

Court Copy

FILED
U.S. DISTRICT COURT
FOR THE DISTRICT OF COLORADO
2011 APR 27 PM 4:51

Criminal case No. 10-cr-00595-CMA-1

GREGORY C. LANGHAM
CLERK

UNITED STATES OF AMERICA,

BY _____ DEP. CLK

Plaintiff,

v.

Ronald Roy Hoodenpyle,

Accused.

MOTION TO WITHDRAW GUILTY PLEA

Comes now, Ronald Roy Hoodenpyle, Sui Juris, and moves the Honorable Court to grant this motion to Withdraw Guilty Plea and as grounds therefore, hereby states as follows:

1. On 7 April, 2011 Ronald Roy Hoodenpyle, through his attorney, Leslee Barnicle, entered a guilty plea to Charge: Failure to Surrender for Service of a Sentence, 18 USC 3146(a)(2) and (b)9(1)(ii).
2. That the plea was based on condition that if the appeal of case number 09-cr-00013-MSK-01 was granted all charges would be dismissed.
3. That the Accused would only have to serve three (3) months, as recommended by the court and Ms. Barnicle. (See Exhibit A)
4. And that the court and Ms. Barnicle kept telling me that I needed to sign this agreement so Accused could go be with my invalid wife, in California.
5. On or about April 7, at approximately 1:00 p.m., about two hours after signing the PLEA AGREEMENT, Accused's wife Darla called MS. Barnicle at (303)350-1550, and asked about the four (4) separate points the courts were

indicting The Accused on (See Exhibit B). Ms Barnicle did not know what the plea agreement contained stated she would e-mail Mrs. Hoodenpyle with an answer, but did not respond, by e-mail.

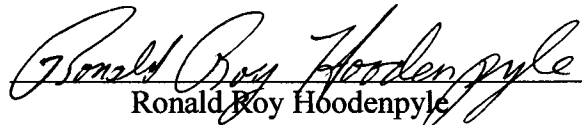
6. On or about April 8, 2011, Accused's wife, Darla spoke to Ms. Barnicle again. Ms. Barnicle said she was asking for a variance, to drop two points on the "2010" case. She also stated that there was "double-dipping going on, but she had told the Accused to sign the papers any way. (See Exhibit B).
7. On or about April 8, 2011, Darla, Accused's wife, spoke to Katherine Szot, Accused's Advocate and explained to her what Ms. Barnicle had said.
8. On or about April 8, 2011, after talking to Darla, Katherine called Ms. Barnicle and stated her concerns of the decision to sign the PLEA AGREEMENT. (See Exhibit C). Ms. Barnicle said it didn't matter because the Accused had already signed the PLEA AGREEMENT.
9. On or about April 11, 2011 Mr. Hoodenpyle the Accused gave verbal and written permission for Katherine Szot, Advocate, to obtain copies of the PLEA AGREEMENT.
10. On or about April 18, 2011, Ms. Barnicle e-mailed unsigned copies of the PLEA AGREEMENT and STATEMENT BY DEFENDENT IN ADVANCE OF PLEA OF GUILTY, however, Ms. Barnicle told Ms. Szot if she wanted copies of the signed documents she would have to go to the courthouse and get them.
11. On or about April 22, 2011, Ms. Szot did go to the courthouse and received of the PLEA AGREEMENT and STATEMENT BY DEFENDENT IN ADVANCE OF PLEA OF GUILTY. (See Exhibit B).

12. On or about April 22, 2011, Ms. Szot went to see the Accused, at the FDC, Englewood and showed to the Accused the unconscionable clauses and misrepresentations in the PLEA AGREEMENT and STATEMENT BY DEFENDENT IN ADVANCE OF PLEA OF GUILTY, to which the Accused authored the statement to rescind the PLEA BARGAIN. (See Exhibit C).
13. On or about April 22, 2011, Ms. Szot also showed to the Accused, for the first , that the APPEAL, which the Accused thought had been filed shortly after the conviction of June 17, 2010, was filed March 11, 2011, if at all, which made an untimely filing. This APPEAL was what the Accused had based his PLEA AGREEMENT on for having all the charges dismissed. Ms. Barnicle never told the Accused about the late filing of that APPEAL. (See Exhibit D).
14. The interests of Justice will be subverted and Accused's life and reputation will be forever tarnished and Accused's economic interests will be devastated if he cannot withdraw the coerced guilty plea and schedule a jury trial on all the issues charged.
15. This Honorable Court has jurisdiction to accept this withdrawal of plea.
Withdrawal of plea with court's discretion. An application for the withdrawal or change of such plea is addressed to the discretion of the trial court. Maes v. People, 155 Colo. 570, 396 P.2d 457 (1964); Bradley v. People, 175 Colo. 146, 485 P.2d 875 (1971).
16. This Accused has bourn the burden of showing the required elements. *Showing required to permit change of plea. To warrant the exercise of discretion favorable to a Accused concerning a change of plea, there must be some showing that*

justice will be subverted by a denial thereof, such as where a Accused may have been surprised or influenced into a plea of guilty when he had a defense, or where a plea of guilty was entered by mistake or under a misconception of the nature of the charge, or where such plea was entered through fear, fraud, or official misrepresentation, or where it was made involuntarily for some reason. Maes v. People, 155 Colo. 570, 396 P.2d 457 (1964).

