

<p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO Alfred A. Arraj United States Courthouse 901 19th Street Denver, Colorado 80294-3589</p>	<p>▲ Court Use Only ▲</p>
<p>Charles H. Clements - Plaintiff</p> <p>v.</p> <p>Janis E. Chapman Thomas C. ‘Doc’ Miller Katherine Grier Defendants</p>	<p>Case Number:</p> <p>Division</p>
<p>Plaintiff in propria persona pro se by doctrine of necessity: Charles Harry Clements 1741 Dallas Street Aurora, Colorado 80010-2018 303.364.0403 chascléments@comcast.net</p>	
<p style="text-align: center;">COMPLAINT WITH JURY DEMAND Complaint of Civil Rights Violations pursuant to 42 USC §§1986, 1985, 1983, 1981, 1979 Criminal Complaint pursuant to 18 U.S.C. §§ 241, 242, 872, 1621, 1001, 572, 1512, 1951, 1341, 1343, 875, 1621 & 1622</p>	

Comes now the Plaintiff, Charles H. Clements, the proper person injured pro se by doctrine of necessity, and Complains against the Defendants as follows:

The Parties and Jurisdiction

- Plaintiff Charles H. Clements** is a natural person and, at the time this action is commenced, a resident of the State of Colorado.
- Defendant Janis E. Chapman** is a natural person who at all times relevant hereto was employed by the Adams County Family Court as a Magistrate; in a superior knowledge of the law, and acting under color of law, even when the actions of said Defendant were in violation of the laws of the State of Colorado, and the constitution and laws of the United States of America.
- Defendant Thomas C. Miller** is a natural person who at all times relevant hereto was employed as the Attorney of Record for Plaintiff; in a superior knowledge of the law, and acting under color of law,

even when the actions of said Defendant were in violation of the laws of the State of Colorado, and the constitution and laws of the United States of America.

4. **Defendant Katherine Grier** is a natural person who at all times relevant hereto was employed by Victoria Leslie Lawler as Attorney of Record; in a superior knowledge of the law, and acting under color of law, even when the actions of said Defendant were in violation of the laws of the State of Arizona, the State of Colorado, and the constitution and laws of the United States of America.

5. **Jurisdiction is conferred** upon this court by 28 U.S.C. §§ 1331, 1332, 1343(a)(3) and 1367. Venue of this action is proper under 28 U.S.C. § 1391(b)

6. Applicable Codes:

42 U.S.C.A. 1986- Defendants each had knowledge of the law and did or witnessed wrongs committed in their presence and neglected to correct and prevent.

42 U.S.C.A. 1985- Defendants acted in concert under color of law to deprive Constitutionally guaranteed rights

42 U.S.C.A. 1983- Defendants caused damages

R.C. 1979- Civil damages for criminal acts

The neglects of each of the Defendants violated Statutes that bind officers:

18 U.S.C.A. § 241 - Conspiracy against rights

18 U.S.C.A. § 242 - Deprivation of rights in color of authority

18 U.S.C.A. § 872 - Extortion in color of authority

18 U.S.C.A. § 1621 - Perjury of Oath of Office

18 U.S.C.A. § 1001 – Relating to Fraud and false instruments

18 U.S.C.A. § 572 – Lying to a Government Official

18 U.S.C.S. § 1512 - Witness tampering

18 U.S.C.S. § 1951(b)(2) – Extortion

18 U.S.C. § § 1341, 1343 – Mail and Wire Fraud

18 USCS § 875(c), prohibiting transmission in interstate commerce of any communication containing any threat to kidnap any person or any threat to injure the person of another

Colorado Revised Statutes 18-8-704: Intimidating a witness or victim

18-8-707: Retaliation against a witness or victim

18-3-207: Aggravated Criminal Extortion

18-5-114. Offering a false instrument for recording

18-3-207: Criminal extortion

General averments:

Defendants, each of them and them all, have a superior knowledge of the law and a high standard of the law confirmed by their oath of office, BAR oath, and by virtue of their special standing as Officers of the Court.

