

<p>DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, CO 80401</p>	<p>DATE FILED February 3, 2025 5:54 PM FILING ID: 6AD3F89739AF2 CASE NUMBER: 2023CV193</p>
<p>ERIC ST. GEORGE Plaintiff</p> <p>v.</p> <p>OFFICE OF THE STATE PUBLIC DEFENDER; LAKEWOOD POLICE DEPARTMENT; COLORADO BUREAU OF INVESTIGATION; AND JEFFERSON COUNTY DISTRICT ATTORNEY. Defendants</p>	<p>^ COURT USE ONLY ^</p>
<p><i>Attorneys for Defendants</i> PHILIP J. WEISER Attorney General SCOTT A. SCHULTZ, #38666* Senior Assistant Attorney General SARAH QUIGLEY, #56686* Assistant Attorney General Colorado Department of Law 1300 Broadway, 7th Floor Denver, CO 80203 E-mail: scott.schultz@coag.gov; sarah.quigley@coag.gov Phone: (720) 508-6256 *Counsel of Record</p>	<p>Case No. 23CV193 Division: 11</p>
<p>DEFENDANT OFFICE OF THE STATE PUBLIC DEFENDER’S MOTION FOR RECONSIDERATION OF THIS COURT’S JANUARY 13, 2025, AMENDED ORDER AND JUDGMENT FOR PENALTIES</p>	

Defendant, Office of the State Public Defender, through undersigned counsel, hereby respectfully requests that this Court reconsider its January 13, 2025, Amended Order and Judgment for Penalties Against Defendant Office of Public Defender (“Jan. 13 Order”).

INTRODUCTION AND BACKGROUND

On January 13, 2025, the Court entered an Amended Order and Judgment of Penalties against the Office of the State Public Defender (“OSPD”). The OSPD now respectfully moves for relief from that Jan. 13, 2025, Order pursuant to Colo. R. Civ. P. 60(b).

The OSPD was not properly served in this matter. Colo. R. Civ. P. 4(e)(10)(B). As a result, the Court never acquired personal jurisdiction over the OSPD in this case, and the Court’s judgment is void. Further, the Colorado Criminal Justice Records Act (“CCJRA”) does not apply to the OSPD because the OSPD is not a “criminal justice agency” as defined under section 24-72-302(3), C.R.S., and the requested policy is not a “criminal justice record” under section 24-72-302(4), C.R.S. The OSPD is not subject to the Colorado Open Records Act (“CORA”) because the OSPD is part of the judicial branch pursuant to section 21-1-101, C.R.S. The OSPD never denied Plaintiff’s request for inspection of the “official policy under which the employees of th[at] office deny discovery files to those they represent whom are held in [Jefferson County] pre-trial detention [jail].”

1. On August 17, 2023, Plaintiff filed an Application for an order to show cause (“Application”) under CCJRA sections 24-72-305(7) and -204(5), C.R.S., naming the OSPD records custodian as a respondent (along with the Lakewood Police Department, the Colorado Bureau of Investigation, and the Jefferson County District Attorney).

2. The Application alleges that Plaintiff sent three records requests to the OSPD on March 7, April 7, and May 8, 2023, seeking the OSPD’s “official policy under which the employees of th[at] office deny discovery files to those they represent whom are held in [Jefferson County] pre-trial detention [jail].” Application. at ¶4.

3. The Application further alleges that on May 20, 2023, Mitch Ahnstedt of the Golden Regional Office acknowledged receipt of the request and responded to Plaintiff that he was unable to determine what documents were requested. Application at ¶7.

4. The Application requested the records be available for inspection “under CORA as public records and/or under the CCJRA as criminal justice records.” Application at ¶ 28.

5. The Application contained no exhibits or attachments with the letters allegedly sent to the OSPD, proof of mailing, nor the alleged response from Mitch Ahnstedt.

6. The OSPD has no record of Plaintiff’s alleged March 7 and May 8, 2023, requests.

7. The OSPD only has record of the April 7, 2023, request, which requests the policy under only CORA. *See* Exhibit A (April 7, 2023 Request Letter).

8. On February 22, 2024, the Court issued an Order to Show Cause, ordering the OSPD to show cause as to why the records described in the Application should not be made available for inspection by Plaintiff, and setting a Show Cause hearing for April 11, 2024.