Wherefore, the Accused, Ronald Roy Hoodenpyle, Sui Juris, prays that this forthwith MOTION TO WITHDRAW GUILTY PLEA be immediately granted.

Respectfully submitted this 27 day of April, 2011.



Ronald Roy Hoodenpyle
Federal Detention Center, Englewood
9595 W. Quincy Ave.
Littleton, CO 80123

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal case No. 10-cr-00595-CMA-1

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ronald Roy Hoodenpyle,

Accused.

ORDER

This matter comes before the Court on Accused **Motion to Withdraw Guilty Plea**, dated *April* ____, 2011.

The Court finds that it has jurisdiction and hereby orders

_____.

SO ORDERED this _____ day of _____, 2002.

BY THE COURT:

Absolute Writ of Habeas Corpus
ONE SUPREME COURT WRIT of HABEAS CORPUS cum causa:
Bring the Body to Our One Supreme Court Common Law Venue
Original and Exclusive Jurisdiction

Section 1: Absolute Writ of Habeas Corpus by Proclamation in Republic is Hereby Issued:

Bring all bodies of living men and women, who by free will choice and moral conscience adhere to this County Settlement Constitution, excepting only those bodies that have committed physical/intentional injury, theft of property or intentional material damages, not excepting any suit, civil or criminal, attached by color of law and commercial bond via the construction of corporate criminal persons, people and bodies held as legal prisoners to be removed from the jurisdiction of all foreign and inferior corporate UNITED STATES (and all corporate sub-divisions thereof) District, Civil, Federal, Judicial and/or Administrative Tribunal courts to the common law venue and courts of competent jurisdiction under authority of Our One Supreme Court in the Republic for adjudication, settlement, discharge and closure of all outstanding liabilities attached thereto by presumption of suretyship under color of law and public policy of said UNITED STATES as bankrupt debtor in possession and allegiances to powers foreign to the People in Republic. All such presumption of attachment and suretyship thereof is hereby declared null and void *ab initio/nunc pro tunc*.

Section 2: All living men and women being held by such foreign jurisdiction, shall be so identified by sworn oath and affirmation by a living man or woman in republic with supporting facts in affidavit form, and such information shall be presented to a local county a De Jure Grand Jury for review and issuance of an Absolute Writ of Habeas Corpus, with the above proclamation wording placed at the top of such writ, and further signed by absolute autograph, as follows:

In Witness and by Authority of the Sovereign People in Republic
We Hereby Issue this Absolute Writ of Habeas Corpus and Demand that the Body be returned to
Our Authority in County Settlement and therefore We Do Hereby Place our Hands and Seals:

IT IS HEREBY ORDERED: Bring the Living Body of Ronald Roy Hoodenpyle to Our One Supreme Court Common Law Venue in Original and Exclusive Jurisdiction.

<p><u><i>John Joseph Pauls</i></u> (Absolute autograph of Moderator in One People Assembly) Right Thumb Print Seal</p>	<p>Date: <u>4/27/11</u></p>
<p><u><i>Myra Ann Tipton</i></u> (Absolute autograph of Recording Clerk in One People Assembly) Right Thumb Print Seal</p>	<p>Date: <u>4/27/11</u></p>
<p><u><i>Katherine Szot</i></u> (Absolute autograph of Special Witness in One People Assembly) Right Thumb Print Seal</p>	<p>Date: <u>4/27/11</u></p>

(2 Cor. 13:1) By the mouth of two or three witnesses shall every word be established
(Deuteronomy 19:15) On the evidence of two or three witnesses a matter shall be confirmed

CERTIFICATE OF SERVICE

I, Ronald Roy Hoodenpyle, do certify that on this 27 day of April, 2011, I placed true and correct copies of the forgoing MOTION TO WITHDRAW GUILTY PLEA, in the U.S. Mail, first-class postage pre-paid OR had hand delivered to the following:

District Court of the United States
District of Colorado
Attn: 1823 Stout St., First Floor
Denver, CO 80657

Hand delivered by legal advocate

Denver District Attorney's Office
Second Judicial District
201 W. Colfax Avenue
Denver, Colorado 80202

Hand delivered by legal advocate

Leslee A. Barnicle, PC
The Osage Building
1175 Osage Street, Suite 200
Denver, CO 80204

Hand delivered by legal advocate

Ronald Roy Hoodenpyle
Ronald Roy Hoodenpyle
9595 W. Ramsey Ave
LITTLETON, CO. 80123

that crime, and my personal history and background. I understand that the court has discretion with respect to the application of the sentencing guidelines, and that I could be sentenced to serve the maximum term and pay the maximum fine, as set out in paragraph 3 below.

