DISTRICT COURT, MESA COUNTY, COLORADO Court Address: MESA COUNTY JUSTICE CENTER, 125 NORTH SPRUCE STREET, GRAND JUNCTION, CO, 81501	
THE PEOPLE OF THE STATE OF COLORADO v. **Defendant(s)** TINA MARIE PETERS	DATE FILED April 22, 2026 3:36 PM CASE NUMBER: 2022CR371 ⚠ **COURT USE ONLY** ⚠ Case Number: 2022CR371 Division: 9 Courtroom:

ACTION TAKEN:VERIFIED MOTION TO DISQUALIFY JUDGE MATTHEW BARRETT

The motion/proposed order attached hereto: ACTION TAKEN.

The People shall file a response to the attached motion, as soon as practicable, but in no event later than April 27, 2026.

Issue Date: 4/22/2026

MATTHEW DAVID BARRETT
District Court Judge

District Court Mesa County Justice Center 125 N Spruce St. Grand Junction, CO 81501	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. TINA PETERS, Defendant	▲ COURT USE ONLY ▲
John Case P.C. John Case, Colorado Reg. #2431 6901 S. Pierce St. #340 Littleton CO 80128 (303) 667-7407 brief@johncaselaw.com	Case No. 2022CR371 Division: 9/MDB

VERIFIED MOTION TO DISQUALIFY JUDGE MATTHEW BARRETT

Defendant Tina Peters, through counsel, moves to disqualify Judge Matthew Barrett from presiding over further proceedings in this case. Grounds for the Motion are that at the sentencing hearing October 3, 2024, Judge Barrett demonstrated actual unfair prejudice against Mrs. Peters, which has been broadcast repeatedly to the citizens of Mesa County, who reasonably question whether he is impartial in this case.

At sentencing, Judge Barrett showed obvious prejudice, calling Mrs. Peters a "charlatan" who "lies" and peddles "snake oil." The Court of Appeals found that Judge Barrett violated Mrs. Peters' First Amendment rights by imposing a lengthy prison sentence to prevent her from communicating her views on computer voting systems. 2026 COA 24 ¶ 147. Even the Governor of the state said the sentence was too harsh.

This Verified Motion is supported by Affidavits of two eyewitnesses who confirm that Judge Barrett's anger towards Mrs. Peters in the courtroom was palpable. Based on Judge Barrett's behavior, Colorado Judicial Canon 2, Rule 2.11 (A)(1), C.R.S. §16-6-201(3)(d), and Colorado Rule of Criminal Procedure 21(b)(IV) require Judge Barrett to disqualify himself.

I. APPLICABLE LAW

1. Colorado Judicial Canon 2, Rule 2.11(A)(1) states:

> **(A)** A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:
>
> **(1)** The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge* of facts that are in dispute in the proceeding.

2. C.R.S. 16-6-201 states in pertinent part:

> **(1)** A judge of a court of record shall be disqualified to hear or try a case if:
> **(d)** He is in any way interested or prejudiced with respect to the case, the parties, or counsel.
>
> **(3)** A motion for change of judge on any ground must be verified and supported by the affidavits of at least two credible persons not related to the defendant, stating facts showing the existence of grounds for disqualification. If the verified motion and supporting affidavits state facts showing grounds for disqualification, the judge must enter an order disqualifying himself.

3. Colorado Rule of Criminal Procedure 21 states in pertinent part:

> **(b) Substitution of Judges.**
>
> **(1)** Within 14 days after a case has been assigned to a court, a motion, verified and supported by affidavits of at least two credible persons not related to the defendant, may be filed with the court and served on the opposing party to have a substitution of the judge. Said motion may be filed after the 14-day period only if good cause is shown to the court why it was

not filed within the original 14-day period. The motion shall be based on the following grounds:

> **(IV)** The judge is in any way interested or prejudiced with respect to the case, the parties, or counsel.

