

COURT OF APPEALS, STATE OF COLORADO Ralph L. Carr Judicial Center 2 East 14th Avenue Denver, Colorado 80203 Appeal; Mesa County District Court; Honorable Paul R. Dunkelman and Case Number 22CV10	DATE FILED June 21, 2024 5:21 PM FILING ID: 6E428D5540AED CASE NUMBER: 2023CA1073
Plaintiff-Appellee: THE PEOPLE OF THE STATE OF COLORADO v. Defendant: BELINDA KNISLEY and Concerning Appellant: TINA PETERS	
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AMENDED OPENING BRIEF	

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 and C.A.R. 32, including all formatting requirements set forth in these rules.— Specifically, the undersigned certifies that:

This brief complies with the applicable word limit set forth in C.A.R. 28(g).

It contains 4,228 words.

This brief complies with the standard of review requirement set forth in C.A.R. 28(a)(7)(A).

For each issue raised by the Appellant, the brief contains under a separate heading before the discussion of the issue, a concise statement: (1) of the applicable standard of appellate review with citation to authority; and (2) whether the issue was preserved, and, if preserved, the precise location in the record where the issue was raised and where the court ruled, not to an entire document.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.

s/John Case #2431

TABLE OF CONTENTS

	<u>Page</u>
STATEMENT OF THE ISSUE PRESENTED	1
STATEMENT OF THE CASE	1
STATEMENT OF THE FACTS	2
SUMMARY OF THE ARGUMENT	8
ARGUMENT	8
I. The conviction must be reversed because the trial court failed to make required findings.	8
A. Standard of Review and preservation	8
B. Legal Framework	9
C. Analysis.....	12
II. The conviction must be reversed because there was no evidence in the record that the iPad contained a recording.....	13
A. Standard of Review and preservation	14
B. Legal Framework	14
C. Analysis.....	16
CONCLUSION	19
CERTIFICATE OF SERVICE	20

TABLE OF CASES

<i>Berenson v. USA Hockey, Inc.</i> , 338 P.3d 379 (Colo. App. 2013)	13
<i>Bloom v. Illinois</i> , 391 U.S. 194 (1968)	11
<i>Clark v. People</i> , 232 P.3d 1287, 1291 (Colo. 2010)	15
<i>In re Marriage of Nussbeck</i> , 974 P.2d 493, 498 (Colo. 1999)	11
<i>In re Winship</i> , 397 U.S. 358 (1970)	9, 14, 15, 19
<i>Jackson v. Virginia</i> , 443 U.S. 307, 315, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979)	15
<i>Lawry v. Palm</i> 192 P.3d 550, 558 (Colo.App.2008)	8
<i>Losavio v. District Court</i> , 512 P.2d 266 (Colo. 1973)	10
<i>McCoy v. People</i> , 442 P.3d 379 (Colo. 2019)	8, 10, 13, 15
<i>People v. Aleem</i> , 149 P.3d 765 (Colo. 2007)	8, 10
<i>People v. Ayala</i> , 770 P.2d 1265 (Colo. 1989)	9
<i>People v. Barron</i> , 677 P.2d 1370, 1374 n.4 (Colo. 1984)	11
<i>People v. Bennett</i> , 515 P.2d 466 (Colo. 1973)	9
<i>People v. Donald</i> , 461 P.3d 4 (Colo. 2020)	9
<i>People ex rel. State Engineer v. Sease</i> , 429 P.3d 1205 (Colo. 2018)	12
<i>People v. Ganatta</i> , 622 P.2d 107 (Colo. App. 1980)	11
<i>People v. Gonzales</i> , 666 P.2d 123 (Colo. 1983)	9, 15, 19
<i>People v. Heywood</i> , 2014 COA 99, ¶ 45, 357 P.3d 201	15

<i>People v. Kribo</i> , 996 P.2d 158 (Colo. App. 1999).....	8, 13
<i>People v. Montoya</i> , 2024 COA 37.....	13
<i>People v. Razatos</i> , 699 P.2d 970 (Colo. 1985)	11
<i>People v. Saiz</i> , 32 P.3d 441 (Colo. 2001)	17
<i>Premier Members Fed. Credit Union v. Block</i> , 2013 COA 128, 312 P.3d 276	8
<i>Tate v. People</i> , 247 P.2d 665 (Colo. 1952)	9
<i>United States v. Chavez</i> , 976 F.3d 1178 (10th Cir. 2020)	18

