

<p>County Court Arapahoe County. Colorado</p> <p>Court Address: 1790 West Littleton Blvd. Littleton, Colorado 80120</p>	<p><b>COURT USE ONLY</b></p>
<p>Plaintiff(s) Petitioner(s) The Dam East Homeowners Association, Inc and Jonathan Hummel, Finn Eddy Larson, Alan Campbell Margie Moore, Kelsey Quigg and Greg Silva</p> <p>v.</p> <p>Defendant/Respondent James W. Burneson. Pro Se</p>	
<p>Attorney or Party Without Attorney (Name and Address) Jeffrey A. Lane Esq. Springer and Steinberg 1600 Broadway Suite 1200 Denver, CO 80202 303-861-2800 Fax :303-832-7116 Atty. Reg # 11356</p> <p>James W. Burneson 12641 E Bates Cir Aurora, CO 80014 303-750-1500 <a href="mailto:burnesonj@msn.com">burnesonj@msn.com</a></p>	<p>DISMISS STIPULATION LETTER Dated December 3, 2007 and DISMISS PPO WITH PREJUDICE.</p>

COMES Now Defendant James W. Burneson Pro Se by this motion and affidavit hereby request the court to dismiss the Stipulation Dated December 3, 2007 and the Permenate Protection Order with Prejudice for the following reasons:

1. Enclosed is a copy of a publication named marked **Exhibit A**

**18<sup>TH</sup> DISTRICT COURT OF ARAPAHOE COUNTY COLORADO**  
**JUSTICE DENIED 1999-2009**  
**WHAT IS WRONG WITH THE SYSTEM**  
**List of judges who roll over for**  
**Jeffrey Lane of Springer and Steinberg**

Through this publication a list of judges are reviewed who cooperated with Jeffrey Lane to prevent HOA Dam East Homeowner Association from opening their books to Defendant James W. Burneson Pro Se review. Jeffrey Lane claimed he represented this HOA as his client when all the time he was representing himself while stopping the Board of Directors of the Dam East Homeowner Association from allowing anyone to see the books from years 2000 to the present.

Mr. Lane along with attorneys Tim Moeller and Rich Johnston committed thief of HOA funds without authorization according to Statute -184-401 "1) A person commits theft when he knowingly obtains or exercises control over anything of value of another without authorization.",

2. Mr. Burneson's efforts since year 2000 to get the books opened have been denied by Judges appointed by the 18<sup>th</sup> District Courts of Arapahoe County who through ex parted communication with Mr. Lane agreed to protect him from allowing the books being inspected.

3. I hereby accuse this court to be a part of this conspiracy to deny the books by means of continuing a PPO Originally ordered by Judge Cross and Judge Ettenberg. The PPO was order to be continued by Judge Morris without any review of witnesses who was to be protected by the order. Mr. Burneson was Ordered not to annoy the Board of Directors whomever they maybe. No names of any Board of Director was listed or stated. Mr. Lane's procedure through out the past hearings with judges he seldom needed a motion to be filed with the court because he is above the law and has the right to talk directly with the judge outside of the court. This is how Mr. Lane sets the stage that would deny Mr. Burneson's request to see the books.

4. A second charge against this court is the judge was prejudice in his orders to keep Defendant under the rule of the PPO and a letter of Stipulation which expires November 2009. In a hearing conducted by this court on January 9, 2008 a part of the transcript is attached and Marked as **Exhibit B.** A complete copy of the transcript is available on the website [www.court-house.com](http://www.court-house.com) listed as Chapter 30. One of the causes for damages is the fact Mr. Burneson's rights to Freedom of Speech has been denied by this court while continuing the PPO and agreeing with Mr. Lane's request for the Stipulated agreement.

5. The Stipulation was a set up devised by Mr. Lane with the court as a means to stop Mr. Burneson from pressuring the board into opening the books for his review.

**6. Starting on page 27 line 21 printed in red** "Judge Morris has been neutral in this hearing through this page and part of page 28." If the hearing could have been closed at this point Judge Morris would remain impartial. But thanks to the winning and whimpering of Mr. Lane Judge Morris got sucked into the

website where he has no authority to rule. Why he opened this issue while refusing to get involved in my lawsuit to get the books is a major fault in law by Judge Morris." From this point forward Judge Morris proves he is prejudice against Defendant James W. Burneson.

