

1 COUNTY COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO

2 CASE NO. B04C4421

3 **TRANSCRIPT OF DIGITALLY RECORDED PROCEEDINGS**

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5 THE DAM EAST HOMEOWNERS ASSOCIATION INC.,

6 Plaintiff,

7 Vs

8 JAMES W. BURNESON,

9 Defendant.

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11 THIS MATTER came on for a Hearing on Citation that was
12 held on March 9, 2005 before THE HONORABLE CHRISTOPHER
13 CROSS. The following is a complete record of the
14 proceedings from that date.

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17 **APPEARANCES**

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19 FOR THE PLAINTIFF: JEFFREY LANE

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21 FOR THE DEFENDANT: PRO SE

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23 This copy has been edited with comments from Defendant James W. Burneson, Pro Se.

24 His comments are printed in RED.

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MARCH 9, 2005

HEARING ON CITATION

THE COURT: All right, let me just get a status, I know I want to, I've got two groups of Attorneys that I need to get out of here. But Mr. Burneson, Mr. Lane why don't you come on forward for a second, let me just kind of get a feel for how long you think what we need to do here today will take.

MR. LANE: Good afternoon Judge, Jeffrey Lane appearing on behalf of the Plaintiffs. This is set this afternoon for an advisement, contempt citation, will probably take five minutes.

THE COURT: So it's just an advisement from what you can tell? Because there's quite a bit of paper that's been filed, and I think I really probably need to address some of it.

MR. LANE: Well and as far as I'm concerned, the motion, the, the motions have been briefed, and if the Court want to rule on those at this time.

THE COURT: Okay.

MR. LANE: And it probably will have to because one of them is a request for a jury trial. And before we set it for hearing I guess that has to be ruled on. But I'll rest on what's written in our responses.

1 *Mr. Lane will rest on what's written in our responses. How does one*
2 *rest on what the judge hasn't read the motions before the hearing?*

3 THE COURT: Okay. Let me kind of go through it
4 then, because I'm thinking the Paulson matter could take a
5 little longer. (No talking, paper shuffling from 2:49:40 -
6 2:51:09). The file has gotten a little bit mixed up, and I
7 want to make sure I've got it right. (Hasn't see this file before)

8 Mr. Burneson you filed a letter, you wrote it January
9 7th, filed it January 19th, a fairly lengthy letter, seven
10 pages, and then some attachments to that. Then I've got
11 very lengthy exhibits A, B, and C. Were these the trial
12 exhibits?

13 MR. LANE: I believe they were. *Lane has to advise the*
14 *court of what is in the court file!!*

15 THE COURT: They were not the exhibits that were
16 attached to that letter?

17 MR. LANE: No.

18 THE COURT: These were, my memory was these were
19 trial exhibits, but I just want to make sure.

20 MR. LANE: That's correct.

21 THE COURT: Okay. So I'm going to mark those
22 differently.

23 *Exhibit C is a file that has to do with this hearing and not the first*
24 *hearing*

25 Keep those separate. All right. Then the January
19th letter, which was written, appeared to be written to me
not as the Trial Judge, but as the Presiding Judge of

1 Arapahoe County. So I wrote a letter back to Mr. Burneson
2 on that date letting him know I was no longer the Presiding
3 Judge in Arapahoe County, and that because I was still the
4 Judge of record on his case I could take no action on the
5 contents of the letter until they were properly before me.
6 And I asked that no other correspondence be sent to me in
7 my role as Presiding Judge.

8 *February 22th was the last time Judge Cross looked at this court file.*

9 Mr. Burneson are the issues raised in that letter
10 something that is pertinent for today?

11 MR. BURNESON: Your Honor I believe that that's an
12 answer of yes, but they're also covered in the motions that
13 are before you also.

14 THE COURT: Okay. Okay. There was a citation
15 order to show cause issued January 26th by myself. Mr.
16 Burneson did you receive a copy of that citation..

17 MR. BURNESON: Yes.

18 THE COURT: ...order to show cause?

19 MR. BURNESON: Yes sir.

20 THE COURT: Did you have a chance to read it?

21 MR. BURNESON: Yes.

22 THE COURT: Do you need me to go over that
23 advisement with you?

24 MR. BURNESON: No sir.

25 THE COURT: The most important part of that, I
believe, at least at this stage, is that you have the right

1 to have this contempt citation heard by another Judge. Do
2 you wish for the, any contempt matter to be heard by a
3 separate Judge?