TABLE OF STATUTES AND RULES

Colorado Rules of Civil Procedure

Rule 107(a)(3)	9
Rule 107(a)(4)	10
Rule 107(a)(5)	10
Rule 107(d)(1)	10

Colorado Rules of Evidence

Rule 1001(1).....	11
Rule 1002	1, 6, 11, 13
Rule 1004	12
Rule 1007	12, 13

CONSTITUTIONAL AUTHORITIES

United States Constitution

Amendment V	8
Amendment XIV	8

Colorado Constitution

Article II, Section 25.....	8
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STATEMENT OF THE ISSUES PRESENTED

1. Whether the trial court findings of fact were sufficient to establish indirect contempt.
2. Whether the prosecution failed to prove beyond a reasonable doubt that Ms. Peters committed punitive contempt for allegedly recording court proceedings, where it failed to admit the recording into evidence contrary to the Best Evidence Rule, Colorado Rule of Evidence 1002.

STATEMENT OF THE CASE

A. PROCEDURAL HISTORY

On February 7, 2022, at a hearing in Mesa County Case No. 21CR312 involving defendant Belinda Knisley, Ms. Peters, a non-party, was alleged to have recorded a portion of the hearing on her iPad. When asked by the court about this allegation, Ms. Peters denied making a recording of the hearing. (Court File, p. 70.)

On February 24, 2022, the Mesa County District Attorney filed a Verified Motion for Order Directing Issuance of a Citation in Case No. 21CR312. (*Id.*) On March 2, 2022, Judge Timbreza issued *Order for Issuance of Citation and Contempt Citation (Tina Peters)*, directing, *inter alia*, the issuance of a citation as to why Ms. Peters should not be found in indirect contempt for being dishonest to the court. (*Id.* at 1-7.)

On May 5, 2022, a contempt hearing was held before Judge Dunkleman. After hearing the evidence, Judge Dunkleman issued an oral ruling finding Ms. Peters in contempt of court. (TR 5/5/24, p. 124:16-18.) The hearing began at 8:31 a.m. and was completed with a contempt finding and sentencing order before the court's lunch break. (*Id.* at 617.)

The court imposed a sentence of a \$1,500 fine to be paid within 45 days with no jail sentence. (Court File at 610.)

B. FACTS

On February 7, 2023, the date of the alleged offense, Belinda Knisley appeared before Judge Barrett for a hearing in case 21CR312. (TR 5/5/24, p. 118:13,14.) Ms. Peters and Ms. Knisley's sister, Patricia Weaver, were present to offer support at the Knisley hearing. (TR 5/5/24, p. 118:11,12.) Ms. Weaver sat next to Ms. Peters during the Knisley hearing. (TR 5/5/24, p. 54:9-13.) During the hearing, the District Attorney interrupted the proceeding to accuse Ms. Peters of recording the proceeding on her iPad. (Court file 22:22 – 23:10)

District Attorney Dan Rubinstein told Judge Barrett, "I've now seen the [iPad] screen, and indeed its recording." (*Id.* 23:7-8) Judge Barrett then questioned Ms. Peters without advising her of a potential violation:

THE COURT: Were you recording, ma'am?

MS. PETERS: (Indiscernible) was just --

THE COURT: You were not recording?

MS. PETERS: (Indiscernible)

THE COURT: Were you broadcasting this?

MS. PETERS: No, sir

Id., 23:12 – 17. After hearing more accusatory information from the District Attorney, Judge Barrett again questioned Ms. Peters without advising her. Judge Barrett concluded his remarks with a warning to Ms. Peters:

THE COURT: Ms. Peters -- is that Ms. Peters; that's who I was told is -- that's Ms. Peters. Were you recording or not, ma'am?

MS. PETERS: No, Sir. I was not. (Indiscernible). This is a work day for me.

THE COURT: So then, did you have your video up for some reason?

