury process and prosecutorial misconduct.

Additionally, the entire court date scheduled to hear the Grand Jury Issues on 10 September, 2001 was usurped by Acting Jefferson County Assistant Attorney Lilly W. Oeffler, Esquire in a successful effort to deprive Accused of Court Ordered Law Library Access, and the **Grand Jury Issues were NEVER heard and have never been addressed by the Honorable Court.**

Background :

1. The underlying investigation in this matter was commenced by false and fraudulent accusations made to the FEDERAL BUREAU OF INVESTIGATION on or about **4 August, 2000** by G. Roscoe Anstine II, *Esquire* attorney for Arabella T. Bonilla.

2. The FEDERAL BUREAU OF INVESTIGATION concluded that no crime had been committed and that no charges would be filed in this matter.
3. On or about **15 August, 2000** Gary Clyman of the COLORADO STATE ATTORNEY GENERAL'S OFFICE took it upon himself, *without authorization by the Governor*, to investigate this matter and to construct false charges since no cognizable statutory crime had been committed.
4. On or about **19 September, 2000** confidential informant James Perrin informed the Multi-Jurisdictional Domestic Terrorism Task Force that the Accused would be attending a business meeting in Lakewood that afternoon.
5. Gary Clyman and Donald L. Estep agreed, *in a meeting of the minds*, to contrive a scheme by which to arrest the Accused and in Gary Clyman's words, "*get him off the streets for a while until we could get this case filed and get him on significant bond.*" {See *Grand Jury Testimony 10-13-2000 pg 11*}
6. Gary Clyman and Donald L. Estep subsequently consummated their planned unlawful arrest predicated upon unsigned and invalid warrants by the Lakewood S.W.A.T. Team by a "Felony Traffic Stop" in which the Accused and two innocent bystanders were unlawfully arrested at gunpoint and interrogated by Gary Clyman without Miranda warning or due process of law.
7. **The Constitutional Right to Speedy Trial** was invoked by Accused's unlawful arrest by unsigned and invalid warrant on **19 September, 2000**.
8. An unlawful search and seizure of Accused's property was conducted subsequent to the unlawful arrest predicated upon the information gleaned by unlawful custodial interrogation and false and misleading information supplied by Donald L. Estep and Gary Clyman.
9. Defendant was not informed that a case would be filed in this matter and departed the State on or about 30 October, 2000.
10. Case #00CR3371 was subsequently filed on or about 18 December, 2000 in Jefferson County although only one of sixteen felonies are alleged to have occurred in Jefferson County.
11. **Accused was unlawfully incarcerated** in California on bogus U.F.A.P. charges on 13 March, 2001 subsequent to a F.B.I. S.W.A.T. assault upon the Accused's business location during business hours with women and children present and severely endangered.
12. The Unlawful Flight to Avoid Prosecution case was dismissed by the Federal Prosecutor as frivolous and without merit on 20 March, 2000.
13. Accused was NOT released from imprisonment although no charges were pending in California.
14. **Accused was unlawfully extradited** without Governor's Warrant on 4 April, 2001.
15. **Accused's first appearance** in Jefferson County Court was on 12 April, 2001.
16. **Dan Edwards, Esquire** was appointed as Advisory Counsel on 22 April, 2001.
17. COLORADO STATE ATTORNEY GENERAL'S OFFICE Investigator Gary Clyman and Multi-Jurisdictional Domestic Terrorism Task Force Agent Donald Estep, arranged a "special visit" by William Godbey on or about **28 April, 2001** to relay a message to Accused that if he continued to proceed Pro-Se "They would drop the hammer" and "pull out all the stops" and file more charges until Accused takes a plea-bargain and accepts representation by Dan Edwards.
18. A "plea bargain" of 3 years probation on one felony & one misdemeanor charge was offered.
19. The offer was not accepted.
20. **On 22 May, 2001** the Honorable Judge Anderson directed Dan Edwards to file a motion with the Denver County Courts for the Prosecutor's Colloquy for preparation of Defense's Grand Jury Challenge.

