

DISTRICT COURT, MESA COUNTY, COLORADO Court Address: 125 N. Spruce Street Grand Junction, Colorado 81501 Phone Number: (970) 257-3640	DATE FILED: July 14, 2022 12:54 PM FILING ID: B9B8E2F852310 CASE NUMBER: 2022CR371
THE PEOPLE OF THE STATE OF COLORADO, vs. TINA PETERS, Defendant.	▲ COURT USE ONLY ▲
Attorney: Harvey A. Steinberg Name: Springer and Steinberg, P.C. Address: 1600 Broadway, Suite 1200 Denver, Colorado 80202 Phone Number: (303) 861-2800 FAX Number: (303) 327-5951 E-mail: hsteinberg@springersteinberg.com Atty. Reg. #: 9196	Case Number: 22CR371 Div: 9
<p style="text-align: center;">MOTION TO QUASH ARREST WARRANT AND REQUEST FOR FORTHWITH HEARING VIA WEBEX</p>	

The Defendant, Tina Peters, by and through her attorney, Harvey A. Steinberg of the law firm Springer & Steinberg, P.C., hereby moves that this Court quash the warrant for her arrest issued on July 14, 2022. She further requests that this Court hold a forthwith hearing on this motion and that the Court allow Ms. Peters and her counsel to appear via WebEx.

STATEMENT OF FACTS¹

1. Ms. Peters is a gold-star mother with a love for public service and longstanding ties to her community and the State of Colorado.
2. Ms. Peters is the elected Clerk and Recorder for Mesa County. She is also a candidate to become the Secretary of State for the State of Colorado and is challenging the results of the recent election. She has asked for a recount, and the election results have not been certified.
3. Prior to the filing of this case, Ms. Peters had never been charged with any criminal

¹ Paragraphs 1 through 26 of this Statement of Facts are supported by the Declaration of Harvey A. Steinberg in Support of Motion to Quash Arrest Warrant and Request for Forthwith Hearing, which has been filed contemporaneously.

offenses.

4. The charges pending against her are low-level felonies and misdemeanors, none of which require mandatory jail sentences if she is convicted.

5. The alleged offenses are also nonviolent and do not implicate the Colorado Victims Rights Act.

6. As an elected official, Ms. Peters is not a flight risk as she has significant public ties to the State of Colorado and to Mesa County, specifically. Further, she has retained counsel and is aware that she needs to be present in person in Colorado for all required court appearances.

7. Notwithstanding her lack of any criminal history, the nonviolent nature of the allegations pending against her, and her ties to the community, Ms. Peters' initial bond was set at \$500,000 after she was indicted. The bond was later reduced to \$25,000 cash.

8. Initially, Ms. Peters' bond conditions prohibited her from leaving the State of Colorado without permission.

9. But as a candidate for public office, Ms. Peters needed to have the ability to travel out of state, and she moved on April 19, 2022 to modify her bond conditions to allow out-of-state travel. She waived extradition, received permission from her surety to travel, and as required by her bond, surrendered her passport.

10. On April 29, 2022, the Court granted Ms. Peter's motion, but with amendments:

I begin by noting that Defendant has surrendered her passport and appears to be in compliance with her conditions of bond. I also note the People do not seem to be objecting to out of state travel, but wish to have more information regarding such travel.

I agree, in part, more information is needed. Accordingly, I grant the motion for out of state travel conditioned on 1) Defendant providing flight information for her trips and 2) providing information (hotel name or address where she will be staying) regarding her accommodations for travel.

11. Ms. Peters complied with this Order to travel out of state on May 2, 2022.

12. On May 31, 2022, the court modified its April 29, 2022 order:

Notice of travel must be in advance of travel, and not the day of. For future travel, notice must be provided at least 72 hours in advance of the same.

13. Ms. Peters complied with the Court's April 29 and May 31, 2022 orders and provided sufficient notice to travel from June 21 through June 23, 2022. She also provided notice of her

intent to travel from July 14 through July 17, 2022 and July 22 through July 25, 2022.

14. The process Ms. Peters relied on to provide the Court with notice of her travels was that she would contact the office of her attorney, Harvey A. Steinberg, and provide her itinerary. Mr. Steinberg's office would then prepare and file a notice with the Court with that itinerary.

15. On July 7, 2022, Ms. Peters sent the following email:

From: vikingso <vikingso@protonmail.com>
Sent: Thursday, July 7, 2022 2:12 PM
To: Harvey Steinberg <hsteinberg@springersteinberg.com>
Cc: Scott Gessler <sgessler@gesslerblue.com>; Randy Corporon <rbc@corporonlaw.com>; Steve Burstein SBurstein@springersteinberg.com
Subject: Re: Attorney Client Communication

Hi Harvey, just tell me what works for you. I can be available now or when it's best for you. I'm sitting at the computer working. meet me here [REDACTED] Give me a time, call or heads up when you are attending the conference please.

Also I am attending a Press conference with Sherrif Mack in Vegas on 7/12 staying at the Ahern Hotel and may go from there to PSP (amending the original travel itinerary sent a few days ago.