3. I know that the following penalties may be imposed upon me under the law, as a result of my guilty plea(s):

Count 1

- a. Imprisonment for a term of not more than 5 years;
- b. A term of supervised release of not less than 2 years or more than 3 years, pursuant to 18 U.S.C. § 3583;
- c. A fine of not more than \$250,000.00, pursuant to the statute that I admit I violated and/or the alternative fine schedule set out at 18 U.S.C. § 3571;
- d. Restitution to the victim(s) of my crime(s) of not more than \$ _____, pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664;
- e. A special assessment of \$ 100.00, pursuant to 18 U.S.C. § 3013;
- f. A prison sentence that may be imposed for a violation of the conditions of probation or supervised release;
- g. Loss of civil rights, including but not limited to the rights to possess firearms, vote, hold elected office, and sit on a jury; and
- h. Deportation from the United States if I am not a U. S. citizen and my crime satisfies one of the conditions in 8 U.S.C. § 1227(a)(2), or indefinite confinement if there is no country to which I may be deported.

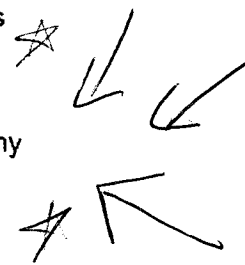





Exhibit A

e. If I cannot afford to pay the expenses that witnesses incur, the government will pay those expenses, including mileage and travel expenses, and including reasonable fees charged by expert witnesses;

f. I cannot be forced to incriminate myself and I do not have to testify at any trial; 


g. I can testify at my trial if I choose to, and I do not have to decide whether to testify until after I have heard the government's evidence against me; 


h. If I do not want to testify, the jury will be told that no inference adverse to me may be drawn from my failure to testify;


i. The government must prove each and every element of the offense(s) with which I am charged, beyond a reasonable doubt; 

j. In order for me to be convicted, the jury must reach a unanimous verdict of guilty; and

k. If I were to be convicted, I could appeal, and if I could not afford an appeal, the government would pay the cost of the appeal, including the cost of the services of an appointed attorney.

10. I know that if I plead guilty, there will not be a trial of any kind. 

11. I know that if I plead guilty, there will be no appellate review of the question of whether or not I am guilty of the offense(s) to which I have pled guilty. 

12. I know that once this court sentences me, both the government and I may be able to seek appellate review of the sentence imposed, pursuant to 18 U.S.C. § 3742. I understand that any such appellate review will extend only to the question of whether a proper sentence was imposed. I understand that the Court 

of Appeals will not take up the question of whether I am guilty of the offense(s) to which I have pled guilty. I understand that I will have to serve the sentence that is imposed by this court, subject to modification of the sentence by order of the Court of Appeals and/or the United States Supreme Court.



13. No agreements have been reached and no representations have been made to me as to what the sentence in this case will be, except that which is explicitly detailed in the document entitled "Plea Agreement and Statement of Facts Relevant to Sentencing" (hereafter referred to as "Plea Agreement") which includes a joint recommendation to a variance to a three month sentence, which will be tendered to the court during this proceeding. I further understand that any agreements and stipulations in the document entitled "Plea Agreement" are binding on the court only if the parties ask the court in that document to be so bound and only if the court agrees to be so bound when it accepts my guilty plea(s).



14. The only plea agreement which has been entered into with the government is that which is set out in the document entitled "Plea Agreement" which will be tendered by the government and me in this case and which I incorporate herein by reference.

15. I understand that the court can make no decision as to what my sentence will be until the presentence report has been received and reviewed by the court.

16. I know that when I enter my plea(s) of guilty, the court may ask me questions under oath about the offense(s) to which I have pled guilty. The



questions, if asked of me on the record and in the presence of my attorney, must be answered by me, and if I give false answers, I can be prosecuted for perjury.

17. I know that I have the right to ask the court any questions that I have concerning my rights, these proceedings, and my plea(s) to the charge(s).

