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UNITED STATES DISTRICT COURT  
DENVER, COLORADO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

JUL 10 2013

JEFFREY P. COLWELL  
CLERK

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Civil Action No. 13-CV-01469-CMA-KLM

DAVID E. WILKENSON,  
Plaintiff,

v.

STATE OF COLORADO, et. al.

MESA COUNTY, COLORADO, et. al.

Defendants.

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**FIRST AMENDED COMPLAINT**

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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 no. 96 DR 372. Because the two parties filed conflicting statements about the other which involved the safety and well being of small children, the Mesa County District Court (MCDC) 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 96 JV 180 case, pitting the two adversarial parties from the Title 14 case 96 DR 372 as co-defendants against the State as prosecutor in the Title 19 case 96 JV 180.

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. 19-1-104(6), C.R.S. 19-3-308 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 Defendants, 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. The Defendant's denial of Plaintiff's most fundamental constitutional rights were facilitated 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, Defendant Colorado has lied about Plaintiff's Character—falsely alleging him to have a “history of domestic violence” when there has never been any incident of violence whatsoever—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 Defendant Colorado's jurisdictionless equal-protection-and-due-process-of-law-

violative actions and rulings against Plaintiff, Defendant 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 Defendant 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 shown 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