(3) Upon the filing of a motion under this section (b), all other proceedings in the case shall be suspended until a ruling is made thereon. If the motion and supporting affidavits state facts showing grounds for disqualification, the judge shall immediately enter an order disqualifying himself or herself.

4. In a 1981 case that originated in Mesa County, the Colorado Supreme Court explained the purpose and application of the rules and statute that govern disqualification:

> The purpose of the statute and rule for disqualification of a trial judge is to guarantee that no person is forced to stand trial before a judge with a 'bent of mind.' When the judge who is accused of prejudice is called upon to determine whether a sufficient showing has been made to require disqualification, it becomes incumbent upon that judge to look solely to the sufficiency of the motion and accompanying affidavits in order to ascertain whether sufficient facts are set forth to require disqualification. As a matter of judicial policy, the court must accept as true the facts stated in the motion and affidavits for disqualification of a judge. In reviewing the motion and affidavits, both the actuality and appearance of fairness must be considered.
>
> Even where the trial judge is convinced of his own impartiality, the integrity of the judicial system is impugned when it appears to the public that the judge is partial.
>
> To be legally sufficient, the motion and affidavits must state facts from which it may reasonably be inferred that the judge has a bias or prejudice that will prevent him from dealing fairly with the defendant. The affidavits in support of the motion do not have to contain every essential fact which establishes the judge's prejudice. It is sufficient if the affidavits verify the facts set forth in the motion.

People v. Botham, 629 P.2d 589, 595 (Colo. 1981)(internal cites omitted).

5. "Once facts have been set forth that create a reasonable inference of a 'bent of mind'

that will prevent the judge from dealing fairly with the party seeking recusal, it is incumbent upon the trial judge to recuse himself." *Wright v. District Court,* 731 P. 2d 661, 664 (Colo. 1987)(internal cites omitted).

II. SHOWING OF GOOD CAUSE

6. C.R.Cr.P. 21 (b)(1) requires Mrs. Peters to show good cause why this motion could not be filed within 14 days after this case was assigned to Judge Barrett. The reason for filing at this time is that Judge Barrett waited until the sentencing hearing October 3, 2024, to reveal that his prejudice against Mrs. Peters was based on extrajudicial information. Throughout pretrial and trial proceedings, Judge Barrett excluded as "irrelevant" all evidence of computer voting equipment susceptibility to fraud. However, at sentencing, Judge Barrett showed that he personally disagrees with Mrs. Peters' public statements. He called her a "charlatan" who was peddling "snake oil" and "junk." He referred to Mrs. Peters' public statements about the voting system as "lies."

7. Since none of this information was debated in trial and pretrial proceedings, Judge Barrett must have done extrajudicial research to form his opinions that Mrs. Peters was a "charlatan" who peddled "snake oil" and "junk" and that her public statements were "lies." Judge Barrett's personal attacks on Mrs. Peters at sentencing are disqualifying not only because of the palpable anger with which they were directed at Mrs. Peters in the courtroom, but also because they stemmed "from an extrajudicial source and resulted in an opinion on the merits on some basis other than what the judge learned from his participation in the case." *United States v. Grinell Corp*., 384 U.S. 563, 583 (1966).

8. Current counsel did not enter his appearance until more than two years after the case

was assigned to Judge Barrett. In the meantime, previous counsel Harvey Steinberg had filed a Motion for Disqualification, which the Court denied in an Order dated August 23, 2022, attached as Exhibit A.