18. I am 48 years of age. My education consists of 12th grade.
I can understand the English language.

19. Other than the promises of the government set out in the document entitled "Plea Agreement" no promises and no threats of any sort have been made to me by anyone to induce me or to persuade me to enter my plea(s) in this case.

20. No one has promised me that I will receive probation or any other form of leniency because of my plea(s) of guilty.


21. I have had sufficient opportunity to discuss this case and my intended plea(s) of guilty with my attorney. I do not wish to consult with my attorney any further before I enter my plea(s) of guilty.

22. I am satisfied with my attorney. I believe that I have been represented effectively and competently in this case.

23. My decision to enter the plea(s) of guilty is made after full and careful thought, with the advice of my attorney, and with full understanding of my rights, the facts and circumstances of the case, and the potential consequences of my plea(s) of guilty. I was not under the influence of any drugs, medication, or intoxicants when I made the decision to enter my guilty plea(s). I am not now under the influence of any drugs, medication or intoxicants.

I certify that I have discussed this statement and the document entitled "Plea Agreement" with the defendant. I certify that I have fully explained the defendant's rights to him or her and have assisted him in completing this form. I believe that the defendant understands his or her rights and this statement. I believe that the defendant is knowingly and voluntarily entering his or her plea(s) with full knowledge of his legal rights, and with full knowledge of the possible consequences of his plea(s) of guilty. I believe that there is a factual basis for the plea(s) entered.

Dated this 7 day of April, 2011.


Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 10-cr-00595-CMA-01

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. RONALD ROY HOODENPYLE,

Defendant.

**PLEA AGREEMENT AND STATEMENT OF FACTS
RELEVANT TO SENTENCING**

The United States, by and through Matthew T. Kirsch, Assistant United States Attorney for the District of Colorado, and the defendant, Ronald Roy Hoodenpyle, personally and by counsel Leslee Barnicle, submit the following Plea Agreement and Statement of Facts Relevant to Sentencing pursuant to D.C.COLO.LCrR 11.1.

I. PLEA AGREEMENT

1. The defendant will plead guilty to Count 1 of the Indictment, charging him with failing to surrender for service of a sentence, in violation of Title 18, United States Code, Sections 3146(a)(2) and (b)(1)(A)(ii).

2. The defendant agrees to pay the \$100 special monetary assessment applicable to Count 1 at or before the time of sentencing.

3. Based on factors identified in Title 18, United States Code, Section 3553, the parties agree that a variant sentence of three months' imprisonment in the custody of the Bureau of Prisons (to run consecutive to the term of imprisonment imposed in



than five years of imprisonment, a fine of not more than \$250,000, or both; not more than 3 years of supervised release, and; a \$100 special assessment fee.

7. The conviction may also cause the loss of certain civil rights, such as the right to possess firearms, to vote, to hold elective office, and to sit on a jury.

8. A violation of the conditions of probation or supervision may result in a separate prison sentence.

IV. STIPULATION OF FACTUAL BASIS AND FACTS

RELEVANT TO SENTENCING

9. The parties agree that there is no dispute as to the material elements which establish a factual basis for the offense of conviction. ✓

10. Pertinent facts are set out below in order to provide a factual basis of the plea and to provide facts which the parties stipulate are relevant, pursuant to §1B1.3, for computing the appropriate guideline range.

11. The statement of facts herein does not preclude either party from presenting and arguing, for sentencing purposes, additional facts or factors not included herein which are relevant to the guideline computation (§1B1.3) or to sentencing in general (§1B1.4). Nor is the Court or Probation precluded from the consideration of such facts. In "determining the factual basis for the sentence, the Court will consider the stipulation [of the parties], together with the results of the presentence investigation, and any other relevant information." (§6B1.4 Comm.)

12. The parties agree that the government's evidence would show that the date on which conduct relevant to the offense (§1B1.3) began is approximately October

29, 2010.

13. The parties agree that the government's evidence would be:

Defendant Hoodenpyle was originally charged with and convicted of filing a false lien against an IRS Revenue Officer's house in case number 09-cr-00013-MSK-01.

TIGTA Special Agent William Frankel was the case agent for that case.

The order entered by Magistrate Judge Boyd Boland setting initial conditions for Defendant Hoodenpyle's release after his initial arrest in the first case describes Defendant Hoodenpyle's duty to surrender for service of any sentence imposed and the penalties for failure to surrender. Defendant Hoodenpyle's signature is on that order. On January 29, 2009, Defendant Hoodenpyle's probation officer, Robert Ford, met with Defendant Hoodenpyle and read and discussed Judge Boland's order. Defendant Hoodenpyle told Mr. Ford that he understood the order's conditions.

