

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>520 W. Colfax Ave. Denver, CO 80204</p> <hr/> <p>PEOPLE OF THE STATE OF COLORADO,</p> <p>Plaintiffs,</p> <p>v.</p> <p>LAURENCE GOODMAN,</p> <p>Defendant.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Beth McCann, District Attorney Robert S. Shapiro, Special Deputy District Attorney Ralph L. Carr Colorado Judicial Center 1300 Broadway, 9th Floor Denver, CO 80203 Telephone: 720-508-6000 E-Mail: robert.shapiro@coag.gov Registration Number: 26869</p>	<p>Case No. 17CR10088</p>
<p>PEOPLE'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF ANY DEFICIENCIES RELATED TO THE PUBLIC OFFICIAL VICTIMS' OATHS AND BONDS</p>	

District Attorney Beth McCann by and through the undersigned Special Deputy District Attorney moves the Court in limine to exclude any evidence or argument regarding any deficiencies related to oaths and bonds for any of the public official victims in this case for the reasons that follow:

1. Defendant Laurence Goodman maintains the position that all of the named victims in this case, along with all other Colorado

public officials, do not have valid oaths of office and do not have valid bonds posted to secure their public positions.

2. Mr. Goodman has filed numerous documents with the Court raising the issue of public officials lacking oaths and bonds, including his October 5, 2017 Notice and Memorandum of Law Re: Fiduciary bond or recognizance and October 11, 2017 Notice of Fraud 24.
3. Mr. Goodman's filing entitled Notice of Fraud 24 lists all named victims in this case—accompanied by the presiding judge and undersigned counsel—with the claim that each public official lacks a valid oath of office or valid bond securing their position.
4. The People anticipate based on the defendant's filings that he will attempt to present evidence or argument relating to deficiencies with the named victims' oaths or bonds.
5. The People request the exclusion of any evidence or argument related to this issue because the questions of whether any victims were required to have an oath or bond and whether there were any deficiencies are purely legal questions and, thus, irrelevant for consideration by the jury. Further, the danger of confusion of the issues and misleading the jury substantially outweighs any probative value of this evidence.

Law and Argument

Evidence must be relevant to be admissible. CRE 402. In order for evidence to be relevant, it must “make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” CRE 401. Additionally, the Court should exclude relevant evidence when its probative value is substantially outweighed by the danger of confusion of the issues, or misleading the jury. CRE 403.

A. Oaths of Office

The People agree that all named victims in this case were required to have an oath of office filed with either the secretary of state or the county clerk. Under article 12, section 9 of the Colorado Constitution, “[o]fficers of the executive department and judges of the supreme and district courts, and district attorneys, shall file their oaths of office with the secretary of state; every other officer shall file his oath with county clerk of the county wherein he shall have been elected.”

Mr. Goodman’s position appears to be that the public officials did not have valid oaths of office because the officials did not file their oaths with either the secretary of state or the county clerk *prior* to taking office. However, Colorado courts have already addressed this issue and determined that the failure to file the signed oath does not create a vacancy in a public office and render any acts of that public official invalid. *People v. Scott*, 116 P.3d 1231, 1232 (Colo. App. 2004) (finding that any defect in failure to file oath and bond was cured and that the district attorney was acting as a “de facto” officer with authority to prosecute the defendant). Additionally, courts are not deprived of jurisdiction, and judicial officers still possess the authority to carry out their duties as de facto officers when an oath of office is signed but not filed with the secretary of state. *People v. Stanley*, 170 P.3d 782, 794 (Colo. App. 2007).

Here, all the named public servants were either elected or appointed, all have signed oaths of office, and all have oaths that were filed with the secretary of state or county clerk at some point after taking office. As a result, there is no issue to be resolved regarding the validity of any victim’s oath of office, rendering any evidence or argument on this point irrelevant.

B. Bonds

The applicable bond requirements for each category of public official victims are as follows:

1. District Attorney

Under C.R.S. § 20-1-101, every district attorney shall “execute to the people of the state of Colorado a bond in the sum of five thousand dollars” This statute is current and good law.

2. Judges

Bonds are not applicable to judges. C.R.S. § 13-6-207, a bond requirement applicable to a county judge or associate county judge when they were to act as their own clerk, was repealed in 1979. District court judges have never been required to have bonds.

3. County Officers

Under C.R.S. § 30-10-110, for every county officer named in C.R.S. § 30-10-101—sheriff, county clerk and recorder, and county treasurer, in lieu of the bond requirement, a county may purchase crime insurance coverage on behalf of the county officer and county employees. This is the course counties often choose, which no longer places the burden on county officials to acquire and post a bond.