**Page 28 line 6 printed in red** From this point on the hearing takes another turn and Judge Morris starts with threats that were uncalled for and involves himself in areas that the court has no jurisdiction to give any orders. The Website is not included in any PPO. What Mr. Burneson publishes is under Freedom of Speech, First Amendment. Why does Judge Morris try to help Mr. Lane in an area he has no jurisdiction?

Threat by Judge Morris because Mr. Burneson would not agree to demands he give up his right to Freedom Of Speech on his website that was uncalled for and proves Judge's decision was not impartial. **Page 28 line 10 through line 12.**

**The court "If you so much as spit on the sidewalk in front of a 11 Homeowner's Association agent, employee, officer, you'll be in 12 contempt."** How can Mr. Burneson defend himself from charges filed by any owner that I spit on his sidewalk? It's a setup to put Mr. Burneson in jail for 180 days. This threat to send Mr. Burneson to jail for spitting is out of line and completely prejudice in favor of Mr. Lane.

Reading on to the next page 29 line 7 through line 25 printed in red.

"7. MR. LANE: That's just what I was looking at Judge.  
8 The stipulation says correspondent in any form whatsoever.  
9 Which I think, which I think probably is less expansive than  
10 spitting on the sidewalk. But nonetheless, as the Court's noted  
11 before, the PPO probably covers the Dam East Homeowner's  
12 Associations, includes all of its members. So I, and so we can  
13 provide Mr. Burneson with a membership list. and I'll do that  
14 within five days, within 10 days. Give me some time because of  
15 the holidays, I don't know if the property managers...  
16 MR. BURNESON: So that means I can't talk to any  
17 neighbor in fear of being accused, I mean my god I'm wide open  
18 here. **Talk about loss of Freedom of Speech?????**

19 THE COURT: I know you are.  
20 MR. BURNESON: And, and how could I differ that I never  
21 spit on his sidewalk. I mean the whole I'm not allowed to talk  
22 to any neighbor? **This was never the intention of the Stipulated Agreement. I have a letter from my attorney with what was intended. It will be provide in any court hearing in the future.**  
23 MR. LANE: I guess, Judge, if Mr. Burneson is not, I  
24 haven't discussed this with my client yet, we probably need to  
25 **This interpretation of the original PPO is now way beyond any reasonable consideration and the Stipulated Agreement is not worded to include all members of the association. Lane and the judge are working together to punish Mr. Burneson for his objection to who is covered. This would not stand up in an appeal but an appeal would take too long to file and win an answer."**

**Go to Page 30 line 3 through**

MR. BURNESON: I don't know how to be, I have the right  
4 to enjoy the association and the facilities as a member. And I

5 don't see where the board needs the protection that I be denied  
6 the right to speak to anybody in the entire association.  
7 THE COURT: Well...  
8 MR. BURNESON: That's beyond...  
9 THE COURT: Would you be satisfied, Mr. Lane, to give  
10 him a list of the board members, and the officers, and he's  
11 prohibited from contacting them? **This is where the restrictions  
should have stopped and not includes the entire Association. But no it  
wasn't good enough for the two lawyers in the room one in a robe.**  
12 MR. LANE: Yes. And I think...  
13 THE COURT: This is, I think the gravamen of the whole  
14 problem, the Homeowner's Association meeting disruption, is that  
15 right?  
16 Mr. LANE: That's correct.  
17 THE COURT: So it would not prohibit him from...  
18 MR. LANE: But the other problems we've had, Judge, is  
19 in the past is if anybody, if anybody declares that they'd like  
20 to run for the board of directors, they get, start to get  
21 correspondences from Mr. Burneson.  
22 It, I'm going to use a term that probably minimizes this,  
23 but it has a chilling effect, more than a chilling effect, it's  
24 a freezing effect. And we had members of the association last

**Lane continues to outline why the entire Association is to be  
protected from any contact by Mr. Burneson pages 31 Judge Morris now  
on page 32 line 13 agreed to name 425 homes under this PPO and  
Stipulation without any witnesses nor was Jim Burneson granted any  
rebuttal to Lanes demands. This is called a cho cho train trial.**

