

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

Civil Action No. 1:24-cv-01105-STV
(To be supplied by the court)

BYRON L. WHITHEHORN,
Plaintiff,

v.

Jury Trial requested:
(please check one)
 X Yes No

BETH MCCANN,
LARA MULLIN,
DANIELLE C. ROBINSON,
STEVE D. BISHOP,
LORETTA BEAUVAIS,

Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

AMENDED PRISONER COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Byron L. Whitehorn, 193206, Limon Correction Facility, 49030 State Hwy #71, Limon, CO 80826

(Name, prisoner identification number, and complete mailing address)

(Other names by which you have been known)

Indicate whether you are a prisoner or other confined person as follows: (check one)

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☐ Other: *(Please explain)* _____

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: BETH MCCANN, District Attorney, 201 West Colfax Avenue, Denver, CO 80202

(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No *(check one)*. Briefly explain:

Head of Denver District Attorney's Office

Defendant 1 is being sued in his/her ☒ individual and/or ☒ official capacity.

Defendant 2: LARA MULLIN, Deputy District Attorney, 201 West Colfax Avenue, Denver,
CO, 80202
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under
color of state or federal law? X Yes ___ No (*check one*). Briefly explain:

Prosecuting Attorney

Defendant 2 is being sued in his/her X individual and/or X official
capacity.

Defendant 3: DANIELLE C. ROBINSON, Deputy District Attorney, 201 West Colfax Avenue,
Denver, CO 80202
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under
color of state or federal law? X Yes ___ No (*check one*). Briefly explain:

Prosecuting Attorney

Defendant 3 is being sued in his/her X individual and/or X official
capacity.

Additional Page Attached and Labeled: B. DEFENDANTS INFORMATION

C. JURISDICTION

Indicate the federal legal basis for your claim(s): (check all that apply)

X State/Local Official (42 U.S.C. § 1983)

___ Federal Official

As to the federal official, are you seeking:

___ Money damages pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)

___ Declaratory/Injunctive relief pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1361, or 28 U.S.C. § 2201

___ Other: (please identify) _____

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: **MALICIOUS PROSECUTION**

Claim one is asserted against these Defendant(s): Beth McCann, Lara Mullin, Danielle C. Robinson, Steve D. Bishop and Loretta Beauvais.

Supporting facts:

EVIDENCE IN SUPPORT: Police body cam; Police report; Text messages; Police interviews; 911 calls; Preliminary hearing record; 404b hearing transcript, and, more.

INTRODUCTION

1. This case is brought on behalf of the named Plaintiff Mr. Byron Whitehorn a wrongfully prosecuted citizen victimized by the Defendant Officers Bishop, Beauvais and District Attorneys McCann, Mullin and Robinson, based on their joint conspiracy to manufacture probable cause to wrongfully prosecute Mr. Whitehorn for rape.
2. Plaintiff Mr. Whitehorn was humiliated and procedurally slayed without due process of law based on a false narrative that the Defendant officers knew to be false.
3. This is a civil rights action for damages against the officers of the Denver Police

Department and District Attorneys McCann, Robinson and Mullin, namely Detective Bishop, Detective Loretta Beauvais, Danielle Robinson, Lara Mullin and Beth McCann for the violation of Plaintiff Mr. Whitehorn's Fourth, Eighth and Fourteenth Amendment rights, and the resultant damages and injuries.

4. In May 2021, the plaintiff was wrongfully accused of sexual assaulting a woman. This false allegation of rape was filtered out and identified as fraud and rejected by law enforcement. However, in a deviant and malice effort to revive these false allegations, the Defendants Bishop and Beauvais worked with District Attorney Beth McCann, Danielle Robinson and Lara Mullin to fabricate a false affidavit based on material omissions and falsities that the defendants knew to be false; and, thereafter, brought false charges of sexual assault against Mr. Whitehorn, who happens to be a African-American, with the sole intent of harassing and humiliating him, as well as gain an unfair advantage in a separate litigation.
5. Consequently, Mr. Whitehorn was wrongfully prosecuted and injured, which naturally deprived him of his Constitutional rights to be free from a wrongful prosecution in absence of probable cause under the Fourth and Fourteenth Amendment.
6. Plaintiff Mr. Whitehorn seeks compensation for physical and emotional harm, loss of liberty, economic damages, and damages caused by the deprivation of constitutional rights. Further, Plaintiff Mr. Whitehorn seeks punitive damages to punish the Defendants and deter future misconduct, as well as demonstrate that such wanton and willful misconduct is intolerable.