4 MR. BURNESON: Yes.

5 *Here is where Lane takes over the court from Judge Cross and proceeded*
6 *to advise how the Judge must rule against Defendant. Mr. Burneson was*
7 *never asked to contribute to this hearing on most of the matters Mr.*
8 *Lane dismissed as if he was the Judge.*

9 MR. LANE: Excuse me, but may I speak to that?

10 THE COURT: Sure.

11 MR. LANE: Before the Court goes any further,
12 because I filed, Mr. Burneson did file a request form on
13 the judgment, I filed a response to that. And although
14 when I drafted this citation I used the (inaudible) form on
15 the Supreme Court Website as a guide, and that form does
16 indicate that the advisement, that the contempt motion be
17 advised that they have a right to another Judge. But that
18 only applies, if you read the rule carefully, and read the
19 cases, it only applies in the event that the contempt
20 citation is brought by the Court itself as opposed from by
21 another party.

22 The Rule 1, or 407 rather, is specifically respect to
23 that, or goes with what the contemnor has to be advised of.
24 And it says that, and this is in my response, it says
25 essentially if the contempt citation is initiated by the
Judge, then in fact the contemnor has a right to another
Judge. But if it's initiated by a party, they do not. And

1 that's in Rule 407. And there's also case law to that
2 fact, which I've cited in my response.

3 THE COURT: I did not see that response, all I saw
4 was the response for request for jury trial. And now I see
5 that there were things paper clipped together.

6 *More evidence that Judge Cross never read my motions and had not read
Lane's motions before this court hearing.*

7 MR. LANE: Well I think three or four responses...

8 THE COURT: Right.

9 MR. LANE: ...(inaudible). And the case that I'm
10 talking about is, is Cook versus The United States at 267
11 US 517, and there was Mayberry versus Pennsylvania which
12 was cited in my response.

13 And Rule 407 says the following, and I'm quoting, "If
14 the Judge initiates the contempt proceedings the person
15 shall be advised of their right to have the action heard by
16 another Judge."

17 Obviously this contempt proceeding wasn't initiated by
18 this Court, it was initiated by another party. So it's our
19 position that Mr. Burneson doesn't have that right.

20 THE COURT: Mr. Burneson?

21 MR. BURNESON: I believe, Your Honor, the
22 magnitude of my four motions should be considered by the
23 Court, and the request to have, to have it on another
24 Judge, and it's in detail. Plus there's a change of venue.
25 If the change of venue were to occur there would be another

1 Judge also. And that is in (inaudible) most detail, and it
2 is something that I think the Court could reasonably
3 understand why I'm requesting this in the motion.

4 The law cited by Mr. Lane, I don't believe it totally
5 removes and negates any opportunity to change the Judge at
6 your discretion Your Honor.

7 *This is a Plea for the Judge to read the motions before he makes
8 a decision.*

8 MR. LANE: Judge may I respond to that briefly?

9 THE COURT: Sure.

10 MR. LANE: I think in fact if Mr. Burneson feels
11 there should be a change of Judge, he needs to meet a
12 burden that he would have to present under Rule, the
13 refusal rule, maybe 397, I'm not sure of that (inaudible).
14 But he hasn't met that burden in any of his motions, and
15 he's addressed that issue with this Court before, and the
16 Court has denied it, always refused. He doesn't have an
17 absolute right to be changing Judges (inaudible).

18 *Here is an example of Lane running the judge up the flagpole. He is
19 claiming defendant has not met the burden that must be presented to
20 meet the rule "maybe 397" How the hell does a judge know anything if
21 defendant has met the burden when he hasn't read the defendant's
22 motions. Lane is now the judge and he has ruled as stated and all Judge
23 Cross is there for is to make it a ruling for Lane as Judge Lane has
24 stated.*

21 For instance, Judge, in domestic relations case,
22 contempt citations are for failure to provide parenting
23 time, or pay child support, they're routinely heard by the
24 same Judge that issued the initial order. In fact there's
25 probably some authority out there (inaudible) proposition,

1 but that's the Court (inaudible), because they issued the
2 original order.