**Page 33 line 4**

4 THE COURT: You're saying you tried mediation and it  
5 didn't work? **That's right and Morgan Carroll's bill for mediation in  
the State Legislature will not do anything but make money for the CAI  
lawyers.**  
6 MR. LANE: It was about eight or nine years ago, seven  
7 years ago, something like that. It was before I was involved.  
8 Three times.  
9 THE COURT: Well...  
10 MR. BURNESON: May I ask?  
11 THE COURT: No. You've heard me lecture you.  
12 MR. BURNESON: Yes sir.  
13 THE COURT: You know what's going to happen. Even,  
14 I'll accept that this was an erroneous thing though. I accept  
15 it with some reservation. No further errors, there will be no  
16 errors. As Mr. Lane has said, once you file this, there be no  
17 further incidents.  
18 MR. BURNESON: There won't be.  
19 THE COURT: There better not be. And as far as the  
20 Homeowner's Association is concerned, my message to them is I  
21 mean it when I say to Mr. Burneson, no matter how minor, if  
22 there's proven violation of the restraining order again, you

23 will go to jail. At this rate Mr. Lane will not need any proof of a violation to get Burneson in Jail. "Yes Your Honor He spit on my sidewalk and my neighbor also saw him do it." Can't get any more partial to one side than this statement by a judge. Anything for Jeffrey Lane. WHO WOULD HAVE THOUGHT SOMEONE WOULD PUBLISH THIS TRANSCRIPT OVER THE INTERNET?

**GO TO PAGE 34 LINES 1 THROUGH REST OF PAGE.**

widespread notoriety that vilifies the Homeowner's Association,  
2 you will be in contempt, because that is a communication. Even  
3 if it's a letter to the editor that is a communication. Do you  
4 understand that?

Judge Morris has now stepped over the line of neutral. Mr. Burneson has his right to Freedom of Speech and from now on that right is being denied by a county judge without the authority other than trying to intimidate the defendant.

5 MR. BURNESON: I, I have to ask you a question if I  
6 may? Now I can ask a question?

7 THE COURT: Sure.

8 MR. BURNESON: If I publish, and I have a publication  
9 that I, that is published to the public, that is not a  
10 communications to the association. I publish it on the internet,  
11 to the internet, that is not, they do not have to read it. They  
12 are not involved in that, in that publication at all. And  
13 that's called freedom of speech. From this point on Judge Morris is out of line and has no jurisdiction to give Mr. Burneson any orders regarding the Internet.

14 MR. LANE: Well, Judge that brings up the third issue.  
15 Mr. Burneson has a website that probably has, and I look at it  
16 periodically, I may be the only one that looks at it, I don't  
17 know if anybody else ever looks at it, but I look at it, and I  
18 know some of the board members do, and you'll see in almost  
19 virtually all of his pleadings, and all of his letters, in fact  
20 the e-mail to Mr. Palmer that you have in the file that was  
21 attached to my motion, he always says, in fact this is what he  
22 says in that e-mail, so this is what he's getting to.  
23 "I wasn't getting anywhere with the meeting so I'll spend  
24 more time on my website telling the world about the worst HOA in  
25

**GO TO PAGE 35 LINE 1 END OF PAGE**

1 the front range which is not prevented by the Court. So watch  
2 for my new monthly column on my website, WWWCourthouse.com."  
3 So I know the Court's admonishing not to do this, but on  
4 the, on the day that he entered into the stipulation he told Mr.  
5 Palmer he was going to keep doing it.

6 THE COURT: A long time ago Judge Cross in the initial  
7 stages of these proceedings gave some sound advice. And he  
8 concluded words to the affect that if he has to he will restrict  
9 your freedom of speech. Do you remember Judge Cross telling you  
10 that? Judge Cross is no longer involved in this case. If anyone tried to censor my website I will be in the Federal Courts requesting a TRO to stop my Freedom of Speech being denied. No one will stop my rights to speak in this war.