Additional Pages Attached and Labeled: D. STATEMENTS OF CLAIMS

E. PREVIOUS LAWSUITS

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? ___ Yes X No (*check one*).

If your answer is "Yes," complete this section of the form. If you have filed more than one previous lawsuit, use additional paper to provide the requested information for each previous lawsuit. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "E. PREVIOUS LAWSUITS."

Name(s) of defendant(s): _____

Docket number and court: _____

Claims raised: _____

Disposition: (is the case still pending?
has it been dismissed?; was relief granted?) _____

Reasons for dismissal, if dismissed: _____

Result on appeal, if appealed: _____

F. ADMINISTRATIVE REMEDIES

WARNING: Prisoners must exhaust administrative remedies before filing an action in federal court regarding prison conditions. See 42 U.S.C. § 1997e(a). Your case may be dismissed or judgment entered against you if you have not exhausted administrative remedies.

Is there a formal grievance procedure at the institution in which you are confined?

X Yes ___ No (*check one*)

Did you exhaust administrative remedies?

X Yes ___ No (*check one*)

G. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF."

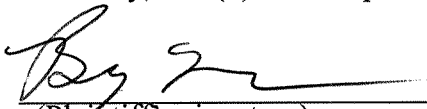
WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in Mr. Whitehorn's favor and against the Defendants Bishop, Beauvais, Robinson, Mullin and McCann, and award all relief as allowed by law and equity, including, but not limited to the following:

- a) All appropriate relief at law and equity;
- b) Public apology from the DPD and the District Attorney's Office (DA);
- c) Expunge Plaintiff's record;
- d) DA office to inform all media outlets that this was a false allegation;
- e) DA office to request all media to remove false allegation articles;
- f) Racial bias training for all involved;
- g) Appropriate notation in Defendant's file;
- h) Actual economic damages as established at trial;
- i) Compensatory damages, including, but not limited to those for past and future pecuniary losses, physical and mental pain, humiliation, loss of reputation, fear, anxiety, security and individual, and other non-pecuniary losses;
- j) Punitive damages for all claims allowed by law in an amount to be determined at trial;
- k) Pre-judgment and post-judgment interest at the highest law rate;
- l) If attorney is appointed, attorney's fees and cost; and
- m) Such further relief as justice requires.

H. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.



(Plaintiff's signature)

12/30/24

(Date)

(Revised November 2022)

B. DEFENDANTS INFORMATION

BETH MCCANN, is a Deputy District Attorney for the Denver District Attorney's Office, in her individual and official capacity, 201 West Colfax Avenue, Denver, CO 80202;

LARA MULLIN, is a Deputy District Attorney for the Denver District Attorney's Office, in her individual and official capacity, 201 West Colfax Avenue, Denver, CO 80202;

DANIELLE C. ROBINSON, is a Deputy District Attorney for the Denver District Attorney's Office, in her individual and official capacity, 201 West Colfax Avenue, Denver, CO 80202;

STEVE D. BISHOP, is a Police Officer with the Denver Police Department, in his individual and official capacity, 1331 Cherokee Street, Denver, CO 80204;

LORETTA BEAUVAIS, is a Police Officer with the Denver Police Department, in her individual and official capacity, 1331 Cherokee Street, Denver, CO 80204;

D. STATEMENTS OF CLAIMS

FACTUAL ALLEGATIONS

The Defendants Initiated Charges Against Mr. Whitehorn Wrongfully in Direct Violation of His Civil Rights.

- 1) In July of 2021, Defendant Detective Bishop and Beauvais were joined by other officers, who discussed the actions of Mr. Whitehorn related to a consensual physical interaction with Natalie Bintliff in May of 2021. The Defendant failed to take the necessary action to protect Mr. Whitehorn's civil rights, despite a clear showing of absence of probable cause to charge the Plaintiff Mr. Whitehorn.
- 2) The Defendants, McCann, Mullin, Robin, Bishop and Beauvais, discussed the facts related to the initial false allegations of rape and false imprisonment and decided to charge Mr. Whitehorn with the sexual assault, despite the fact that there was no evidence that Mr. Whitehorn had actually sexually assaulted a woman.
- 3) Christy and Natalie then conspired with the Defendants Bishop, Beauvais, Mullin, Robinson, and McCann to tailor a false narrative of rape that would be aligned with the charges going to be published against the Plaintiff Mr. Whitehorn.

