

3rd AMENDED APPLICATION
FOR A WRIT OF HABEAS
CORPUS PURSUANT TO 28
U.S.C. 2241

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

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
4/30/2026
JEFFREY P. COLWELL, CLERK

Civil Action No. _____

(To be supplied by the court)

Mikea Stuckey, by Next Friend Gregory Stillwell _____

, Applicant,

v.

Jill Marshall, Cheif Executive Officer CEO/Superintendent of CMHHIP _____

, Respondent.

(Name of warden, superintendent, jailer, or other custodian)

(Note: If you are attacking the validity of a state conviction or sentence and not the execution of your sentence, you must file an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. If you are attacking the validity of a judgment entered in a federal court, you must file a motion pursuant to 28 U.S.C. § 2255 in the federal court that entered the judgment.)

**APPLICATION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

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.

A. APPLICANT 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.

Mikea Stuckey, Colorado Mental Health Hospital in Pueblo, 1600 W. 24th Street, Pueblo Co. 81003

(Applicant's name, prisoner identification number, and complete mailing address)

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. RESPONDENT INFORMATION

Jill Marshall, CEO of CMHHIP 1600 W. 24TH Street, Pueblo Co. 81003

(Respondent's name and complete mailing address)

C. STATEMENT OF CLAIMS

State clearly and concisely every claim you are asserting in this action. For each claim, specify the right that allegedly has been violated and all facts that support your claim. 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 "C. STATEMENT OF CLAIMS."

CLAIM ONE: _____

SEE ATTACHMENT C.

Supporting facts:

D. PRIOR APPLICATIONS

Have you ever filed a lawsuit, other than this lawsuit, in any federal court in which you raised or could have raised the claim(s) raised in this action? ☒ Yes ☐ No (*check one*).

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

Name and location of court:

SEE ATTACHMENT D.

Case number:

SEE ATTACHMENT D.

Type of proceeding:

List the claim(s) raised:

Date and result: (Attach a copy of the decision if available)

Result on appeal, if appealed:

E. ADMINISTRATIVE REMEDIES

WARNING: You must exhaust administrative and/or state remedies before filing an action in federal court pursuant to 28 U.S.C. § 2241. Your case may be dismissed if you have not exhausted administrative and/or state remedies. If additional space is needed to explain exhaustion, use extra paper to do so. Please indicate that additional paper is attached and label the additional pages regarding exhaustion as "E. ADMINISTRATIVE REMEDIES."

Explain the steps you have taken to exhaust administrative and/or state remedies:

SEE ATTACHMENT E.

F. 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 "F. REQUEST FOR RELIEF."

SEE ATTACHMENT F.

G. APPLICANT'S SIGNATURE

I declare under penalty of perjury that I am the applicant in this action, that I have read this application, and that the information in this application 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 belief that this application: (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 application otherwise complies with the requirements of Rule 11.



(Applicant's signature)

04/30/2026

(Date)

(Form Revised December 2017)

C. STATEMENT OF CLAIMS

The following claims each challenge the fact and duration of Ms. Stuckey's custody in violation of the Constitution and laws of the United States within the meaning of 28 U.S.C. § 2241(c)(3). Conditions of confinement claims are not asserted here and will be pursued separately under 42 U.S.C. § 1983.

CLAIM ONE: Violation of Due Process — Jackson v. Indiana, 406 U.S. 715 (1972) — Fourteenth Amendment

Jackson v. Indiana holds that a state cannot detain a person indefinitely based solely on incompetency if there is no substantial probability of restoration in the foreseeable future. The burden is on the State to demonstrate that substantial probability exists. Where it cannot, continued detention violates the Due Process Clause.

Supporting Facts:

- Ms. Stuckey was found incompetent to proceed on November 17, 2022 — 1,260 days ago as of the date of this filing. She has remained incompetent continuously since that date.
- Ms. Stuckey was competent in 2021. She was raising four children as a single mother and working full time before her first psychotic episode in May 2021. When Next Friend called 911 seeking medical help for her during that episode she was arrested instead of receiving psychiatric care. She was not found incompetent until November 17, 2022 — eighteen months after her first arrest. The conditions of her confinement during those eighteen months — including placement in restrictive housing — caused her incompetency. The State placed her in conditions that destroyed her mental health and then used the resulting incompetency as the basis for continued indefinite detention in those same conditions. The State cannot hold a person indefinitely for incompetency that the State's own conduct caused. Jackson v. Indiana prohibits exactly this.
- Zero days of competency restoration services have been provided during any period of her custody. The State has warehoused her in restrictive housing while calling it restoration. The conditions of her confinement have caused her incompetency and prevented any restoration.

- Ms. Stuckey has four children ranging in age from approximately 13 to 28 years old. She has not spoken to any of them in nearly five years. She does not know where they are. One child is in Indiana. One was taken by the Department of Human Services and is in Georgia. Two are believed to be in Colorado Springs. One of her children has had a child of their own — Ms. Stuckey is a grandmother and does not know it. She was a functioning single mother raising all four children in 2021. She is now in a state psychiatric hospital who has not spoken to her children in nearly five years — separated from her family by a system that arrested her instead of treating her, placed her in conditions that destroyed her mind, and has held her for five and a half years on charges that should never have been filed. This is what indefinite incompetency detention without restoration does to a human being and her family. *Jackson v. Indiana* exists to prevent exactly this.

- Ms. Stuckey spent 290 consecutive days in restrictive housing — solitary confinement as HB21-1211 calls it in its own first sentence — from July 7, 2025 to approximately April 21, 2026. Over 700 total days across all periods of custody. The State cannot demonstrate a substantial probability of restoration in the foreseeable future.

- On July 24, 2025, Ms. Stuckey was removed from the state court's own courtroom twice during a single hearing because her condition had deteriorated so severely she could not remain in the room. She was returned to the same conditions the same afternoon.

- The federal consent decree Special Masters — Dr. Neil Gowensmith and Dr. Daniel Murrie, appointed by the United States District Court — flagged Ms. Stuckey's case as an outlier and confirmed in writing on March 27, 2026 that her wait time has far exceeded reasonable timeframes under the consent decree in *Center for Legal Advocacy v. Marshall*, No. 1:11-cv-02285 (D. Colo.).