On June 17, 2010, Defendant Hoodenpyle was convicted by a jury in the underlying case. On September 23, 2010, Defendant Hoodenpyle was sentenced to a term of imprisonment of twelve months. In connection with that sentence, Judge Krieger orally ordered Defendant Hoodenpyle to surrender to the institution to which he was designated by the United States Bureau of Prisons by 12:00 p.m. on Friday, October 29, 2010. On October 6, 2010, Judge Krieger issued an Order to Surrender in Lieu of Transportation by the United States Marshal. Judge Krieger's Order directed Defendant Hoodenpyle to surrender for service of his sentence at Big Spring FCI SCP, Big Spring, Texas, by 12:00 p.m. on Friday, October 29, 2010. A copy of this order was mailed to Defendant Hoodenpyle at the address associated with his electronic monitoring by the United States Probation Office in Colorado Springs.

*Double
Jeop.*
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IV. SENTENCING COMPUTATION

14. The parties understand that the Court may impose any sentence, up to the statutory maximum, regardless of any guideline range computed, and that the Court is not bound by any position of the parties. (§6B1.4(d)) The Court is free, pursuant to §§6A1.3 and 6B1.4, to reach its own findings of facts and sentencing factors considering the parties' stipulations, the presentence investigation, and any other relevant information. (§6B1.4 Comm.; §1B1.4)

15. To the extent the parties disagree about the sentencing factors, the computations below identify the factors which are in dispute. (§6B1.4(b)) New facts which arise or are discovered may cause a party to change its position with regard to guideline computations or sentencing. The parties' estimated guideline application is:

- A. The base guideline is U.S.S.G. §2J1.6, with a base offense level of 11.
- B. There are no specific offense characteristic enhancements.
- C. There are no victim-related, role-in-the-offense, or obstruction of justice adjustments.
- D. The adjusted offense level for Count 1 would therefore be 11.
- E. The defendant should receive a 2-level reduction for acceptance of responsibility. §3E1.1(a). The resulting offense level would therefore be 9.
- F. The parties understand that the defendant's criminal history computation is tentative and that the criminal history category is determined by the Court. The defendant appears to have 4 criminal history points, which would place him in Criminal History Category III.



- G. The career offender/criminal livelihood adjustments do not apply.
- H. The guideline range resulting from the estimated offense level of (E) above, and the tentative criminal history category of (F) above, is 8-14 months. However, in order to be as accurate as possible, with the criminal history category undetermined at this time, the estimated offense level of (E) above could conceivably result in a range from 4 months (bottom of Category I) to 27 months (top of Category VI).
- I. Assuming the estimated offense level of (E) above, the fine range for this offense is \$1,000 to \$10,000, plus applicable interest and penalties.
§5E1.2(c)(3).
- J. Pursuant to guideline §5D1.2, if the Court imposes a term of supervised release, that term shall be at least 2 years but not more than 3 years.

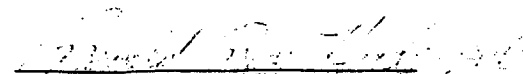
V. WHY THE PROPOSED PLEA DISPOSITION IS APPROPRIATE


16. The parties believe the sentencing range resulting from the proposed plea agreement is appropriate because all relevant conduct is disclosed, the sentencing guidelines take into account all pertinent sentencing factors with respect to this defendant, and the charge to which the defendant has agreed to plead guilty adequately reflects the seriousness of the actual offense behavior.

17. This document states the parties' entire agreement. There are no other promises, agreements (or "side agreements"), terms, conditions, understandings or assurances, express or implied. In entering this agreement, neither the United States nor the defendant have relied, or are relying, on any terms, promises, conditions or assurances not expressly stated in this agreement.

false



4-7-11 
Date Ronald Roy Hoodenpyle
Defendant

4/7/11 
Date Leslee Barnicle
Attorney for Defendant

4/8/2011 
Date Matthew T. Kirsch
Assistant U.S. Attorney

B. Challenging Former Guilty Pleas

Where a defendant challenges the validity of a guilty plea through an appeal or a petition for writ of certiorari filed contemporaneously with an appeal, the record must affirmatively show that the guilty plea was made knowingly and voluntarily; otherwise, the plea is invalid.

Boykin v. Alabama, 395 U.S. 238 (1969). However, at the end of direct appeal, or when the time for appeal has expired, a "presumption of regularity" applies to a guilty plea. *Parke v. Raley*, 506 U.S. 20 (1992). The "presumption of regularity" shifts the burden to the defendant to show that his or her plea was involuntary. This can be a difficult burden to carry. See *State v. Bass*, 133 N.C. App. 646, 516 S.E.2d 156 (1999) (defendant unsuccessful in overturning prior uncounseled guilty plea that became basis of capital aggravating circumstance).