9. On March 26, 2024, Plaintiff filed a Return of Service for the OSPD alleging that the process server brought the Application to 560 Golden Ridge Parkway, Golden, CO 80401 (“Golden Office”) and that they “would not take” it at the Golden Office. *See*, Return of Service on OSPD, Filed March 26, 2024. The Return of Service further alleges, the process server then delivered the Application to 1525 Sherman, Denver CO 80203 (“1525 Sherman”) and left the Application with Matthew Serben, a front desk receptionist. *Id.*

10. Neither OSPD nor the Attorney General’s Office were served on March 26, 2024.

11. On April 11, 2024, the Court held a show cause hearing. The OSPD and Defendant, Colorado Bureau of Investigation (“CBI”) did not appear.

12. On that same day, the Court issued an Order to Produce Records, ordering the OSPD to respond to Plaintiff's document demands by producing the requested policy for inspection or copying on or before May 10, 2024

13. On July 26, 2024, the Court issued a Citation to Show Cause ordering the OSPD to appear in court on September 12, 2024, to show cause why the OSPD has not yet complied with the Orders.

14. The OSPD and the OAG were never served in this case.

15. When the OSPD and OAG finally became aware of this matter, the OSPD filed a Response to the Order to Show Cause ("August 28 Response") and requested to vacate the September 12 hearing. *See*, Response to Order to Show Cause on Behalf of Defendant Office of the State Public Defender, filed August 28, 2024. The August 28 Response asserts that the OSPD was not properly served. *Id.* at ¶ 9. Without conceding to service or to any requirements for OSPD to provide the requested policy, the OSPD provided the requested policy by providing the relevant excerpt of the policy in the Response. *Id.* at ¶13.

16. On August 29, 2024, the Court issued an Order stating the hearing on September 12, 2024, would still take place.

17. On September 4, 2024, the OSPD filed a Motion to Reconsider further detailing why the September 12, 2024, Show Cause hearing should be vacated including that the OSPD is not a "criminal justice agency" nor is the requested record a "criminal justice record".

18. On September 12, 2024, a hearing before the District Court was held. Plaintiff and counsel for OSPD appeared remotely. During the hearing, a range of issues were discussed, with particular focus on whether the OSPD is a "criminal justice agency" subject to CCJRA. The

Court informed Plaintiff on how to seek penalties under CCJRA against the OSPD and CBI under section 24-72-305(7), C.R.S.

19. On September 13, 2024, the OSPD filed an Addendum providing the Plaintiff with the requested policy again, as it did in its August 28th Response. *See*, Addendum on Behalf of Defendant Office of the State Public Defender. The Addendum contained one additional paragraph providing further context around the requested policy. *Id.* at ¶ 2.

20. On October 21, 2024, Plaintiff filed a Motion for Penalties against the OSPD and CBI, asserting, among other things, that service was proper because delivery of the document to Mr. Serben was made “because the Office of the State Public Defender refused to be served at 560 Golden Ridge Pkw.” *See*, Motion for Penalties, filed October 21, 2024.

21. On November 12, 2024, the OSPD filed a Response to Plaintiff’s Motion for Penalties, further explaining why the application of CCJRA and CORA to the OSPD in this matter is not appropriate because the OSPD is not a “criminal justice agency” and the requested policy is not a “criminal justice record”.

22. Plaintiff filed a Reply on December 4, 2024, 22 days after the filing of the OSPD’s Response and beyond the 14-day deadline provided in C.R.C.P. 121, 1-15(c).

23. On January 10, 2025, the Court issued an Order granting Plaintiff’s Motion to assess penalties, assessing penalties of \$13,650.00, from March 17, 2023, to September 13, 2024, against the OSPD.

24. On January 13, 2025, the Court issued an Amended Order and Judgment for Penalties against the OSPD. The conclusions and Judgment of \$13,650.00 remained the same.

STANDARD OF REVIEW FOR MOTION TO RECONSIDER

The OSPD seeks relief from the Court’s January 13, 2025, Amended Order and Judgment for Penalties pursuant to Colo. R. Civ. P. 60(b). Under Rule 60(b), the Court may alter or amend its prior orders upon a showing of: (1) Mistake, inadvertence, surprise, or excusable neglect; (2) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (3) the judgment is void; (4) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (5) any other reason justifying relief from the operation of the judgment.