- C.R.S. § 16-8.5-116.5(4) establishes a mandatory aggregate time limit on restoration confinement based on the maximum sentence for the highest charged offense. Second degree burglary is a Class 4 felony with a maximum sentence of six years. The aggregate restoration confinement limit is one third of the maximum sentence — two years, or 730 days. Ms. Stuckey has spent over 700 total days in custody across all periods since her arrest. She is at or within days of the mandatory dismissal threshold under Colorado law. Zero restoration services were provided during any of those 700 days. When the aggregate limit is reached Colorado law requires mandatory dismissal

of all charges. That dismissal has not occurred. Her continued detention at or beyond the statutory limit constitutes illegal detention cognizable under 28 U.S.C. § 2241.

- Throughout these proceedings Next Friend has requested Ms. Stuckey's release to his home at 4316 Hawks Lookout Lane — two blocks from Diversus Health outpatient services — as the least restrictive environment required by C.R.S. § 16-8.5-111. That request has been not only ignored but escalated in the wrong direction. The State transferred her to the Colorado Mental Health Hospital in Pueblo — a more restrictive institutional setting — rather than releasing her to the least restrictive environment. The State's response to a statutory and constitutional requirement for the least restrictive environment was to place her in a more restrictive environment. That is the opposite of what the law requires.

CLAIM TWO: Structural Denial of Counsel — Sixth Amendment

Ms. Stuckey's court-appointed public defender, Nick Rogers, stated on a recorded voicemail on July 16, 2025 that he has an ongoing friendship with the magistrate presiding over her competency proceedings, that he is barred from that courtroom, and that he will never appear there. He has not attended a single hearing in the competency courtroom in nearly four years.

The magistrate has conducted hearings deciding Ms. Stuckey's freedom knowing her friend Nick Rogers is not in the room and knowing exactly why he is not there.

While a substitute public defender has been nominally present at some hearings, the only advocacy on record was a request for a PR bond at the August 21, 2025 hearing — denied — with no argument regarding voluntary surrender, disability-related anxiety that prevented courthouse access, the bondsman's willingness to reinstate at no cost, conditions of confinement, or statutory violations. No substantive motion has been filed on her behalf in five and a half years. The complete absence of meaningful advocacy has directly caused and prolonged Ms. Stuckey's unconstitutional detention.

CLAIM THREE: Bad Faith Prosecution — Due Process — Bad Faith Exception to Younger Abstention Under *Phelps v. Hamilton*, 122 F.3d 885 (10th Cir. 1997)

This prosecution has been conducted in bad faith with no legitimate hope of obtaining a valid conviction. The following facts establish bad faith that is not controverted by any evidence in the record:

- The second degree burglary charge in Case No. 21CR6332 was never based on any reported crime, any observed criminal conduct, or any evidence of unlawful entry. The complete sequence of events on November 6, 2021 establishes this beyond question.
- Days before November 6, 2021, Next Friend Gregory Stillwell posted bond for Ms. Stuckey and brought her to his home at 4316 Hawks Lookout Lane. On the evening of November 6, 2021, Next Friend, Ms. Stuckey, and Next Friend's mother all sat down together and agreed that Ms. Stuckey could stay at the home until her court cases were resolved. Her presence at that address was fully consensual and agreed upon by all parties in the home.
- Less than an hour later Next Friend's mother became intoxicated and confrontational. Next Friend and Ms. Stuckey chose to go outside and sit in Next Friend's vehicle to de-escalate the situation — a common practice in that household. They intended to return inside once his mother had settled for the night. They were never kicked out. The agreement for Ms. Stuckey to stay was never revoked.
- Next Friend's mother got on the phone and told someone about the situation. That person called police and mentioned the protection order. Next Friend was unaware any call had been made. When officers arrived and blocked the vehicle Next Friend immediately got out and asked what was happening. Officers immediately placed Ms. Stuckey under arrest for the protection order violation and put her in a patrol vehicle. She was driven away from the scene in a separate patrol car. She was already gone — transported to a different location entirely — before what happened next occurred.
- Next Friend walked back to his home — approximately a block and a half away. He found an officer inside his living room speaking with his mother. Next Friend asked his mother who called the police. The officer told Next Friend not to speak to his mother that way. Next Friend told the officer to get out of his living room and challenged him on the protection order — asking how there could be an active protection order when he had just posted bond for Ms. Stuckey days earlier. Next Friend escorted the officer to the front door. The officer left.
- The officer returned to Next Friend's front door shortly afterward and announced he was adding a first degree burglary charge against Ms. Stuckey. This was the first and only mention of the word burglary in the entire sequence of events. No one had reported a burglary. No one had used the word burglary. Not the caller. Not the call screen. Not any officer. Not Next Friend's mother. Not Next Friend. Not Ms. Stuckey.

The word burglary did not exist in this situation until this officer — after being ejected from Next Friend's home — invented it and applied it to a woman who was already gone from the scene in a different patrol car.

- The CSPD Initial Case Report No. 2021-00041892 — the arresting officers' own document — contains zero narrative describing a burglary across five pages and three separate officer reports. Not one sentence describes Ms. Stuckey unlawfully entering Next Friend's home. Not one sentence describes any officer observing her inside the home. Not one sentence describes forced entry, attempted entry, or any intent to commit a crime. The charge appears only in the disposition box with no supporting facts whatsoever. Officer Tkachuk's own supplement report documents that after Ms. Stuckey was already secured in the patrol vehicle Next Friend told him he had invited Ms. Stuckey inside the house to spend the night — directly establishing that any entry was lawful. The police report itself refutes the charge it contains.
- The original charge was first degree burglary — No Forced Entry Residence under 18-4-202(1) F3(5). The report itself acknowledged no forced entry. No forced entry means no unlawful entry. The charge was later reduced to second degree burglary. That reduction did not fix the fundamental defect — second degree burglary also requires unlawful entry. The downgrade was an acknowledgment that the original charge was unsupportable that stopped short of the only legally correct conclusion — no charge at all.
- The civilian investigator who filed the case with the District Attorney's office on November 9, 2021 called Next Friend once, received no answer, and filed the case without ever speaking to the alleged victim or verifying whether a burglary occurred. The District Attorney's office has pursued this charge for five and a half years without any evidence of the essential element of the offense ever existing.
- Days after November 6, 2021 — after the burglary charge was added — Next Friend posted bond for Ms. Stuckey again and brought her back to his home. A burglary victim does not post bond for the person charged with burglarizing his home and bring her back to the same address days later. This bond posting is documented in official bond records.
- The District Attorney's own office has used Next Friend's personal cell phone number and home address to communicate court scheduling changes throughout this prosecution — demonstrating the State's full knowledge that Ms. Stuckey resides at

Next Friend's address — while simultaneously pursuing felony charges treating that address as the scene of a crime.