9. Mrs. Peters filed Notice of Appeal in the Colorado Court of Appeals on November 7, 2024. Mrs. Peters challenged Judge Barrett's illegal sentence on appeal, and she requested that the Court of Appeals order that the case be assigned to a different judge on remand. The Court of Appeals agreed with Mrs. Peters that the sentence was illegal because, "the trial court obviously erred by imposing sentence at least partially based on Peters' protected speech." 2026 COA 24 ¶ 149. The Court of Appeals declined to order a new judge, because "Any such request must first be pursued in the trial court." *Id.* ¶ 151. Although the Court of Appeals retains jurisdiction until entry of remand, COA stated in a written order that Mrs. Peters can renew her motion for Bond Pending Appeal in the trial court:

> [I]t is for the district court to conduct an initial assessment to the extent a new motion for bond would be authorized while this appeal remains pending of whether any developments since late 2024 call for an updated analysis of how bond statutes in particular section 16-4-201.5(2)(a)-(b) C.R.S. 2025, and the factors listed in 16-4-202(1)(a)-(i) apply to Peters's case.

(Court of Appeals Order dated February 18, 2026, at p. 4, attached as Exhibit B).

10. Today Mrs. Peters filed a Renewed Motion for Bond Pending Appeal. Mrs. Peters filed this Motion to Disqualify Judge Barrett so that an impartial judge can rule upon her motion for bond and preside at re-sentencing.

III. FACTS

11. Judge Barrett made a personal attack on Mrs. Peters during sentencing that cannot be justified as a spontaneous reaction to provocation. Judge Barrett planned his remarks during a sixteen-minute recess that he took to "collect my thoughts." (Ex G - Tr. 10/3/24 91:23 – 92:2).

12. Judge Barrett began with comments suggesting that he resents Mrs. Peters' status as a national spokesperson for election integrity. Judge Barrett compared her to defendants of modest means that he empathizes with:

> Those folks didn't have four lawyers representing them. . . They're not getting rides in private jets all over the country.

(Id 96:14-17).

13. As he delivered his oral sentencing order from the bench, Judge Barrett vilified Mrs. Peters personally because he disagreed with words that she used to criticize the computer voting system. He described her as a "charlatan" who peddled "snake oil" and "junk." He called her criticisms of the voting system "lies."

> You are no hero. You abused your position and you're a charlatan who used and is still using your prior position in office to pedal a snake oil that's been proven to be junk time and time again.

(Id. 98:9-12).

> No, at the end of the day, you cared about the jets, the podcasts, and the people fawning over you. You abdicated your position as a servant to the Constitution and you chose you over all else. Yes, you are a charlatan and you cannot help but lie as easy it is for you to breathe. You betrayed your oath for no one other than you. And this is what makes Ms. Peters such a danger to our community. It's the position she held that has provided her the pulpit from which she can preach these lies, the undermining of our democratic process, the undermining of the belief and confidence in our election systems.

(Id. 99:15-24).

> So the damage that is caused and continue to be caused is just as bad, if not worse, than the physical violence that this court sees on an all too regular basis. And it's particularly damaging when those words come from someone who holds a position of influence like you. Every effort to undermine the integrity of our elections and public's trust in our institutions has been made by you. You've done it from that lectern. The voting public provided you with everything you've done has been done to retain control influence. The damage is immeasurable. And every time it gets refuted, every time it's shown to be false, just another tail [sic] is weaved.

(Id. 100:4-14).

> And prison is for those folks where we send people who are a danger to all of us, whether it be by the pen or the sword or the word of the mouth.

(Id. 101:14-16)(underline added).

IV. DISCUSSION

14. As this Court has previously noted, "In ruling on a disqualification motion, a judge must accept as true the facts stated in the motion and accompanying affidavits, and then determine as a matter of law whether they allege sufficient facts for disqualification." Exhibit A at 3, citing *People v. Julien*, 47 P.3d 1194, 1197 (Colo 2002). The trial judge must accept the affidavits filed with the motion as true, even though the judge believes that the statements contained in the affidavits are false or that the meaning attributed to them by the party seeking recusal is erroneous. *People v. Botham,* 629 P.2d 589, 595 (Colo. 1981)

15. *Botham* is instructive as a case where the trial judge's behavior showed both the appearance of partiality and actual prejudice against the defendant. While the Mesa County Sheriff was investigating a quadruple homicide, the judge who later presided over the trial told the state Public Defender in the presence of a district judge from Arapahoe County that there were four unsolved murders in Mesa County, and that there was a suspect but no one was in

custody. The judge said: "I know what I would do, I would put the guy in jail, choke a confession out of him, and charge him with the first degree murders." *Id*. at 594. The Supreme Court ruled that the affidavits were sufficient to require disqualification as a matter of law, because the affidavits had to be accepted by the court as true. *Id*. at 595. The affidavits established that the judge used extrajudicial information to form a belief that the defendant was guilty prior to the case being filed. His statements about the case showed that he was partial to the prosecution. *Id.* at 596.