Colo. R. Civ. P. 60(b).

A motion for reconsideration is appropriate where the court has misapprehended the facts, a party’s position, or the controlling law. *United States v. Garcia-Lazalde*, 2024 WL 4504569 *1 (D. Colo. 2024) (citing *Servants of Paraclete v. Does*, 204 F. 3d 1005 (10th Cir. 2000)). Motions under Rule 60(b) must be filed “within a reasonable time, and for reasons (1) and (2) not more than 182 days after the judgment, order, or proceeding was entered or taken.” Colo. R. Civ. P. 60(b)

ARGUMENT

I. The OSPD was never properly served in this action, therefore the Court does not have jurisdiction over the OSPD to issue an Order with Penalties.

The Court’s Jan. 13 Order contains several misapprehensions of fact relating to service as the record does not contain any proof of proper service on the OSPD. Plaintiff has not demonstrated or provided evidence that the OSPD was properly served as contemplated under Colo. R. Civ. P. 4(e). A court cannot acquire personal jurisdiction over a party unless and until that party is properly served. *Burton v. Colo. Access*, 455 P.3d 46, 49 (Colo. App. 2015) (“If a plaintiff fails to properly serve the defendant with a complaint, there is no personal jurisdiction

over the defendant.”) Plaintiff was required to effect personal service or obtain a waiver of service from the OSPD and the OAG in order for this Court to obtain personal jurisdiction. *Id.* Neither of which occurred here.

When a court lacks personal jurisdiction over a party, any judgements against that party emanating from that court are void for lack of jurisdiction, and incompatible with due process. *Id.*; *Matter of J.N. in Interest of G.C.*, 518 P.3d 788, 794 (Colo. App. 2022)(“If service does not conform to the requirements of C.R.C.P. 4, the court does not obtain personal jurisdiction over the party and any resulting judgment is void. Likewise, when the court lacks personal jurisdiction . . . a judgment entered against that party constitutes a due process violation.”) Plaintiff bears the burden of establishing the validity of the service of process. *Ditirro v. Sando*, 2022 WL 17481878 *4 (D. Colo. 2022) (citing *FDIC v. Oaklawn Apt.*, 959 F.2d 170, 174 (10th Cir. 1992)). Personal service on both the agency and the OAG is the only effective means of service of process on a state agency such as OSPD. Colo. R. Civ. P. (4)(e)(10)(B).

There is no proof of proper service on either the OSPD or the OAG in this case. The Court’s Jan. 13 Order concludes that the OSPD was properly served. It plainly and incorrectly states that “Plaintiff presented evidence demonstrating personal service of the Orders to Show Cause on the OSPD.” Jan 13 Order at 2. The Court improperly relies on the Return of Service and states that the Return of Service on the OSPD “indicated the Golden OSPD refused service of the Application and the Order to Show Cause, and that the process server also served the Attorney General on March 25, 2024.” *Id.* at 6. The Jan 13. Order then notes that there was no evidence “to substantiate contention that the OSPD did not know of Plaintiff’s record requests by letter or by proceedings in this lawsuit.” *Id.* at 7. OSPD does not have any legal obligation to prove that

service did not occur, instead it is Plaintiff's burden to establish the validity of the service of process. *See, Ditirro v. Sando*, 2022 WL 17481878 at 4.

The OSPD was never personally served with this matter, and did not refuse service at the Golden Office. There is no evidence in the record that the OSPD, and specifically any custodian of records, was ever personally served in this proceeding or with the Plaintiff's request for OSPD's "official policy under which the employees of th[at] office deny discovery files to those they represent whom are held in [Jefferson County] pre-trial detention [jail]." Application at ¶ 4.

Additionally, the OAG was never served with process in this matter. The Return of Service alleges that the process server delivered the Application to 1525 Sherman and handed the Application to Matthew Serban. *See* Return of Service at to OSPD, filed March 26, 2024. 1525 Sherman does not exist. However, counsel assumes the Return of Service intended 1525 N. Sherman. Still, 1525 N. Sherman is not the proper address to affect service of process on the OAG. The Attorney General's Office is located at 2 E 14th Ave, Denver, CO 80203. 1525 N. Sherman houses the State Department of Personnel and Administration building. Therefore, the Court does not have personal jurisdiction over the OSPD and any judgment against the OSPD is void for lack of jurisdiction.