- The DA's office registered Next Friend as a victim with the Colorado Mental Health Hospital in Pueblo on April 22, 2026 using Case No. 21CR6332. That victim designation is now being used by the state hospital to deny Next Friend visitation with Ms. Stuckey — preventing the alleged victim from visiting the defendant while that same alleged victim is the person fighting hardest to free her.

- The bad faith pattern began on May 7, 2021 — the day Next Friend called 911 seeking medical help for Ms. Stuckey during a psychiatric crisis. She was arrested instead of receiving treatment. The charge filed that day was third degree assault — a misdemeanor. After Next Friend contacted the District Attorney's office to inform them this was a mental health crisis, that he was seeking medical assistance not a conviction, and that he did not want charges filed — the charge was escalated to second degree assault — a felony. The charge was escalated after the alleged victim advocated for the defendant. That escalation is retaliation. Those charges have since been dismissed — demonstrating the prosecution knew it could not sustain them. The burglary charge — with less evidence than any other charge — was never dismissed and has survived five and a half years.

- Ms. Stuckey was repeatedly arrested between five and ten times for violating a protection order — for being with Next Friend, the alleged victim who was simultaneously asking the court to modify that same protection order. Next Friend requested modification of the protection order as soon as it was put in place. The modification was never granted. Ms. Stuckey kept being arrested for being with the person she lives with — the person asking the court to let her be there. The protection order was used as a criminal enforcement mechanism against a seriously mentally ill woman who was trying to be with her caregiver. Those protection order charges have since been dismissed.

- In 2023 Ms. Stuckey spent approximately ten consecutive months in solitary confinement. During that entire period her court-appointed public defender Nick Rogers visited her exactly one time. During that one visit he told her to remain non-restorable. He filed no bond reduction motion. He requested no bond hearing. He filed no motion challenging the conditions of her confinement. He filed no motion challenging the burglary charge despite Next Friend writing to him multiple times specifically about that charge. He filed no motion challenging any of the charges. He

advocated for nothing. Ten months of solitary confinement. One visit. One instruction — remain non-restorable. That is the complete record of representation Ms. Stuckey received during that period.

- The pattern of bad faith prosecution is now five and a half years old. It began with the escalation of a misdemeanor to a felony after the alleged victim asked the DA not to prosecute. It continued through repeated protection order arrests for being with a caregiver who was asking the court to modify the order. It includes a retaliatory burglary charge invented by an officer after a confrontation — with no victim, no evidence, and no probable cause — that has driven her detention for five and a half years while a public defender who admits he will never enter her courtroom has filed nothing on her behalf. It includes ten months of solitary confinement in 2023 with one jail visit and one instruction to remain non-restorable. It includes WebEx appearances acknowledged by the court that were counted as failures to appear. It includes a DA misrepresenting her appearance history to the court. And it culminated in a last-minute transfer two days before an evidentiary hearing specifically on the illegal conditions of her confinement — manufactured mootness to avoid judicial accountability for everything described above.

- The pattern of bad faith prosecution is further established by the following documented sequence of events in 2025. On March 20, 2025 Ms. Stuckey voluntarily surrendered on a prior failure to appear warrant — demonstrating she was attempting to comply with court obligations. She remained in custody in restrictive housing until May 20, 2025. On May 20, 2025 Next Friend went to the District Attorney office in person to request an earlier court date to relieve Ms. Stuckey from solitary confinement. He was told no prosecutor was assigned to her case and no earlier date was possible. Next Friend posted bond that same day and brought her home.

- Several days later the District Attorney office called Next Friend on his personal cell phone — sounding irritated — to inform him her court date was being moved from June 26 to June 12. The same office that days earlier said no prosecutor was assigned was now calling the alleged victim of the burglary charge at the address they were charging Ms. Stuckey with burglarizing — using the alleged victim as a messenger to the defendant. Ms. Stuckey was not even listed on the docket to appear on June 12. Next Friend checked that morning and confirmed she was not listed.

- They went to the courthouse on June 12 anyway. Ms. Stuckey experienced a severe anxiety attack caused by her serious mental illness and could not physically enter the

building. Next Friend used the court WebEx option to ensure she appeared remotely. The court acknowledged her presence on WebEx. Despite this acknowledged appearance the DA later left a voicemail on Next Friend's personal cell phone claiming Ms. Stuckey had failed to appear entirely on June 12 and threatening an arrest warrant if she did not appear in person on June 26. On June 26 the identical situation repeated — severe anxiety attack, could not enter the courthouse, appeared via WebEx, court acknowledged her presence, bench warrant issued regardless. Her public defender was absent from both hearings.

- The court and the District Attorney threatened Ms. Stuckey with arrest warrants every time she appeared via WebEx instead of providing a reasonable accommodation for her documented disability. Title II of the Americans with Disabilities Act requires courts to provide reasonable accommodations to people with disabilities. WebEx appearance is a reasonable accommodation for a seriously mentally ill person with documented anxiety attacks that prevent courthouse entry. The court acknowledged her WebEx presence and issued warrants anyway demanding in-person appearance. That is not providing an accommodation — it is punishing her for her disability.

- On July 7, 2025 Ms. Stuckey voluntarily surrendered on the warrants — her second voluntary surrender in 2025. Her bondsman stated he was willing to reinstate her bond at no cost. Ms. Stuckey was under the impression she would be released within hours. Instead the District Attorney requested she be held with no bond. She was held without bond from July 7 through August 21, 2025 — 45 days — with no credit for her voluntary surrender, no credit for her WebEx appearances, and no accommodation for the disability that prevented her from entering the courthouse.