Our courts have also held that the proper procedure for challenging a prior guilty plea on Boykin grounds is to file a motion for appropriate relief in the original cause. A defendant may not raise the issue of the voluntariness of a plea that is being used as a sentencing enhancer, or as the basis for a habitual felon charge, at the sentencing hearing or during a habitual felon trial. *State v. Creason*, 123 N.C. App. 495, 473 S.E.2d 771, *aff'd*, 346 N.C. 165, 484 S.E.2d 525 (1997) (collateral attack on prior conviction used as basis of habitual felon charge improper; proper procedure for adjudicating Boykin claim was motion for appropriate relief); accord *State v. Stafford*, 114 N.C. App. 101, 440 S.E.2d 846 (1994) (claim that prior pleas of guilty used to support habitual impaired driving charge were received in violation of Boykin could not be raised in habitual impaired driving case; defendant must file MAR in original case). Compare *Custis v. United States*, 511 U.S. 485 (1994) (if conviction is obtained in violation of right to counsel, defendant may collaterally attack conviction in case in which conviction is proposed to be used); see also G.S. 15A-980 (allowing motion to suppress prior conviction for violation of right to counsel).

Settling a criminal case is usually called a plea bargain. It means that the prosecution and the defense come to an agreement to resolve the case. The case can be settled at several points during the process, from before it is charged all the way to trial's doorstep. Usually, however, the best bargain can be obtained earlier rather than later in the process. But "usually" doesn't mean "always". And in many cases it is a question that should be analyzed immediately so that good opportunities to settlement aren't given up because of pride or inattention.

Part of a lawyer's job is to make sure the client is making good life decisions. You can't do that as an attorney until you understand the client, the client's goals, the case, the likelihood of conviction and the consequences to the client if convicted.

130386652003
00:01:15
04
OK
STANDARD
ECM

TO: **The Honorable Governor Hickenlooper**
1-303-866-2003

FROM: **Katherine Szot**
(719) 630-0847

RE: **Ronald Hoodenpyle Fed. Case # 10-1457**

DATE: **April 13, 2011**

Please find attached correspondence pertaining to the above captioned case.

As an Advocate, I feel that bridging the gap between governmental agencies not only lets leadership know what the People are experiencing, it helps the leaders know how to best serve the People for bettering State policies and communications.

Thank you for your time and consideration.

Katherine Szot

At this time I would also like to invite you to a very informative meeting at the Relevant Word Ministries Cultural Center, located at 1040 South Institute Street in Colorado Springs. The meeting will be held on April 30, 2011, starting at 1:00 pm and ending at 4:30. I will be speaking on various legal and historical issues. You would be my special guest. Please RSVP at (719) 630-0847, if you and/or staff can attend. Thank you.

Exhibit B

B1

To the Honorable Governor Hickenlooper:
RE: Case Number 10-1457

My duty as a sovereign and lover of Constitutional freedom and this country, must, under Title 18, Part I, Chapter 115 § 2382 report to you these grievous actions that violate Constitutional law and the rights of everyone living as free in the Republic of Colorado.

TITLE 18 > PART I > CHAPTER 115 > § 2382

Whoever, owing allegiance to the united States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the united States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

My name is Katherine Szot. I do volunteer advocacy for those you can not afford to receive help, or are sovereigns that follow the Constitution and will not put trust in Titles of Nobility (Esquires). Article I Section 9 Paragraph 7 states:

“No Title of Nobility shall be granted by the united States; and no Person holding the Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office or Title, of any kind whatever, from any King, Prince, or foreign State.”

Due to the fact that Mr. Ronald Roy Hoodenpyle, a sovereign, was compelled to have an attorney, he selected Gary D. Fielder, out of Arvada, Colorado. Because of the illegal actions of Judge Kreiger, in the District Court, an appeal was submitted to the 10th Circuit Court, by Mr. Fielder.

The issues for review are as follows:

- 1) Whether Defendant is entitled to an acquittal because the evidence was insufficient.
- 2) Whether the Defendant is entitled to a new trial because:
 - a) the jury was improperly instructed on the definition of the term(s) “lien and encumbrance,”
 - b) the court precluded cross-examination of prosecution witnesses; and
 - c) the court improperly directed the jury in an essential element of the offense.

What Mr. Fielder failed to include in the appeal was that the judge did not recues herself, as she should have. Ms. Kreiger knew that Mr. Hoodenplye had placed a Maritime lien on her, baring her from hearing the case due to conflict of interest. Ms. Kreiger also perjured her self when Mr. Hoodenplye asked for an Article III Court. Kreiger's response, "It is". Her court is a Military/Maritime court.