MS. PETERS: No.

THE COURT: So, he just completely mis-saw what was ever on your screen?

MS. PETERS: Yes. I don't need to record. This is recorded, right? I don't need to that.

THE COURT: No. You don't need to do it, because there's a sign outside the door that says no recording.

MS. PETERS: I understand. You know, they're just wrong. And, if makes Your Honor feel better --

THE COURT: I don't need you to talk to me anymore, ma'am. I'm thinking right now. Thank you.

MS. PETERS: (Indiscernible).

MR. MOSHER: Judge, just to supplement.

THE COURT: Go ahead, sir.

MR. MOSHER: Ms. Gonzales just informed me that she saw Ms. Peters hit a button when -- ah -- the speaking stopped. All I saw was a visual image of the courtroom on the screen. I saw

that. Ms. Gonzales is here and can explain what she saw. It's more than what I saw.

THE COURT: Well, the bottom line is -- as I mentioned, there's a sign on the door that says no recording, video, audio -- it's all common sense for most folks to know that. This is a recorded proceeding in any event. **So, this is the one warning that the individual in the courtroom will get.** If I find that someone has violated this order in the future, then I'll take appropriate action, and it will be appropriate -- no doubt in my mind about that.

(Court file 24:12 – 25:20)

On February 24, 2022, the Mesa County District Attorney filed a Verified Motion for Order Directing Issuance of a Citation in Case No. 21CR312. (*Id.* 70-73.)

On March 2, 2022, Judge Timbreza issued *Order for Issuance of Citation and Contempt Citation (Tina Peters)*, directing, *inter alia*, the issuance of a citation as to why Ms. Peters should not be found in indirect contempt for recording the hearing on an iPad and being dishonest to the court. (*Id.* at 1-7)

Judge Dunkleman was assigned to conduct the trial of the contempt citation. At a pretrial hearing on August 9, 2022, Judge Dunkleman confirmed that at trial the District Attorney would have the burden to establish two facts: (1) Ms. Peters videotaped the February 7 hearing; and (2) Ms. Peters answered dishonestly in response to Judge Barrett's questions. (TR 8/9/22 8:18 -19) In a colloquy between Judge Dunkleman and the District Attorney, Mr. Rubinstein confirmed that he

needed to prove that Ms. Peters was guilty of both videotaping, and being dishonest in her responses to Judge Barrett. (*Id.* 8:25 – 9:1)

At the May 5, 2023, contempt trial, D.A. Investigator Michael Struwe testified that he seized Ms. Peters iPad from her on February 8, 2022, and during the fifteen months since he seized it, the prosecution had not performed a forensic examination of the iPad to see if it contained a recording of the February 7, 2022, hearing. (TR 5/5/23 95:13 – 22)

Citing the best evidence rule, defense counsel asked the trial court to order the release of the iPad from the sheriff's custody so that the Court and counsel could see if it contained a recording. The court denied defense counsel's request:

MR. STEINBERG: **But clearly the iPad would be the best evidence** if [sic] whether there is recording or not. And they have the iPad and they have it in their custody. **And I'm asking that it be released so we can see if there is a recording.**

THE COURT: And that request is denied.

Id. 97:14 – 19

Instead of presenting evidence that the iPad contained a recording of the February 7, 2022, hearing, the District Attorney called two witnesses who said they saw Ms. Peters in the courtroom with her iPad, and they believed that she was recording the proceeding. The first witness, Haley Gonzalez, is a paralegal for the District Attorney. On direct examination, Ms. Gonzalez testified that “In the way

that it [the iPad] was being held and utilized it appeared that she [Ms. Peters] was recording on the iPad.” (*Id*, 20:8 – 9) Gonzalez admitted that she could not see if the record button was pushed or if the time was running. (*Id*, 21:22 – 23:2) On cross examination, Gonzalez estimated that she made her observations when she was twenty yards away from Ms. Peters. (*Id*, 31:16 – 18) Gonzalez again admitted she could not see whether Ms. Peters was recording the proceeding:

Q. [By defense counsel] Can you tell us whether there was share screening or recording going on, based on what you saw from this distance that you just claimed?