- 4) Upon information, belief and the Bintliff's depiction of the events:
- 5) On or about May 28, 2021, Plaintiff Mr. Whitehorn returned to Denver from a hike at Maxwell Falls at approximately 7:30 p.m., and decided to go downtown for dinner.
- 6) While on a one-way on South Broadway, Plaintiff Mr. Whitehorn decided to stop at a convenience store to grab some snacks, and parked his vehicle within the vicinity of the convenience store.
- 7) While walking to the convenience store, Mr. Whitehorn met a woman by the name of Christy Bintliff at approximately 9:00 p.m. A conversation ensued and eventually lead to flirting and physical contact, including but not limited to hugging and kissing.
- 8) At the subject time, Mr. Whitehorn was on a scheduled curfew of 10:00 p.m., due to unrelated legal matters. After approximately a half hour, Mr. Whitehorn advised Christy that he needed to get back to his home, at which time the two were leaning against his car.
- 9) Mr. Whitehorn offered to walk Mrs. Bintliff to her car, and she accepted. While walking to the car, Christy expressed a desire to see Mr. Whitehorn again the following day, and texted him her cell phone number. After verifying that Mr. Whitehorn had received her phone number, he returned to his car to drive home.

- 10) When Mr. Whitehorn returned to his car, he noticed that a women was standing near the driver-side door of his car. Mr. Whitehorn asked this women, “Can I help you?” This woman responded, “You were just kissing my wife.” This woman was later identified as Natalie Bintliff.
- 11) Mr. Whitehorn was surprised to find out that Christy was married to another woman, in that, prior to this confrontation, Christy provided no indication that she had been in an intimate relationship with another woman.
- 12) Recognizing that this situation could escalate, Mr. Whitehorn apologized to Natalie. In response, Natalie stated, “You’re fine, she does this all the time. She was just running around with another woman earlier. Christy tries to make me jealous all the time.”
- 13) After talking to Natalie for a few minutes, Mr. Whitehorn informed her that he needed to get home. In response, Natalie asked if she could come with Mr. Whitehorn to get away from Christy, her wife, and he agreed. Mr. Whitehorn expressed that he would call Christy once he got home in an effort to smooth things out between the two—Christy and Natalie.
- 14) Later, Plaintiff’s and text messages to Christy were confirmed to be true by Detective Bishop, Beauvais and District Attorney McCann, Mullin and
- 15) Natalie got into Mr. Whitehorn’s car with the intent and understanding

that they would go to Mr. Whitehorn's residence. On the way to his residence, Natalie expressed to Mr. Whitehorn that she was going to text Christy that she was with him just to "Piss her off," which certainly worked.

16) Christy was infuriated with Natalie and began to send text messages stating that "You're a fucking whore", "You just want Brian's black dick." These vulgar and belligerent messages continued and, unbeknownst to Mr. Whitehorn, actually provoked Natalie to pursue Mr. Whitehorn.

17) While on Speer Boulevard, Mr. Whitehorn drove passed North High School and elementary school. During this drive, Natalie began to talk about her work and commented that she worked at the elementary school. She started chanting and singing a song that she sang with her students, which was indicative of her joy and willingness to be with Mr. Whitehorn.

18) Natalie was aware of the direction of her travel with Mr. Whitehorn, and knew that she was going to North Denver to the residence of Mr. Whitehorn from the outset.

19) Upon their arrival, Mr. Whitehorn parked his vehicle in his garage and the two walked into the house through the back yard. Natalie stated in her testimony to detectives and the District Attorneys (Defendants) "That she and Plaintiff talked about the events of the night as they walked into his residence." This was a critical confession to Defendants because it showed

she was willingly interacting with the Plaintiff and not being held against her will. It also was important because it showed Defendants McCann, Mullin, Robinson, Beauvais and Bishop that Natalie was capable of appraising her conduct.