- At the August 21, 2025 bond hearing the District Attorney stood up and told the court Ms. Stuckey has had ten failure to appear warrants. The DA did not mention that Ms. Stuckey had appeared via WebEx at those hearings and the court had acknowledged her presence each time. The DA did not mention that the court had issued warrants despite acknowledged WebEx appearances. The DA did not mention that Ms. Stuckey's disability prevented courthouse entry. Representing to the court that Ms. Stuckey had ten failures to appear without disclosing the WebEx appearances the court itself acknowledged is a material misrepresentation to the tribunal. She has never had a blatant failure to appear. Every single time she either appeared via WebEx or voluntarily surrendered on the warrant. The prosecution used her disability against her at every turn.

- New charges were filed against Ms. Stuckey in 2025 — Cases 2025CR3379 and 2025CR4343 — while she was already adjudicated incompetent, in custody, in restrictive housing, and receiving zero mental health treatment. Filing criminal charges against a person adjudicated incompetent violates C.R.S. § 16-8.5-102.
- On April 23, 2026 — the date of the rescheduled state court evidentiary hearing on the restrictive housing violations — Ms. Stuckey was transferred to state custody. She had been on the CMHHIP waitlist for nine months without transport. The transfer occurred two days before the hearing. The state court judge noted on the record that the timing was a real weird coincidence. Next Friend called the jail on April 22 at 8:30 p.m. and staff confirmed she was still present. The Sheriff's own inmate database showed her as an active inmate on April 23 and April 24. The State used a last-minute transfer to manufacture mootness and avoid judicial accountability for 290 days of documented illegal restrictive housing violations.

CLAIM FOUR: Violation of Federal Consent Decree — 28 U.S.C. § 2241(c)(3)

Colorado is under a binding federal consent decree entered April 2, 2019 in *Center for Legal Advocacy v. Marshall*, No. 1:11-cv-02285 (D. Colo.), requiring transport of incompetent defendants to the state hospital within 28 days of a court order for inpatient restoration. On July 17, 2025, the state court entered an inpatient restoration order. The 28-day deadline — August 14, 2025 — passed without transport. Ms. Stuckey remained at the El Paso County Jail for nine additional months. The Court-appointed Special Masters confirmed in writing on March 27, 2026 that her wait time far exceeded reasonable timeframes under the consent decree and that her case is an outlier. A detention that continues in violation of a binding federal court order is a detention in violation of the laws of the United States within the meaning of 28 U.S.C. § 2241(c)(3).

D. PRIOR APPLICATIONS

Yes — Petitioner has previously filed in the following federal court proceeding:

Court: United States District Court for the District of Colorado

Case Number: 1:25-cv-03798-LTB-RTG

Type: Application for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241

Claims: Same as this Third Amended Application.

Chronology:

November 21, 2025: Original petition filed pro se by Gregory Stillwell as Next Friend (ECF No. 1).

December 3, 2025: Court ordered cure of deficiencies (ECF No. 7).

December 2025: Multiple amended filings (ECF Nos. 8-12). Court found deficiencies not cured (ECF No. 13).

December 29, 2025: Second Amended Application filed (ECF No. 14). Filing fee paid (ECF No. 16).

February 20, 2026: Court ordered Third Amended Application (ECF No. 17) requiring: (1) next friend standing demonstrated; (2) cognizable habeas claims only; (3) claims not barred by Younger abstention.

April 3, 2026: Case referred to Magistrate Judge Richard T. Gurley by Senior District Judge Lewis T. Babcock (ECF No. 19).

April 16, 2026: Magistrate Judge Gurley issued Recommendation of Dismissal Without Prejudice (ECF No. 20) finding deficiencies in next friend standing, claim cognizability, and Younger abstention.

April 23-24, 2026: Next Friend received Recommendation by mail. State habeas petition in Case No. 2026CV7 dismissed on mootness grounds after Ms. Stuckey was transferred to state custody two days before the rescheduled evidentiary hearing. State court never heard the merits.

Result / Current Status: The Magistrate's Recommendation has not been adopted by the District Judge. Next Friend files this Third Amended Application simultaneously with written Objections to the Magistrate's Recommendation pursuant to Fed. R. Civ. P. 72(b).

E. ADMINISTRATIVE REMEDIES

Petitioner has exhausted available state remedies as follows:

State Habeas Corpus — Case No. 2026CV7:

A petition for writ of habeas corpus was filed in El Paso County District Court before Judge William B. Bain. An evidentiary hearing was set twice — April 16 and April 23, 2026 — specifically on the restrictive housing violations. On April 23, 2026, before the hearing began, Respondent filed a Notice of Transfer. The state court dismissed the petition as moot without hearing any evidence or argument on the merits. An emergency motion to vacate the dismissal is pending. The state remedy was actively prevented from functioning by Respondent's own conduct.

Division 24 Motion to Dismiss — Case No. 21CR6332:

A Motion to Dismiss for Lack of Probable Cause, Retaliatory Charging, Legal Insufficiency, and Violation of Victim Rights Act was filed directly in Division 24 before Judge Johnson on April 28, 2026. This is the first substantive challenge to the burglary charge in five and a half years of proceedings.

Emergency Motion to Dismiss — All Four Criminal Cases:

Filed March 16, 2026 in Case Nos. 21CR2763, 21CR6332, 2025CR3379, and 2025CR4343. No ruling has been entered. A status conference is scheduled for May 7, 2026.

DOJ OCR Complaint — No. 26-OCR-0860:

A complaint was filed with the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice against the El Paso County Sheriff's Office. OCR acknowledged receipt on April 16, 2026 and requested completion of the Complaint Verification Form. That form is being submitted simultaneously with this filing.

Exhaustion Excused for Remaining Claims:

To the extent any claim has not been fully exhausted, exhaustion should be excused because the state remedy is inadequate and ineffective. Ms. Stuckey is adjudicated incompetent and has had no effective counsel. Her public defender admitted on a recorded voicemail he cannot appear in her courtroom. No substantive motion has been filed on her behalf in five and a half years. The state court dismissed the habeas petition on mootness grounds before hearing a single word of testimony. Requiring further

exhaustion in these circumstances would be futile.

Federal Consent Decree Monitoring:

The Special Masters appointed by this Court — Dr. Neil Gowensmith and Dr. Daniel Murrie — confirmed in writing on March 27, 2026 that Ms. Stuckey's case is an outlier and that her wait time has far exceeded reasonable consent decree timeframes.

Victim Rights Act Complaint:

A VRA complaint was filed with Kim Branham, VRA Specialist, Office of Victims Programs, Colorado Department of Public Safety. The complaint remains under active investigation.