A. I cannot.

Id, 32:3 - 6

Next the prosecutor called Patricia Weaver, sister of the Defendant Knisley. Like Gonzalez, Weaver testified on direct that “it appeared” that Ms. Peters was recording,

but she could not see the record button on the iPad:

Q Okay. Did it appear to you that she was recording?

A Yes.

Q Were you able to see the actual button to assure that it was recording?

A No, sir.

Id, 54:25 -55:5

The District Attorney's third and final witness was Belinda Knisley, who was the Defendant at the February 7 hearing before Judge Barrett. Ms. Knisley testified that she could not see what Ms. Peters was doing during the hearing, because Ms. Peters was sitting behind her. *Id*, 79:10 – 11. Ms. Knisley testified that she did not know there was any prohibition against recording. (*Id*, 85:8 – 10) She offered circumstantial evidence that Ms. Peters must have made the recording, even though she didn't see her do it. First, Ms. Knisley said that before the hearing, she asked Ms. Peters to record it, and Ms. Peters said she would. (*Id*, 79:4 – 7) Second, Ms. Knisley said that after the hearing was over, Ms. Peters told her, "Even Abraham lied to save Sarah." (*Id*, 80:17– 18)

SUMMARY OF THE ARGUMENT

1. Insufficient findings. A conviction for punitive contempt must be supported by findings of fact that establish four elements beyond a reasonable doubt: (1) a lawful order existed; (2) the contemnor had knowledge of the order; (3) the contemnor had the ability to comply with the order; and (4) the contemnor willfully refused to comply with the order. In this case, the trial court failed to find that a lawful order existed or that Ms. Peters had knowledge of the order. Failure to make required findings requires reversal and remand for a new trial.

2. Insufficient evidence. To prove the contents of a recording, the original recording must be presented consistent with the Best Evidence Rule found in CRE 1002. Because the prosecution presented no evidence that Ms. Peters' iPad contained a recording of the February 7, 2022, hearing, the prosecution failed to meet its burden of proof beyond a reasonable doubt, and the contempt must be vacated.

ARGUMENT

I. The conviction must be reversed because the trial court failed to make required findings.

A. Standard of Review and Preservation

Appellate courts review a judgment following a bench trial as a mixed question of fact and law. *Lawry v. Palm* 192 P.3d 550, 558 (Colo.App.2008). The reviewing court defers to the trial court's findings of fact unless they are clearly erroneous. The appellate court reviews the trial court's conclusions of law de novo. *Id*; *Premier Members Fed. Credit Union v. Block*, 2013 COA 128, ¶ 27, 312 P.3d 276, 280. Generally, a contempt finding is reviewed for an abuse of discretion. *See People v. Aleem*, 149 P.3d 765, 774 (Colo. 2007). However, whether the findings of fact and evidence are sufficient to support a finding of punitive contempt beyond a reasonable doubt is a question of law subject to de novo review. *See People v. Kribo*, 996 P.2d 158, 172 (Colo.

App. 1999); *see generally McCoy v. People*, 442 P.3d 379, 388 (Colo. 2019) (holding sufficiency of the evidence claims are subject to de novo review).

B. Legal Framework

The Due Process Clauses of the United States and Colorado Constitutions prohibit a conviction of any person except upon proof beyond a reasonable doubt. U.S. Const. amends. V, XIV; Colo. Const. art. II, § 25; *In re Winship*, 397 U.S. 358, 363-64 (1970); *People v. Gonzales*, 666 P.2d 123, 127 (Colo. 1983). To satisfy due process, a reviewing court must determine “whether the relevant evidence, both direct and circumstantial, when viewed as a whole and in the light most favorable to the prosecution, is substantial and sufficient to support a conclusion by a reasonable mind that the defendant is guilty of the charge beyond a reasonable doubt.” *People v. Bennett*, 515 P.2d 466, 469 (Colo. 1973).