11 MR. BURNESON: Yes.

12 THE COURT: That's very early in the trial.  
13 MR. BURNESON: But he...  
14 THE COURT: I read every word of that file.  
15 MR. BURNESON: I remember him saying I do have freedom  
16 of speech.  
17 THE COURT: You do have, but if you abuse your freedom  
18 of speech, then he said he would restrict it. And I'm at a  
19 point of restricting it. The various things that you have  
20 published are (inaudible) attacks that you don't provide  
21 foundation, for which you don't provide foundation. *Is this Judge Morris  
admitting he has read my website and now he is prejudice against me? It's  
called recusal now not over the next 2 years of the stipulated agreement.*  
22 MR. BURNESON: I provide transcripts, actual court  
23 transcripts. I believe that...  
24 THE COURT: When you refer to scumbags...  
25 *Mr. Lane is not covered by any PPO so where does Judge Morris get the  
authority to protect ex magistrate Lane from my charges on the web backed up  
by transcripts? All my criticisms of anyone in this document are not covered  
by the PPO or the Stipulated Letter. If there are letters or documents on  
line with criticisms they are dated well over 3 years in the past published  
before stipulated letter. The criticisms can be proven by allowing the books  
to be opened to inspection by Mr. Burneson.*

**Go to page 36 line 1 through to bottom of page.**

Line 7 THE COURT: Any foundationless attacks will be a  
8 violation. Do you understand that?  
*By whose standard? It no longer can be Judge Morris's opinion. Where does  
Judge Morris get the authority to demand there be no foundationless attacks  
against anyone in the world?*

9 MR. BURNESON: With no foundation would be an attack,  
10 yes sir.  
11 THE COURT: And you better damn well have the  
12 foundation.  
13 MR. BURNESON: Yes sir.  
14 THE COURT: Understand that? Because I know I'm not  
15 stopping you. You're obsessive, you're compulsive. *I am not Obsessive  
Compulsive but have the right to fight for my rights to see the books with 4  
attorneys fighting to hide them.*  
MR. BURNESON: Your Honor I am listening and accepting  
17 everything you're saying. *Mr. Lane can try and stop Mr. Burneson by having  
someone in the HOA lie about him spitting on the sidewalk. Judge Morris has  
removed a defense Mr. Burneson will need to protect himself from the 18<sup>th</sup>  
District Justice system. Chief Judge Sylvester needs to see how his courts  
treat the public to protect a lawyer like Jeffrey Lane.*  
18 THE COURT: Okay.  
MR. BURNESON: I have one main question I need to ask  
20 you, very important.  
21 THE COURT: Go ahead.  
22 MR. BURNESON: As an example for this next two years of  
23 getting along, in the Dam East Wind it's stated, "If you're over  
24 60 years old and you can't shovel your walk please contact the  
25 board and we will shovel the walk for you." How can I do that?

**GO TO PAGE 38 LINE 1 TO THE BOTTOM**

Mr. Lane tells the court he approved Mr. Burneson contacting the Association's attorney if he needs to communicate with the Board of Directors. Problem Attorney James Wilder has tried to hide from any communication from Mr. Burneson. The Supreme Court of Colorado list Mr. Wilder as the same address as Western States Property Services Inc. So all letter intended for Mr. Wilder has been sent to the property manager's office of Cherry Creek HOA Professionals, LLC.

Second problem the Board of Directors will never be advised of anything Burneson sent to the attorney. That's the purpose of the PPO and Stipulated Letter. Mr. Burneson is denied any means of communicating with the board except to Mr. Lane who will not tell the board anything Mr. Burneson has said.

**Mr. Lane continues his efforts to attack Mr. Burneson's website in Judge Morris's court. WAS THIS TACTIC SET UP EX PARTE WITH THE COURT? Sure it was.**

**GO TO PAGE 39 LINE 1 READ TO THE BOTTOM OF THE PAGE.**

1 the, the e-mails that he's already been found in contempt, or  
2 confessed to be contempt with respect to? **Again by whose standard?**  
**It can't be at Judge Morris's standards since he has to recuse himself**  
**from this court hearing in the future.**

3 THE COURT: You got that...

4 MR. LANE: Is that a fair statement?

5 THE COURT: Sure.

6 MR. BURNESON: Say that again please.

7 THE COURT: Okay, I'll say it.

8 MR. BURNESON: Okay.

9 THE COURT: Because I don't want to get it (inaudible).

10 MR. BURNESON: Okay.

11 THE COURT: You are to exercise your freedom of speech

12 with a certain amount of control.