Each Defendant witnessed the fraud committed by Defendant Grier when that Defendant brought fraudulent actions against Plaintiff enumerated herein, in conspiracy with private Citizens. Those Defendants, each of them and all of them, in each and every claim herein, **KNOWINGLY** caused damages and deprivation and/or neglected and failed to correct or prevent those wrongs in violation of Title 42 U.S.C.A., 1986

This complaint arises from Defendants' knowing, intentional and unlawful deprivations of Plaintiff's Constitutionally guaranteed Rights in Color of Authority and under Color of STATE Law, in violation of 42 U.S.C. §1983. These deprivations committed in conspiracy, by agreement and a meeting of the minds between and among Defendants violates 42 U.S.C.§1985. Each Defendant witnessing the wrongs committed, having a duty to protect and defend the Constitution of the United States, and having the ability to prevent or correct those wrongs did neglect or refuse to correct or report said wrongs as required by law, and/or conspired to advance or conceal the deprivations herein enumerated, so doing intentionally, willingly and in a high knowledge and responsibility of the law are therefore in violation of 42 U.S.C. §1986.

The deprivations herein enumerated are exacerbated by Defendant's intentional and knowing perjury and subornation to perjury, in violation of 18 U.S.C. §§ 1621 & 1622.

Defendant's actions, in conspiracy, are further aggravated by extortion in Color of Authority pursuant to 18 U.S.C. §872 and committing perjured testimony and official documents to the record pursuant to 18 U.S.C. § 1001.

The deprivations of Plaintiff's Constitutionally secured rights enumerated herein in part, subject to amendment, being committed in Color of Authority and under Color of STATE Law by actors sworn to uphold the Constitution of the United States of America and the Colorado Constitution, the Judicial Canons and the Codes of Professional Responsibility or the Ethical Rules, Canons or 'Considerations' are further aggravated by the material fact that these Actors willingly and knowingly joined in conspiracy and through a Meeting of the minds and a mutual agreement to deprive Plaintiff of Constitutionally guaranteed Rights which defines a conspiracy against rights pursuant to 18 U.S.C. §§ 241 & 242 and has caused Plaintiff Damages including, but not limited to, loss of income and substance, public slander and libel, loss of Family time and consortium, continuing mental anguish, physical chronic suffering and such collateral damages to be amended and which continue to accrue. Each of these Defendants have exposed their legal professions to scorn and opprobrium.

Specific Averments:

7. Plaintiff is a 60 year old man proceeding as proper person Respondent in forma pauperis pro se by necessity in Adams County Case 2003DR1773, incorporating Adams County Case 03C5605.

8. **On 4 March, 2004**, Defendants Thomas C. 'Doc' Miller and Katherine Grier engaged in a phone call in the presence of a Third Party Eye-Witness, Steve Douglas Gartin.

9. **On 4 March, 2004**, Defendant Thomas C. 'Doc' Miller reported to, and discussed the content of the phone call with, Plaintiff, in person, in the presence of the same Third Party Eye-Witness, Steve Douglas Gartin.

10. Plaintiff was threatened, by Defendant Miller, reporting Attorney Grier's improper influence with Magistrate Janis Chapman as reflected in the disposition of pleadings thus far.

11. Plaintiff was threatened, by Defendant Miller, with unfounded criminal charges, arrest and incarceration in order to gain advantage in this instant civil case by Defendant Katherine Grier.

12. Plaintiff was warned by Defendant Miller, reporting Defendant Grier's assertion of an invidious animus of discrimination and judicial bias held by Defendant Janis E. Chapman and the entire Adams County Judiciary towards 'common law' parties, to include Plaintiff.