- 20) Once inside, Mr. Whitehorn made several attempts to call Christy to help calm the situation down between her and Natalie. The calls and text messages were confirmed to be true by Defendants Bishop, Beauvais, McCann, Mullin, and Robinson.
- 21) While in the kitchen, near the island, Natalie expressed to Mr. Whitehorn how nice his house was and that Christy is right with respect to her intentions and stated, "I do want your dick." Suddenly, Natalie began to kiss him and walked him to the front room, where she began to seduce him physically.
- 22) While in the front room, Mr. Whitehorn and Natalie undressed and began to have sex. Natalie expressed that it has been nearly 4-years since she had been with a man, and missed it so much. Natalie laid down in the missionary position, and the two engaged in the consensual act of sexual intercourse. This physical interaction was mutually pleasing for Whitehorn and Natalie. Mr. Whitehorn expressed a desire for Natalie to perform oral sex, which she agreed to do. Plaintiff asked Natalie if she wanted to try

another position, which she again agreed. After Mr. Whitehorn orgasmed the two laid there for a few minutes to collect themselves. When Natalie talked to Detective Bishop she stated “Plaintiff asked her if she had orgasmed?”

23) As Mr. Whitehorn got up, Natalie noticed that he had an ankle monitor, which startled her and led her to question her choice to have sex with Mr. Whitehorn. In an effort to appease Natalie, Mr. Whitehorn offered to call her an Uber. However, Natalie began to panic and left the house.

24) Concerned for Natalie, Mr. Whitehorn text Christy to ensure that Natalie arrived home safely. Unbeknownst to Mr. Whitehorn, Christy had already called the Denver Police Department to falsely report a crime in retaliation for Natalie’s infidelity, which was bad faith and based on false narrative.

25) A Police Officer responded and contacted Natalie approximately a block from Mr. Whitehorn’s home. Wheat Ridge Police Department Officer Rhoads and McCallum’s interaction with Natalie were recorded on their body cameras. Officers Rhoads and McCallum asked Natalie detailed questions about her interactions with Plaintiff Mr. Whitehorn. Natalie acknowledged that her interactions with Plaintiff Mr. Whitehorn were consensual and that she was fully aware of her actions. An officer then drove Natalie to her home finding no need to take her to the hospital based on any

crime or her intoxication level.

- 26) Both officers wrote a police report documenting their findings. They both found that no crime had been committed.
- 27) Approximately two weeks later, Natalie and Christy recognized Mr. Whitehorn in the news, and saw that he was being accused of various crimes, which prompted them to go to the Denver Police Department to make a report of sexual abuse despite knowing that these allegations of abuse were patently false.
- 28) Detective Bishop took the Bintliffs' criminal report of sexual abuse and eventually became the lead investigator on the case. Detective Bishop worked this case with Detective Loretta Beauvais, who had been currently working a case against Mr. Whitehorn. Defendants Detective Beauvais and Bishop contacted the Bintliffs in an effort to compel them to come forward with sexual abuse allegations with the knowledge that these allegations were false. The interactions between the Defendants Bintliffs and Plaintiff Mr. Whitehorn were documented by Denver Police Department, including dispatch records, which provided evidence that specifically exculpated Mr. Whitehorn.
- 29) In furtherance of this joint conspiracy to procedurally slay Mr. Whitehorn based on false sexual assault allegations, Bishop, Beauvais,

Robinson, and Mullin worked together to prepare a false affidavit containing material falsities and omissions designed to bring about Mr. Whitehorn's wrongful prosecution. These material omissions and falsities include, but are not limited to: (1) Natalie Bintliff confessed on camera that she had sexual intercourse with Mr. Whitehorn consensually; (2) Law enforcement declined to file a report requesting prosecution due to Natalie's acknowledgement that she had left with Mr. Whitehorn willingly and that she had engaged in sexual intercourse consensually; (3) that Mr. Whitehorn kidnapped Natalie; (4) that Mr. Whitehorn falsely imprisoned Natalie Bintliff and (5) that Mr. Whitehorn had raped Natalie. Indeed, despite knowing that Mr. Whitehorn had committed no crime, the Defendants pushed a false narrative that he had sexually assaulted Natalie Bintliff in a bad faith effort to wrongfully prosecute Mr. Whitehorn.

- 30) Prior to charging Plaintiff Mr. Whitehorn, Defendants Mullin and Robinson spoke with Detective Bishop and Beauvais about the investigation. Defendants Mullins and Robinson advised the detectives that legally there was no probable cause unless they omitted the exculpatory evidence from arrest and search warrants/affidavits, which detectives did. Defendants then further conspired to omit the evidence that was material and exculpatory from the preliminary hearing. Defendants ensured that no Honorable Court

would see the omitted exculpatory evidence by never providing this material evidence in sworn affidavits and the preliminary hearing.