While waiting for the appeal, Mr. Hoodenplye was again compelled to have an attorney for other charges brought against him, which would not have been brought, if the judge did not misinform the jury, by "modifying" the Colorado Statute, making it fit the elements of the case resulting in a guilty plea, and bar Attorney Fielder from presenting a defense and questioning witnesses.

The second attorney, Leslie Barnicle (not sure of the spelling) advised Mr. Hoodenplye to take a plea bargain, in which when asked by Mrs. Hoodenplye what the points were, Ms. Barnicle said she didn't know. Then later in a phone call, Ms. Barnicle, told Ms. Hoodenplye that there were two charges that were "double dipping" in another words, double jeopardy, which she would try to get removed.

When I talked with Ms. Barnicle, she told me it didn't matter because Mr. Hoodenplye had already signed the agreement. My comment to Ms. Barnicle was:

"My concern about this matter is that as an attorney, why would you have a client sign a plea that you knew was in violation of his Constitutional Rights?"

Ms. Barnicle, said nothing else.

I have tried to obtain copies of the paperwork, Mr. Hoodenplye has given me permission to do so, but as of yet have not received a copy of the plea bargain.

In a court system which allows jury tampering by an improper judge, failure of due process, and compels defendants ot obtain weak or bad attorney counsel, constitutes treason when the Constitution clearly states in Articles V; VI; and VII:

V – "Grand Jury, double jeopardy, no one must witness against himself, no loss of life, liberty or private property without due process."

VI – "Speedy and public trials, impartial jury nature and cause, right to confront; compulsory witnesses, assistance of Counsel –(Note: Black's Law Dictionary Fourth Edition, page 418: An Advocate, Counselor, or Pleader. Black's Law Fourth Edition Dictionary Page 75: Advocate – One who assists, defends or pleads for another.)

VII – "Right to trial by jury according to the rules of Common Law - Ten Commandments are the foundation of Common Law.

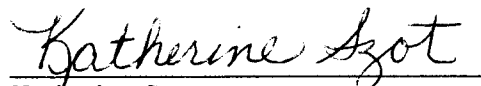
Section 242 of Title 18 of the united States Code makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the united States.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State...to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the united States...shall be fined under this title or imprisoned not more than one year, or both...

As a Sovereign of the Republic of Colorado, I feel obligated by law to present this to you. I pray that action can be taken before Mr. Hoodenpyle is further damaged and separated from his ill wife. No one should have to endure what this family has under the color of law.

Thank you for your prompt attention to this matter; time is of the essence.

God's Speed



Katherine Szot
c/o 509 South El Paso Street
Colorado Springs, CO [80903]
(719) 630-0847
(Message Telephone)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Diego

On April 11/2011 before me, Rola Khodor
(Here insert name and title of the officer)

personally appeared Darla Jean Hoodenpyle

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer

(Title)

- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they- is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ◆ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ◆ Indicate title or type of attached document, number of pages and date.
 - ◆ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

BS

AFFIDAVIT OF TRUTH

I, Darla Jean Hoodenpyle certify as truth, that around noon to 1:00 p.m. April 7, 2011, I phoned Leslie Barnicle, my husband, Ron Hoodenpyle's court appointed Attorney. I reached her at (303) 350-1550.

Ms. Barnicle had previously informed me she was meeting with the Dept. of Justice as they were wanting Ron to sign a plea bargain. On this particular call, I specifically inquired about the meaning of the four separate points the courts were indicting him on.


She could not tell me two of them. One point was for his federal case of "2009", one point was for his "2010" case. She stated that she did not know what the other two points were for, but said she would find out the answer and e-mail that to me. I gave her my e-mail address but did not receive her reply.

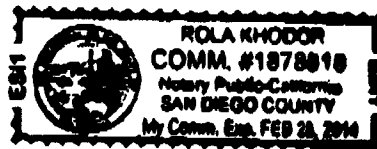
Ms. Barnicle stated she spoke with the Bureau of Prisons and was told Ron already has served time on all counts. Ron's "2009" case is on appeal with the 10th Circuit Court, and if they reverse that case, the sentence goes away. The time he has served on the "2009" case will count towards the sentence of the new case of "2010" for not turning himself in at the Texas prison.


I spoke with Ms. Barnicle the following day and she conveyed to me, she is asking for a variance, to drop two points on the "2010" case. She stated she may argue that points overstate criminal history because of aggravation. Ms. Barnicle said something about being on bond, but I do not know what she meant by that. She also stated, "Ron did not report (referring to Texas facility) and he is not on escapee status. It's my understanding that she inferred that the 2010 charge for non-appearance is the cause for additional points. "It's like double dipping," she said. However, she advised Ron to sign the papers for the plea bargain. In closing she said, "He is being punished for a new case but wouldn't have that status if hadn't occurred."