13. Plaintiff was repeatedly extorted for compliance to illegal orders and for money by Defendant Thomas C. 'Doc' Miller on the threat that he was 'the only thing standing between Plaintiff and jail' on 'trumped up charges like they did with Gartin'.
14. Plaintiff was threatened and intimidated with an assertion of undue influence with the presiding judicial officer, Defendant Janis E. Chapman, by Defendant Thomas C. 'Doc' Miller, as relayed on behalf of Defendant Katherine Grier, concerning the judicial mind-set of the entire Adams County Bench as regards 'pro se' defendants and 'common law' pleadings, conflating them somehow with 'some guy that threatened a judge's wife/life'.
15. Plaintiff asserts that the Record will show that Attorney Grier's threats were credible, based both on prior acts and subsequent acts.
16. Plaintiff asserts that the Record will show that Attorney Miller's threats were credible based both on prior acts and subsequent acts.
17. Plaintiff asserts that the Record will show that Magistrate Chapman's prior and subsequent ministerial and administrative actions made real on the threats from Defendants Grier and Miller.
18. Plaintiff asserts that the substance of the threats came to nexus in Adams County Case 2003DR1773 and to incorporate Case 03C5605 on 31 August, 2004, in the abuse of discretion in custody orders, restraining orders, awards of attorney fees, improper collegiality and colloquy between Defendants Grier, Miller and Chapman.
19. Damages stemming from the 'combined' Adams County cases ripened upon the denial of Respondent's pleadings based upon Defendant Miller's failure to timely file and deliberate failure to provide the Record after abandoning the impoverished and physically impaired elder citizen Plaintiff.
20. Plaintiff asserts that the actions threatened and subsequently realized were clearly contrary to the law; violative and abusive of Plaintiff's Constitutional Rights, and that such was well-known to the Defendants as each is possessed of a superior knowledge of the law and proceeded reckless and heedless of the law.

First Claim for Relief

21. **Plaintiff incorporates** the preceding paragraphs of this Complaint into this claim for relief as if set forth fully herein.
22. The threats, agreements, collusion and improprieties conspired upon in Fraud by Defendants Thomas C. 'Doc' Miller and Katherine Grier in the phone call of 4 March, 2004, and ratified in mail exchanges and court filings were clearly and unmistakably in violation of the Plaintiff's First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendment Rights guaranteed to Plaintiff in the Constitution of the United States and are actionable under 42 U.S.C. § 1983 & 1985 and constitute criminal acts pursuant to R.C. 1979.
23. The improper conspiratorial and collusive agreements to suborn perjury and false documentation for the purposes of Fraud upon Plaintiff, to deprive Plaintiff of parenting time with his progeny, the extortion of money in defense of the fraudulent claim, and to extort Plaintiff's compliance by threat are violative of 18 U.S.C. §§241, 242, 872 & 1001 and constitute criminal acts pursuant to R.C. 1979.

24. The actions of these Defendants were willful; clearly informed in a high knowledge of the law, and heedless of the law; accompanied by a reckless disregard for the rights of the Plaintiff such as to permit punitive damages in order to deter such conduct in the future.

WHEREFORE, Plaintiff prays for damages against Defendants Janis E. Chapman, Thomas C. Miller, and Katherine Grier pursuant to 42 U.S.C. § 1983, 1985, 1986 as determined by the trier of fact, including punitive damages, and attorney fees and costs as provided by 42 U.S.C. § 1988 and constitute criminal acts pursuant to R.C. 1979.

Second Claim for Relief

24. **Plaintiff incorporates** the preceding paragraphs of this Complaint into this claim for relief as if set forth fully herein.

25. The subsequent acts of negligence, failure and malice, performed as Officers of the Court by Defendants Miller and Grier, and the ministerial and administrative acts of Defendant Chapman, *to which no judicial immunity attaches*, were in violation of the due process and equal protection guarantees of the Fourteenth Amendment to the Constitution of the United States and are actionable under 42 U.S.C. §§ 1983, 1985, 1986.

26. The failures, subsequent to 4 March, 2004, of Defendant Miller to proceed in a professional manner on Plaintiff's behalf constitute a violation of Plaintiff's Constitutionally guaranteed rights of due process and equal protection of the law.

27. The improper, vexatious and harassing applications for, and awards of, money for 'attorney fees' were an improper abuse of discretion by Janis E. Chapman on behalf of Katherine Grier, an extortion of Plaintiff and an attempt to intimidate Plaintiff from pro se action, even by doctrine of necessity or couched in naïve forma. Said actions, in conspiracy, violate 18 U.S.C. § 842 and constitute criminal acts pursuant to R.C. 1979.

28. The failure of Defendant Janis E. Chapman to correct the extortion of funds, by Defendant Grier, from the Plaintiff is violative of 42 U.S.C.A. § 1986 and the extortion itself violates 18 U.S.C.A. § 872 and constitute criminal acts pursuant to R.C. 1979.

29. The actions of these Defendants were willful, or accompanied by a reckless disregard for the rights of the Plaintiff such as to permit punitive damages in order to deter such conduct in the future.