3 *What does domestic relations have to do with this case?*

4 As for the motion to change venue, I've addressed that
5 in my response also. I (inaudible) Court (inaudible) with
6 respect to that. The law with regard to a change of venue
7 over some prejudice has to do with a jury trial not a bench
8 trial, because it presumes that the burden of the person
9 asking for the change of venue to show the potential
10 (inaudible) for the jury wouldn't be, would be prejudiced
11 before the courthouse. (Inaudible) publicity, or a high
12 profile murder case.

13 *In my Defendant's motion there is plenty of proof the burden was
14 met but the Judge hasn't read my motions so Lane's case law will rule.*

14 That's not the case in this case for two reasons.
15 Number one, is this was not a high profile case, nobody
16 really knows much about it other than legal (inaudible).
17 And number two is a bench trial. And because a bench trial
18 is a matter of law and we're not asking for a sanction
19 (inaudible), but I think this Court would be opposed to
20 sanctions (inaudible), although we are asking for the
21 sanction of jail.

22 So he isn't entitled as a matter of his right to a
23 jury trial. He's not entitled (inaudible) trial, it
24 doesn't make any difference if the public (inaudible) Mr.
25

1 Burneson one way or the other, because they are not
2 (inaudible).

3 He hasn't established (inaudible), he hasn't
4 established grounds for (inaudible), and he certainly
5 hasn't established any constitutional or statutory right to
6 a jury trial.

7 All of the proceeding statements are not true and can't be
8 substantiated if the motion were read.

9 MR. BURNESON: Your Honor?

10 THE COURT: Yes Mr. Burneson.

11 MR. BURNESON: I have not used the refusal, not
12 because I took that form, it just being my right to ask for
13 another Judge. Otherwise had I known that would be
14 interpreted, I could certainly file a motion in that light.
15 But it appears, Your Honor, and I like to say, I am doing
16 everything possible to maintain my attitude.

17 I would like to say that if you have not had time to
18 really read these documents, I would appreciate your
19 continuing this, and maybe answer the motions by an order
20 mailed, or whatever. Because I believe I've got strong,
21 strong reasons to be asking for the four motions you have
22 before you.

23 THE COURT: The Court has read the February 18th
24 filed, actually February 22nd it was filed in the Court, 18th
25 filed in the division, the 22nd Defendant's motion to
dismiss. I read that, and I read at least the first

1 response, request to the jury trial by Mr. Lane. I'm not
2 sure why I didn't keep going down, but maybe I thought they
3 were copies or something.

4 *He admits he hasn't read my motion filed March 7, and this hearing is
on March 9th, 2005.*

5 And I have read the, to a large degree, I have read
6 them, the motions that were filed on March 7th in the
7 Division, the responses to the motions. I will admit that
8 I haven't had as much time to read them as I've been in
9 trial the last two days, and I haven't had much time to do
10 much else.

11 *This is a lie by a judge but since perjury is not enforced in*
12 *our civil court system judges and lawyers can lie in court and nothing*
will happen.

13 But, the, I think that even if I were to, to recuse
14 myself, or to grant that a different Judge should hear the
15 contempt matter, I think I can rule on a couple of the
16 preliminary matters, and then get to the, that issue.

17 But as far as a change of venue is concerned, that
18 will be denied, there's no basis for a change of venue in
19 this case. The motion for a jury trial is denied,

20 *Three motions denied without being read by the Judge. Once a*
21 *motion for recusal is denied according to Judge Cross and Lane any*
following motion for recusal must be denied out of hand without reading
the motion filed against the judge.

22 there is no basis for a jury trial in this type of
23 matter. To the extent that this is a motion to
24 recuse, that is denied.

25

1 I've already dealt with motions for recusal, I don't
2 think that the fact that I have heard lengthy testimony in
3 this matter, and have made comments including trying to get
4 your attention to end all of this as opposed to keep going.

5 I have made, I will admit that I've used strong
6 language, because Mr. Burneson quite frankly after
7 finding that you, or fining in favor of a permanent
8 civil protection order against you, I thought that
9 perhaps some strong language might get your attention,
10 and perhaps the animosity between you and the Dam
11 East Home Owners Association could rest. Obviously I
12 was wrong.