21. **On 21 July, 2001** Dan Edwards filed the motion for Grand Jury Prosecutor’s Colloquy. {2 months later – no reply has ever been received}
22. **On 13 August, 2001** and again on **17 December, 2001** Accused filed follow-up motions with the Denver County Court for Prosecutor’s Colloquy.
23. No answer has yet been received.
24. **Advisory Counsel Daniel Edwards, Esquire** has visited Accused a total of seven times since 25 April, 2001 for an average of 20-40 minutes per visit.
25. **Advisory Counsel Daniel Edwards, Esquire** has been impossible to contact by phone and does not respond to U.S. Mail requests for assistance.
26. **Advisory Counsel Daniel Edwards, Esquire** has been impossible for prospective private investigators, private psychologists, defense witnesses or advocates to contact either in person at 1733 High Street or by phone.
27. Advisory Counsel Daniel Edwards, Esquire does not return phone messages.
28. Mr. Edwards has refused to inspect, correct or assist Accused in the filing of pre-arraignment motions.
29. Mr. Edwards has ignored numerous requests from the Accused to assist in the formulation of pre-trial motions strategy.
30. COLORADO STATE ATTORNEY GENERAL'S OFFICE Special Prosecutor Marleen M. Langfield, Esquire has refused to honor the Court’s Direct Order to provide ALL Discovery within the custody of any associated government agency as required by law and ethical rules.
31. Special Prosecutor Marleen M. Langfield, Esquire has NOT been authorized by the Jefferson County Board of County Commissioners to act in the capacity of “Special Deputy District Attorney¹” for Jefferson County.
32. Special Prosecutor Marleen M. Langfield, Esquire has not been authorized by Governor Bill Owens to impanel the Colorado Statewide Grand Jury to investigate the “Gartin Matter.”
33. Special Prosecutor Marleen M. Langfield, Esquire has openly and intentionally lied to the Honorable Court on at least three documented occasions concerning Discovery issues.
34. Marleen M. Langfield, *Esquire* has not yet tendered Larry Schiedeman’s Analysis of Accused’s Computer’s contents to the Defense.
35. Special Prosecutor Marleen M. Langfield, *Esquire* is still withholding correspondence between the Bonilla Crime Family’s attorney G. Roscoe Anstine, II Esquire and the Accused.
36. Special Prosecutor Marleen M. Langfield, Esquire does not have an oath of office on file with the Secretary of State as required by law for appointment as special prosecutor for any county.
37. Special Prosecutor Marleen M. Langfield, Esquire claims to be working as “representative” of the Jefferson County District Attorney.

The **Honorable Leland P. Anderson**, Esquire delayed the proceedings two months by ordering a “Competency Evaluation” of the Accused on **2 November, 2001**. The next court date was scheduled for **4 January, 2002**. Any reasonable person could ascertain the Accused’s mental state by a short conversation. A Court-ordered competency evaluation could certainly have been conducted in less than two months.

¹ District attorney of judicial district *in which indictments were returned and filed* was the appropriate person to prosecute the indictments, though Attorney General filed the indictments and all arrest warrants were issued under authority of Attorney General. *People v. Chavez*, 779 P.2d 375 (Colo. 1989)

The Accused has been denied the constitutional Right to Speedy Trial, in part due to the refusal of the Denver County Court to provide the Prosecutor's Colloquy so that a proper challenge of the Grand Jury indictment could be prepared by the Defense; in part due to the deliberate and intentional withholding of properly discoverable evidence by the unauthorized prosecution; in part due to the imposition of the Jefferson County Attorney into the hearing scheduled to hear preliminary Grand Jury issues on **10 September, 2001** prior to receiving the Prosecutor's Colloquy; and in part due to the unconscionable imposition of competency proceedings that consumed two months without cause.

Defense hereby registers complaint for violation of the Constitutional Right to Speedy Trial and the additional safeguards pursuant to C.R.S. §18-1-405.

- ☑ Defendant cannot stand mute and allow trial schedule to be adopted without registering his complaint that such schedule violates his speedy trial rights. *People v. Atkins*, App.1994, 885 P.2d 243, rehearing denied, certiorari denied.

An accused person's **right² to a speedy trial is ultimately grounded on the federal and state constitutions**, and statutes relating to speedy trial are intended to render these constitutional guarantees more effective. *Simakis v. District Court*, 194 Colo. 436, 577 P.2d 3 (1978).

The Defendant has **not** EVER waived or contributed to any delay of speedy trial. The Defendant has consistently demanded the Right to Challenge a tainted Grand Jury Indictment; but such Right has been denied by the Honorable Court. **No Grand Jury Challenge has been heard by, or ruled upon by, the court.**

⇒ Under circumstances where no statutory exception or constitutional right justifies delay and defendant has taken no action to effectuate or consent to delay, **noncompliance with speedy trial requirements results in dismissal of charges against defendant.** *People v. Arledge*, 1997, 938 P.2d 160.

⇒ If the constitution, the statutes, the rules, or the case law require dismissal of prosecution because of denial of right to speedy trial, **it is duty of trial court to order that the case be dismissed.** *People ex rel. Coca v. District Court of Seventh Judicial District* 1975, 530 P.2d 958, 187 Colo.280.