- 31) Defendants McCann, Mullin, Robinson, Bishop and Beauvais decided to maliciously charge Plaintiff two months after Natalie and Christy Bintliff made their false allegations. Which means the Defendants were in possession of the exculpatory evidence and knew Plaintiff had not committed a crime. This knowledge is based on the timestamp in the discovery.
- 32) Defendants Bishop, Beauvais and District Attorney Robinson, Mullin and McCann signed or worked on sworn affidavits when they issued arrest and five CDR search warrants, making them complaining witnesses.
- 33) Defendants McCann, Mullin, Robinson and Bishop, Beauvais signed or worked on these sworn affidavits knowing that exculpatory evidence was omitted and if included would negate a finding of probable cause.
- 34) Defendants McCann, Mullin, and Robinson made false statements to the media and public that Plaintiff raped and falsely imprisoned Natalie Bintliff when they knew this was not the truth base on Natalie Bintliff's own confession.
- 35) Regardless of what materially exculpatory evidence was presented to them, Defendants turned a blind eye and recklessly disregarded the truth and continued the malicious prosecution.

- 36) Mr. Whitehorn was made aware of his charges by Detective Bishop who while charging the Plaintiff stated, “You used force.” Mr. Whitehorn was charged with felony sexual assault and held on a substantially high bond due to this false charge.
- 37) Subsequently, Mr. Whitehorn appeared in Denver District Court for the false charges of sexual assault. This included arraignment, 404b Hearing, Motion to Waive Speedy Trial and a Pretrial Hearing 14 days before trial was to begin based on a false narrative that was designed to humiliate and cause Mr. Whitehorn pain. This was cruel and unusual punishment.
- 38) During the preliminary hearing Defendant Bishop was asked while on the stand if he had communicated with the patrol officer that was present that night but in an effort to deceive the court stated “no.” However, later, it was made known that Bishop did have communications and also read the police report from that patrol officer which exonerated Mr. Whitehorn. But Bishop continued to violate Mr. Whitehorn’s rights by pushing a false narrative out of spite for Mr. Whitehorn.
- 39) No reasonable officer would think it lawful to be deceitful on the stand the way defendant Bishop’s actions have shown.
- 40) During this same hearing Defendants Bishop, McCann, Mullin, and Robinson never presented the police body cam of Natalie Bintliff answering

detailed questions and confessing to the consensual encounter. The Honorable Court was never given an opportunity to assess Natalie's ability to appraise her conduct.

- 41) Defendants Bishop, Beauvais, McCann, Mullin and Robinson never presented to the Honorable Court that law enforcement stated in their report that no crime was committed.
- 42) Law enforcement found no need to take Defendant Natalie Bintliff to the hospital for a S.A.N.E evaluation or based on her level of intoxication. Their observation of Defendant Natalie Bintliff was noted minutes after her encounter with Plaintiff, and again they found no crime had been committed.
- 43) At the preliminary hearing, Defendants never presented Natalie Bintliff's own testimony to Detectives that was given two weeks after her encounter with Plaintiff, Mr. Whitehorn. That testimony to Detective Bishop and Beauvais exculpated the Plaintiff of charges 18-3-402(1)(a) and (1)(b). See Omitted Exculpatory Evidence By Defendants.
- 44) Defendants McCann, Mullin, Robinson, Bishop and Beauvais never presented to the Honorable Court the witnesses Benny Rodriquez (Christy's Co-Worker) and Jose "Joy" Miranda (Vybe Restaurant owner). Their testimony were exculpatory and exonerated the Plaintiff of charges. See Omitted Exculpatory Evidence By Defendants.

- 45) Defendants had this exculpatory evidence prior to filing charges and the preliminary hearing as shown by the date they uploaded the evidence to discovery.
- 46) Again, none of this, and much more, exculpatory evidence was presented to the Honorable Court in an effort to deceive the Court and obtain probable cause. This was no accident based on the many opportunities Defendants had to present this evidence to the Courts prior to the preliminary hearing (arrest and search warrants with sworn affidavits).
- 47) At the end of the preliminary hearing, the Honorable Court gave Defendants Mullin, Robinson and Bishop an opportunity to present exculpatory evidence. The Judge stated "I'm sorry but maybe I missed the evidence for 18-3-402(1)(a), can you state what evidence you have?" Deputy District Attorney Mullin replied, "It doesn't have to be force, your Honor." The Court responded "oh, ok, thanks." Deputy District attorneys Mullin, Robinson and Detective Bishop should have, at that time, presented the full disclosure of material and exculpatory evidence to the Honorable Court, but chose not to do so.
- 48) As shown earlier, Defendants Mullin, Robinson, and Bishop knowingly and/or recklessly ignored, omitted and made material factual misrepresentation of evidence for the purpose of obtaining a felony criminal

charge and at the preliminary hearing have the Honorable Court find probable cause.