13
14 *His rulings are made to drive defendant to stop his arguing and*
15 *be friendly with the Board of Directors. Is a ruling like this supposed*
16 *to be based law or to punish a defendant and make him love his Board of*
17 *Directors This is nothing less that proof of prejudice on Judge Cross's*
18 *position of power as a county judge working to satisfy his friend Mr.*
19 *Lane. Defendant has no idea what strong language means to this case.*
20 *From this point on the Judge is just babbling.*

21 So the fact that I used strong language to try to get
22 your attention, I think that that's part of my job as a
23 juror. You heard me with a minor in possession charge, I
24 used strong language with that young man, I do it on
25 purpose. I want to get people's attention. This Court
would love to have nothing but rookies. Having people come
back is not what the jurist justice system is all about.

So if I use strong language in an attempt sometimes
to cajole people to act human and act appropriately in our

1 complex society, then I think that that's what people have
2 hired me to do. I'm not mamby pamby up here, I do my job,
3 and I take it seriously. But I don't think that the fact
4 that I have used strong language, or that I heard all the
5 evidence concerning the protection order, or that I have
6 issued a protection order against you, in any way makes me
7 biased or prejudiced, or any appearance of impropriety.

8 You know I will admit, Mr. Burneson, I do get tired
9 of all the allegations about what, how bad I am, and how
10 that Mr. Lane has me in his back pocket, and that the 18th
11 Judicial District is in Mr. Lane's back pocket, I get a
12 little tired of that. I get a little tired of the
13 accusations that I don't listen carefully, that I'm not
14 paying attention, I just get tired of those allegations.

15 *My allegations are proven by this transcript. Lane is running
16 this court as the Judge.*

17 And I certainly get tired of the allegations that,
18 written in your one motion, that half the Judges in the 18th
19 Judicial District can't hear this case, and I'll just quote
20 from your motion.

21 *This statement was in the motions filed February 22nd, 2005 This
22 is a true statement is certainly must be considered by an impartial
23 judge which doesn't exist in this hearing. It is a fact none of the
24 judges named can have anything to do with litigation against or
25 involving the Defendant. That should count toward Change of Venue*

26 "The following list of District Judges cannot preside
27 over any trial where Mr. Burneson is a Defendant. McCrum,
28 Levy, Rafferty, Fasing, Sylvester, Hannan, Hoff. County
29 Court Judges have recused themselves in a roar because as

1 they've discussed before, Judge Ruddick believes that he
2 could no longer be fair and impartial on a case. Judge
3 Bencze indicated that because of some prior personal
4 dealings that he had had with Mr. Lane, he did not feel
5 that he could possibly sit as a fair and impartial Juror.
6 And Judge Murray also had significant reasons why she felt
7 that she could not sit as a fair and impartial Juror in a
8 case where Mr. Lane was the Attorney of record."

9 *He has just proved Defendant's point he can't get a fair trial in*
10 *the 18th District. There is no judge who can hear this case in the*
county court system.

11 I made an extensive record the first time we were here
12 that although Judge, Magistrate Jeff Lane, when he was the
13 Magistrate Lane, and I were in the same building for about
14 three months, and that, and we had obviously some

15 *This statement is grounds by itself for Judge Cross him to recuse*
himself and he doesn't realize the position he is in by saying it.

16 profession discourse, and that I believed I disclosed
17 that there were a couple of times when our sons were on
18 opposite basketball teams with, against each other, and we
19 actually were in the same gymnasium together, and we
20 actually sat next to each other, and said hello, and chit
21 chatted, and watched our sons play basketball.

22 *None of this has been disclosed in any hearing defendant was*
23 *present.*

24 If that recused me from every case I wouldn't be able
25 to sit as a Judge, because I have a lot of friends who are

1 Lawyers and find myself in Bar Association meetings, I hope
2 to be one in about two and a half hours with a bunch of
3 Lawyer, some of whom are probably in this courtroom that
4 I'm supposed to be at at 5:30. I am the President Elect of
5 the Arapahoe County Bar Association, if I don't have
6 relationships with Lawyers I shouldn't be in the job that I
7 have.