4. Sheriff

Similarly, under C.R.S. § 30-10-501, a county may also purchase crime insurance coverage in an amount not less than ten thousand dollars on behalf of the sheriff. Again, counties often take this course and remove the burden for the elected sheriffs to have to acquire and post a bond.

6. Coroner

Under C.R.S. § 30-10-601, a county may also purchase crime insurance coverage in an amount not less than twenty-five thousand

dollars on behalf of the county coroner. Just as with other county officials, Colorado counties have chosen to take this route.

Mr. Goodman's position appears to be that all Colorado public officials are required to post a bond and that a crime insurance policy does not suffice. This position is unsupported by current, binding authority. Each of the named public official victims has complied with the bond requirements of Colorado law applicable to their office. Any question regarding the bond requirements applicable to Colorado public officials is a legal question and is irrelevant for consideration by the jury.

Thus, all named public official victims in this case had valid oaths and bonds if applicable to their office, and any question regarding this issue is a legal question for the Court not the jury to resolve. Further, if the Court were to allow the defendant to present evidence or argument on the validity of the victim's oaths and bonds it would confuse the issues that the jury is required to determine and mislead the jury.

WHEREFORE, the People request that the Court exclude any evidence or argument regarding any deficiencies related to the oaths or bonds for any of the public official victims in this case.

Dated this 16th day of July 2018.

Beth McCann
District Attorney

/s/ Robert S. Shapiro

ROBERT SHAPIRO, 26869*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July 2018, a true and correct copy of the People's Motion in Limine to Exclude Evidence of Any Deficiencies Related to the Public Official Victims' Oaths and Bonds filed with Court was e-filed via ICCES mailed to the Defendant via the United States Postal Service, postage prepaid, at the following address:

Laurence Goodman
P.O. Box 3792
Boulder, CO 80307-3792

/s/paralegal for R. Shapiro

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>520 W. Colfax Ave. Denver, CO 80204</p> <hr/> <p>PEOPLE OF THE STATE OF COLORADO,</p> <p>Plaintiffs,</p> <p>v.</p> <p>LAURENCE GOODMAN,</p> <p>Defendant.</p>	<p>^ COURT USE ONLY ^</p>
<p>Beth McCann, District Attorney Robert S. Shapiro, Special Deputy District Attorney Ralph L. Carr Colorado Judicial Center 1300 Broadway, 9th Floor Denver, CO 80203 Telephone: 720-508-6000 E-Mail: robert.shapiro@coag.gov Registration Number: 26869</p>	<p>Case No. 17CR10088</p>
<p align="center">PEOPLE'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF MISTAKEN RELIANCE ON LEGAL AUTHORITY OR INTERPRETATIONS</p>	

District Attorney Beth McCann by and through the undersigned Special Deputy District Attorney moves the Court in limine to exclude any evidence or argument regarding mistaken reliance on legal authority or interpretations to justify the defendant's actions for the reasons that follow:

1. Defendant Laurence Goodman is charged with a variety of criminal offenses related to his involvement with the "We the People" enterprise.

2. The We the People enterprise created and sent to their victims numerous documents, including spurious liens, arrest warrants, and other similar documents accusing various public officials of insubordination, fraud, insurrection, and sedition. The organization also filed with the court and publicly recorded many of these documents.
3. Most of the documents created by the enterprise contained quotes, references, and citations to the United States Constitution, Colorado Constitution, various federal and state statutes, as well as federal and state case law.
4. The People anticipate, based on two prior jury trials involving co-defendants and the nature of Mr. Goodman's filings, that he will attempt to present evidence that he mistakenly relied on legal authority as the basis for any actions taken in conjunction with the organization or that he believed his actions were justified by legal authority or interpretations.
5. The People request that the Court exclude this evidence because Mr. Goodman is ineligible to raise mistake of law as a defense.

Law and Argument

The general rule is "that ignorance of the law or mistake of law is no defense to criminal prosecution." *People v. Holmes*, 959 P.2d 406, 414 (Colo. 1998). In Colorado, the only defenses available are those defined by statute. See C.R.S. § 18-1-104(3) (abolishing common law crimes; crimes are defined by the General Assembly in statutes); C.R.S. § 18-1-103(1) (stating that Colorado statutory authority governs the construction and punishment of any defined offenses and also "the construction and application of any defense to a prosecution for such an offense"); see also *Oram v. People*, 255 P.3d 1032, 1036-37 (Colo. 2011)

(holding common law bonding agents privilege does not survive as an affirmative defense).