II. The Jan. 13 Order Contains Misapprehensions of Law Regarding the CCJRA, CORA, and P.A.I.R.R. 2

The Jan. 13 Order appears to conflate three records Acts, when they instead are separate from one another and apply to different state agencies. The Jan. 13 Order states,

The OSPD's sophistry is further contradicted by the Colorado Supreme Court who has decided that the OSPD is subject to the Open Records Act and CCRJA. The Judicial Department includes the OSPD within its interpretation of the CCJRA and, in fact, has established a separate set of "rules" regarding disclosure of its records.

See Colorado Supreme Court, Chapter 38, P.A.I.R.R. 2, Section 1, paragraph (10);
see generally C.R.S. § 24-72-305(1); 24-72-203(1).

Jan. 13 Order at 10.

The OSPD disputes the above statement as it is legally incorrect and unsupported by law. None of the citations in the above quote state that the OSPD is subject to CORA or CCJRA. While the OSPD is an agency of the judicial department, there is no support for the assertion that the judicial department includes the OSPD within its interpretation of the CCJRA. The OSPD is not subject to CCJRA or CORA, and is instead subject to the Public Access to Information and Records 2 (“P.A.I.R.R. 2”).

A. The OSPD is not subject to CCJRA and the Court’s penalties assessed against the OSPD under CCJRA are not appropriate

The Court’s January 13th Order assesses penalties pursuant to section 24-72-305, C.R.S. of the CCJRA, which provides that, “the court may also order the custodian personally to pay to the applicant a penalty in an amount not to exceed twenty-five dollars for each day that access was improperly denied.” § 24-72-305(7), C.R.S; Jan 13. Order at 12. The CCJRA only applies to a “criminal justice agency” and “criminal justice records”. The OSPD is not a “criminal justice agency” and the internal policy requested under CCJRA by Plaintiff is not a “criminal justice record”.

i. The OSPD is not a “criminal justice agency”

The Jan. 13 Order contains misapprehension of fact regarding the OSPD’s activities. The Jan. 13 Order focuses on the fact that the OSPD is “an agency of the judicial department of state government” as proof that the OSPD is a “criminal justice agency”. Jan. 13 Order at 8. It further concludes that the “OSPD is involved in criminal justice in this state, to state the obvious.” *Id.* at

9. The Court misinterprets and plucks a short phrase from the CCJRA to conclude that CCJRA applies to “. . . any agency of the state. . . *Id.* §24-72-302(3).” *Id.* at 9. The Court’s Order asserts that the OSPD performs an activity that is directly related to enumerated activities under the CCJRA including “pre-trial release, post-trial release . . . of accused persons or criminal offenders.” *Id.* The Court’s Order continues that the work of the “OSPD is ‘directly related’ to the ‘prosecution’ of accused persons by providing a defense and/or resolution in the same courtroom during the course of that prosecution.” *Id.*

The OSPD is not a “criminal justice agency” because its activities do not directly relate to the detection, investigation, apprehension, prosecution, etc. of crime. Contrary to the Jan. 13 Order’s assertions, the OSPD is not involved in pre-trial release or post-trial release. The OSPD is a state agency comprised of employees (investigators, paralegals, social workers core staff, and lawyers) that represent indigent persons accused of a crime.

The mere fact that the OSPD is an agency of the state does not mean that the CCJRA applies. The OSPD is subject to an entirely different open records act from CCJRA, P.A.I.R.R. 2. P.A.I.R.R.2. applies only to agencies within the judicial branch, and not a “criminal justice agency” pursuant to CCJRA. The only reference to “criminal justice agency” in P.A.I.R.R. 2 states,

[t]his paragraph does not prohibit the custodian from transmitting data to any agency of an investigative branch of a federal agency or any criminal justice agency as defined in section 24-72-302(3), C.R.S. (2015), who makes a request to the custodian to inspect such records and who asserts that the request for information is reasonably related to an investigation within the scope of the agency’s authority and duties.”

Colo. P.A.I.R.R. 2(8).

While P.A.I.R.R. 2 permits the OSPD to disclose records to a “criminal justice agency,” it does not state that OSPD is a “criminal justice agency” and in fact indicates that the OSPD is separate and apart from a “criminal justice agency”.

