

Todd Risberg
District 6 DA
449 San Juan St.
PO Box 148
Pagosa Springs, Colorado [81147]

Cert. Mail# 7014-2120-0004-6670-5326

January 26, 2015

Re: OPEN RECORDS REQUEST

NOTICE OF DEFAULT - GRAND JURY TAMPERING - CORA FOLLOWUP

Dear Mr. Risberg,

I finally received your CORA response after a month of waiting, and under the Colorado Open Records Law § 24-72-201 to 24-72-309, you failed to respond to my request in the three days allotted by law. Complaints will be filed with the Secretary of State and Attorney General's offices, and with State Reps.

You stated that this information may not be disclosed, pursuant to "court order" and you also quoted C.R.S. 13-74-103. However, you failed to provide a copy of the alleged court order denying public access to the Grand Jury to satisfy the CORA request.

In the spirit of this CORA request, you failed to show good faith in answering this request, knowing full well our intent with this request.

Under CORA, I am requesting the following:

1. The above C.R.S. 13 cite states, in part;

"In the absence of such an order, (court order-JTM) upon request, the state court administrator **shall** make available for inspection by members of the public a list of judicial district grand jurors containing only the judicial district grand jurors' names and juror numbers." (Emphasis added).

Please provide a copy of this alleged court order, with certifying signature of the Judge or other issuing such an order.

2. Please provide, absent said court order, information as to who the "court administrator" is and contact information for him/her, or Jury members and numbers.

3. You stated that the public has no access to the Grand Jury "that you know of." Please provide a copy of the process whereby the public may provide you, the District DA, or other party, with

evidence of government or other party criminal activities and insurrections, so that the public may be protected “**against arbitrary and oppressive governmental action**” (see below).

4. The 6th Judicial District has had very few Grand Jury processes over the last 70 years. Please provide a copy of documentation as to WHY this 6th Judicial Grand Jury is in need of “protection” and WHY a court order would be needed. It appears now that it needs “protecting” from public access only.

In other parts of this cite, it states that the court or DA are essentially “in charge” of dealing with the Grand Jury, however, this is in clear conflict with the statements of the U.S. Supreme Court in UNITED STATES v. John H. WILLIAMS, Jr. 504 U.S. 36 (112 S.Ct. 1735, 118 L.Ed.2d 352), it states in part...

“Rooted in long centuries of Anglo-American history,” Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. **It has not been textually assigned, therefore, to any of the branches described in the first three Articles.** It " 'is a constitutional fixture in its own right.' " United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). In fact the whole theory of its function is that it **belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people.** See **Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906).** Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at **arm's length.** Judges' direct involvement in the functioning of the grand jury has generally been confined to the **constitutive one** of calling the grand jurors together and administering their oaths of office. See United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a). (Emphasis added throughout).

The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. "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.'** " United States v. R. Enterprises, 498 U.S. ----, ----, 111 S.Ct. 722, 726, 112 L.Ed.2d 795 (1991) (quoting **United States v. Morton Salt Co., 338 U.S. 632, 642-643, 70 S.Ct. 357, 364, 94 L.Ed. 401 (1950).** It need not identify the offender it suspects, or even "the precise nature of the offense" it is investigating. Blair v. United States, 250 U.S. 273, 282, 39 S.Ct. 468, 471, 63 L.Ed. 979 (1919). **The grand jury requires no authorization from its constituting**

court to initiate an investigation, see Hale, supra, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375, nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day-to-day functioning, the grand jury generally operates without the interference of a presiding judge. See Calandra, supra, 414 U.S., at 343, 94 S.Ct., at 617. It swears in its own witnesses, Fed.Rule Crim.Proc. 6©, and deliberates in total secrecy, see United States v. Sells Engineering, Inc., 463 U.S., at 424-425, 103 S.Ct., at 3138.'

... the grand jury cannot compel the appearance of witnesses and the production of evidence, and must appeal to the court when such compulsion is required. See, e.g., Brown v. United States, 359 U.S. 41, 49, 79 S.Ct. 539, 545, 3 L.Ed.2d 609 (1959).

This Court has, of course, long recognized that the grand jury has wide latitude to investigate violations of federal law as it deems appropriate and need not obtain permission from either the court or the prosecutor. See, e.g., *id.*, at 343, 94 S.Ct., at 617; Costello v. United States, 350 U.S. 359, 362, 76 S.Ct. 406, 408, 100 L.Ed. 397 (1956); Hale v. Henkel, 201 U.S. 43, 65, 26 S.Ct. 370, 375, 50 L.Ed. 652 (1906). Correspondingly, we have acknowledged that "its operation generally is unrestrained by the technical procedural and evidentiary rules governing the conduct of criminal trials." Calandra, 414 U.S., at 343, 94 S.Ct., at 617.