Mistake of law is an affirmative defense in Colorado. C.R.S. § 18-1-504(2)-(3). “A mistake of law defense relates to the mistaken belief that conduct does not, as a matter of law, constitute a criminal offense.” *People v. Lesslie*, 24 P.3d 22, 25 (Colo. App. 2000). Such a mistaken belief, however, is not a defense unless the conduct falls into one of several exceptions, including that the conduct is permitted by statute or an official written interpretation of the law relating to the offense. *Id.*; see also C.R.S. § 18-1-504(2)(a), (2)(c).

Under C.R.S. § 18-1-504(2), the conduct that the defendant engaged in must be permitted by:

- (a) A statute or ordinance binding in this state;
- (b) An administrative regulation, order, or grant of permission by a body or official authorized and empowered to make such order or grant the permission under the laws of the state of Colorado;
- (c) An official written interpretation of the statute or law relating to the offense, made or issued by a public servant, agency, or body legally charged or empowered with the responsibility of administering, enforcing, or interpreting a statute, ordinance, regulation, order, or law. If such interpretation is by judicial decision, it must be binding in the state of Colorado.

Eligibility for a mistake of law defense hinges on the defendant’s *specific conduct* that must be permitted by binding legal authority or interpretation. See *People v. Bruno*, 342 P.3d 587, 591 (Colo. App. 2014) (“Because the court properly determined that Bruno’s actions were not permitted under the adverse possession statute, his mistaken belief does not relieve him of criminal liability, and we find no error.”); *People v. Gutierrez-Vite*, 411 P.3d 119, 121-23 (Colo. App. 2014) (finding

conduct engaged in did not meet statutory requirements for adverse possession and could not relieve defendant of criminal liability for attempted theft).

Here, the documents authored by Mr. Goodman and the enterprise contained purported “legal authority,” and the organization claimed they were acting in accordance with that legal authority. However, the constitutional provisions, statutes, and cases that appeared in these documents generally related to oaths and bonds, or the use of the grand jury. Mr. Goodman and his co-defendants presented various documents to the victims in this case. In those documents they cited statutes or written interpretations to justify their conduct. However, none of these statutes or written interpretations permitted the specific conduct that Mr. Goodman and the enterprise engaged in that resulted in the charges in this case.

For example, no legal authority has been presented that would justify the threatening statements and tactics that were used against the public officials, even if it were assumed that they did not have valid oaths and bonds. None of the numerous documents in this case contain any legal authority that would permit claiming officials owed monies based on their perceived constitutional violations, much less recording liens for these amounts. Additionally, no legal authority presented would permit the specific conduct of threatening a citizen’s arrest of public officials.

In addition to a lack of legal authority permitting Mr. Goodman and the enterprise’s specific conduct, any legal authority or interpretations that have been cited or relied on fail to meet the requirements of C.R.S. § 18–1–504(2). A defendant must rely on binding statutes or official written interpretations that would be binding in this jurisdiction. *See* C.R.S. § 18–1–504(2); *Lesslie*, 24 P.3d at 25 (finding reliance on sheriff’s order insufficient “because the sheriff was not an official authorized or empowered to permit the interception and recording of communications”). Mr. Goodman and the enterprise

typically and improperly cite to and misapply legal authority. The law presented is taken out of context or is dicta and not binding on this Court.

Additionally, even if the other requirements of C.R.S. § 18-1-504(2) could be met, Mr. Goodman would be unable to establish a belief that his and the enterprise's conduct was permitted because the enterprise had been put on notice that their conduct was unlawful. The enterprise had members involved in two spurious lien cases in which liens were declared spurious and fines were assessed. The enterprise was put on notice that their conduct was unlawful through these cases. First with John Harrison in 2015 and later with Stephen Nalty in 2016. Further, the enterprise was put on notice that their conduct could violate the law when they were removed from the National Liberty Alliance¹ due to the use of liens.

Finally, evidence must also be relevant to be admissible. CRE 402. In order for evidence to be relevant, it must "make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." CRE 401. Additionally, the Court should exclude relevant evidence when its probative value is substantially outweighed by the danger of confusion of the issues, or misleading the jury. CRE 403.

In the event Mr. Goodman tries to present evidence of his reliance on legal authority to negate an element of a charged offense such as mental state, this would raise a legal question irrelevant for

¹ The National Liberty Alliance is a national organization known to advocate the adoption of its own version of common law as opposed to US and State laws passed by US and State legislatures and interpreted by lawful courts. This organization spearheaded a national movement to convene common law grand juries in each county within the US. The enterprise was part of this organization until approximately January 2015.

consideration by the jury. Further, the presentation of this evidence would also raise a substantial danger of confusing the issues and misleading the jury.