49) Defendants McCann, Mullin, Robinson, Bishop and Beauvais had several opportunities to present this material and exculpatory evidence at the 404(b) hearing, but once again chose not to do so.

50) During a 404(b) hearing, Deputy District Attorney Robinson knowingly continued a false narrative and evening lying to the court. Defendant Robinson, while on record lied to the court. Robinson stated to the court that the “victim” Natalie Bintliff was passed out or asleep at the Plaintiff’s Mr. Whitehorn’s house when she woke up to the Plaintiff sexually assaulting her. Defendant Robinson knew that this was not true but stated this false narrative anyway. This is proof of the evil intent and spite Robinson had for Mr. Whitehorn. Furthering all of the Defendant’s deceitful scheme to falsify and omit material evidence to the Honorable Court.

51) The Denver City Attorney’s office investigated the underlying case and determined that there was no reasonable likelihood of conviction, and thus dismissed the sexual assault charges related to Natalie Bintliff for want of probable cause. No factual basis supported the charges in that Mr. Whitehorn neither assaulted nor abused Natalie in any context. However, this was known to the defendants before charges were ever filed. So they

intended to charge, humiliate and violate Mr. Whitehorn's rights.

52) The Denver District Court granted the Denver District Attorney's motion to dismiss with prejudice; as such, the rape case was terminated in Mr. Whitehorn's favor.

53) Despite the absence of a fair probability that evidence of a crime or law violation existed when the Defendants wrongfully conspired to institute false criminal charges against Mr. Whitehorn, Christy and Natalie initiated false charges against Mr. Whitehorn for sexual assault by submitting a false report in furtherance of a conspiracy to wrongfully prosecute Mr. Whitehorn. Pointedly, the Defendants each knew to a degree of certainty that Natalie Bintliff had seduced Mr. Whitehorn and engaged in a lawful and consensual act of sex with him. Natalie Bintliff confessed to making false allegations of rape to law enforcement prior to the Defendants malicious institution of false rape charges.

54) Based on the totality of circumstances surrounding Mr. Whitehorn's interactions with the Bintliffs, no prudent or reasonable officer would have found that an offense had been committed by Mr. Whitehorn; thus, vitiating probable cause, causing him serious emotional distress, humiliation and mental anguish.

55) Still, the Defendants Bishop, Beauvais, Robinson, Mullin and McCann

worked together in a joint effort to conceal evidence of Mr. Whitehorn's innocence by misrepresenting the nature of the interactions of Mr. Whitehorn with the Bintliffs, and falsely representing that Mr. Whitehorn had sexually assaulted Natalie Bintliff with the intent and understanding to manufacture probable cause to charge and prosecute Mr. Whitehorn, despite his actual and factual innocence. This fraudulent conduct is indicative of malice, and effectively compromised fundamental fairness of due process.

56) These misrepresentation and omissions were done by each Defendant signing and or working on sworn affidavits and vouching for the truth, even while recklessly disregarding material and exculpatory evidence of Plaintiff's innocence. This was a violation of Plaintiff Mr. Whitehorn's Fourth Amendment right.

57) Defendants McCann, Mullin and Robinson cannot be shielded by absolute immunity because the sworn statements made to support a probable cause finding were false and omitted key material exculpatory evidence.

58) Defendants McCann, Mullin and Robinson's participation in the issuing of a libelous press release, thus removing their absolute immunity.

OMITTED EXCULPATORY EVIDENCE BY DEFENDANTS

- 59) Police body cam – Natalie Bintliff is confessing that the entire encounter was consensual
- 60) Police body cam – showing Natalie was capable of comprehending detailed questions posed by law enforcement
- 61) Police officer report – finding no crime had occurred (no probable cause to arrest was found)
- 62) Law enforcement – finding no need to take Natalie to the hospital because of her intoxication
- 63) Law enforcement – finding no need for a S.A.N.E test at hospital
- 64) The night of the encounter Natalie stated to Law enforcement “I’m a bad person and I should go to jail” “take me to jail.” This was in response to Natalie feeling guilty for cheating on her wife, Christy Bintliff.
- 65) Four search warrants/affidavits that omitted material and exculpatory evidence
- 66) Christy’s co-worker Benny Rodriguez stated “they were drinking but everyone was carrying themselves well”
- 67) Jose “joy” Miranda, owner of Vybe Restaurant, checked the video footage for Detective Bishop and Beauvais and stated “Natalie was walking

fine and not acting any different

68) Joy Miranda also reported that Natalie and Christy could be seen coming in and out of Vybe. He remembers they were arguing because Christy had gotten in a car with another woman she had interest in, which could be seen on video