A mere “modicum” of relevant evidence will not rationally support a conviction beyond a reasonable doubt, and verdicts in criminal cases cannot be based on “guessing, speculation, or conjecture.” *Gonzales*, 666 P.2d at 128. Additionally, although a jury is permitted to draw reasonable inferences from facts that have been established, “presumption may not rest on presumption or inference on inference,” *People v. Ayala*, 770 P.2d 1265, 1268 (Colo. 1989) (quoting *Tate v. People*, 247 P.2d 665, 672 (Colo. 1952)), to the point where a chain of inferences “becomes so attenuated”

that relying on it “would amount to speculation,” *People v. Donald*, 461 P.3d 4, 9 (Colo. 2020).

Courts have “inherent authority to use all powers reasonably required to protect the efficient function, dignity, independence, and integrity of the court and judicial process.” *Aleem*, 149 P.3d at 774. This authority includes the power to “hold a party in contempt for any conduct which interferes with the court's administration of justice, is derogatory to the dignity of the court, or tends to bring the judiciary into disrespect.” *Id.* Yet, there are limits to the court's contempt power. *Id.* Such power “must be used with caution and self-restraint to vindicate the rights of litigants and promote the administration of justice.” *Id.*

Contempt proceedings are governed by Colorado Rule of Civil Procedure 107. As relevant here, Rule 107 defines contempt as “disobedience or resistance by any person to or interference with any lawful ... order of the court.” C.R.C.P. 107(a)(1). There are two types of contempt—direct and indirect—and there are two types of sanctions a trial court can impose for contempt—remedial and punitive. *See* C.R.C.P. 107(a)(2)-(5).

“Direct contempt” is “[c]ontempt that the court has seen or heard and is so extreme that no warning is necessary or that has been repeated despite the court's warning to desist.” C.R.C.P. 107(a)(2); *see Losavio v. District Court*, 512 P.2d 266, 268

(Colo. 1973) (observing that because direct contempt may be punished summarily, it “must be strictly confined to those instances where the contemptuous conduct occurs in open court and is seen or heard by the trial judge”). “Indirect contempt” is contempt that “occurs out of the direct sight or hearing of the court.” C.R.C.P. 107(a)(3); *see People v. Ganatta*, 622 P.2d 107, 109 (Colo. App. 1980) (holding that contempt is “indirect” even if the contemptuous conduct occurs in the presence of the court “if there are circumstances which have occurred out of the presence of the court” that must be considered to fairly adjudicate the matter).

Remedial sanctions are “[s]anctions imposed to force compliance with a lawful order or to compel performance of an act within the person's power or present ability to perform.” C.R.C.P. 107(a)(5). By contrast, punitive sanctions are imposed to punish through “unconditional fine, fixed sentence of imprisonment, or both, for conduct that is found to be offensive to the authority and dignity of the court.” C.R.C.P. 107(a)(4). “Unlike remedial contempt, which the contemnor may purge by complying with the court order in question, punitive contempt cannot be so purged.” *In re Marriage of Nussbeck*, 974 P.2d 493, 498 (Colo. 1999)). Rather, punitive sanctions are imposed as punishment for a “willful violation of a court order.” *Id.*

Ultimately, “[punitive] contempt is a crime in the ordinary sense; it is a violation of the law, a public wrong which is punishable by fine or imprisonment or

both.” *Bloom v. Illinois*, 391 U.S. 194, 201 (1968). As a result, a person facing a charge of indirect punitive contempt is entitled to many of the same constitutional rights as a defendant in a criminal case. *See People v. Razatos*, 699 P.2d 970, 976-77 (Colo. 1985); *People v. Barron*, 677 P.2d 1370, 1374 n.4 (Colo. 1984). Such rights include the right to notice of the charge, the right to be represented by counsel, the right to call and confront witnesses, the right to public proceedings, and the privilege against self-incrimination. *See id.*; *see also* C.R.C.P. 107(d)(1).

Like a criminal conviction, a finding of punitive contempt must be supported by proof beyond a reasonable doubt. C.R.C.P. 107(d)(1). Punitive sanctions must be supported by findings of fact that establish the following elements beyond a reasonable doubt:

- (1) a lawful order existed;
- (2) the contemnor had knowledge of the order;
- (3) the contemnor had the ability to comply with the order; and
- (4) the contemnor willfully refused to comply with the order.