F. REQUEST FOR RELIEF

Next Friend Gregory Stillwell, on behalf of Applicant Mikea Laree Stuckey, respectfully requests that this Court:

1. Issue an Order to Show Cause directing Respondent to demonstrate why the writ should not be granted;
2. Find that Next Friend Gregory Stillwell has established standing under 28 U.S.C. § 2242 and *Whitmore v. Arkansas*, 495 U.S. 149 (1990);
3. Find that the bad faith exception to Younger abstention applies and that extraordinary circumstances independently warrant federal intervention;
4. Find that Ms. Stuckey is in custody in violation of the Due Process Clause under *Jackson v. Indiana*, the Sixth Amendment, the Due Process Clause's prohibition on bad faith prosecution, and the federal consent decree in *Center for Legal Advocacy v. Marshall*;
5. Order Ms. Stuckey's immediate release to the care of Next Friend Gregory Stillwell at 4316 Hawks Lookout Lane, Colorado Springs, Colorado 80916, where she will receive immediate community-based mental health treatment at Diversus Health outpatient services approximately two blocks from her residence — the least restrictive environment required by law;
6. Stay all state criminal proceedings against Ms. Stuckey pending resolution of this Application; and

7. Grant any further relief this Court deems just and proper.

G. VERIFICATION

I, Gregory Stillwell, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that:

I am the Next Friend of Mikea Laree Stuckey. She is wholly unable to file or direct this proceeding due to her adjudicated incompetency in four separate criminal cases — Case Nos. 21CR2763, 21CR6332, 2025CR3379, and 2025CR4343 — by the El Paso County District Court since November 17, 2022, her complete isolation in restrictive housing from July 7, 2025 through April 21, 2026, and her inability to communicate with anyone outside the jail during that entire period. An adjudication of legal incompetency is direct evidence that she lacks the mental capacity to direct, sign, or verify a habeas petition. To require authorization from a person the courts themselves have found legally incompetent — who was completely isolated with no access to anyone — is an impossible and unconstitutional standard that would permanently bar any judicial review of her detention.

I am truly dedicated to Ms. Stuckey's best interests. I have been her primary caregiver for 5 years. I called 911 seeking medical help for her on May 7, 2021 and have opposed this prosecution consistently since that date. I posted bond for her multiple times over 5 separate occasions totaling approximately \$4,180. I am the only person who has consistently advocated for her throughout these proceedings. I am filing this application as Next Friend under 28 U.S.C. § 2242 and *Whitmore v. Arkansas*, 495 U.S. 149 (1990).

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.



Gregory Stillwell

Next Friend for Applicant Mikea Laree Stuckey

4316 Hawks Lookout Lane

Colorado Springs, Colorado 80916

Phone: 719-651-1661

Email: glstillwell457@gmail.com

Date:

____ 04/30/2026 _____

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated above, a true and correct copy of this Third Amended Application was served upon Respondent of record by U.S. Mail:

Jill Marshall, CEO/Superintendent of CMHHIP 1600 W. 24TH Street Pueblo Co. 81003



Gregory Stillwell, Next Friend for Applicant

**EXHIBIT 1**

Gregory Stillwell <glstillwell457@gmail.com>

Consent Decree Outlier-Mikea Stuckey El Paso County Jail

Neil Gowensmith <neil.gowensmith@gmail.com>

Fri, Mar 27, 2026 at 8:56 AM

To: Gregory Stillwell <glstillwell457@gmail.com>

Cc: Daniel Murrie <danielmurrie@me.com>

Mr. Stillwell,

Thank you for your email and your letter. We are struck by the exceptionally sad situation Ms. Stuckey is in, and we respect and appreciate your advocacy for her.

We recently contacted officials at the Colorado Department of Human Services about her case and her history with the Department. We agree with you that her time waiting in jail for inpatient restoration services has far exceeded reasonable time frames as outlined in the Consent Decree. Our understanding is that she has been released to outpatient restoration, re-arrested and returned to jail, and re-evaluated for competence, and so on. Even considering these instances separately, we still agree her most recent period of waiting is too long.

We also understand, from our conversations with the Department and a review of their records that Ms. Stuckey has been offered options for outpatient community restoration, which would of course expedite her release from the jail. Our understanding is that, in the past, she has not adhered to required conditions for these (and thus been returned to jail), but our understanding is that the Department is still eager to help her transition to the community. Their perception is that she has not welcomed or engaged these latest efforts to transition to the community (for outpatient restoration), and thus their efforts to collaboratively plan for another release to the community have not been fruitful. Would she be open to working with a navigator on this? It sounds like all parties agree the community would be the "least restrictive alternative," but these transitions usually require collaboration. Of course, another option may be to persuade the court to drop charges entirely. Only the judge could do that—and we do not know how likely that scenario is—but defense counsel (whom we hear you describing as disengaged) could push for this.

Regarding the Federal court, we do not have any authority to change the jurisdiction of her case to the Federal Court, but we do regularly bring issues (including Ms. Stuckey's case) to the Department's attention, and we report to the Federal Court what we perceive as both progress and problems in the Department's response to this crisis. The Court is acutely aware of the long waits that many people like Ms. Stuckey are experiencing and the problems associated with these waits.

If you think Ms. Stuckey may be open to another attempt at planning her transition from the jail into the community, we would be very happy to convey this to the forensic navigators (as best we can tell from their notes, they already continue to check with her weekly, to invite and encourage transition planning). Again, thank you for your care, and for bringing this additional information to our attention.

Thank you,

Neil Gowensmith and Daniel Murrie

Special Masters, Consent Decree 1:11 cvw-02285-NYW

[Quoted text hidden]

2 attachments**DR. GLETTER_MONITORS.pdf**

10K

**3-12-26-4_MOTION_TO_DISMISS_FINAL.pdf**

22K



COLORADO
Department of Human Services
Colorado Mental Health Hospital in Pueblo

EXHIBIT 2

Leora Joseph, Director, Office of Civil and Forensic Mental Health
Jill Marshall, MPH, CEO, Colorado Mental Health Hospital in Pueblo

April 22, 2026

Gregory Stillwell
4316 Hawks Lookout Ln
Colorado Springs, CO 80916

RE: People vs. Mikea Stuckey
El Paso County District Court Case No. 21CR6332

Dear Gregory Stillwell:

On May 28, 2019, House Bill 19-1064 became law. Now, all victims are auto-enrolled in the Colorado Mental Health Hospital in Pueblo (CMHHIP) Victim Notification Program. You are receiving this letter as you have been noted to be a victim in the above criminal case as designated by C.R.S. 24-4.1-302(5).