I certify that this is an accurate statement of our conversation.

Dated this 11th day of April, 2011


Darla Jean Hoodenpyle
Authorized Representative




4/11/2011

STATEMENT

August 20, 2009

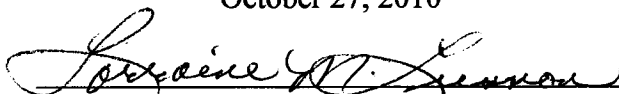
**FOR:
Ronald Roy Hoodenpyle**

Mr. Hoodenpyle, not being in court because of a medical issue the prior day, the judge and Prosecutors were discussing whether to dismiss and start over or continue taking the maximum of time under the law, it was at this point I heard, to the best of my recollection, a comment made something to the effect that 'such people need be in jail'.

I declare these STATEMENTS true to the best of my memory.

Dated this:

October 27, 2010



Lorraine M. Lunnon
540 Vance Street
Lakewood, Colorado

STATEMENT OF FACT

On or about August 17, 2009

FOR: Ronald Roy Hoodenpyle

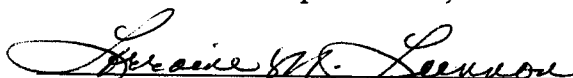
Mr. Hoodenpyle in his series of questions asked Judge Marcia Krieger if this was an 'Article III Court'.

Her answer was: **Yes.**

That Exhibit #119, was denied by Judge Krieger on June 3, 2010.

I declare these STATEMENTS as true to the best of my memory.

September 27, 2010



Lorraine M. Lunnon
540 Vance Street
Lakewood, Colorado

April 22, 2011

To Whom it may concern.

I Ronald Roy Hoodenryk being of sound mind was misled and ill informed of the charges of the plea agreement made by court appointed counsel Mr Leslie Barnick and myself April 4th 2011.

I rescind this plea agreement because of Section 804 what constitutes fraud, deception, or Trickery and my Constitutional Rights of 1787 and the Bill of Rights 1791.

I believe Mr Barnick has failed to explain and misinformed me of this plea agreement.

The Court and Mr Barnick has mentioned that I need to get back to my wife that she needed me home. After reviewing this agreement and finding many errors I cannot no longer agree to this plea agreement.

and cancel and rescind this contract. It is totally in violation of my Constitutional Rights.

Ronald Roy Hoodenryk

CASE NO. 10-1457

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

Ronald Roy Hoodenpyle,

Defendant-Appellant.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
THE HONORABLE MARCIA KRIEGER
DISTRICT COURT NO. 09-cr-00013-MSK**

APPELLANT'S OPENING BRIEF

**Gary D. Fielder
5777 Olde Wadsworth Blvd., #R700
Arvada, Colorado 80002
(303) 650-1505
Email: criminaldefense@fielderlaw.net
Counsel for Defendant-Appellant
Ronald Hoodenpyle**

Oral Argument is not requested.

SCANNED PDF FORMAT ATTACHMENTS ARE INCLUDED

Dated: March 11, 2011

Exhibit D

DI

Description:

This page will help you learn about the rules and laws in Colorado in the area of County Court Criminal Appeals and case filing form and fee requirements. Forms are available in WORD or Adobe Acrobat (PDF) format. The forms in PDF can be completed online and then printed.

These instructions are for use only when the Defendant who was found guilty is appealing an issue to the District Court. The Defendant/Appellant has 30 days after the date of entry of judgment or the denial of post trial motions, whichever is later, to file the Notice of Appeal.

COLORADO CRIMINAL APPEALS ATTORNEY

C.A.R. Rule 4(b)

(1) Except as provided in Rule 4(e), in a criminal case the notice of appeal by a defendant shall be filed in the appellate court and an advisory copy served on the clerk of the trial court within forty-five days after the entry of the judgment or order appealed from. A notice of appeal filed after the announcement of a decision, sentence, or order but before entry of the judgment or order shall be treated as filed on the date of such entry. If a timely motion in arrest of judgment or for a new trial on any ground other than newly discovered evidence has been made, an appeal from a judgment of conviction may be taken within forty-five days after the entry of an order denying the motion. A motion for a new trial based on the ground of newly discovered evidence will similarly extend the time for appeal from a judgment of conviction if the motion is made within ten days after entry of the judgment. A judgment or order is entered within the meaning of this section (b) when it is entered in the criminal docket. Upon a showing of excusable neglect the appellate court may, before or at any time after the time has expired, with or without motion and notice, extend the time for filing a notice of appeal for a period not to exceed thirty days from the expiration of the time otherwise prescribed by this section (b).