Mr. Goodman cannot meet the statutory requirements to be eligible for a mistake of law defense and, thus, should be precluded from presenting evidence that he mistakenly relied on legal authority as the basis for any actions taken in conjunction with the organization or that he believed his actions were justified by legal authority or interpretation. Any evidence on this issue would also be irrelevant for consideration by the jury, and would confuse the issues and mislead the jury.

WHEREFORE, the People request that the Court exclude any evidence that the defendant mistakenly relied on legal authority or interpretation to justify his actions.

Dated this 16th day of July 2018.

Beth McCann
District Attorney

/s/ Robert S. Shapiro
ROBERT SHAPIRO, 26869*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July 2018, a true and correct copy of the People's Motion in Limine to Exclude Evidence of Mistaken Reliance on Legal Authority or Interpretations filed with Court was e-filed via ICCES and mailed to the Defendant via the United States Postal Service, postage prepaid, at the following address:

Laurence Goodman
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Boulder, CO 80307-3792

Pro Se Defendant

/s/ paralegal for R. Shapiro

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>520 W. Colfax Ave. Denver, CO 80204</p> <hr/> <p>PEOPLE OF THE STATE OF COLORADO,</p> <p>Plaintiffs,</p> <p>v.</p> <p>LAURENCE GOODMAN,</p> <p>Defendant.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Beth McCann, District Attorney Robert S. Shapiro, Special Deputy District Attorney Ralph L. Carr Colorado Judicial Center 1300 Broadway, 9th Floor Denver, CO 80203 Telephone: 720-508-6000 E-Mail: robert.shapiro@coag.gov Registration Number: 26869</p>	<p>Case No. 17CR10088</p>
<p align="center">PEOPLE'S MOTION IN LIMINE TO EXCLUDE EVIDENCE REGARDING A LEGAL BASIS FOR THE "PEOPLE'S GRAND JURY"</p>	

District Attorney Beth McCann by and through the undersigned Special Deputy District Attorney moves the Court in limine to exclude evidence or argument regarding a legal basis for the "People's Grand Jury" for the reasons that follow:

1. Defendant Laurence Goodman is charged with a variety of criminal offenses arising from his involvement with the "We the People" enterprise that instituted what they called the "People's Grand Jury." The enterprise used a variety of different names to

refer to this “grand jury” including the de jure People’s Grand Jury, People’s Grand Jury Administration, or People’s Grand Jury for the People of Colorado.

2. The We the People enterprise created and sent to their victims numerous documents in the name of the “grand jury,” including spurious liens, writs, and other similar documents accusing various public officials of insubordination, fraud, insurrection, and sedition.
3. The People anticipate, based on two prior jury trials involving co-defendants and the nature of Mr. Goodman’s filings, that he will attempt to present evidence that would imply that the organization’s creation of a “grand jury” was supported by legal authority.
4. The People request that the Court exclude this evidence as it relates to a legal question and is irrelevant for the jury’s consideration. Further, the danger of confusion of the issues and misleading the jury substantially outweighs any probative value of this evidence.

Law and Argument

Evidence must be relevant to be admissible. CRE 402. In order for evidence to be relevant, it must “make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” CRE 401. Additionally, the Court should exclude relevant evidence when its probative value is substantially outweighed by the danger of confusion of the issues, or misleading the jury. CRE 403.

The course of conduct engaged in by the “People’s Grand Jury”—creating, sending, and recording spurious liens, writs, and other similar documents accusing various public officials of insubordination, fraud,

insurrection, and sedition—underlies many of the charges against Mr. Goodman and his co-defendants. Mr. Goodman’s position is anticipated to be that the “People’s Grand Jury” and its activities are supported by legal authority. This position, as it has been articulated through prior argument and filings, is based on non-binding authority and authority that has been miscited or taken out of context. This evidence presents a legal issue, irrelevant to anything that must be decided by the jury, and presents a substantial danger of confusion of the issues, or misleading the jury.

The conduct underlying the charges *is not* Mr. Goodman’s membership in or association with the “People’s Grand Jury,” or his participation in discussions of political ideology, the sovereign citizen movement, or any other topic. Allowing people to gather to discuss ideas lies at the heart of the First Amendment’s protections. “[T]he right of association is a ‘basic constitutional freedom’ . . . [that] lies at the foundation of a free society.” *Buckley v. Valeo*, 424 U.S. 1, 25 (1976) (citations omitted). Government cannot “deny[] rights and privileges solely because of a citizen’s association with an unpopular organization.” *Healy v. James*, 408 U.S. 169, 185–86 (1972).