A recent Colorado Supreme Court case further supports that the OSPD is not a “criminal justice agency”. In *Gazette v. Bourgerie*, the Court found that the Colorado Peace Officer Standards and Training Agency (“POST”) was a “criminal justice agency” subject to the CCJRA. *Gazette v. Bourgerie*, 560 P.3d 964, 967(Colo, 2024). The court focused on the fact that POST had peace officers who were responsible for investigation and enforcement of laws, and that the type of investigations “uses the very same techniques that were used when Mr. Bourgerie was a Sheriff’s Deputy in Summit County.” *Id.* at 969.

The OSPD is not comprised of any peace officers, nor is the OSPD involved in the investigation of crime for the purpose of enforcement. Therefore, the OSPD is not a “criminal justice agency” subject to CCJRA, and penalties assessed against the OSPD under the CCJRA are improper.

ii. The Plaintiff’s requested internal policy of OSPD is not a “criminal justice record” under CCJRA.

The policy allegedly requested in this case is not a “criminal justice record”. The CCJRA defines a “criminal justice record” as “books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by a criminal justice agency” § 24-72-302(4), C.R.S. Colorado courts have held that documents such as closed files of a deputy sheriff who was discharged following an investigation held by the El Paso County Sheriff’s Department; Department of Corrections’ internal affairs investigative records pertaining to employees; and, name, rank, race, separation date, and reason

for separation of a peace officer held by POST, are all “criminal justice records” *See e.g., Freedom Colorado Information, Inc. v. El Paso County Sheriff’s Dept.*, 196 P.3d 892 (Colo. 2008); *Johnson v. Colo. Dept. of Corrections*, 972 P.2d 692 (Colo. App. 1998); *Gazette v. Bourgerie*, 560 p.3d 964 (Colo. 2024).

Because OSPD is not a “criminal justice agency” like a Sheriff’s Department, Department of Corrections or POST are, the internal OSPD policy requested by Plaintiff cannot be a “criminal justice record”. Even if OSPD were a “criminal justice agency”, the requested policy would still not be considered a “criminal justice record”.

An “official policy under which the employees of th[at] office deny discovery files to those they represent whom are held in [Jefferson County] pre-trial detention [jail]”, is not identified nor similar to those enumerated “criminal justice records” under section 24-72-302(4), C.R.S. The Plaintiff’s requested internal policy of OSPD does not contain any personal or investigatory information, nor does it aid in any investigation or enforcement of a matter. Therefore, the internal OSPD policy requested by Plaintiff is not a “criminal justice record” under CCJRA, and penalties assessed under CCJRA are not appropriate.

B. The OSPD is not subject to CORA

CORA does not apply to the OSPD in this case. The only letter regarding the requested policy that the OSPD and this Court has record of is the April 7, 2023, letter. That letter requests the policy under CORA, not CCJRA or P.A.I.R.R. 2. *See Ex. A (April 7, 2023 Letter)* (“Because this policy is known to exist, it is demanded that this public record be disclosed pursuant to the Colorado Open Records Act, CRS Sec. 24-72-200, *et seq.*”).

The OSPD is not subject to CORA. Section 21-1-101, C.R.S. states, “(1) the office of the state public defender is hereby created and established as an agency of the judicial department of state government.” Case law confirms that CORA does not apply to the judicial department. In *Gleason v. Judicial Watch, Inc.*, the Colorado Court of Appeals held that the Supreme Court Regulation Counsel, as part of the judicial branch of government, was not a part of the state or a state agency for purposes of the Open Records Act. *See, Gleason v. Judicial Watch, Inc.*, 292 P.3d 1044 (Colo. App. 2012). The court further stated that, “we conclude that CORA does not include the judiciary within the terms “state” and “state agency” . . . for the purposes of CORA.” *Id.* at 1049. Therefore, CORA is not appropriately applied to OSPD in this matter.

C. The OSPD is subject to P.A.I.R.R. 2

CCJRA and CORA do not apply to the OSPD. Instead, P.A.I.R.R.2 applies to the OSPD. P.A.I.R.R. 2 provides discretion to the custodian and enables the judicial branch agency to adopt procedures to follow, which Plaintiff did not follow in his April 7, 2023, request.