People ex rel. State Engineer v. Sease, 429 P.3d 1205, 1210 (Colo. 2018).

C. Analysis

1. The trial court failed to make findings as to two of the required elements of proof. Applying the four elements of *Sease* to this case, the trial Court was required to find:

- (1) Judge Barrett entered a lawful order that prohibited recording a judicial proceeding in his courtroom;
- (2) Ms. Peters had actual knowledge of the order;
- (3) Ms. Peters had the ability to comply with the order;
- (4) Ms. Peters willfully refused to comply with the order.

The trial court's findings of fact begin at TR 5/5/23 119:2 and end at 127:10. The trial court never found as a fact that Judge Barrett had entered a lawful order that prohibited recording the proceedings in his courtroom. Nor did the court find that Ms. Peters knew of the order before the District Attorney accused her of recording. Because the trial court failed to make findings as to two of the four elements of proof required by *Sease*, the Court of Appeals must reverse and remand for a new trial. *People v. Montoya*, 2024 COA 37 *24 (trial court's failure to make findings requires new trial).

II. The conviction must be vacated because there was no evidence in the record that the iPad contained a recording.

A. Standard of Review and Preservation

An issue challenging the sufficiency of the evidence may be raised for the first time on appeal. *McCoy*, 442 P.3d at 388. Whether the findings of fact and evidence are sufficient to support a finding of punitive contempt beyond a reasonable doubt is a question of law subject to de novo review. *Id.*; *Kribo*, 996 P.2d at 172. Defense counsel preserved the best evidence issue for appeal when he argued that the best evidence of whether a recording had been made was to perform an examination of the iPad. Counsel asked the trial court to order the release of the iPad from sheriff custody so “so we can see if there is a recording.” The trial court denied counsel’s request. (TR 5/5/23 97:14 – 19)

B. Legal Framework.

The requirement of proof beyond a reasonable doubt has this vital role in our criminal procedure for cogent reasons. The accused during a criminal prosecution has at stake interest of immense importance, both because of the possibility that he may lose his liberty upon conviction and because of the certainty that he would be stigmatized by the conviction. Accordingly, a society that values the good name and freedom of every individual should not condemn a man for commission of a crime when there is reasonable doubt about his guilt. Lest there remain any doubt about the constitutional stature of the reasonable-doubt standard, the U.S. Supreme Court

explicitly held that the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. *In re Winship*, 397 U.S. 358, 363–64, 90 S. Ct. 1068, 1072, 25 L. Ed. 2d 368 (1970).

Appellate review of the sufficiency of the evidence is grounded in the Due Process Clause of the Fourteenth Amendment, which “protects a defendant in a criminal case against conviction ‘except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.’” *Jackson v. Virginia*, 443 U.S. 307, 315, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979) (quoting *In re Winship*, 397 U.S. 358, 364, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970)); see *Clark v. People*, 232 P.3d 1287, 1291 (Colo. 2010) (citing *Jackson*, 443 U.S. at 319, 99 S.Ct. 2781). Appellate review of the sufficiency of the evidence ensures that a judgment of conviction does not violate the principle that a defendant be convicted only when each element of the offense was proven beyond a reasonable doubt. See *Jackson*, 443 U.S. at 317–18, 99 S.Ct. 2781; *People v. Heywood*, 2014 COA 99, ¶ 45, 357 P.3d 201 (Gabriel, J., specially concurring). *People v. McCoy*, 2015 COA 76M, ¶ 7, 444 P.3d 766, 769, as modified on denial of reh'g (Dec. 3, 2015), aff'd on other grounds, 2019 CO 44, ¶ 7, 442 P.3d 379

C. Analysis

An essential element of proof required of the prosecutor was to show, beyond a reasonable doubt, that Ms. Peters recorded the February 7, 2023, hearing on her iPad. To prove this element of contempt, the prosecution presented testimony that Ms. Peters appeared to be recording, but no evidence that the iPad contained a recording. The evidence is of insufficient quality to sustain the contempt finding beyond a reasonable doubt. *McCoy*, 442 P.3d at 388 (“We review the record de novo to determine whether the evidence presented was sufficient in both quantity and quality to sustain a defendant's conviction.”).