I am the person responsible for maintaining the Victim Notification Program at CMHHIP. Coyette Hanson, Victim Advocate with the El Paso County DA's office, provided your name and contact information which has been entered into the database I maintain. This information will be kept confidential.

The information you are entitled to receive while the Defendant is committed to the custody of the Colorado Department of Human Services (CDHS) is as follows:

- The institution in which the person resides;
- Any release of the person on furlough or other program, in advance of such release;
- Any transfer or release from CMHHIP;
- Any escape by the person and any subsequent recapture of the person;
- The death of the person while in custody or while under the jurisdiction of the state; and
- Any request for progression in privileges or request for release from the Defendant's CDHS commitment.

The purpose of this letter is to inform you regarding her admission.

For information about court proceedings, please contact the Office of the District Attorney in El Paso County; the telephone number is 719-520-6000.



Due to patient privacy laws, CMHHIP staff cannot discuss Mikea Stuckey's treatment without her consent.

Please remember to keep CMHHIP informed of your current addresses and telephone number(s). Notification will only be made to the address, email address or telephone number(s) on record.

If you would like to opt out of receiving notifications at any time in the future, please let me know via email or mail at the contact information listed below.

Should you have questions regarding the Victim Notification Program, feel free to contact me at 1600 West 24th Street, Pueblo, CO 81003; my telephone number is 719.546.4409, and my e-mail address is lori.carter@state.co.us.

Sincerely,

/s/ Lori L. Carter

Lori L. Carter
Duty to Warn and Protect System Manager
Colorado Mental Health Hospital in Pueblo

		COLORADO SPRINGS POLICE DEPARTMENT		Initial Case Report			
		705 S. Nevada Ave. Colorado Springs, CO 80903 (719) 444-7000		Case Report # 2021-00041892			
EVENT	OCCURRED INCIDENT CSPD Domestic Violence (Felony)		INCIDENT # 2021-00485550		DATE/TIME REPORTED 11/07/2021 00:04		
	LOCATION OF OCCURRENCE 4316 HAWKS LOOTOUT LN				OCCURRED DATE/TIME 11/06/2021 19:00		
	COLORADO SPRINGS, CO				OCCURRED THROUGH 11/07/2021 00:01		
	☒ BWC		☐ APS	☐ APHOT	☐ DHS	☐ FCOC	☒ VAU
OFFENSES	STATUTE / DESCRIPTION				Counts	Attempt/Commit	
	18-4-202(1) F3 (5) 1st Degree Burglary - No Forced Entry - Residence				1	Completed	
	18-6-803.5(2)(a) M1 Violation of a Protection Order - MPO				1	Completed	
VICTIM	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	01	Victim	STILLWELL, GREGORY LEON			12/17/1978	
	ADDRESS					PRIMARY PHONE	
	4316 HAWKS LOOKOUT LN COLORADO SPRINGS CO 80916					(719)755-7376	
						SECONDARY PHONE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
	White	Male	5 6	160	Blond	Hazel	
	VICTIM / OFFENDER RELATIONSHIP				EMAIL ADDRESS		
	STUCKEY, MIKEA LAREE 04/12/1984 BOYFRIEND GIRLFRIEND						
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME			DOB / AGE RANGE	
	01	Suspect	STUCKEY, MIKEA LAREE			37 04/12/1984	
	ADDRESS					PRIMARY PHONE	
	1461 SOUTHMOOR DR CO 80817					(719)210-1545	
						SECONDARY PHONE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYE	
	Black	Female	5 4	105	Brown	Hazel	
	DL/ID NUMBER		STATE	JACKET NUMBER			
VEHICLE	VEH #	PROPERTY CODE	☐ Burned ☐ Counterfeit / Forged ☐ Destroyed / Damaged / Vandalized ☐ Recovered ☐ Seized ☐ Stolen ☐ Unknown				
	TYPE / MAKE / MODEL			YEAR	COLOR		
	PLATE	STATE	VIN	VALUE			
	DESCRIPTION						
PROPERTY	ITEM #	PROPERTY CODE	☐ Burned ☐ Counterfeit / Forged ☐ Destroyed / Damaged / Vandalized ☐ Recovered ☐ Seized ☐ Stolen ☐ Unknown				
	SERIAL NUMBER		QTY/UNIT OF MEASURE	VALUE	COLOR		
	ITEM TYPE and DESCRIPTION						
CASE DISPOSITION Cleared by Arrest		EXCEPTIONAL CLEARANCE		ASSOCIATED CASES		REPORTING DISTRICT Gold Hill Patrol	
REPORTING OFFICER & IBM # Davis, Kyle 6798			APPROVING SUPERVISOR & IBM # Peterson, Shawn				

Digitally signed by C
Daniel
Date: 2024.02.25
11:40:16 -07'00'



COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement ReportCase Report # **2021-00041892****NARRATIVE****BWC EXISTS FOR THIS INCIDENT****INITIAL INFORMATION**

At 2304 hours, Officer Koets 6369, Davis 6798 and I (Officer Tkachuk 6189) were dispatched to 4326 Hawks Lookout Lane to investigate a domestic disturbance call-for-service. Call screen information advised the suspect (later identified via Colorado identification card as **Mikea Stuckey – DOB: 04/12/1984**) had unlawfully entered the residence, but was now inside a vehicle parked out front.

Upon our arrival, the reporting party informed officers that Mikea was sitting inside a Toyota Camry with her (Mikea's) boyfriend, **Gregory Stillwell – DOB: 12/17/1978**. It was also learned that there was an active protection order in place listing Gregory as the protected party and Mikea as the restrained. In part, there was a no contact provision between the two parties.

Officers located the vehicle; both Gregory and Mikea were inside. While Officer Davis spoke with Gregory, I obtained a brief statement from Mikea.

SUSPECT STATEMENT (Mikea Stuckey – DOB: 04/12/1984)

Mikea indicated Gregory was her boyfriend. She stated she was not allowed inside of the residence, which is why she was speaking with Gregory in his vehicle. She claimed she was unaware that there was a protection order in place.