13 MR. BURNESON: Okay.

14 THE COURT: You're not to make comments that accuse

15 people not of factual things. **WHERE IN THE LAW DOES A COUNTY**  
**JUDGE HAVE THE AUTHORITY TO MAKE THE HIGHLIGHTED STATEMENT WHICH**  
**COVERS THE WORLD NOT THOSE LISTED IN THE PPO OR STIPULATED LETTER???**

16 MR. BURNESON: I understand that.

17 THE COURT: You're not to call people nasty names. **As listed under**  
**the PPO or STIPULATED LETTER. NOT THE WORLD. THIS PROVES JUDGE MORRIS**  
**BELIEVES HIS AUTHORITY CAN RULE OVER Mr. Burneson's FREEDOM OF SPEECH**  
**FROM THE AUTHORITY OF THE PPO AND STIPULATED LETTER. WRONG, THIS WAS A**  
**PLOY TO INTIMIDATE Mr. Burneson to stop his website and protect lawyer**  
**Jeffrey Lane.**

18 MR. BURNESON: No, I agree. **Mr. Burneson's only answer has to agree**  
**in court.**

19 THE COURT: You're not to threaten people.

20 MR. BURNESON: No.

21 THE COURT: Okay. And part of that threatening we

22 covered at last hearing if you recall, where you had to exercise

23 your constitutional rights to remain silent. Do you remember

24 that?

25 MR. BURNESON: Say that again, I'm sorry.

7 THE COURT: Don't do any of that stuff. If you have  
8 legitimate complaints about the Homeowner's Association, address  
9 them to general counsel or litigation counsel. That's easy.  
10 Okay? Those are your funds. Complaining to the lawyer of the HOA is  
worthless since the Board of Directors of the HOA will never see the  
complaint. Mr. Lane will censor all my complaints like he has censored  
most of my letters to the board. REMEMBER Mr. Lane is in this  
litigation to protect himself not the Board of Directors. For 10 years  
he has successfully keep the books hidden from Mr. Burneson's review.

11 MR. BURNESON: Okay.

12 THE COURT: Through those folks. Okay? Now, when is  
13 your District Court hearing?

14 MR. LANE: We have a case management conference  
15 January, I'm thinking January 22<sup>nd</sup>, I don't have a calendar in  
16 front of me. The trial is currently set for April. There's  
17 some disputes, there's a motion for summary judgment that I  
18 filed that's pending. I don't know if it will go to trial or  
19 not, but it may. Mr. Lane's Summary Judgment was denied by the  
Judge.

20 THE COURT: That, that may resolve the issue one way or  
21 the other.

22 MR. BURNESON: Yes.

23 MR. LANE: One other thing Judge.

**Go to page 42 read to the end of transcript.**

Mr. Lane continues to complain about the website and Judge Morris  
continues to threaten jail if Mr. Burneson violates the PPO or  
Stipulated Letter. The Website is not addressed to the HOA but to the  
public. Anyone has the right to visit the website and Mr. Burneson  
has not violated the terms of the PPO or Stipulated Letter.

GO TO PAGE 46 LINES 6 TO END OF TRANSCRIPT.

7 THE COURT: Okay. We may be back in here. I've given  
8 you a last chance sir. Now Mr. Lane is absolutely correct, even  
9 this technical violation should probably put you in jail for  
10 that 180 days. I didn't want to do it.  
Lane has to learn intimidation doesn't work on Burneson. 31 days in  
jail didn't stop his requests to see the books. Another 180 days will  
not stop him.

11 MR. BURNESON: I understand.

12 THE COURT: I will gladly do it if there is the  
13 slightest violation in the restraining order. Got it? Of the LI  
agreement.

15 MR. BURNESON: Of the stipulated agreement.

16 THE COURT: That's right.

17 MR. BURNESON: Okay.

18 MR. LANE: And Judge does Mr. Burneson still want a  
19 membership list?

20 THE COURT: You do want a membership list?

21 MR. BURNESON: I want a list, I really want to know in  
22 the newsletter they list who is who. But that's not accurate,  
23 nor is it up to date. I don't know who is. And I'm going to be  
24 held liable.

25 THE COURT: Is the newsletter up to date?

48

1 MR. LANE: I don't know. But we'll provide a  
2 membership list. Although the, the declaration provides that a  
3 board member can be a non member. I believe all the board  
4 members are members. So a membership list will encompass all the  
5 board members. And I don't think there's any committee  
6 members, and the only agent Mr. Burneson would already know  
7 about is the management company and their employees. So he  
8 should know, he should now who these folks are.