WHEREFORE, Plaintiff prays for damages against Defendants Janis E. Chapman, Thomas C. Miller and Katherine Grier, each of them and all of them, pursuant to 42 U.S.C. § 1983, 1985, 1986, as determined by the trier of fact, including punitive damages, and attorney fees and costs as provided by 42 U.S.C. § 1988. Criminal violation of 18 U.S.C.A. § 872 constitutes a criminal act pursuant to R.C. 1979.

Third Claim for Relief

30. **Plaintiff incorporates** the preceding paragraphs of this Complaint into this claim for relief as if set forth fully herein.

31. Defendant Miller, in collusion with Defendant Grier, and in the interests of Defendant Chapman, and of the continuing Fraud upon Respondent, deliberately neglected and failed to proceed on Plaintiff's Habeas Corpus motion before the Supreme Court of the State of Colorado.

32. Attorney Miller failed to address, in the existing Habeas Corpus original action in the court of competent jurisdiction, the denial of Relator's First Amendment right to Petition the Government for Redress of Grievance; Fifth Amendment Right to due process; Sixth Amendment right to be aware of these threatened criminal charges, any evidence, any witnesses, as well as his effective counsel; Seventh Amendment right to common law process in a common law venue; Fourteenth Amendment right to due process of the law and its equal protection. Such deliberate failure constitutes an obstruction of justice, and constitutes criminal act pursuant to R.C. 1979.

33. The actions of these Defendants were willful, or accompanied by a reckless disregard for the rights of the Plaintiff such as to permit punitive damages in order to deter such conduct in the future.

WHEREFORE, Plaintiff prays for damages against Defendants Janis E. Chapman, Thomas C. Miller and Defendant Katherine Grier pursuant to 42 U.S.C. § 1983, 1985, 1986, as determined by the trier of fact, including punitive damages, and attorney fees and costs as provided by 42 U.S.C. § 1988. Criminal violations constitute criminal acts pursuant to R.C. 1979.

Fourth Claim for Relief

34. **Plaintiff incorporates** the preceding paragraphs of this Complaint into this claim for relief as if set forth fully herein.

35. The credible threats of imminent bodily harm, kidnapping and false arrest, and jailing, to Plaintiff, through counsel of record Defendant Miller, as made by Defendant Grier on 4 March, 2004, were in violation of the Fourth, and Fourteenth Amendment to the Constitution of the United States and are actionable under 42 U.S.C. § 1983, 1985, 1986. Threatening a witness and extortion constitute criminal acts pursuant to R.C. 1979.

36. Defendant Grier enlisted the assistance of Defendant Janis E. Chapman and the Adams County Sheriff's Department to make credible her threats of bodily harm and false arrest by malicious misrepresentations to the Court and the Sheriff's Department. Sheriff's Deputies were assigned to be present whenever Plaintiff appeared in court and were informed that Plaintiff was 'dangerous.'

37. The threatening of the Plaintiff by Defendants Miller and Grier were calculated to violate Plaintiff's First, Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States. Those credible threats constitute criminal acts pursuant to R.C. 1979.

38. The actions of these Defendants were willful, malicious, abusive and accompanied by a reckless disregard for the rights of the Plaintiff such as to permit punitive damages in order to deter such conduct in the future.

WHEREFORE, Plaintiff prays for damages against Defendants Janis E. Chapman, Thomas C. Miller and Katherine Grier pursuant to 42 U.S.C. § 1983, 1985, 1986, as determined by the trier of fact, including punitive damages, and attorney fees and costs as provided by 42 U.S.C. § 1988.

Fifth Claim for Relief

39. **Plaintiff incorporates** the preceding paragraphs of this Complaint into this claim for relief as if set forth fully herein.

40. The misrepresentation to the Court of some conflation with (Senatorial Candidate) Rick Stanley, a convicted felon, by virtue of some language or forma in common with Respondent's pleadings, by the Defendant Katherine Grier, was in violation of the First and Fourteenth Amendment to the Constitution of the Untied States and are actionable under 42 U.S.C. § 1983, 1985, 1986. Said misrepresentations violate **18 U.S.C.A. § 572** and constitute criminal acts pursuant to R.C. 1979.