8 This is an important man and because he is President Elect of the
9 Arapahoe County Bar Association he can rule on any thing and he is
10 immuned from being compromise by Mr. Lane in this courtroom. This is
11 all BS from the beginning to the end. Judge Cross and Mr. Lane don't
12 want a new judge to get involved in this case because someone will
13 realize there is no substance to the charges and only through ex parte
14 communication between Cross and Lane this entire case is a mistrial
15 from the beginning and now this hearing proves it.

16 So I get a little tired of the fact of always being
17 accused of being prejudice when I'm just trying to do my
18 job. You may not like my rulings, that's what appeals are
19 for, but the fact that you don't like my rulings, or every
20 other Judge in the 18th Judicial District, does not mean
21 that we're prejudice, or that we are biased against you.
22 The facts are the facts and that's what they are. So the
23 motion to recuse is denied. He never read the motion is the fact.

24 At some point and time some Judge has got to take the
25 case no matter how thick it is and deal with it. And
26 that's what I've chosen to do. *We have a hero here.* The
27 issue of whether or not I should be on the citation is a
28 different issue. And I, the, I think I am not certainly
29 not uniquely qualified, but certainly more qualified than

1 most of the Judges who might hear this overbeat that I have
2 heard the extensive motions hearing in this case, or the
3 extensive case, the Restraining Order. What does this paragraph
4 mean?

5 We started that case on July 30th, went through most of
6 the day, my afternoon if I remember, and then we started up
7 again on August 6th and went until late in the afternoon, or
8 early evening. So the Court has already heard probably a
9 full day of testimony. And I would reluctantly pass this
10 matter on to another Judge. If I believe that the citation
11 is such that I really do need to pass this matter on to
12 another Judge for a determination of contempt, I will do
13 so. *When will he use this excuse to remove himself from this case?*

14 The, I was concerned, and why I gave you the
15 advisement when I first did, not knowing there was going to
16 be an objection to it, or the case law that was just cited,
17 I think there were enough allegations that were, perhaps
18 some of the letters written to me might even have been
19 contemptuous, the, I thought if there was no objection we
20 would send this to another Judge. But since there's an
21 objection to that, and I apologize I didn't read that, I'm
22 probably going to have to stop and think about that.

23 *Mr. Lane objection will over rule any judicial thoughts of Judge*
24 *Cross. Judge Cross will grant anything Lane wants in 18th district*
25 *court. His objections has nothing to do with the motions filed by the*
Defendant.

25 So what I am going to do is go ahead and finish the
advisement at this time, and set the matter over in my

1 Division for a hearing. If I believe that I do need to
2 send this matter to another Judge I will transfer it. I
3 know Judge Feldman is coming back, but I'm not sure whether
4 Judge Feldman would feel comfortable because his working
5 relationship with Mr. Lane when he was a Magistrate would
6 have been more extensive than mine.

7 We have, it's been kind of a blessing, but we have a
8 new Judge down in Douglas County who is fairly new to the
9 area, and she has been willing to take some of these cases,
10 and we've had her appointed as a County Court Judge in
11 Arapahoe County, and Judge Marker might be a person who
12 might be able to take this. But she's been able to take a
13 number of cases where there's been pretty much a blanket
14 recusal by the County Court Judges. Because she's fairly
15 new to the community and new to the bench she's been able
16 to assist on these.

17 So if I feel that there's a need, I may just ship the
18 case to Judge Marker and ask Chief Judge Leopold to issue
19 an order making her a, for the purposes of this case, an
20 Arapahoe County District Court, or County Court Judge. I
21 don't think that will be necessary now that I know there's
22 an objection to it, because I'm familiar with the case law
23 cited by Mr. Lane, and I will take a look at that.

24 Judge Cross doesn't know the case law on this point its because
25 Mr. Lane has objected and that's all Cross needs.

1 But I'm going to set it in this courtroom. But Mr.
2 Burneson do you need me to go through the rest of the
3 advisement?

4 MR. BURNESON: I'm not aware of what I would need
5 to---is it the written document?

6 THE COURT: Yes. The one that I asked you if you
7 had already read, and you told me you didn't need legal...

8 MR. BURNESON: I'm fine.

9 THE COURT: Okay. You do have the right to an
10 Attorney, and you have the right to get that Attorney here
11 for---are you planning on getting an Attorney?

12 MR. BURNESON: No sir.

13 THE COURT: Okay. You have consistently
14 represented yourself, and but now that the possible penalty
15 does include some jail time I want you to understand that I
16 do believe that you have the right to Court appointed
17 Counsel, but I don't know how the Public Defender's Office
18 looks at that. But...