9 THE COURT: Just copy him and make the record of when  
10 you provided the information to him.

11 MR. LANE: We will do that Judge, I appreciate that.

12 THE COURT: Okay.

13 MR. LANE: I appreciate that Your Honor.

14 THE COURT: Anything else?

15 MR. BURNESON: Nothing this morning Judge.

16 THE COURT: That's it.

17 COURT CLERK: All rise. Court is in recess.

18 The letter from Mr. Burneson's Lawyer doesn't say He can't talk to  
the neighbors as his understanding of the Stipulated Agreement. He may  
not discuss problems with the Board of Directors but the agreement  
never was intended to restrict his communication with the neighbors  
about other subjects beside the Board of Directors. I want Mr. Lane to  
know this before he tries to file charges with this court and a new  
judge has been assigned to replace the third Judge in this litigation.  
It is Mr. Burneson's opinion this hearing has clouded what is legal as  
per the stipulated agreement. It pertains only to the Association and  
has nothing to do with the internet website at [www.court-house.com](http://www.court-house.com)

19 SEE SUMMARY AT THE END OF THIS TRANSCRIPT.

Jim Burneson

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1 CERTIFICATE

3 I, Dawn Heaton hereby certify that I transcribed this  
4 record from the digital recording of the above-entitled matter,  
5 which was heard on January 9, 2008, before JUDGE MORRIS in  
6 Division A-2 of the Arapahoe County Court in Littleton,  
7 Colorado.

9 I further certify that the aforementioned transcript is a

10 complete and accurate transcript of the proceedings requested  
11 based on the audio facilities of the recording devices and my  
12 ability to understand them. Inaudibles are due to microphones  
13 not working properly, excessive noises or muffled voices.

14

Signed this 3rd day of February 2008 in Douglas County,

16 Colorado.

17

18

20 Dawn Heaton

21

22

23

24

In the past legal system the above transcript would be placed in  
a filing cabinet and forgotten. It would never be retrieved or  
opened for any reason unless an appeal was filed.

Mr. Burneson didn't file an appeal in this case because he has  
learned appeals don't provide any justice to a Pro Se litigator.  
Pro Se Appeals to the Supreme Court are 90% of the time denied  
without any judge reading the appeal. It is usually read by a  
clerk who has the authority to stamp an appeal denied and no one  
will know the difference. This short cut of clerk denial reduces  
the work load of the justices so they can spend time on the news  
worthy appeals. Mr. Burneson has also found the Colorado Supreme  
Court when handling

complaints from the public against lawyers and even Judges it's the purpose of this court to protect the law licenses of lawyers and Judges from the PUBLIC. This way scandals are kept silent to protect the image of the courts in the public's eyes.

There is a scandal pending involving an Appeal decided by a retired Supreme Court Judge that he didn't write the decision but some other person did so and caused the signature of the judge to appear on the document. Mr. Lane has some involvement in this Appellant Court

Decision. A NEW LEGAL SYSTEM IS COMING ABOUT WHERE COURT TRANSCRIPTS ARE REGULARLY PUBLISHED ON THE INTERNET FOR THE PUBLIC TO REVIEW FOR FREE AS THIS TRANSCRIPT IS PUBLISHED. This will cause judges to watch what they say in court and how they sound in a transcript if it is published. Mr. Burneson is developing a website named [www.alltranscripts.com](http://www.alltranscripts.com) which will be available by April this year.

Another violation of the present judicial system is the Districts individually restricting the sale of audioCDs of trials to the public. The real reason for this refusal is to protect judges from having their audio comments open to public review. This denial is not to save money for the Districts. Sale of audioCDs of all trials to the public doesn't cost the District any money if the public pays \$5.00 for the time and materials of copying the trial to a audioCDs.

Mr. Burneson was able to find three and a half hours of audio tapes that were intentionally deleted from the court transcript of Case 00C 4042 Div B-2 The Dam East Homeowner Association v Carla Burneson Judge Ruddick with Jeffrey Lane representing the HOA. If Mr. Burneson didn't have the audiotapes he never would have discovered the missing 3 and half hours of transcript. Six months of motions to deny the court record as being complete Judge Ruddick found the missing three hours and added a transcript to the court record. This had to be Jeffrey Lane's idea since Ruddick isn't too bright. Lane controlled Ruddick through this entire trial while Carla Burneson defended herself Pro Se. This entire transcript will be published on this Internet website with red line editing.

