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EJF Equal Justice Foundation

www.ejfi.org
455 Bear Creek Road
Colorado Springs, Colorado 80906-5820
Telephone: (719) 520-1089
Domestic violence against men — www.dvmen.org

Court Watcher and Child Protective Service Evaluation Form

Date of trial or hearing: 4/24/2012

Court information

Case Number: 09-DR 2493 (usually available on courtroom door on posted docket)

Case Name: Brenda Colman v. Andrew Barngraver

Trial or hearing held by Magistrate Judge/Commissioner/Special Master (circle only one):

Their name: Kathie Fliss Sex: Male Female

Location of courthouse: 7325 S Potowmack Street
Centennial, Colorado 80112

Room/Department: 11

County: Aprahoe State: Colorado

Circle all the issues that apply to this case:

- Divorce
- Child Custody
- Child abuse and/or child protection services
- Other (please specify): Parenting Time Issues for Safety of Daughter
- Spousal support
- Protection Order
- Sexual assault or related
- Visitation
- Domestic Violence
- Attorney s Fees

Case information

1. Were you denied admittance into the courtroom?

Yes ___ No X

If Yes, what was the given justification, if any?

2. Were all parties and their attorneys (if applicable) present in court?

Yes X No ___

2a. If no, who was not present (check all who were absent)?

- Defendant/Petitioner s attorney ___ Defendant/Petitioner ___ Sex Male Female
- Prosecution/Respondent s attorney ___ Accuser/Respondent ___ Sex Male Female
- Guardian Ad Litem ___ C.P.S worker ___ Other ___

What reasons were given for any parties to not be present?

2b. Was the hearing or trial delayed or continued?

Yes ___ No X

Was the right to a speedy trial an issue if delayed or continued?

Yes ___ No X

If Yes to 2b what reason was given for the delay or continuance?

3. Did either party attempt to speak to the Magistrate/Judge/Commissioner/Special Master and was denied?

Yes _____ No

3a. If yes, who was denied?

Defendant/Petitioner s attorney _____ Defendant/Petitioner _____ Sex Male Female
Prosecution/Respondent s attorney _____ Accuser/Respondent _____ Sex Male Female

If Yes to either, what was the given justification, if any?

4. Did either party offer evidence that the Magistrate/Judge/Commissioner/Special Master refused to admit?

Yes No _____ Did not offer evidence _____

4a. If yes, which side was refused?

Defendant/Petitioner s attorney Defendant/Petitioner _____ Sex Male Female
Prosecution/Respondent s attorney _____ Accuser/Respondent _____ Sex Male Female

If Yes to either, what was the given justification, if any?

5. Were there any meetings in the magistrate s/judge s/commissioner/special master s chambers off the record?

Yes _____ No

If Yes to 5, what was the given justification, if any?

5a. If yes to 5, were ALL parties and their attorneys invited into that meeting?

Yes _____ No _____ N/A _____

5b. If no to 5a, who was not invited into the chambers (check all that apply)?

Defendant/Petitioner s attorney _____ Defendant/Petitioner _____ Sex Male Female
Prosecution/Respondent s attorney _____ Accuser/Respondent _____ Sex Male Female
Guardian Ad Litem _____ C.P.S worker _____ Other _____

If No to 5a, what was the given justification, if any?

6. Did either party attempt to introduce testimony from a witness or other evidence and was refused?

Yes No _____ Did not attempt _____

6a. If yes, which side was refused?

Defendant/Petitioner s attorney Defendant/Petitioner _____ Sex Male Female
Prosecution/Respondent s attorney _____ Accuser/Respondent _____ Sex Male Female

If Yes to 6a, what was the given justification, if any?

Not submitted properly by attorney + giving references which lawyer turned in an motion to compel discovery disclosures on petition + was granted through the court.

What evidence or testimony was refused?

Shaoull Kinnison as witness and interested party. Didn't allow the time

7. Was either party denied the opportunity to cross-examine a witness?

Yes _____ No Did not attempt _____

7a. If yes, which side was denied?

Defendant/Petitioner s attorney _____ Defendant/Petitioner _____ Sex Male Female
Prosecution/Respondent s attorney _____ Accuser/Respondent _____ Sex Male Female

If Yes to 7a, what was the given justification, if any?

8. Did the magistrate/judge/commissioner/special master appear to show favoritism or undue familiarity with or toward any of the parties?