The Best Evidence Rule provides that to prove the content of a recording, the original recording is required, except as otherwise provided by rule or statute. C.R.E. 1002. A “recording” includes an “electronic recording.” C.R.E. 1001(1).

Here, the content of the alleged recording, or its existence in general, is the disputed issue, and therefore, to satisfy the Best Evidence Rule, the prosecution was required to produce the original recording into evidence.

The Colorado Rules of Evidence provide four exceptions to the Best Evidence Rule:

- (1) Originals Lost or Destroyed. All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith; or

- (2) Original Not Obtainable. No original can be obtained by any available judicial process or procedure; or
- (3) Original in Possession of Opponent. At a time when an original was under the control of the party against whom offered, he was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearing, and he does not produce the original at the hearing; or
- (4) Collateral Matters. The writing, recording, or photograph is not closely related to a controlling issue.

CRE 1004.

None of the exceptions to the Best Evidence Rule apply. The original recording was not lost, destroyed, unobtainable, or in the possession of Ms. Peters. Rather, it was in the possession of the prosecution. Further, the content and existence of the recording was not a collateral matter but was the disputed issue for the trier of fact to determine. As a result, C.R.E. 1004 does not provide an applicable exception to the prosecution's obligation to produce the original recording under the Best Evidence Rule.

While C.R.E. 1007 provides for an additional exception to the Best Evidence Rule where the proponent may prove the content of a recording through the testimony of the party opponent, such exception is similarly inapplicable. C.R.E. 1007. Here, Ms. Peters did not testify or admit to the existence of the recording or its

alleged contents, and accordingly, the prosecution was required to admit the original recording into evidence. C.R.E. 1002.

The Best Evidence Rule applies when the proponent must prove the *contents* of a recording rather than the *existence* of the recorded event:

The preference for originals, or so-called best evidence rule, is a rule of documentary evidence that requires an original, under some circumstances, to prove the contents of a document or recording. *See* CRE 1001–1002. It is a rule limiting the admission of copies rather than a rule requiring the admission of an original recording, and in any event it has not application where the recorded events themselves, *rather than the contents of the document recording them*, are at issue.

People v. Saiz, 32 P.3d 441, 448 (Colo. 2001) (emphasis added).

The distinction is critical. A witness can testify to a fact for which that witness has personal knowledge, even if a recording was made. However, under the Best Evidence Rule, a witness cannot testify to a fact within the recording without production of the original. *Berenson v. USA Hockey, Inc.*, 338 P.3d 379, 381 (Colo. App. 2013) (holding Best Evidence Rule did not bar trial court from considering hockey association employee’s personal knowledge of the registration and waiver process but witness could not testify as to the contents of a specific document).

Here, the contents of the recording, or existence of the recording containing the contents, are at issue. Under the Best Evidence Rule, the prosecution witnesses were permitted to testify to facts within their personal knowledge, but none of the

prosecution witnesses had personal knowledge that Ms. Peters recorded the February 7, 2023, hearing. This fact can only be proven by the introduction of the actual recording.

Ultimately, the purpose behind the Best Evidence Rule is to “promote accurate fact-finding” and “guard against fraud.” *United States v. Chavez*, 976 F.3d 1178, 1194 (10th Cir. 2020) (internal quotations omitted). These goals are consistent with the constitutional requirement of proof beyond a reasonable doubt, which was not met in this case.

CONCLUSION

Ms. Peters was convicted of contempt without findings that a valid order existed, or that Ms. Peters knew of the order. There was no proof beyond a reasonable doubt that she made a recording. Her conviction violates the Due Process Clauses of the United States and Colorado Constitutions. *In re Winship*, 397 U.S. 358, 363-64 (1970); *People v. Gonzales*, 666 P.2d 123, 127 (Colo. 1983).

Ms. Peters respectfully requests this Court to vacate the trial court’s contempt finding and corresponding punitive sanction.

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CERTIFICATE OF SERVICE

I certify that, on June 21, 2024, a copy of this Amended Opening Brief was electronically served through Colorado Courts E-Filing on opposing counsel of record.

s/ John Case #2431