

COLORADO COURT OF APPEALS 2 East 14 th Ave Denver, CO 80203		
Garfield: 10 CR 177, District Judge Denise Lynch		
Shawnee Ryan V People of the State of Colorado		
Shawnee Ryan 2531 South Bannock Avenue Apartment B Denver, Colorado 80223		..&.Court Use Only A Case No: O\ C.,l\ \":\ O
NOTICE OF APPEAL		

Appellant Shawnee Ryan, Pro Se comes now with Notice of Appeal:

Nature of Case:

- Appeal of district court denial for Ryan to be heard on Rule 35 petition. Timely filed by Ryan on May 30, 2018 (CDOC legal mail date stamp) three years from mandate of direct appeal (12CA2533) on June 1, 2015. Denied to be heard by district court on July 26, 2018.
- On direct appeal (12CA2533), conviction was upheld with order to not extract restitution from sentence (and) district court to correct mittimus to reflect only two convictions and not seven mergers. No action was taken by district court regarding restitution order, other than Ryan's placement of that portion of COA

order to district record. District Court did proceed with the district court's interpretation of mittimus correction; which the court then presented to CDOC and placed into district court record.

- The criminal case in question is the 2010 conviction, by jury trial, of seven charges of theft, resulting in two six-year consecutive sentences of which Ryan is in process, within days, of releasing to parole. Ryan has served a full six years of merged conviction #1 and three months of the consecutive merged conviction #4 six-year sentence. Ryan, additionally, has accumulated aprx. 27 months of earned and achieved time that she has not accessed as of present day. The accumulation now credits to parole sentence.
- Writ of Certiorari on direct appeal (12CA2533) denied.
- 2015 filing for sentence reconsideration, district court denial of (and) appeal of sentence reconsideration denial in COA case #15CA1521.
- Writ of Certiorari on sentence reconsideration (15CA1521) denied.

Possible issues this appeal will raise, but not limited to:

- **Prosecution's non-disclosures to Defense and Court of:** State Attorney General Directives to former District Attorney Martin Beeson to investigate prosecution key and primary CRE 404(b) witness under Home Rule Law. The admitted at trial by state investigator suborning by prosecution, of district attorney employee who the State charged as a victim. The awareness of personal political gain of former district attorney Martin Beeson in direct tie to

Ryan's case that was raised by former public defender James Conway's sworn affidavit in Motion for Special Prosecutor, which the district court compounded by not allowing to be heard.

- **Evidence not prior heard and now in Rule 35 petition not allowed to be heard;** that is exculpatory to Ryan.
- **Exposure of evidence already within trial exhibits, but not heard due to Court denial of reverse 404(b) confrontation** that allegedly proves substantial foundation that Ryan was not the individual who committed theft from charged victims Nalini and Gutti Rao. The Rao charge has multiple impact as exculpatory, as the Rao charge is also one of the two (Convictions #1 and #4) foundation convictions, used by District Court Judge Denise Lynch to 'merge' into (and/or) 'toss' into; all five other convictions under the district court interpretation of correcting multiplicity violation(s) at trial.
- **Lack of Sovereign Jurisdiction** in (3) areas of criminal charges.
- **Ineffective Counsel** (x) two defense counsels.

Pending motions that affect the Court of Appeals: Move to Proceed Informa Pauperis covering both fees and transcripts pends at district court level.

Record Designation: Ryan will file Record Designation once granted Leave to Proceed by district court.

Attachments:

1. Copy of Move to Proceed Informa Pauperis, with attachment.
2. District Court interpretation of 2015 COA order (12CA2533) to revise mittimus to reflect two convictions rather than mergers and reveals of seven

convictions.