16. Another instructive precedent is *Johnson v. District Court*, 674 P. 2d 952 (Colo. 1984). In an original proceeding pursuant to *C.A.R. 21*, the Colorado Supreme Court reversed a Jefferson County district judge who refused to recuse himself from a pending civil employment dispute notwithstanding that affidavit of counsel for the plaintiff. The affidavit said that the judge expressed anger at the Colorado Supreme Court and one of its justices, because the justice "wants [the plaintiff] to get his job back, and if I don't give it to [the plaintiff], he will." *Id.* at 954. The affidavit also quoted the trial judge as saying, "It would not be good for [the plaintiff] to get his job back. In fact, it would be a disaster." *Id*. The Supreme Court held that where an attorney for one of the litigants signs a verified affidavit alleging conduct and statements on the part of a trial judge which, if true, show bias or prejudice or the appearance of bias or prejudice on the part of the trial judge, it is an abuse of discretion if that judge does not withdraw from the case, even though he or she believes the statements are false or that the meaning attributed to them by the party seeking recusal is erroneous. In such a case, the judge should not pass upon the truth or falsity of the facts alleged in the affidavit, but only upon the adequacy of the motion as a matter of law. *Id.* at 955-56.

17. Disqualification is mandatory when the motion and affidavits show either of the following two circumstances: (1) When the judge's impartiality might reasonably be questioned; and (2) when the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding. CJC Canon 2, Rule 2.11 (A)(1). In this case, the statements of Judge Barrett at the sentencing hearing quoted above, and the attached affidavits of attorney Michael Edminister (Exhibit C) and Rev. Robert Babcox (Exhibit D), demonstrate that Judge Barrett's impartiality might reasonably be questioned. This motion and the affidavits also show that Judge Barrett displayed actual prejudice against Mrs. Peters. Therefore, Judge Barrett must disqualify himself for both reasons.

A. Judge Barrett's impartiality might reasonably be questioned

18. The first reason to question Judge Barrett's impartiality is the objective severity of the sentence. Before the sentencing hearing in this case, undersigned counsel practiced law for 51 years in Colorado, and I never knew of any criminal case in Colorado in which a court imposed such a harsh sentence on a non-violent first-time-offender who was eligible for probation. The Governor of Colorado posted on X that the sentence imposed on Mrs. Peters was so harsh that he was considering commutation. See Exhibit E. The Governor mentioned a recent case involving a former public official who, like Mrs. Peters, had no prior record, and was found guilty of four felony charges including Attempting to Influence a Public Servant. That defendant received the sentence that Mrs. Peters should have received: two years probation plus community service. Id. Mrs. Peters' trial counsel Michael Edminister states in his affidavit:

> The sentence shocked me because it was so severe compared to what other defendants receive in Mesa County and other courts where I represent criminal defendants.

(Exhibit C, ¶ 4).

19. The second reason to question Judge Barrett's impartiality is that he sentenced Mrs. Peters to eight years and nine months of incarceration and denied bond on appeal because of her constitutionally protected speech. 2026 COA 24 ¶ 149. This shows that either: (1) Judge Barrett is unaware that the First Amendment to the U.S. Constitution protects political speech, which is not likely given his legal competence; or (2) Judge Barrett is not impartial, because he sentenced Mrs. Peters to incarceration and denied bond on appeal to punish her for speech that he personally disagreed with.

