

CASE NO. 2012 T 002444, DIV. 1

CASE NO. 2015 T 001778, DIV. 1

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REPORTER'S TRANSCRIPT (Motions Hearing)

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**ORIGINAL**

IN THE MATTER OF

THE PEOPLE OF THE STATE OF COLORADO,

Plaintiff,

v.

DAVID WILKENSON,

Defendant.

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The above-entitled matter came on for hearing on Friday, October 2, 2015 at 3:00 p.m. before the HONORABLE CRAIG P. HENDERSON, District Judge.

APPEARANCES:

FOR THE PLAINTIFF:

MATTHEW A. WEIDINGER

FOR THE DEFENDANT:

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1 THE COURT: All right, we'll call up 12 T 2444,  
2 and 15 T 1778, People versus David Wilkenson.

3 All right. The court has had opportunity to look  
4 at the motion to dismiss, the People's reply, and the  
5 defendant -- the People's response, and the defendant's  
6 reply to the defendant's -- the plaintiff's response.

7 So, I've had a chance to look at those things, and  
8 I guess if you want to make any further record or argument  
9 or evidence at this point in time, Mr. Wilkenson, you're  
10 free to do so.

11 Is there anything else you wish to put on with  
12 regard to evidence or argument?

13 MR. WILKENSON: Well, I think I put it all in the  
14 reply, Your Honor. I mean, my Constitutional issues, the  
15 Statutory issues, the jurisdictional issues, and the case  
16 law.

17 THE COURT: What exactly are you asking me to  
18 find?

19 MR. WILKENSON: I think that because Mr. Weidinger  
20 said this is not really a good forum to do that, which was  
21 my argument for the un-Constitutionality, I mean, to be able  
22 to in this state to have an agency just come in and pull  
23 somebody's license, as I stated in there, you know, driver's  
24 licenses are public safety issue legitimate with the state.  
25 If you don't drive safely, if you're a drunk driver, if you

1 do whatever, then the state has an obligation to the  
2 people's safety concern that they restrict your ability to  
3 drive depending upon how you're driving.

4 This doesn't involve a driving record or anything.  
5 It just involves those guys want to do what they say. And  
6 so that's the un-Constitutional part, and how they go about  
7 doing it.

8 And the law allows them to do that. That's  
9 according to statute whatever.

10 THE COURT: 42-2-127.5

11 MR. WILKENSON: Yeah.

12 THE COURT: And then also the 26.

13 MR. WILKENSON: Well, the 26 --

14 THE COURT: 26-13.

15 MR. WILKENSON: Yeah. That's the one that they  
16 say you can review that stuff.

17 THE COURT: Well, that entire statute also talks  
18 about the process by which the child support enforcement act  
19 can --

20 MR. WILKENSON: Came about.

21 THE COURT: -- came about, and also made it so  
22 that the Department of Revenue --

23 MR. WILKENSON: Right.

24 THE COURT: -- can suspend your license.

25 MR. WILKENSON: Right. The problem of it is, that