Yes No _____

8a. If yes, toward which party (check all that apply)?

Defendant/Petitioner s attorney _____ Defendant/Petitioner _____ Sex Male Female
Prosecution/Respondent s attorney _____ Accuser/Respondent _____ Sex Male Female
Guardian Ad Litem _____ C.P.S worker _____ Other _____

In what ways was favoritism or undue familiarity, e.g. use of first names, shown?

9. Did the magistrate/judge/commissioner/special master appear to show prejudice or discriminate against one of the parties or their counsel?

Yes No _____

9a. If yes, against which party?

Defendant/Petitioner s attorney _____ Defendant/Petitioner _____ Sex Male Female
 Prosecution/Respondent s attorney _____ Accuser/Respondent _____ Sex Male Female

In what ways was prejudice or discrimination shown?

Never seem to pay attention to defendant always looked at the computer. Even when defendant was asked to describe injuries from motorcycle accident for proof of why he had a medical marijuana licence over prescribed pills. Didn't seem interested in what neither attorney nor defendant had to say about drug problem by Brenda on parole.

10. Were any unusual or other comments of interest made by the magistrate/judge/commissioner/special master?

Will allow hearsay for Brenda, for she allowed hearsay through attorney and Andrew to which Brenda did not object to testimony.

11. What was your overall opinion of the magistrate/judge/commissioner/special agent's performance in court.

This is the second time since Jan, of 2011 that we have been in front of the Magistrate. She seems to take women's side when it comes to children + custody. Showing that she has no concern when evidence + testimony is being shown as to the mother and her criminal + drug history.

12. Any additional comments or supplemental information?

Our attorney in the defendants or respondents case filed a motion to compel for discovery on the petitioner. The courts granted that and the petition was also amended of the request. Petitioner did not respond as requested claiming she did not know what to do and claims not to have received court papers. It was noted that the mailing was sent back to sender from the address that was originally with the petitioner. Petitioner moved and never changed the address w/ courts nor w/ postoffice. The Magistrate was in favor of a person who does know the court system from her experience of being in prison several times.

The magistrate also has knowledge that the petitioner confessed in transcript that she drinks while she is on parole, and addition that the petitioner's parole officer is giving legal advice to the petitioner.

This case was not looked nor instered carefully on what is going on in the last year with the petitioner and the child who is 4 yrs old. We presented fact w/ all evidence + testimony of Drugs, past criminal history, and history of past cases of where the petitioner was living at the same time w/ stepfather house who indeed sexually assaulted her in the past w/ daughter of defendant.

Watcher's Contact Information

Printed Name: Sharon Kinnison Date: 4/25/2012

Mailing address (business, or other address, and this information will be kept confidential):

8425 LOCK. 8 Brighton Colorado 80403

Phone Number: (303) 523-6511

E-mail address (optional) sdkimage1@aol.com

Signed name: Sharon Kinnison

Colorado Judicial Performance Non-attorneys Regarding Trial Judges Survey Questions

Using a grade scale, where an "A" is excellent along with B, C, D or F for fail, please grade the judge on the following. (If you feel that you don't have experience with the judge in a specific area, or just don't know, please circle the number corresponding to "Don't Know/Not Applicable"—DK/NA).

1. Demeanor:

- | | | | | | | | |
|----|---|---|---|------------------------------------|------------------------------------|------------------------------------|-------|
| a. | Giving court proceedings a sense of dignity. | A | B | <input checked="" type="radio"/> C | D | F | DK/NS |
| b. | Treating participants in the case politely and with respect. | A | B | <input checked="" type="radio"/> C | <input checked="" type="radio"/> D | F | DK/NS |
| c. | Conducting his/her courtroom in a neutral manner. | A | B | <input checked="" type="radio"/> C | D | F | DK/NS |
| d. | Having a sense of compassion and human understanding for those who appear before him/her. | A | B | C | D | <input checked="" type="radio"/> F | DK/NS |

2. Fairness:

- | | | | | | | | |
|----|--|---|---|------------------------------------|------------------------------------|------------------------------------|-------|
| a. | Giving participants an opportunity to be heard. | A | B | <input checked="" type="radio"/> C | D | F | DK/NS |
| b. | Treating those involved in the case without bias. | A | B | C | D | <input checked="" type="radio"/> F | DK/NS |
| c. | Treating fairly people who represent themselves. | A | B | C | D | <input checked="" type="radio"/> F | DK/NS |
| d. | Giving each side enough time to present his or her case. | A | B | C | <input checked="" type="radio"/> D | F | DK/NS |