However, Mr. Goodman was not indicted for talking about his political beliefs or associating with those who may share similar views. The grand jury indicted Mr. Goodman because it concluded that his conduct violated Colorado law. In practice, the “People’s Grand Jury” was not merely a means of joining voices in order to more forcefully express dissident views. It crossed the line into criminal conduct not protected by the constitution when it began issuing putative writs, liens, warrants, and other similar documents that, despite their lack of legal or factual foundation, were designed to alter the conduct of those who received them.

Certainly the extent to which the conduct of the “People’s Grand Jury” amount to a “true threat,” and is therefore unprotected by the First Amendment, is for the jury to decide, as is the nature of the

defendant's participation in the scheme. *See People v. McIntier*, 134 P.3d 467, 472 (Colo. App. 2005). However, Mr. Goodman's position can be distinguished from these questions for the jury because of his belief that the creation of the "People's Grand Jury" and the actions taken by that group were supported by legal authority.

The source of this belief is somewhat mysterious. Mr. Goodman's co-defendants have presented a patchwork of cases taken out of context. However, the primary authority Mr. Goodman may point to is Justice Scalia's discussion of the roots of the grand jury in *United States v. Williams*, 504 U.S. 36 (1992). Scalia described the grand jury "[a]s a constitutional fixture in its own right," that "belongs to no branch of the institutional Government, serving as a kind of buffer or referee between the Government and the people." *Id.* at 47 (internal quotations and citations omitted). The opinion went on to note "[t]he grand jury's functional independence from the Judicial Branch," and that "unlike a court, whose jurisdiction is predicated upon a specific case or controversy, the grand jury can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not." *Id.* at 48 (internal quotations and alterations omitted). "Recognizing this tradition of independence, we have said that the Fifth Amendment's constitutional guarantee presupposes an investigative body acting independently of either prosecuting attorney or judge." *Id.* at 49 (emphasis and internal quotation omitted).

Based on this dicta Mr. Goodman may argue that the "People's Grand Jury" is simply fulfilling a role—a grand jury completely independent of the judicial system—recognized by the United States Supreme Court. However, read in context, it is clear that *Williams* did not endorse the establishment of such a body. The opinion addressed a much narrower question: the extent to which the judiciary may impose procedural rules on grand juries. In holding that the grand jury acts "independently of either [the] prosecuting attorney or judge," *Williams* addressed only whether courts may tell grand juries how to do their jobs. 504 U.S. at 49. It was not endorsing the creation of extrajudicial

grand juries operating entirely outside the established legal system. To the contrary, the opinion repeatedly stressed that the grand jury's investigative authority is circumscribed by constitutional limitations and is dependent in large part on the presiding court's exercise of the power of compulsory process. *See id.* at 48.

Thus, while *Williams* held that the grand jury's decision-making and the process for reaching a decision cannot be prescribed by the presiding court, it is implicit in the opinion that the grand jury itself operates under the auspices of the judicial system. The opinion's references to grand jury independence are not a call for the creation of roving citizen's grand juries that are completely divorced from the existing judicial system. They are instead affirmation of the grand jury's deliberative independence within the established statutory and constitutional framework.

While participation in the "People's Grand Jury," standing alone, may amount to protected speech, engaging in illegal conduct in connection with that entity is not. The Court should preclude Mr. Goodman from presenting evidence or argument at trial in an attempt to establish that the "People's Grand Jury" is authorized by *U.S. v. Williams*, the United States Constitution, Colorado Constitution, or any other recognized source of law. This evidence raises a legal issue, is irrelevant to the determination of any issues that the jury will need to decide, and if presented there is a substantial danger of confusing the issues and misleading the jury.

WHEREFORE, the People request that the Court exclude evidence or argument regarding a legal basis for the "People's Grand Jury".

Dated this 16th day of July 2018.

Beth McCann
District Attorney

/s/ Robert S. Shapiro

ROBERT SHAPIRO, 26869*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July 2018, a true and correct copy of the People's Motion in Limine to Exclude Evidence Regarding a Legal Basis for the "People's Grand Jury" filed with Court was e-filed via ICCES and mailed to the Defendant via the United States Postal Service, postage prepaid, at the following address:

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P.O. Box 3792
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/s/ paralegal for R. Shapiro