3. Subject of this appeal: Appellate Petition under Rule 35, filed May 30, 2018.
4. District Court Order denying ability to be heard re: Appellate Petition under Rule 35.
5. Motion for Court to take Notice of Its Own Records filed June 29, 2018.
6. District Court Order, dated July 31, 2018 taking no action on Take Notice of Own Records.
7. C.R.S. Rule 35 (a) Motion to Overturn Conviction, With Prejudice, on Grounds of Illegal Arrest Warrant and No State Jurisdiction, filed January 12, 2018.
8. District Court Order of July 31, 2018 denying January 12, 2018, 35(a) motion.
9. Move Chief Judge Boyd for Judicial Intervention and Oversight, filed June 22, 2018. District Court nor Chief Judge Boyd have ruled upon and Ryan presumes motion no longer pends.
10. Filing of Information under Motion to Overturn under CRS Rule 35(a), filed January 22, 2018. District Court has not ruled upon or commented upon and Ryan presumes filing no longer pends.
11. Filing of Information under denial of Appellate Petition under Rule 35, filed August 7¹, 2018. District Court has not ruled (on), or commented and Ryan presumes filing no longer pends.
12. Ryan attaches, as Attachment 12, one of the multiple attachments to "Move Chief Judge Boyd for Judicial Intervention and Oversight" (Attachment 9) *that was selected by District Court at ruling on July 31, 2018 as an attachment to the court's order denying ability to be heard on Rule 35 petition which is the subject of this Notice of Appeal.* "Motion for Prosecution Sanctions" was filed by Ryan

on aprx January 15, 2015 as a Pro Se filing at District Court Level. (When filed Pro Se by Ryan, the district court placed the filing into abeyance in 2015 until *after* direct appeal

(12ca2533) was mandated). District Court then went on, after mandate and in latter 2015; and denied hearing "Motion for Prosecution Sanctions".

Ryan, with regard to the "Motion for Prosecution Sanctions", went on, in 2015, after not being heard by district court, to this Court of Appeals in Case #15CA1521 under ADC Appellate Counsel Esteban Martinez. This Court of Appeals merged the sanctions filing appeal with Ryan's secondary filed appeal of denial of 2015 35(b) sentence reconsideration. When the district court clerk, did not fully obey the designation of record in 15CA1521 (which ordered a full and complete copy of the entirety of district records) and instead sent aprx. 1/3 of the district court record (*see verification of the clerk's limited send in Attachment 14 now as: District Court Register of Actions*; ADC appellate attorney Martinez *declined to attack the 2015 district court sanctions denial* on grounds to Ryan that he "had no district record" and instead only attacked denial of sentence reconsideration.

Subsequently, *the Court of Appeals has never heard the content of "Motion for Prosecution Sanctions"* (and) district court *continues* to deny hearing content of "Motion for Prosecution Sanctions". ***The "Motion for Prosecution Sanctions content was again placed by Ryan into her 2018 Rule 35 petition which is the subject of this "Notice of Appeal".***

13. District Court Order of *July 31, 2018* regarding *Court's previous ruling* on 2015 Motion for Prosecution Sanctions.
14. The most recent district court Register of Actions that Ryan has in her possession.

Shawnee Ryan respectfully submits Notice of Appeal to the Colorado Court of

Appeals .-

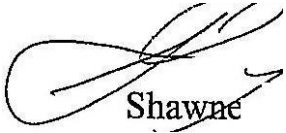
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Certificate of Mailing

I hereby certify that I have mailed a true and accurate copy of this NOTICE OF APPEAL by placing same in the USPS, postage paid and accurately addressed

to the entities and individuals below on this 13th day Nov.-e.r.,

2018. 11-13-2018



Shawne

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Clerk of Court

Garfield County District Court

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Glenwood Springs, Colorado
81601

(In interest of saving CDOC resources: minus attachments as all are within District Court records and transcripts)

District Attorney Jeff Cheney

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(In interest of saving CDOC resources: minus attachments as all are within District Court records and transcripts)

Colorado Court of Appeals

Ralph L. Carr Judicial
Center 2 East 14th Avenue

Denver, Colorado 80203

(Complete with attachments)