3. Communications:

- | | | | | | | | |
|----|--|---|---|------------------------------------|------------------------------------|---|-------|
| a. | Making sure participants understand the proceedings, and what's going on in the courtroom. | A | B | C | <input checked="" type="radio"/> D | F | DK/NS |
| b. | Using language that everyone can understand. | A | B | C | <input checked="" type="radio"/> D | F | DK/NS |
| c. | Speaking clearly so everyone in the courtroom can hear what's being said. | A | B | <input checked="" type="radio"/> C | D | F | DK/NS |

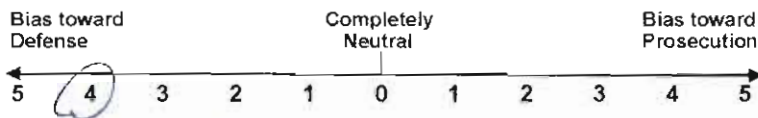
4. Diligence:

- | | | | | | | | |
|----|---|------------------------------------|---|------------------------------------|---|------------------------------------|-------|
| a. | Beginning court on time. | <input checked="" type="radio"/> A | B | C | D | F | DK/NS |
| b. | Maintaining appropriate control over proceedings. | <input checked="" type="radio"/> A | B | C | D | F | DK/NS |
| c. | Setting reasonable schedules for cases. | A | B | <input checked="" type="radio"/> C | D | F | DK/NS |
| d. | Being prepared for his/her cases. | A | B | C | D | <input checked="" type="radio"/> F | DK/NS |
| e. | Managing court proceedings so that there is little wasted time. | A | B | <input checked="" type="radio"/> C | D | F | DK/NS |

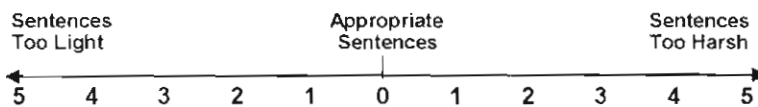
5. Application of Law:

- | | | | | | | | |
|----|---|------------------------------------|---|------------------------------------|------------------------------------|---|-------|
| a. | Giving reasons for rulings. | <input checked="" type="radio"/> A | B | C | D | F | DK/NS |
| b. | Willing to make decision without regard to possible outside pressure. | A | B | <input checked="" type="radio"/> C | D | F | DK/NS |
| c. | Being able to identify and analyze relevant facts. | A | B | C | <input checked="" type="radio"/> D | F | DK/NS |

6. *Colman v. Barnegrove* civil
 [If you were in [Last Name]'s courtroom during a criminal case or cases please answer this question, otherwise skip to the next question.] On the scale below, please indicate by circling the appropriate number how biased you think Judge [Last Name] is toward the defense or the prosecution. If you feel Judge [Last Name] is completely unbiased, circle "0."



7. *Colman v. Barnegrove* civil
 [If you were in [Last Name]'s courtroom during a criminal case or cases please answer this question, otherwise skip to the next question.] On the scale below, please indicate by circling the appropriate number how lenient or how harsh you think the sentences generally handed down by [Last Name] are. If you feel Judge [Last Name] generally hands down appropriate sentences, circle "0."



No sentencing same order as presented before.

Though your name will never be associated with your answers, because the judge will see a typed transcript of the comments that you and others write, it is important that you do not include information in the comments below that would unintentionally identify you as the author.

8. What would you say are Judge *Fliiss* [Last Name]'s strengths?
She is a weak magistrate that seems to only be concerned with the woman side issues when it comes to custody. She bases her decisions on past magistrates, knowing that the conditions have changed immensely.

9. And what would you say are Judge [Last Name]'s weaknesses?
She is biased against men. If you go into represent yourself as a man she ignores until the end.

10. Keeping in mind your responses to each of the previous questions, how strongly do you recommend that Judge [Last Name] be retained in office, or not retained in office?

- Strongly recommend he/she be retained in office..... 5
- Somewhat recommend he/she be retained in office..... 4
- Undecided or don't know enough to make recommendation..... 3
- Somewhat recommend he/she not be retained in office..... 2
- Strongly recommend he/she not be retained in office..... 1

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