69) Joy stated Natalie was “freaking out” because Christy was with this other woman

70) Detective Bishop, Beauvais and District Attorney McCann, Mullin and Robinson had Natalie’s text messages during this time. The text messages confirmed that Natalie was coherent and not confused. Natalie was texting almost the entire time she was with Plaintiff. These text messages were vulgar in nature.

71) Defendants had all of this material and exculpatory evidence prior to the preliminary hearing based on the discovery timestamps. But never presented the evidence to the Honorable Court to determine probable cause.

72) Natalie Bintliff’s testimony to Defendants:

73) Natalie Bintliff stated when they walked into Plaintiff’s residence “they were still talking about the events of the evening”

74) “She could walk and talk” and “never got sick”

75) “Did not feel threatened” “Plaintiff was nonthreatening and gentle”

76) Remembered specific items at Plaintiff's house: "his house was nice"
"bean bag and kids basketball hoop game"

77) Was aware and could understand Plaintiff while having sexual
encounter

78) Natalie stated that Plaintiff asked permission while having sex: "he
asked if we could try another position" "he **asked** for oral sex" "he **asked** if I
orgasmed" "he stated it felt good"

79) All of which she agreed to do consensually

**The Defendants agreed to wrongfully prosecute Mr. Whithorn for sexual
assault.**

80) Robinson, Mullin, McCann, Beauvais, and Bishop knew to a degree of
certainty that Mr. Whitehorn had engaged in a lawful and consensual act of
sex with Natalie Bintliff, and that no crime had been committed. Still, the
Defendants worked together to bring about false charges against Mr.
Whitehorn, and agreed to compel a wrongful prosecution by pushing a false
narrative in pleadings and affidavits, specifically that Mr. Whitehorn had
engaged in sexual intercourse with Natalie Bintliff without her consent,
causing her injuries.

81) Deputy District Attorney Robinson and Lara Mullin, encouraged and

worked with the Denver Police Defendants to draft a false affidavit supporting that Mr. Whitehorn had sexually assaulted Natalie Bintliff, despite knowing that the physical interaction between Natalie was purely consensual and lawful. This complaining witness conduct was outside the prosecutorial function.

82) District Attorney Beth McCann was made aware that there was no probable cause and no crime had been committed but McCann authorized the malicious prosecution anyway. Not only did Defendant Beth McCann authorize the malicious prosecution but encourage it so that her office would secure an unfair advantage in another legal matter against Mr. Whitehorn.

83) District Attorney Beth McCann also authorized the public release of a fabricated affidavit and press release that was full of falsities and omissions that were known to her and her office. McCann continued her evil intent, even though understanding no crime had been committed, by authorizing a media press release that she hoped would shape a negative public opinion of Mr. Whitehorn and influence the Honorable Judge Ericka H. Englert's sentencing decision in an unrelated case.

84) The fabricated affidavit was picked up by several media outlets and published. The Defendants, McCann, Mullin, Robinson, Bishop and Beauvais, never reached out to these media outlets to correct the record. This

proves their evil and ill intent towards Mr. Whitehorn. Those published articles continue to this day.

85) Defendants McCann, Mullin, Robinson, Bishop and other law enforcement targeted Mr. Whitehorn based on his African-American heritage, and/or in an effort to procure a strategic advantage in an unrelated criminal proceeding, which was malicious. Moreover, the utter hate and disdain for Mr. Whitehorn, including the complete disregard for his civil rights is evidence of the malice.

86) Accordingly, Defendants McCann, Bishop, Beauvais, Robinson and Mullin agreed to wrongfully prosecute Mr. Whitehorn in an effort to punish him out of malice and/or in an effort to establish a strategic advantage in a separate criminal matter, which had the direct effect of violating Mr. Whitehorn's Fourth, Eighth and Fourteenth Amendment right to be free from prosecution without probable cause.