IN SUMMARY TO THIS HEARING TO PUT MR. BURNESON IN JAIL.

This entire PPO is a sham which was obtained by Mr. Lane's friendship with Judge Cross. All transcripts of this trial with Judge Cross and following hearings will also be published with red letter comments by Mr. Burneson.

The witness for the HOA in Judge Cross court were coached by Mr. Lane that it was OK to lie under oath because as we are all learning PERJURY IS NOT ENFORCED IN OUR CIVIL COURTS. A CIVIL JUDGE DOES NOT HAVE THE AUTHORITY TO RULE ON A FELONY AND PERJURY IS A FELONY. THIS

IS ONE OF THE DIRTY LITTLE SECRETS OF THE JUSTICE INDUSTRY THAT CHIEF JUSTICE MULLARKEY REFUSES TO ACKNOWLEDGE EXISTS. THE DISTRICT ATTORNEY IS THE ONLY ONE WHO CAN ENFORCE PERJURY IN A CIVIL COURT AND THERE IS NO RECORD OF ANY SUCH LAWSUIT BY ANY DA IN THE STATE OF COLORADO.

This is how Mr. Lane wins his cases in the 18<sup>th</sup> District courts of Arapahoe County. So Judge Cross under total control of Mr. Lane the PPO was issued to shut Burneson up and stop him from demanding his right to see the books of the Dam East Homeowner Association for the last 7 years.

With the PPO enforce if Mr. Burneson violated it by annoying the Board of Directors he could be sentenced to 60 days in jail.

Judge Cross had to recuse himself for violating court rules of denying 4 motions filed by Mr. Burneson WITHOUT READING THEM AND ADMITTED TO THIS FACT IN A HEARING TRANSCRIPT. New Judge assigned the case Judge Ettenberg who received the same 4 motions against Mr. Lane. These motions were denied after they were read over the phone by the Court Clerk Joann Thompson within 2 hours after they were filed. This is called swift justice to protect Mr. Lane.

Mr. Burneson was sentence to 60 days by Judge Ettenberg and released 31 days after sentence. When Mr. Burneson filed his motion to dismiss the PPO Judge Ettenberg recused himself

without putting the recusal in writing for the file. Judge Morris was appointed which brings us to this transcript. Judge Morris has no authority to expand the coverage of the original PPO from the named board of directors to encompass the entire membership of the HOA. To appeal this ruling Mr. Burneson has to appeal it to another District Judge in the 18<sup>th</sup> District. He has done this three times and while Chief Judge Leopold was in charge all three appeals was denied.

Mr. Burneson's best path to justice 1. Is the recusal of Judge Morris to remove him from being involved in any decisions for the next 2 years. 2. Burneson wins his request to review the books of the HOA by order of the District Court. The District Court has dismissed Mr. Burneson's lawsuit to see the books. This was done by Judge Pratt after Mr. Burneson filed a motions questioning how the court will protect him from Mr. Lanes suborn perjury in his court when perjury is not protected in civil court. Judge Pratt also had ex parte communication with Mr. Lane outside of the court.

The attorneys involved in denying the books for inspection are:  
1. Jeffrey Lane, 2. Rich Johnston, 3. Tim Moeller 4. Jake Hummel  
past president HOA.

EVIDENCE PRESENTED FROM THE TRANSCRIPT PAGES 27 TO 49.  
WITHIN THESE PAGES THERE IS ENOUGH EVIDENCE JUDGE MORRIS HAS A  
BENT OF MINE TO EXCEED HIS AUTHORITY WITH THREATS AGAINST

DEFENDANT JAMES W BURNESON BEYOND HIS JURISDICTIONS AS COUNTY JUDGE OVERSEEING A CLAIMED VIOLATION OF A STIPULATED LETTER.