Scott, we can talk tomorrow. I am available in the morning and anytime before 1PM and after 4PM. Same room as above.

Thanks for your response.

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16. The foregoing email was part of an email thread, and it was not noticed that she had provided her plans to travel to Las Vegas on July 12, 2022.

17. Because her travel plans were not noticed, Mr. Steinberg's office did not prepare or file a proper notice with the Court of her intent to travel out of state.

18. Ms. Peters did not know about this oversight.

19. On July 11, 2022, the People filed an objection to the process allowing Ms. Peters to travel out of state by giving 72 hours notice because the preliminary results of the recent election indicate that she lost.

20. At 11:41 a.m., the Court asked Ms. Peters to respond to the People's objection and stated, "No travel is authorized until the [People's] objection is resolved."

21. Mr. Steinberg was not in the office when the Court entered its prohibition on Ms. Peters' ability to travel, and he did not see it until later.

22. When Mr. Steinberg did see the Court's prohibition on travel, it was too late.

23. Ms. Peters left for Las Vegas without being advised that Mr. Steinberg's office had not provided the Court with notice of her travel itinerary and without being advised of the Court's July 11, 2022 travel prohibition.

24. On July 12, 2022, Ms. Peters was attending a conference of sheriffs in Las Vegas and was one of the speakers. She even livestreamed her appearance at the conference with law enforcement.

25. In fact, Ms. Peters was not advised of the Court's travel prohibition until July 13, 2022, the day after she had traveled to Las Vegas.

26. On July 14, 2022, Mr. Steinberg spoke with Daniel P. Rubinstein, District Attorney for the Twenty-First Judicial District of Colorado and explained that Ms. Peters had gone to Las Vegas without knowing that it was prohibited. Mr. Rubinstein stated that he would not object to quashing the warrant if Ms. Peters appears at a forthwith hearing on her motion to quash.

27. On information and belief, Ms. Peters' bondsman is willing to appear at the forthwith hearing and will testify that Ms. Peters has complied with her bond conditions, that he has not had any problems with her, and that he knew that she was going to Las Vegas on July 12, 2022.

ARGUMENT

28. The Court should quash the warrant issued for Ms. Peters' arrest. The People argue that Ms. Peters' bond should be revoked for violating her bond conditions, and a warrant has been issued for her arrest. But Ms. Peters has not knowingly violated bond conditions, and the warrant should be quashed.

29. Courts cannot revoke a defendant's bond unless she knowingly violates bond conditions. *See Colo. Rev. Stat. §§ 16-4-101, et. seq, 18-8-212 & People v. Baker*, 45 P.3d 753, 755 (Colo. App. 2001). There is no evidence that Ms. Peters knowingly violated her bond conditions. Before traveling out of state, she moved for the Court to modify her bond conditions to allow it. The Court granted her motion and allowed her to travel if she first provided notice of her travel itinerary. Later, it modified its order to require her to provide notice 72 hours before she traveled. Ms. Peters complied with the Court's notice requirements and traveled out of state several times.

30. On July 7, 2022, Ms. Peters informed Mr. Steinberg's office that she intended to travel to Las Vegas on July 12, 2022. Mr. Steinberg's office had prepared and filed the required notices previously, and she reasonably relied on them to file the appropriate notice for her July 12, 2022 trip. Unfortunately, the necessary notice was not filed, and when she left for Las Vegas, she was not aware of this oversight.

31. Ms. Peters was also not aware the Court's July 11, 2022 prohibition on traveling out of state. Mr. Steinberg did not immediately see the Court's order when it entered. When he did see it, it was too late. Ms. Peters had already traveled to Las Vegas, and she was not told about the Court's prohibition on travel until July 13, 2022.

32. On July 12, 2022, Ms. Peters simply did not know that she was prohibited from traveling to Las Vegas, and her conduct proves it. She publicly appeared with law enforcement officers in Las Vegas, and she livestreamed her appearance for everyone to see. If she knew that the Court prohibited her travel, she would not have publicized that she was in Las Vegas.

33. Further, Ms. Peters told her bondsman that she was going to Las Vegas before she left. If she were knowingly violating bond conditions, she certainly would not have told him her plans.

34. Because there is no evidence that she knowingly violated bond conditions, the Court cannot revoke Ms. Peters' bond, and the warrant for her arrest must be quashed.

WHEREFORE, Ms. Peters respectfully requests that the Court quash the warrant for her arrest and deny the People's request to revoke bond. She further requests that this Court hold a forthwith hearing via WebEx on this motion.

DATED this 14th day of July, 2022.

Respectfully submitted,
SPRINGER AND STEINBERG, P.C.
By: /s/ Harvey A. Steinberg
Harvey A. Steinberg, Reg. No. 9196
Attorney for Defendant
1600 Broadway, Suite 1200
Denver, Colorado 80202
(303) 861-2800

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July, 2022, I served a true and correct copy of the foregoing pleading by causing same to be electronically filed on ICCES and served on all parties to this matter.

/s/ Craig L. Pankratz