19 *This statement about sometime in jail indicates Judge Cross has already*
20 *decided Defendant is going to jail before the trial is held. His*
21 *warning is made to see if Mr. Burneson will hire an attorney with this*
22 *threat of jail. Lane can talk with an attorney and convince him to talk*
defendant into giving up his efforts to prove the wrongful acts of Lane
and the Board of Directors of the Dam East Homeowner Association. Mr.
Burneson has stated he intends to get Mr. Lane disbarred and the PPO
passed by Judge Cross is an effort to stop this effort.

23 MR. BURNESON: May I?

24 THE COURT: Yes.

25 MR. BURNESON: I tried, and I'm not qualified.

1 THE COURT: Okay. You make too much money for the
2 Public Defender?

3 MR. BURNESON: As a family.

4 THE COURT: Okay. So you have applied for the
5 Public Defender and have been denied?

6 MR. BURNESON: I didn't go through the paperwork.
7 I called and I mentioned the situation and how much money,
8 and he said, "You would not qualify."

9 THE COURT: Okay. Do you understand that you do
10 have the right to have some time to hire your own Attorney?
11 By representing yourself on this matter you do run the risk
12 of not properly presenting your case, you run the risk of
13 not adequately representing yourself.

14 I can't treat you any differently than I've treated
15 you so far during the process, I think I've tried---I don't
16 think, I have tried to treat you with dignity and respect,
17 and treat you no different than I treat Mr. Lane despite
18 your allegations that I do treat Mr. Lane differently. But
19 I don't believe I have done that, I certainly have not
20 tried to do that. But I will continue to conduct these
21 matters much the same way I've conducted the first
22 preliminary, or the permanent civil protection order
23 hearing.

24

25

1 And you will be excepted to similarly comport
2 yourself. And I have had no problem with the way you've
3 comported yourself during the hearing.

4 With that let's set the matter for a hearing. Mr.
5 Lane of Mr. Burneson do either of you know whether or not I
6 have any kind of a time limit on this? I don't think I do,
7 but do I need to it within 30 days, or? **WAIT A MINUTE**
8 **JUDGE CROSS DOESN'T KNOW THE ANSWER TO TRIAL WITHIN 30 DAYS**
9 **AND HAS TO BE TOLD BY JEFFREY LANE????**

10 MR. LANE: No Judge.

11 THE COURT: Okay.

12 MR. LANE: Not that I'm aware.

13 THE COURT: When is our first available afternoon
14 where we have nothing else set, or just one advisement or
15 arraignment or something? How's April 15th Mr. Burneson and
16 Mr. Lane? Just get your taxes filed early.

17 MR. BURNESON: One of my witnesses is involved in
18 the tax preparation, and she requested if at all possible
19 if it could be after that date, because she could not be
20 inconvenienced, especially on that day Your Honor.

21 THE COURT: Although if they're not done by that
22 date it's too late, but that's all right. How's the 29th?

23 MR. BURNESON: I didn't hear you Your Honor.

24 THE COURT: I'm checking with my clerk. April 29
25 at 1:30? Mr. Lane?

1 MR. LANE: That's fine.

2 THE COURT: Mr. Burneson?

3 MR. BURNESON: That's fine.

4 THE COURT: The Court will take under advisement
5 the issue of whether or not I need to send this to another
6 Judge, and we'll inform the parties as soon as possible
7 about that. But other than that the matter is set for a
8 contempt hearing in this division April 29 at 1:30. And, I
9 don't have my personal calendar here, but that could be one
10 day we'll just plan on going till we finish.

11 *Here is where Mr. Lane take over the court and advises he blundered by
12 not ruling on the 11 page motion to dismiss this entire case.*

13 MR. LANE: Judge if, there is one other issue, and
14 Mr. Burneson filed a motion to dismiss by Respondent, I
15 don't know if the Court's ready to rule on that. I would
16 prefer just to rule on that after the evidence is presented
17 at the hearing.

18 THE COURT: Is that the motion to dismiss the
19 motion for issuance of show cause?

20 MR. LANE: Yes.

21 MR. BURNESON: Yes.

22 THE COURT: Okay.

23 MR. LANE: It's the (inaudible) of the motion is
24 that he's challenging the authorities, but not the proper
25 corporations (inaudible).