OFFICER STATEMENT

Mikea was placed into custody and secured in the back of a patrol vehicle. I later contacted Gregory who informed me he had invited Mikea inside the house to spend the night because it was cold and she had nowhere to go.

DISPOSITION

Mikea was booked into CJC for second degree burglary and crime of violation of a protection order.

See aforementioned officers' reports for additional information regarding this investigation.

REPORTING OFFICER & IBM #
Tkachuk, Christopher 6189

APPROVING SUPERVISOR
Peterson, Shawn

 COLORADO SPRINGS POLICE DEPARTMENT 705 S. Nevada Ave. Colorado Springs, CO 80903 (719) 444-7000	Initial Case Report
	Case Report # 2021-00041892

NARRATIVE

BODY WORN CAMERA

Body worn camera is available for this call for service.

INITIAL INFORMATION

On 11/06/2021 at approximately 2304 hours I, Officer Davis/6798, was dispatched to 4316 Hawks Lookout Ln. the Hunting Meadows Apartments regarding a violation of protection order. Call screen notes indicated the reporting party was calling on the behalf of her mother. They also indicated there was a party at the location that was violating a protection order.

OFFICER STATMENET (1/2)

Before my arrival at the location, I performed a search of a law enforcement database from the reporting party for the suspect. The suspect was identified as **Mikea Stuckey DOB: 04/12/1984**. I discovered that Mikea had several protection orders listing her as the restrained party. Upon my arrival at the location, I was contacted by an individual that claimed to be the boyfriend of the reporting party. He told me the Mikea and the victim, identified as **Gregory Stillwell DOB: 12/17/1978** were both sitting in a Toyota Corolla around the corner.

I was then led to a gold in color older model Toyota Corolla. I blocked the vehicle in using my marked police cruiser and stepped out. Gregory stepped out of the driver seat of the vehicle and immediately asked "what's going on?"

GREGORY STILLWELL'S STATEMENT

I asked Gregory if he was Gregory and he said that he was. I then asked who he was in the vehicle with, and he said he was in the vehicle with Mikea. I informed him that there was a protection order in place between the two of them and he was adamant that the protection order had been lifted. However, upon a search of a law enforcement database Officer Koets/6369 discovered the mandatory protection order was still active.

I then asked Gregory what happened today, and he stated he and Mikea were inside of his residence for most of the day before his mother later identified as **Linda Stillwell DOB: 10/18/1957** "kicked them out." They then went to the car to figure where they "were going to go."

Gregory stated he had been in a relationship with Mikea for approximately 8 years.

OFFICER STATEMENT (2/2)

Upon a search of a law enforcement database, I discovered a mandatory protection order, listing Mikea as the restrained party and Gregory as the protected party. This mandatory protection order is documented under El Paso County Court docket #2021M004705 which was issued on 08/11/2021, with an expiration date of 08/11/2022. The mandatory protection order stipulates the restrained party is restrained from "making any communication with the protected person including but not limited to personal, written, or telephone contact..." It also stipulates the restrained party is restrained from "the residence, property, school or place of employment of the protected person."

REPORTING OFFICER & IBM # Davis, Kyle 6798	APPROVING SUPERVISOR Peterson, Shawn
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 COLORADO SPRINGS POLICE DEPARTMENT 705 S. Nevada Ave. Colorado Springs, CO 80903 (719) 444-7000	Initial Case Report
	Case Report # 2021-00041892

NARRATIVE (continuation)

Mikea was arrested for domestic violence related violation of protection order and second-degree burglary. I then transported her to the police operations center located at 705 South Nevada Avenue for booking paperwork to be completed. Once paperwork was completed, I then transported her to the El Paso criminal justice center without incident.

Please refer to other officers' reports for further information.

This concludes my investigation involving this case.

NOTHING FURTHER.

REPORTING OFFICER & IBM # Davis, Kyle 6798	APPROVING SUPERVISOR Peterson, Shawn
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COLORADO SPRINGS POLICE DEPARTMENT
705 S. Nevada Ave.
Colorado Springs, CO 80903
(719) 444-7000

Case Supplement Report**Case Report # 2021-00041892****NARRATIVE****NO BODY WORN CAMERA ASSIGNED TO THIS INVESTIGATOR****CASE ASSIGNMENT****11/09/2021**

I, **Allison Hoover/7129**, am a Civilian Criminal Investigator assigned to the Sand Creek Investigations Unit of the Colorado Springs Police Department. On this date, Sergeant **Jennifer Lewis/1614**, assigned this case to me for filing with the Fourth Judicial District Attorney's Office.

BODY WORN CAMERA VIDEO

Body worn camera video is available for this case. I checked the CSPD AvailWeb system and ensured all the body worn camera videos were accounted for and properly classified.

VICTIM CONTACT

On **11/10/2021** at approximately **1514 hrs** I called **Gregory Stillwell**, the victim in this case, at the phone number listed in the report and the call went to an automated voicemail message that did not identify the subscriber. I sent a letter advising of the charges that had been filed against the suspect and that any future contact would come from the Fourth Judicial District Attorney's Office. I provided my contact information, CSPD case report number, VAU number, DA's Office phone number and court docket number.

CASE STATUS

Case filed electronically with the Fourth Judicial District Attorney's Office. Case cleared by arrest.