P.A.I.R.R.2 requires each state judicial branch agency to develop and make information available to the public outlining how to obtain access to records pursuant to P.A.I.R.R. 2, and requiring that “[a]ny request for inspection must be made in accordance with the adopted procedures.” Colo. P.A.I.R.R. 2, Section 4(a). The OSPD, in accordance with P.A.I.R.R.2’s directive, adopted procedures for records requests and made the procedures available to the public on its website at, <https://www.coloradodefenders.us/contact-us/administrative-records-request/>. The OSPD’s procedures include a requirement for the requester to complete a Request to Inspect Public Records Form and submit via email to records.request@coloradodefenders.us.

Plaintiff did not fill out and submit a completed Request to Inspect Public Record Form to the OSPD, or otherwise attempt to request the policy under P.A.I.R.R. 2. Accordingly, because the request was not “in accordance with the [OSPD’s] adopted procedures,” the Plaintiff’s alleged request was not proper. Even if Plaintiff had properly requested the internal OSPD policy under P.A.I.R.R.2, the facts alleged would not qualify as a denial subject to penalties.

III. The OSPD never denied Plaintiff inspection of the requested internal OSPD policy

The OSPD’s response to the alleged request is not a “denial” of inspection. A request for clarification, lack of response, and even a refusal to respond, does not qualify as a denial of an inspection. *See, Warnich v. Court Admin. of 1st Judicial Dist.t, 2024 WL 4665415 (Colo.App. 2024)* (“The undisputed facts establish that Warnick was not denied inspection of any record. Even in his complaint, Warnick alleged only that the First Judicial District had refused to respond to his request, not that it had denied it.”)

Plaintiff alleged that Mitch Ahnstedt responded to the March 7, 2023 letter. There is no record evidence of the March 7, 2023, letter, nor Mr. Ahnstedt’s response to the same. Plaintiff alleges that he sent two more letters, on March 7, and May 7, 2023, and never received a response. Application at ¶¶ 4-10. Even if there was record of those letters, a failure to respond is not a denial of inspection. There is no record evidence demonstrating any “denial” of inspection by the OSPD. Accordingly, any assessment of penalties against the OSPD is not appropriate.

IV. The Jan 13. Order contains other legal and factual misapprehensions warranting relief from the judgment

Conclusions reached in the Jan. 13 Order resulting in the assessment of penalties against the OSPD are not based on evidence in the record. A motion for reconsideration is appropriate where

the court has misapprehended the facts, a party's position, or the controlling law. *See, Servants of Paraclete v. Does*, 204 F. 3d 1005 (10th Cir. 2000).

The assessment of penalties under the Jan. 13 Order assumes that the first letter on March 7, 2023, was actually sent, received, and existed without any record support for that assumption. The assessment is further based on the conclusion that the requested policy was not provided to Plaintiff until Sept. 13, when the OSPD filed an Addendum including the identical excerpt with the relevant policy as the August 28, 2024, Response. There is no explanation as to why the August 28, 2024, was not considered as the date by which the requested policy was sent to Plaintiff.

Additionally, the Jan. 13 Order raises a new issue not raised by Plaintiff previously. The Jan 13. Order asserts that the filed Addendum did not provide information as to the title of the administrative document or a specific claim that the entire administrative document is not a public record or a record that addresses criminal justice topic. The Plaintiff, at no point, requested the entire administrative document that contained the relevant policy. The OSPD is unaware of any requirement for the OSPD to provide an entire document from which the relevant requested portions were provided. The OSPD provided all relevant information that was requested by the Plaintiff as soon as they were aware of the Plaintiff's alleged request.

V. Conclusion

For all the foregoing reasons, Defendant, OSPD requests the Court reconsider its Amended Order and Judgment for Penalties Against Defendant Office of Public Defender, and vacate the Judgment.

Respectfully submitted this 3rd day of February, 2025.

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CERTIFICATE OF SERVICE

This is to certify that on February 4, 2025, I served the Defendant's **MOTION FOR RECONSIDERATION OF THIS COURT'S JANUARY 13, 2025, AMENDED ORDER AND JUDGMENT FOR PENALTIES AGAINST DEFENDANTS COLORADO BUREAU OF INVESTIGATION AND OFFICE OF PUBLIC DEFENDER** with regard to the OSPD and vacate the Judgment.

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