1 THE COURT: That motion is denied. I did read
2 that motion, I thought I dealt with it, I guess I didn't
3 deal with it. Motion to dismiss is denied.

4 *Another lie by Judge Cross he didn't read the motion and Lane doesn't*
5 *want the motion to be reviewed OPENLY by the court because it has too*
6 *many points Defendant can prove the wrongful acts of the Board of*
7 *Directors and Mr. Lane had never been hired to represent the Plaintiffs*
8 *in either cases before this court INCLUDING Judge Ruddick's trial of*
9 *Carla Burneson. Please note none of Mr. Burneson motion have been*
10 *reviewed verbally to protect Mr. Lane's future defense against*
11 *disbarment.*

12 MR. LANE: And additionally, Judge, if I may
13 approach the bench I have a return of service I'd like to
14 file with the Court. And we would ask that the Court order
15 the citation to continue until the trial.

16 THE COURT: Okay. You may approach. Citation
17 continues until April 29th. Court receives return of
18 service. Mr. Lane anything further?

19 MR. LANE: No Judge, thank you.

20 THE COURT: Mr. Burneson anything further?

21 MR. BURNESON: No Your Honor.

22 THE COURT: Okay. We'll see you back here April
23 29th. If I change on that other issue I'll let both parties
24 know.

25 MR. LANE: Thank you Judge.

This was a kangaroo trial by a 18th County Judge and a
controlling ex magistrate Mr. Lane. The real tragedy is

1 *how often has this type of justice been performed by either*
2 *of these lawyers in the past.*

3
4 *There is no way Judge Cross can continue in this case. The*
5 *entire case is contaminated with perjury by a judge and*
6 *failure to read motions by the defendant and plaintiff*
7 *before making a ruling. No judge can claim he has an*
8 *understanding of Defendant's motions by osmosis. Judge*
9 *Cross just did so in this hearing.*

10
11 *To think these two lawyers would even try to pull this sham*
12 *off show their own disrespect of the judicial industry they*
13 *are a member of. Lawyers are supposed to uphold the law*
14 *instead Judge Cross under Lanes supervision makes ruling*
15 *outside of due process of the law.*

16
17 *Judge Cross is running for a Presidential Office of the*
18 *Arapahoe County Bar Association to add legitimacy to his*
19 *existence as a Judge and he comes to court a pulls this*
20 *crap. He must be removed from the bench and denied any*
21 *pension for his actions as a judge. His actions in this*
22 *case have to be introduced to a review committee to rule on*
23 *a dismissal of an incompetent Judge who can be controlled*
24 *by an attorney in a trial and as this hearing. The abuse*
25 *of this judge's judicial discretion in this case is proven*

1 *he had no discretion which is "Individual Choice or*
2 *Judgement Power of free decision latitude of choice with in*
3 *certain legal bounds" quoted from Webster's Dictionary.*
4 *Black's Law Dictionary defines Judicial Discretion as*
5 *follows: "The equitable decision of what is just and*
6 *proper under the circumstances". For a Judge to agree in*
7 *favor of one side without reading the motions properly*
8 *filed of the others side is an act of being prejudice*
9 *There is a hearing scheduled in Judge Cross's court for*
10 *April 29, 2005 which can't continue due to the proven acts*
11 *of both attorneys in this hearing. Immediate action is*
12 *required by Chief Judge Leopold to stop a future mistrial*
13 *under the control of Ex Magistrate Lane.*

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23 **CERTIFICATE**
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25

1 I, Dawn Heaton hereby certify that I transcribed this
2 record from the digital recording of the above-entitled
3 matter, which was heard on March 9, 2005, before JUDGE
4 CHRISTOPHER CROSS in Division A-2 of the Arapahoe County
5 Court in Littleton, Colorado.

6
7 I further certify that the aforementioned transcript
8 is a complete and accurate transcript of the proceedings
9 based on the audio facilities of these tapes and my ability
10 to understand them. Inaudibles are due to microphones not
11 working properly, excessive noises or muffled voices.

12
13 Signed this 14th day of April 2005 in Douglas
14 County, Colorado.

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18 Dawn Heaton
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