**Mr. Whitehorn's Wrongful Prosecution Terminated Favorably;
Dismissed with Prejudiced**

87) After initially filing charges for sexual assault, the District Attorney of Denver moved to dismiss the pending charges based on the lack of factual basis supporting any law violation of wrongdoing, recognizing that no probable cause existed to prosecute Mr. Whitehorn. This dismissal of felony criminal charges amounts to a favorable termination, and recognizes Mr.

Whitehorn's factual and actual innocence for the charge of sexual assault.

Indeed, the evidence presented to the Defendants from the outset established Mr. Whitehorn's actual and factual innocence, and showed clearly that Natalie Bintliff had lied to cover-up her infidelity with an African-American man.

- 88) Defendant's acts or omissions were illegal and proximate causes of the damages suffered by the Plaintiff Mr. Whitehorn, including the deprivation of his liberty, mental pain, humiliation, fear, anxiety, loss of enjoyment of life, and loss of sense of security. And even though this ended favorably for Mr. Whitehorn the irreversible damage had already been done.

CLAIMS FOR RELIEF
42 U.S.C. 1983—Fourth, Eighth and Fourteenth Amendment Violation
Malicious Prosecution

- 89) Plaintiff hereby incorporates all other paragraphs of this Complaint.
- 90) At all times relevant to the subject matter of this Complaint, Defendants McCann, Bishop, Beauvais, Robinson, and Mullin were acting under the color of state law, and within the scope of their employment.
- 91) Defendants initiated charges against Mr. Whitehorn with knowledge that there lacked a legal basis for sexual assault charges, or probable cause to believe that Mr. Whitehorn had committed any crime, and intentionally and

recklessly worked together to draft false affidavits and false felony charges for sexual assault with the Denver District Court.

92) No probable cause supported Mr. Whitehorn's prosecution for the sexual assault charge, as detailed in earlier paragraphs. In fact, the lawful action of bringing to justice a person thought to have committed a crime was not the Defendants McCann, Bishop, Beauvais, Robinson and Mullin motivation for charging Mr. Whitehorn; rather, the Defendants brought this wrongful process out of spite, with malice and a desire to sway public opinion of Mr. Whitehorn.

93) Defendants acted with malice in initiating the sexual assault charges and wrongfully prosecuting Mr. Whitehorn, as evidenced by the use of a fraudulent narrative replete with material omissions and falsities, as detailed earlier.

94) Defendants McCann, Bishop, Beauvais, Robinson and Mullin made the above actions and omissions knowingly, maliciously, willfully and wantonly, and the Defendants who did not personally initiate the malicious prosecution failed to intervene to prevent this fraudulent scheme.

95) The charges against Mr. Whitehorn resulting from the action/omissions of the Defendants, described herein, were dismissed with prejudice; and thus, the original criminal action against Mr. Whitehorn

terminated in his favor.

96) Defendants Bishop, Beauvais, Robinson McCann and Mullin's, conduct violated clearly established rights of Mr. Whitehorn, which a reasonable person in the Defendants' positions knew or should have known; thus, the Defendants do not enjoy the protection of absolute or qualified immunity for their intentional violation of Mr. Whitehorn's Fourth and Fourteenth Amendment Rights.

97) Defendants McCann, Robinson, and Mullin's conduct of making false statements in the news and drafting false affidavits was outside the prosecutorial function (complaining witness conduct), which a reasonable person in the Defendants' positions knew or should have known is not protected by absolute immunity; thus, the defendants do not enjoy the protection of absolute immunity for their intentional violation of Mr. Whitehorn's Fourth, Eighth and Fourteenth Amendment rights.

98) As a legal and proximate result of Defendants actions and/or omissions, described herein, Mr. Whitehorn has suffered and continues to suffer humiliation, lost earnings, emotional distress, mental anguish, loss of enjoyment of life, and other significant injuries, damages and loses. In addition, economic, consequential and special damages. Plaintiff is entitled to punitive damages premised on the notion that the actions of Defendants were

undertaken maliciously, willfully or with a reckless disregard of the constitutional rights of Plaintiff.



Colorado Department of Corrections
Name Byron L. Whitehorn
Register Number 183206
Unit 4B
Box Number 49030 State Hwy #71
City, State, Zip Limon, CO 80826

U. S. District Court
901-19th Street Rm A105
Denver, CO 80294

LCF 12-30-24
FACILITY DATE REC'D
Sullivan 28187 28
STAFF LAST NAME ID# INIT
193206 Byron White BLW
DOC# OFFENDER NAME



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