20. The third reason to question Judge Barrett's impartiality is his demeanor during the sentencing hearing. The undersigned counsel, Mr. Edminister, and Rev. Robert Babcox were all present in the courtroom during sentencing. We all felt Judge Barrett's palpable anger towards Mrs. Peters during his angry tirade. See Exhibit C, ¶ 4 and Exhibit D, ¶ 7.

B. Judge Barrett displayed personal prejudice against Mrs. Peters.

21. The prejudice of the trial judge against a party is disqualifying when it stems from an extrajudicial source and results in an opinion on the merits on some basis other than what the judge learned from his participation in the case. *U.S. v. Grinnell Corp.,* 384 U.S. 563, 583 (1966). Judge Barrett must have done extrajudicial research to form his opinions that Mrs. Peters was a "charlatan" who peddled "snake oil" and "junk" and that her public statements were "lies." Evidence of Mrs. Peters' public statements or opinions was not permitted in pretrial proceedings or trial. No charges were based on such evidence. The only plausible explanation is that Judge Barrett learned about computer voting systems by doing his own research. Another example of extrajudicial investigation is that no evidence was presented about podcasts involving

Mrs. Peters. However, the District Attorney claimed at sentencing that Mrs. Peters "is on podcasts talking about how you should mistrust the police." (Tr. 10/3/24 63:10-11). Judge Barrett then said to Mrs. Peters, "No, at the end of the day, you cared about the jets, the podcasts, and the people fawning over you." Id. 99:15-16. Since there was no evidence in the case of any podcast involving Mrs. Peters, Judge Barrett must have relied either on extrajudicial research he performed himself, or extrajudicial research performed by the DA.

22. Even ignoring the fact that such language is unseemly and inappropriate for a judge, Judge Barrett's bias is exposed by how far this rant was removed from reality. Mrs. Peters' statements occurred in the context of a continuing national discussion questioning the integrity of electronic voting systems. As early as September 2005, the Government Accountability Office published a report which concluded that all electronic voting systems had inherent security problems that "could allow unauthorized personnel to disrupt elections or modify data and programs that are critical to the accuracy of the voting process." GAO, *Federal Efforts to Improve Security and Reliability of Electronic Voting Systems are Under Way, but Key Activities Need to Be Completed,* GAO-05-956, at 26 (Sept. 21, 2005). In 2018, the National Academy of Sciences, in a "Consensus Study Report," [1] recounted the scope of the risks of manipulation of election computer systems. Nat'l Acads. of Sciences, Engineering, and Medicine, *Securing the Vote: Protecting American Democracy*, at 9 (2018), *available at* https://nap.nationalacademies.org/catalog/25120?securing-the-vote-protecting-american-democracy. That

[1] This Consensus Study Report was a joint effort of the Committee on the Future of Voting: Accessible, Reliable, Verifiable Technology (co-chaired by Lee Bollinger, President of Columbia University, and Michael McRobbie (President of Indiana University), the Committee on Science, Technology, and Law (co-chaired by David Baltimore, President emeritus of the California Institute of Technology, and Judge David Tatel, U.S. Court of Appeals for the District of Columbia), and the Computer Science and Telecommunications Board (chaired by Farnam Jahanian of Carnegie Mellon University).

same year, in a live demonstration at Massachusetts Institute of Technology, J. Alex Halderman, professor of computer science and engineering at the University of Michigan, used an electronic voting machine programmed with "malicious vote-stealing software" to alter the results of a mock election. Charlotte Jee, *How to hack an election-and what states should do to prevent fake votes*, MIT TECHNOLOGY REVIEW (Sept. 13, 2018).

23. In 2019, HBO released a documentary, *Kill Chain: The Cyber War on America's Elections*, focusing on the security vulnerabilities of electronic voting machines in which a number of cybersecurity experts warned that these machines were susceptible to hacking. As one of those experts, Harri Hursti, put it, "I keep hearing that the system is un-hackable. Wrong. Always." *Id.,* at 1:55. Another expert, Sandy Clark, a security researcher at the University of Pennsylvania, pointed out, "We call them voting machines but they are nothing more than obsolete computers." *Id.,* at 2:10.