The Defendant has been incarcerated for over a year without regard to the defendant's right to constitutional due process and a speedy resolution to the alleged charges.

⇒ When record reflects no congestion in the court, **failure to try criminal case within one year requires mandatory dismissal.** *Jaramillo v. District Court In and For Rio Grande County*, 1971, 484 P.2d 1219, 174 Colo.561.

⇒ Right to a speedy trial has been formulated to force the prosecution to try a defendant promptly in compliance with the statutes, rules, and **constitutional requirements** of each case. *People ex rel. Coca v. District Court*, 187 Colo. 280, 530 P.2d 958 (1975).

² The constitutional right to a speedy trial derived from the federal and Colorado constitutions, is distinct from the statutory speedy trial right and the determination as to one does not necessarily dispose of the other. *People v. Harris* 914 P.2d 425 (Colo.App.1995).

The right of an accused to a speedy trial is an important civil right, and when the constitutional mandate is invoked the matter should receive careful consideration by the courts. *Ex parte Russo*, 104 Colo. 91, 88 P.2d 953 (1939).

⇒ Computation of length of delay is not subject to specific limitations or exclusions, such as the fixed time periods established by statute or rule. *People v. Small*, 631 P.2d 148 (Colo.), cert. denied, 454 U.S. 1101, 102 S.Ct. 678, 70 L.Ed.2d 644 (1981).

More specifically, the Prosecution has failed to fulfill the professional and ethical responsibility of the prosecution in balancing the factors defined by *Baker v. Wingo* 407 U.S. 514, 533 92 S.Ct., to wit:

Length of Delay: This is the triggering mechanism where as no single factor is determinative. The length of delay is presumptively prejudicial, no further balancing is necessary. *People v. Small* 631 P.2d 148 Colo. If the delay is inordinate, *Baker v. Wingo*, purposeful or oppressive it is deemed prejudicial. *Pollard v. U.S.* 352 U.S. 354, 361 77 S.Ct. 481 1 L.Ed.2d 393, 399 (1957).

C.R.S §18-1-405

Trial court abused its discretion in granting continuance as sanction for defendant's failure to disclose general denial defense and his intent to cross-examine prosecution witnesses, since defendant did not have to make such disclosures, and accordingly delay caused by continuance was not attributable to defendant and such delay had to be counted when determining whether defendant was denied his right to speedy trial *People v. Castro*, App.1992, 835 P.2d 561, certiorari granted, affirmed 854 P.2d 1262.

When Constitutional right to speedy trial is asserted, it is necessary to apply ad hoc balancing test involving length of delay, reason for delay, defendant's assertion or demand for speedy trial, and prejudice to defendant. *People v. Chavez*, 1989, 779 P.2d 375.

Reason for Delay: Prosecution has not brought forth a valid reason for a delay.

Defense's assertion of the Right to speedy trial: The Defense has consistently, on the record, asked for Speedy Trial and to set a DATE CERTAIN without waiver of any constitutionally secured rights.

Prejudice of the delay to Defendant: *Moody v. Corsentino* 843 P.2d 1355 (Colo.1993). The Prosecution has demonstrated undue prejudice toward the Defense in this matter by all the foregoing deprivations and others that the on-going deprivations directly and intentionally caused by draconian imprisonment prevent bringing before the Honorable Court, but the Honorable Court is aware of other grounds for dismissal and is hereby enjoined to add those to the factors enumerated herein in the interest of substantial justice and fundamental fairness.

The Prosecution has chosen to blatantly ignore the Constitutional speedy trial guarantees and their fiduciary responsibility to the Honorable Court and to all parties involved not to create a prejudicial situation to a Defendant. Here the Right to a Speedy Trial operates as a control on the time limits by which charges must be tried and guarantees a criminal defendant the Right to deliberate speed in prosecution of the case. S.E. Ed. S. 2.14 and 9.46 (Supra) (C.J.S. Crim.Law 578 & Seq.).

This enumerated right protects three basic defense interests:

To prevent undue incarceration before trial. The Accused has been incarcerated in draconian overcrowded prison conditions, with all attendant deprivations of constitutionally secured rights to be free from cruel and unusual punishment, for over six-months unable to pay the excessive bond set in this case, there is technically NO difference between \$100,000 and \$50,000 when the Accused cannot pay either amount. The Defendant is imprisoned based upon his financial position and nothing else.