...the grand jury is not merely an investigatory body; it also serves as a "protector of citizens against arbitrary and oppressive governmental action." United States v. Calandra, 414 U.S., at 343, 94 S.Ct., at 617. Explaining why the grand jury must be both "independent" and "informed," the Court wrote in Wood v. Georgia, 370 U.S. 375, 82 S.Ct. 1364, 8 L.Ed.2d 569 (1962):

"Historically, this body has been regarded as a primary security to the innocent against hasty, malicious and oppressive persecution; it serves the invaluable function in our society of standing between the accuser and the accused, whether the latter be an individual, minority group, or other, to determine whether a charge is founded upon reason or was dictated by an intimidating power or by malice and personal ill will." *Id.*, at 390, 82 S.Ct., at 1373.

The grand jury remain "free to pursue its investigations unhindered by external influence or supervision so long as it does not trench upon the legitimate rights of any witness called before it." United States v. Dionisio, 410 U.S. 1, 17-18, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973). 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 16, 93 S.

5. The obvious question that arises from the Williams case is... How can the People, who are

being illegally or unconstitutionally treated by government or other parties, bring anything to the Grand Jury if it is the SAME government that controls the Grand Jury and is PERPETRATING the illegal activities against the People?

If the Grand Jury “... **has not been textually assigned, therefore, to any of the branches described in the first three Articles**”, how is it that this is exactly what is taking place by the Judicial and Executive branches of Government at ALL levels of society?

If the DA or the Court is the ONLY means to initiate a Grand Jury investigation, in what way is the public being “protected” by the Grand Jury and how it “**serves as a "protector of citizens against arbitrary and oppressive governmental action**”, when the very public this was created to defend has NO access to it, and is being barred from the Grand Jury BY the DA and Courts?

Please provide a copy of documentation authorizing the executive and judicial branches of government to be controlling the Grand Jury and preventing the public from access, or from capricious and biased decisions by judicial or executive officers.

6. Lastly, I am requesting a copy of your Oath of Office, and your bond, or crime insurance, and surety, required by law, or informed where I may obtain a copy.

Conclusion

Of course, this is a judicial question at the moment, but it is also a legislative question as well, since the People are NOT being protected by the Grand Jury and there is ample evidence that the DA’s office and Courts are “tampering with the Jury process” and are culpable in the loss of freedoms and authority through this defacto process.

The 6th Judicial, and you personally, have previously been NOTICED of ongoing criminal activities in District 6, and yet have completely failed to even do a cursory investigation into these documented allegations by dozens of witnesses, or even respond to the NOTICE. This begs the question, “what are a People to do when the DA is barring access to justice and turns a blind eye to criminal activities taking place that are now under far greater investigation?”

Is this NOT jury tampering and manipulation? If you are personally interfering with our presentment to the Grand Jury of documented evidence, especially via a very qualified Private Investigator and other parties, of ongoing criminal and unconstitutional activities, what other conclusions can be drawn? You have been NOTICED several times since 2006 of criminal activities in Archuleta County, and failed to respond in any way.

Todd, we are simply attempting to work within the laws and uphold our rights, some of which are secured by the U.S. Constitution and Colorado Constitution. We have shown good faith throughout all this but have met unconstitutional resistance by our local public servants all the way. What do people do when confronted by this suppression and lack of justice and voice?

Please be advised that we are in contact with the Colorado Attorney General's office, the State Legislature, State Congressional members, and media, on these issues, and this WILL be brought to light, and all legal processes utilized to correct this fraud against the People. You, at LEAST, can present our documented evidence in multiple cases, to the Grand Jury, that criminal conspiracy is at work in Archuleta County, and perhaps not be so embarrassed (or worse) when the State and Federal governments soon take action.

We would also like to schedule a time to meet with you to discuss these issues. Please contact me at the address and phone number below.

Jeffrey T. Maehr
924 E. Stollsteimer Rd
Pagosa Springs, Colorado [81147]
Archuleta County
970-731-9724

CC: Attorney General Cynthia Coffman
Colorado State Legislature

Congressman Scott Tipton
Senator Ellen Roberts



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