24. Political leaders were vocal about their concerns over the integrity of electronic voting machines. Then-Senator Kamala Harris told her colleagues in a 2018 hearing, "I actually held a demonstration for my colleagues here at the Capitol where we brought folks who, before our eyes, hacked election machines." *Election Security*, *Hearing Before S. Judiciary Comm.*, 115th Cong. (2018) (statement of Sen. Kamala Harris (D-CA)). The following year Sen. Amy Klobuchar (D-MN), along with several of her Democratic colleagues, observed:

> Election security experts have noted for years that our nation's election systems and infrastructure are under serious threat… researchers recently uncovered previously undisclosed vulnerabilities… these problems threaten the integrity of our elections and demonstrate the importance of election systems that are strong, durable, and not vulnerable to attack.

Letter from Sens. Amy Klobuchar (D-MN), Elizabeth Warren (D-MA), Ron Wyden (D- OR) and Rep. Mark Pocan (D-WI) to Michael McCarthy, Chairman, McCarthy Grp. (Dec. 6, 2019).

25. The vulnerability of electronic voting systems to hacking has been the subject of litigation. In one of the most thorough judicial analyses of the issue, in *Curling v. Raffensperger*, U.S. District Judge Amy Totenberg received testimony from several leading cyber experts on the vulnerabilities of Dominion computer election equipment. In her October 11, 2020, opinion, Judge Totenberg stated that

> [a] broad consensus now exists among the nation's cybersecurity experts recognizing the capacity for the unobserved injection of malware into computer systems to circumvent and access key codes and hash values to generate fraudulent codes and data.

493 F.Supp.3d 1264, 1280 (N.D.Ga. 2020). Her opinion went on to conclude that "[t]he Plaintiffs' national cybersecurity experts convincingly present evidence that this is not a question of 'might this actually happen?'---but 'when it will happen." *Id.,* at 1342.

26. Thus many serious people in public life of all political persuasions have expressed well-founded concerns about the integrity of electronic voting machines, concerns echoed in Mrs. Peters' statements. It is such concerns that Judge Barrett in his unrestrained hostility to Mrs. Peters labelled – without any support whatsoever -- "snake oil," "junk," and "lies."

27. Furthermore, Mrs. Peters' concerns over the integrity of Colorado's election machinery were not uttered in some acerbic, partisan harangue, but were expressed coolly and professionally in transmitting to County Board of Commissioners, the district attorney, and the county attorney three detailed reports prepared by cybersecurity experts who analyzed the forensic images of the digital election records preserved by Mrs. Peters. As Ms. Peters explained in transmitting the second report:

> I had these images taken to preserve election records and help determine whether the county should continue to utilize the equipment from this vendor. Because the enclosed report reveals shocking vulnerabilities and defects in the current system, planning my office and other county clerks in legal jeopardy, I am forwarding this to the county attorney and to you so that the county may assess its legal position appropriately. Then, the public must know that its voting systems are fundamentally flawed, illegal, and inherently unreliable.

(Exhibit F, Tina Peters letter to Mesa County Board of Commissioners, March 1, 2022)

Ms. Peters went on:

> [I]t appears that our county's voting system was illegally certified and illegally configured in such a way that "vote totals can easily be changed." We have been assured for years that external intrusions are impossible because these systems are "air gapped," contain no modems, and cannot be accessed over the internet. It turns out that these assurances were false. In fact, the Mesa County voting system alone was found to contain thirty-six (36) wireless devices, and the system was configured to allow "any computer in the world" to connect to our EMS server. For this and other reasons – for example, the experts found uncertified software that had been illegally installed on the EMS server – our system violates the federal voting System Standards that are mandated by Colorado law.