REPORTING OFFICER & IBM #
Hoover, Allison 7129

APPROVING SUPERVISOR
Lewis, Jennifer

 COLORADO SPRINGS POLICE DEPARTMENT 705 S. Nevada Ave. Colorado Springs, CO 80903 (719) 444-7000		Case Supplement Report			
		Case Report # 2021-00041892			
EVENT	OCCURRED INCIDENT CSPD Domestic Violence (Felony)			INCIDENT #	DATE/TIME REPORTED 11/07/2021 19:25
	LOCATION OF OCCURRENCE			OCCURRED DATE/TIME	
				OCCURRED THROUGH	
☒ BWC		☐ APS	☐ APTHOT	☐ DHS	☐ FIOC ☐ VAU
OFFENSES	STATUTE / DESCRIPTION				Counts
					Attempt/Commit
VICTIM	PER #	SUBJECT TYPE	NAME		DOB / AGE RANGE
	ADDRESS				PRIMARY PHONE
					SECONDARY PHONE
	RACE	SEX	HEIGHT	WEIGHT	HAIR
					EYE
	VICTIM / OFFENDER RELATIONSHIP			EMAIL ADDRESS	
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME		DOB / AGE RANGE
	ADDRESS				PRIMARY PHONE
					SECONDARY PHONE
	RACE	SEX	HEIGHT	WEIGHT	HAIR
					EYE
	DL/ID NUMBER		STATE	JACKET NUMBER	
VEHICLE	VEH #	PROPERTY CODE	☐ Burned ☐ Counterfeit / Forged ☐ Destroyed / Damaged / Vandalized ☐ Recovered ☐ Seized ☐ Stolen ☐ Unknown		
	TYPE / MAKE / MODEL			YEAR	COLOR
	PLATE	STATE	VIN	VALUE	
	DESCRIPTION				
PROPERTY	ITEM #	PROPERTY CODE	☐ Burned ☐ Counterfeit / Forged ☐ Destroyed / Damaged / Vandalized ☐ Recovered ☐ Seized ☐ Stolen ☐ Unknown		
	SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE	COLOR	
	ITEM TYPE and DESCRIPTION				
CASE DISPOSITION		EXCEPTIONAL CLEARANCE	ASSOCIATED CASES		REPORTING DISTRICT Gold Hill Patrol
REPORTING OFFICER & IBM # Tkachuk, Christopher 6189			APPROVING SUPERVISOR & IBM # Peterson, Shawn		

 COLORADO SPRINGS POLICE DEPARTMENT 705 S. Nevada Ave. Colorado Springs, CO 80903 (719) 444-7000		Case Supplement Report			
		Case Report # 2021-00041892			
EVENT	OCCURRED INCIDENT CSPD Domestic Violence (Felony)		INCIDENT #		DATE/TIME REPORTED 11/07/2021 19:25
	LOCATION OF OCCURRENCE				OCCURRED DATE/TIME
					OCCURRED THROUGH
	☒ BWC	☐ APS	☐ APHOT	☐ DHS	☐ FCOC
OFFENSES	STATUTE / DESCRIPTION				Counts
					Attempt/Commit
VICTIM	PER #	SUBJECT TYPE	NAME		DOB / AGE RANGE
	ADDRESS				PRIMARY PHONE
					SECONDARY PHONE
	RACE	SEX	HEIGHT	WEIGHT	HAIR
					EYE
	VICTIM / OFFENDER RELATIONSHIP			EMAIL ADDRESS	
SUSPECT / OTHER	PER #	SUBJECT TYPE	NAME		DOB / AGE RANGE
	ADDRESS				PRIMARY PHONE
					SECONDARY PHONE
	RACE	SEX	HEIGHT	WEIGHT	HAIR
					EYE
	DL/ID NUMBER		STATE	JACKET NUMBER	
VEHICLE	VEH #	PROPERTY CODE	☐ Burned ☐ Counterfeit / Forged ☐ Destroyed / Damaged / Vandalized ☐ Recovered ☐ Seized ☐ Stolen ☐ Unknown		
	TYPE / MAKE / MODEL		YEAR	COLOR	
	PLATE	STATE	VIN	VALUE	
	DESCRIPTION				
PROPERTY	ITEM #	PROPERTY CODE	☐ Burned ☐ Counterfeit / Forged ☐ Destroyed / Damaged / Vandalized ☐ Recovered ☐ Seized ☐ Stolen ☐ Unknown		
	SERIAL NUMBER	QTY/UNIT OF MEASURE	VALUE	COLOR	
	ITEM TYPE and DESCRIPTION				
CASE DISPOSITION		EXCEPTIONAL CLEARANCE	ASSOCIATED CASES		REPORTING DISTRICT Gold Hill Patrol
REPORTING OFFICER & IBM # Tkachuk, Christopher 6189			APPROVING SUPERVISOR & IBM # Peterson, Shawn		

EXHIBIT 4

VOICEMAIL TRANSCRIPT FROM DISTRICT ATTORNEY NATALIE LEWIS

Hi Mr Stillwell this is Natalie Lewis with the district attorney's office calling you about Ms Stuckey's cases She is scheduled to appear in person this Thursday at 9:00 a.m. She did not appear in person for the 612 court date and I don't believe she appeared at all I will note that if she doesn't appear on Thursday in person it's very likely that a warrant does issue for her arrest again so just wanted to call and give you that update Her being required to appear in person on Thursday at 9:00 a.m. in division DST if you want to come in person or via WebEx you're more certainly able to do so yourself but Ms stuckey does have to be in person on Thursday if you have any questions or concerns please give me a call back at 719-520-7057 again thats
719-520-7057

EXHIBIT 5

Voicemail transcript from public defender Nick Rogers

Hi this message is for I believe Mr Stillwell this is Nick Rogers from the public defender's office I know you have a tempted to reach me/ unaudible/ number of things My understanding is you may have been sending blocked emails or something like that um but any event I do have your number I've reached out to you to see what I can do to help um I have a gist of what's going on I know she's back in custody um And I know prior to the last date tried to get her in there um and the notes I have it sounds like she had an anxiety attack at the courthouse and she couldn't go in um so if you want to give me any information you have about that and any bond information I can file a motion see if she can get a better bond um at this point um realistically speaking I don't anticipate on her getting out unless it's something that can be posted if that's reasonable if they give her a postable bond um mainly because it's happened a few times I'm not saying I'm not going to try just let me know realistically how it turns out in these situations but yeah give me a call back if you don't reach me leave me a voicemail with any information you think is important for a bond motion and I will get that filed um I can never appear with her in that division I'm not allowed to appear in front of that judge that might be part of the disconnect with us um I represent her I just do it kind of remotely until there's an issue and it goes back to judge Johnson in that event I would appear with her in court but while she's in appearing in front of magistrate Purchio She will appear with somebody else so that's all I can think of to say to respond to you what you said so far so give me a call back 719-475-1235 extension 6819 and if continue to email me I don't know if it's getting blocked sometimes we have this new automated system that just automatically spam's things un give me a try again if you need to Nick.rogers@colorado.defenders.us and I'll see if it comes through let me know if you do that way I can keep an eye on it If not I'll see what I can do to fix that situation um okay hopefully that's enough information give me a call back or email back And I'll talk to you later bye