Minimize anxiety and concern accompanying public accusation. There has been no minimizing the anxiety in this matter; to the contrary agents for the Prosecution have intimidated witnesses, threatened prosecution of witnesses, intimidated business associates, hacked into and destroyed Accused's WebSites utilizing PassWords obtained by the unlawful seizure of Accused's business computers, published slanderous and libelous information on the World Wide Web and in local newspapers in Marin County California and endeavored in all ways possible to destroy the Accused's business relationships, friendships, family relationships and consortium.

Long delays will impair the Defendant's ability to defend against the charges. Although the Honorable Court has endorsed the acquisition of a Private Investigator for the Defense, the Prison Phone System will not permit the calling of any one except those willing to pay exorbitant fees, to-wit: \$2.20 for a local call.

Defense was unable to acquire such a Private Investigator until January 4, 2002. Letters to business associates relied upon as witnesses have been returned undeliverable and Defense has no means to determine why. **Other Defense witnesses have disappeared or cannot be located.** (Smith v. Hovory 393 U.S. 374, 377-79, 89 S.Ct.)

In considering the prejudice to defendant in connection with a determination of whether defendant's right to speedy trial has been impinged upon, court must determine whether there was **oppressive pretrial incarceration**, whether **anxiety and concern** of accused were **unduly extended** and whether **defense was impaired** in any way by continuances. People ex rel. Freed v. County Court In and For City and County of Denver, App.1979, 592 p.2d 1355, 42 Colo.App. 272.

Speedy Trial Act

Failure to consider factors which the Act requires to be considered, or consideration of factors which the Act excludes from consideration, is contrary to law and normally reversible error. United States v. Fielding, 645 F.2d 719, 721-22 (9th Cir. 1981). The trial court's determination of which factors are relevant in considering whether to grant continuance is a question of law subject to de novo review. Id.

The decision to dismiss for noncompliance with the Act, with or without prejudice, is reviewed for abuse of discretion. United States v. White, 864 F.2d 660, 661 (9th Cir. 1988). In rendering a decision whether to dismiss with or without prejudice for Speedy Trial Act violation, the district court shall make factual findings and apply them to the relevant statutory factors, and in absence of compliance with these requirements, dismissal shall be entered with prejudice. United States v. Delgado-Miranda, 951 F.2d 1063, 1065 (9th Cir. 1991).

The **Speedy Trial Act lists three factors** that a district court will consider in deciding whether to dismiss a complaint with or without prejudice:

- [1] the seriousness of the offense;
- [2] the facts and circumstances of the case which led to the dismissal; and
- [3] the impact of re-prosecution on the administration of this chapter and on the administration of justice. 18 U.S.C. § 3162 (a)(1).

In this instant matter, dismissal WITH PREJUDICE is the appropriate remedy since the case is NOT serious, there are NO credible prosecution witnesses, and NO statutory crime has been committed.

18 U.S.C. §3161 Time limits and exclusions

(a) In any case involving a defendant charged with an offense, the appropriate judicial officer, at the earliest practicable time, shall, after consultation with the counsel for the defendant and the attorney for the

Government, set the case for trial on a DAY CERTAIN, or list it for trial on a weekly or other short-term trial calendar at a place within the judicial district, so as to assure a speedy trial.

(b) Any information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges. If an individual has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days.

Recap of pertinent facts:

- ☑ Accused Arrested: 19 September, 2000
Dismissal of complaint tolls requirement under this section that indictments be filed within 30 days of defendant's arrest. U.S. v. Borum, D.C.D.C.1982, 544 F.Supp. 170.
- ☑ Computers & Business Papers seized by defective warrant on 20 September, 2000
- ☑ 00CR3371 Indictment Filed: 18 December, 2000 ⇒ 90 Days Later
Right to speedy trial attaches with filing of a formal charge. People v. Chavez, 779 P.2d 375 (Colo. 1989)
Defendant's right to speedy trial was violated since indictment was filed more than 30 days after his arrest. U.S. v. Ford, D.C.D.C. 1981, 532 F.Supp. 352.
- ☑ Unlawfully Arrested by F.B.I. S.W.A.T. 13 March, 2001 in California
- ☑ Unlawfully extradited to Colorado 4 April, 2001
- ☑ First Appearance before the Honorable Court 12 April, 2000
- ☑ Probable cause found by the Honorable Court 22 May, 2000
- ☑ Petition to set DATE CERTAIN for Jury Trial absent not-guilty plea tendered to Honorable Court on 22 May, 2001 with intent to reserve Right to Challenge Grand Jury Indictment.
Defendant must assert right. A criminal defendant has no duty to bring himself to trial; but he does have a responsibility to assert his right to a speedy trial. People v. Small, 631 P.2d 148 (Colo.) cert. denied, 454 U.S. 1101, 102 S.Ct. 678, 70 L.Ed.2d 644 (1981).
- ☑ The Honorable Court scheduled hearing of Grand Jury Challenge for 10 September, 2001.
- ☑ County Attorney made an unannounced entry of unrelated issues which ultimately prejudiced the defense.
- ☑ No further hearings were held until a spur-of-the-moment hearing on 2 November, 2001 to initiate "Competency Proceedings."
- ☑ Two months later, on January 4, 2002 the Honorable Court ruled on the competency issue and set Arraignment.
- ☑ The Grand Jury Challenge was never heard by the court.
- ☑ Arraignment was held on 1 February, 2002. No pre-arraignment issues were heard.
It is duty of both prosecutor and trial judge to secure and protect defendant's right to speedy trial. People v. Chavez, 779 P.2d 375 (Colo.1989); Fisher v. County Court, 796 P.2d 65 (Colo.App.1990).
Court's practice of postponing arraignment until all pretrial matters are concluded thwarts purpose of this section and Crim.P.48 (b). People v. Chavez, 779 P.2d 375 (Colo.1989)
- ☑ Motions hearing was set two months later, to-wit: 1 April, 2002.

- ☑ Law library time was truncated by court order on 10 January, 2002 in order to deprive the Defendant adequate time to prepare a competent defense.
- ☑ Motions deadline of March 1, 2002 was imposed upon Defense in order to deprive Defense of adequate time to research and prepare proper and adequate pre-trial motions.
- ☑ Advisory Counsel did not visit Defendant until 22 February, 2002. Defendant was unable to research and prepare proper motions due to lack of information and legal counsel.
- ☑ Motions deadline was expanded by only 15 days by court order on 1 March, which constitutes only 20 working law library hours.
- ☑ Contemptuous disregard of the Honorable Court's Order for Meaningful Access to the Law Library by Jefferson County Detention Facility Staff from May 7, 2001 until the Honorable Court's formal written Order of August 22, 2001 *resulted in the loss of 200 hours of deadline-critical preparation time.*

*Right to a speedy trial has been formulated to force the prosecution to try a defendant promptly in compliance with the statutes, rules, and **constitutional requirements**³ of each case. People ex rel. Coca v. District Court, 187 Colo. 280, 530 P.2d 958 (1975).*

The Prosecution has failed to comply with the constitutional or statutory requirements of speedy trial. in this instant matter and the rightful and proper sanction can be nothing except dismissal.

Wherefore, in the interest of judicial integrity fundamental fairness, equal application of the law and substantial justice, and judicial economy and pursuant to the court's supervisory powers to prevent a miscarriage of justice, Accused moves the Honorable Court to Dismiss the above captioned case with prejudice.

Respectfully submitted,

Friday, March 15, 2002

Steve D. Gartin – Pro Se
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Golden, Colorado 80402

³ Computation of length of delay is not subject to specific limitations or exclusions, such as the fixed time periods established by statute or rule. People v. Small, 631 P.2d 148 (Colo.), cert. denied, 454 U.S. 1101, 102 S.Ct. 678, 70 L.Ed.2d 644 (1981). **9**

First Judicial District Division 2 CourtRoom 5-A 100 Jefferson County Parkway Golden, Colorado 80401	▲ Court Use Only ▲
PEOPLE OF THE STATE OF COLORADO - Plaintiff v. STEVE DOUGLAS GARTIN - Defendant	Case Number: 00CR3371 Division 2 - L.P.A. CourtRoom: 5A
ORDER	

This matter comes before the Court on Defense's Motion to Dismiss for Violation of the Constitutional Right to Speedy Trial, *dated April 26, 2004*.

The Court finds that it has jurisdiction and hereby Grants _____ / Denies _____ this motion.

SO ORDERED this _____ day of _____, 2002.

BY THE COURT:

 Leland P. Anderson
 District Court Judge

**CERTIFICATE OF SERVICE BY UNITED STATES POSTAL SERVICE
VIA DEPOSIT IN JAIL MAIL SYSTEM**

I, Steve D. Gartin, oversigned, do hereby certify that a true and correct copy of the foregoing, **Motion to Dismiss for Violation of the Constitutional Right to Speedy Trial** was personally deposited in the Jefferson County Detention Facility “Jail Mail” System on the Fifteenth day of the Third month in the Year of our Lord Two Thousand and Two, addressed to the following parties:

The Honorable Leland P. Anderson
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