

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

DAVID E. WILKENSON,
Plaintiff,

v.

STATE OF COLORADO, et. al.

MESA COUNTY, COLORADO, et. al.

Defendants.

COMPLAINT

Prepared and presented by:

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Introduction

1. To understand this complex case it is important to know at the outset that it started as a Colorado Revised Statutes (C.R.S.) Title 14 domestic relations case. Because the two parties filed conflicting statements about the other which involved the safety and well being of small children, the Court rather than trying to find out the truth through the adversarial, procedural process procedures that are properly handled in a Title 14 proceeding, lied about Plaintiff to create a Title 19 Dependency and Neglect case, pitting the two adversarial parties from the Title 14 case as co-defendants against the State as prosecutor in the Title 19 case.
2. Because the Title 14 case was already active and involved the same children, in addition to which the children were at the time in the temporary custody of the Mesa County Department of Human Services per Court order, under the circumstances, the creation of a Title 19 case was prohibited by, C.R.S. 19-3-308, C.R.S. 19-1-104(6) and C.R.Juv.P. Rule 4.4(a), as well as being completely in violation of the finding on point in *Everett v. Barry*, 252 P 2d 826. The Title 19 case was created in prima facie violation of an express legislative prohibition of jurisdiction, and was therefore a nullity for the purposes of *Ex Parte Fisk*, 113 US 713, and *Thrap v. People*, 558 P 2d 576. Plaintiff was never under any obligation to obey the illegal nullity orders.
3. Because Plaintiff is not a lawyer, he specifically requests the extra latitude he is entitled to by *Haines v. Kerner*, 404 US 519, *Puckett v. Cox*, 456 F2d 233, and *Picking v. Pennsylvania Railway*, 151 F2d 240, etc. in all matters of substance over form and not affecting the rights of the parties.

Statement of the Case

4. For the last seventeen years the state of Colorado, though various actors, associates, and other persons linked to the state's institutions at different levels of state government have

systematically and intentionally without any just cause or due process de facto terminated

Plaintiff's parental rights and right of relationship with his sons Benjamin and Toby Wilkenson.

5. Colorado's denial of Plaintiff's most fundamental constitutional rights were facilitate through the jurisdiction of a C.R.S. Title 14 case which started in 1996, Colorado case number 96 DR 372.

6. Starting with the 1996 Title 14 domestic case, Colorado has lied about Plaintiff's character to manipulate other state actors involved in the case into forming false opinions and taking unjustified, jurisdictionless and illegal actions against Plaintiff thereby depriving him of his most fundamental of constitutional rights.

7. Plaintiff's only defense against such violations of the continuous equal-protection-and-due-process-of-law-violative actions taken against him was to make a record of these actions through his C.R.Civ. P. Rule 12 right to enter his defenses and objections in the court record of the case.

8. In an effort to cover up the truth and manipulate public opinion and future appellate court decisions about Colorado's jurisdictionless equal-protection-and-due-process-of-law-violative actions and rulings against Plaintiff, Colorado has falsified the court record and register of actions and then destroyed the court record in the Title 14 domestic case.

9. Upon Plaintiff's discovery and complaint about the extensive and selective falsifications of the court record and register of actions of the Title 14 domestic case, Plaintiff filed a motion to correct the record and to investigate the computer audit trail within the software in the register of actions to determine who and when the register of actions was falsified. Then Colorado destroyed the record of the case, blaming the loss of the record on the US Postal Service's mishandling the court record in transit to the Appeals Court in Denver. The CCA denied Plaintiff's motion to correct the record and to investigate the computer audit trail of the case.

10. Three weeks after the record of the case was sent via certified mail to the Colorado Court of

Appeals (CCA) in Denver, the clerk of the Mesa County District Court (MCDC) in Grand Junction received information from the US Postal Service that the record of the case she had sent to the Appeals Court in Denver was missing and that the package, containing the record with shipping and certification labels intact and on the package, had showed up in Philadelphia, Pennsylvania at the Bulk Mail Center with apparently none of the normal certified tracking information associated with certified mail sent through the US Post Office. (see Appendix B)

11. Upon receiving the District Court clerk's affidavit containing the alleged facts about the missing record. Plaintiff sent US Attorney for Colorado, John F. Walsh, Colorado Attorney General, John W. Suthers, and Mesa County District Attorney, Pete Hautsinger the same information and proof of falsification of the court record in the case that Plaintiff had filed in the CCA and Colorado Supreme Court (CSC), as well as the District Court clerk's affidavit containing the alleged facts about the missing record for further investigation and possible criminal prosecution. (see Appendix D, E, F)

12. Plaintiff has received no response from the US Attorney for Colorado, John F. Walsh or the Mesa County District Attorney, Pete Hautsinger, about the matter. However Plaintiff did receive a letter from Mae West of the Colorado Attorney General's office misstating the nature of the information Plaintiff sent the Attorney General and then responding to that misstatement in an effort to side step the proof of criminal actions in the Colorado court case that the Attorney General had been sent by Plaintiff. (see Appendix G)

13. The action that gave rise to the discovery of the falsification and subsequent destruction of the record in the Title 14 domestic case, was an 4/7/12 appeal that was taken from the District Court's denial of Plaintiff's 12/27/12 Motion to Dismiss the Title 14 domestic case for lack of personal jurisdiction over the parties in the case.

14. In that appellate case no questions were even litigated due to the lack of record on appeal,