41. The actions of these Defendants was willful, and accompanied by a reckless disregard for the rights of the Plaintiff such as to permit punitive damages in order to deter such conduct in the future.

WHEREFORE, Plaintiff prays for damages against Defendant Katherine Grier pursuant to 42 U.S.C. § 1983, 1985, 1986, as determined by the trier of fact, including punitive damages, and attorney fees and costs as provided by 42 U.S.C. § 1988; and constitutes a criminal act pursuant to R.C. 1979.

Sixth Claim for Relief

42. **Plaintiff incorporates** the preceding paragraphs of this Complaint into this claim for relief as if set forth fully herein.

43. The threats to Plaintiff as regarding his appearance in the proper person pro se by doctrine of necessity was in violation of the First, Fourth, Fifth, Sixth and Fourteenth Amendment to the Constitution of the United States and are actionable under 42 U.S.C. § 1983, 1985, 1986 and threatening a witness constitutes a criminal act pursuant to R.C. 1979.

44. The actions of these Defendants were willful, or accompanied by a reckless disregard for the rights of the Plaintiff such as to permit punitive damages in order to deter such conduct in the future.

WHEREFORE, Plaintiff prays for damages against Defendant Katherine Grier pursuant to 42 U.S.C. § 1983, 1985, 1986, as determined by the trier of fact, including punitive damages, and attorney fees and costs as provided by 42 U.S.C. § 1988.

Seventh Claim for Relief

45. **Plaintiff incorporates** the preceding paragraphs of this Complaint into this claim for relief as if set forth fully herein.

46. Defendant Katherine Grier's assertions of an improper influence with Magistrate Chapman were in violation of the First, Fourth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States and are actionable under 42 U.S.C. § 1983, 1985, 1986. The conspiracy and collusion violate 18 U.S.C.A. 241 & 242 and constitute criminal acts pursuant to R.C. 1979.

47. The actions of this Defendant were willful, malicious, and accompanied by a reckless disregard for the rights of the Plaintiff such as to permit punitive damages in order to deter such conduct in the future.

WHEREFORE, Plaintiff prays for damages against Defendants Janis E. Chapman, Thomas C. Miller and Katherine Grier pursuant to 42 U.S.C. §§ 1983, 1985 & 1986 as determined by the trier of fact, including punitive damages, and fees and costs as provided by RC § 1979.

Eighth Claim for Relief

48. **Each Defendant, and all of them**, failed and neglected to report each and every instance of their malfeasance to the administrative disciplinary body, or to the Honorable District Court Judge in supervisory and review capacity.

49. Each Defendant, and all of them were in violation of the First, Fourth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States and are actionable under 42 U.S.C. § 1983. The conspiracy, in violation of 18 U.S.C.A. 872, 241 & 242 constitute criminal acts pursuant to R.C. 1979.

50. The actions of these Defendants were willful, malicious, and accompanied by a reckless disregard for the rights of the Plaintiff such as to permit punitive damages in order to deter such conduct in the future.

WHEREFORE, Plaintiff prays for damages against Defendants Janis E. Chapman, Thomas C. Miller and Katherine Grier pursuant to 42 U.S.C. §§ 1983, 1985 & 1986 as determined by the trier of fact, including punitive damages, and fees and costs as provided by RC § 1979.

Plaintiff demands Trial by Jury as to all actions so triable.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Charles H. Clements", with a horizontal line drawn through it.

Charles H. Clements
1741 Dallas Street
Aurora, Colorado
80010-2018

Certificate of Service

I, _____, undersigned, do hereby certify that a true and correct copy of the foregoing, **COMPLAINT WITH JURY DEMAND** was _____ on the _____ day of the month of _____, 2004, to the following parties:

Clerk of the Federal District Court
Alfred A. Arraj United States Courthouse
901 19th Street
Denver, Colorado 80294-3589

Janis E. Chapman, Magistrate
1100 Judicial Center Drive
Brighton, Colorado 80601

Thomas C. Miller, J.D.
REG. NO. 22652
24 E. Ellsworth Ave.
Denver, Co 80209

Katherine Grier, J.D.
REG. NO. 30948
2701 Alcott St. #482
Denver, CO 80211-4222

Server

Date