Id. Additionally, Ms. Peters raised these concerns in various public fora.

28. To be sure, Judge Barrett was free to disagree with Mrs. Peters' conclusions, but instead he used the power of his judicial office to silence her. As the Court of Appeals noted in reversing the illegal sentence, "The tenor of the court's comments makes clear that it felt the sentence length was necessary, at least in part, to prevent her from continuing to espouse views the court deemed "damaging." 2026 COA 24 ¶ 147.

29. Robert Babcox served as Senior Pastor of Orchard Mesa Baptist Church in Grand Junction since 2009. He also serves as Chief Chaplain for the Colorado State Patrol in Grand Junction, and he previously served as Deputy Chief Chaplain for CSP Districts 4 and 5. In those roles and in his pastoral ministry, Rev. Babcox has observed many sentencings in Mesa County courtrooms, including cases involving violent crimes. Rev. Babcox personally attended Tina

Peters' sentencing hearing on October 3, 2024. (Exhibit D, ¶¶ 2-6). Rev. Babcox states in his affidavit that Tina Peters received an unusually harsh sentence compared to other defendants, that Judge Barrett displayed personal animosity towards Tina Peters, that Judge Barrett's behavior caused him to question the judge's impartiality, and that fresh judicial eyes would serve the integrity of the judicial process and help the Grand Junction community move forward:

> 9. In my observation of other sentencings in Mesa County courts, I have seen individuals convicted of violent crimes — many with extensive prior law-enforcement contacts — receive significantly lighter sentences, such as probation or suspended sentences.
> 10. It was apparent to me during the sentencing of Tina Peters that Judge Barrett feels animosity towards her. The unreasonable length of the sentence, and Judge Barrett's language and angry demeanor showed he has actual prejudice against her personally.
> 11. Based on my firsthand observations in the courtroom that day, combined with my years of experience in Mesa County courts as a chaplain and pastor, the contrast in sentencing and the nature of Judge Barrett's remarks cause me to question whether his impartiality might reasonably be questioned in any future proceedings involving Ms. Peters (such as resentencing, bond matters, or post-conviction relief).
> 12. As a spiritual leader in this community, I have witnessed how this case continues to affect public trust and division. In my judgment, assignment of fresh judicial eyes would serve the long-term integrity of the process and help our community move forward with confidence that justice is being dispensed fairly and equitably.

(Exhibit D. ¶¶ 9-12).

CONCLUSION

30. This Motion and the Affidavits (Exhibits C and D) show that Judge Barrett's impartiality might reasonably be questioned, and that he has actual prejudice against Mrs. Peters. While Judge Barrett might believe that the meaning that Mrs. Peters attributes to his statements is erroneous, he must accept the affidavits and this motion as true. Because Mrs. Peters has set

forth statements made by Judge Barrett that create a reasonable inference of a "bent of mind" that will prevent him from dealing fairly with her in the future, disqualification is mandatory under CJC Canon 2, Rule 2.11 (A)(1). *Botham* at 595; *Johnson* at 955-56; *Wright* at 664.

WHEREFORE, Tina Peters respectfully requests that Judge Matthew Barrett disqualify himself from presiding over any further matters in this case.

Respectfully submitted April 22, 2026.

s/John Case
John Case #2431

VERIFICATION

STATE OF COLORADO)
)ss
CITY AND COUNTY OF DENVER)

John Case states upon oath that the statements made in the foregoing motion are true to the best of his knowledge and belief.

John Case

Subscribed and sworn to before me on April 22, 2026, by John Case, who identified himself personally to me.

Witness my hand and official seal.
My commission expires: 4-17-29.

Notary Public

Notary seal

AMY J SPIVEY-LATTIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20134022353
MY COMMISSION EXPIRES 04/17/2029

CERTIFICATE OF SERVICE

I certify that on April 22 2026, a copy of this Motion with exhibits was electronically served through Colorado Courts E-Filing on opposing counsel of record.

/s/Linda Good