During this hearing as per the statements made in the transcript Defendant claims Judge Morris is prejudice against Mr. Burneson and has sided with Mr. Lane over censorship of Mr. Burneson's website know as [www.court-house.com](http://www.court-house.com)

1. THIS MOTION FILED TO DISMISS THE PPO AND THE STIPULATED LETTER IS A SUBJECT JUDGE MORRIS CANNOT RULE ON DUE TO HIS CONDUCT AS OUTLINED IN THE TRANSCRIPT LISTED HEREIN. JUDGE MORRIS COULD COMPLY WITH THE MOTION TO DISMISS THE PPO AND STIPULATED LETTER AND BY THIS ACTION REMOVE HIMSELF FROM ANY FURTHER INVOLVEMENT WITHOUT RECUSING HIMSELF. JUDGE MORRIS FAILING TO DISMISS THE PPO AND STIPULATED WITH PREJUDICE JUDGE MORRIS MUST UNDERSTAND HIS NEXT CHOICE MUST BE TO RECUSE HIMSELF FROM ANY FUTURE INVOLVEMENT IN THIS LITIGATION AND ANY FURTHER INVOLVEMENT WITH MR. LANE OF SPRINGER AND STEINBERG.

2. A NEW JUDGE MUST BE ASSIGNED TO RULE ON THE MOTION TO DISMISS THE PPO AND STIPULATED LETTER WITH PREJUDICE AS THE SOLE INTENT THIS PAST LITIGATION WAS TO DENY MR. BURNESON RIGHTS TO EXPRESS HIS OPINION AS GRANTED BY THE FIRST AMENDMENT "FREEDOM OF SPEECH." TO CONTINUE THESE ORDERS IS A MISCARRIAGE OF JUSTICE.

3. THE MAIN PURPOSE OF THE PPO AND STIPULATION LETTER IS TO KEEP MR. BURNESON FROM GAINING ACCESS TO THE BOOKS OF THE DAM EAST HOMEOWNER ASSOCIATION IT'S NOT TO PREVENT THE BOARD FROM BEING ANNOYED.

4. All these years the PPO was enforced for a ruling which cannot be determined by a court of law. "NOT TO ANNOY THE BOARD OF DIRECTORS." HOW DOES ONE DETERMINE IF THE A BOARD MEMBER IS ANNOYED TRUTHFULLY?" IT CAN'T BE PROVEN SINCE PERJURY IS NOT ENFORCED IN COLORADO CIVIL COURTS. Any board member can lie under oath and who is to determine if it is the truth? There hasn't been a case recorded in this state where a DA has sued for perjury in a civil court. A County Judge has no authority to rule on a felony in a civil court. So the public gets screwed by the system of justice in the State of Colorado.

5. MR. LANE HAS INTENTIONAL MISLED THE COURTS LISTED IN THE ATTACHED PUBLICATION CHARGING HE HAD CONTINUAL COMMUNICATIONS WITH THE JUDGES OUTSIDE OF THE COURT WHICH CAUSED UNDO INFLUENCE AGAINST DEFENDANT JAMES W. BURNESON

**List of judges who rollover for  
Jeffrey Lane of Springer and Steinberg**

This publication will continue with the Attorney General of Colorado investigating all charges against rollover judges and Mr. Jeffrey Lane by James W. Burneson.

6. Chief Justice Sylvester of the 18<sup>th</sup> District Court is advised of this case and requested he become involved if actions are taken that are within his jurisdiction to prevent a continued Miscarriage of Justice that has prevailed to date.

WHEREFORE Defendant James W. Burneson Pro Se request this court by the evidence presented above to 1. Dismiss the PPO and Stipulated letter with Prejudice or 2. Judge Morris recuses himself from this case. 3. A new judge is assigned to rule on the Motion to dismiss the PPO and Stipulated Letter with prejudice immediately as not being enforceable. The terms of the PPO to protect the named Board of Directors from being annoyed is impossible to enforce if the truth is to be achieved. Any member of the board can claim to be annoyed as a means of revenge or hatred against Defendant Mr. Burneson which is a description that can't be proven beyond a reasonable doubt.

A miscarriage of justice has been allowed to stand by the acts of Mr. Lane and the listed judges attached to this Motion.

FUTHER THE AFFAINT SAYETH NOT.

Submitted this \_\_\_\_\_ day of February 2009

By \_\_\_\_\_  
James W. Burneson Pro Se

State of Colorado

County of Arapahoe

The forgoing instrument was acknowledged before me this \_\_\_\_\_ day of February 2009 by James W. Burneson

My commission expires  
official seal

Witness my hand and

Notary Public

\_\_\_\_\_

**Certificate of Mailing**

I certify that a true copy of the foregoing was mailed postage Prepaid, this day \_\_\_\_\_ February 2009 to the following addresses:

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