

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
<p style="text-align: center;">DEFENDANT’S RESPONSE TO JUDGE BARRETT’S ORDER RE: UPLOADING DOCUMENTS</p>	

Three hours after Mrs. Peters filed her Verified Motion to Disqualify Judge Matthew Barrett, he posted in the public case file a copy of his personal correspondence with Governor Polis and the governor’s attorney Kara Veitch. Judge Barrett’s letter to Governor Polis dated January 13, 2026, demonstrates once again Judge Barrett’s prejudice against Mrs. Peters, and why he will never be fair or impartial in her case.

Judge Barrett wrote to Governor Polis:

I chose a sentence in roughly the midpoint of the presumptive ranges that this state’s general assembly has set. My reasons for the punishment I chose or more specifically detailed in the remarks I made at her sentencing.

Judge Barrett letter to Governor Polis dated 1/13/26 (underline added).

Judge Barrett’s assertion that he “chose a sentence in roughly the midpoint of the

presumptive ranges” is not true. Judge Barrett made the sentences consecutive instead of concurrent, which is almost unheard of when multiple counts arise out of a single criminal episode. Judge Barrett imposed a sentence totaling eight years and nine months, instead of 3.5 years if the sentences ran concurrently, as most judges do.

Judge Barrett cited his reasons for the incredibly harsh sentence as “more specifically detailed in the remarks I made at her sentencing.” *Id.* Here, Judge Barrett refers the Governor to Judge Barrett’s annihilation of Mrs. Peters’ rights to speak freely on the important public issue of election security:

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.

(Transcript 10/3/24, 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).

In an email to the Governor's attorney dated February 9, 2026, Judge Barrett doubled down on his position that Mrs. Peters' controversial public statements about election security justified his imposition of the sentence that the Court of Appeals found was illegal. 2026 COA 24 ¶¶ 138-152. Instead of acknowledging that he had made a legal error in sentencing Mrs. Peters, Judge Barrett doubled down:

"I continue to have no position on the request."

(Judge Barrett email to Kara Veitch, 2/9/26).

CONCLUSION

The documents that Judge Barrett uploaded into the case file on April 22, 2026, show that he is unashamed of his actual prejudice against Mrs. Peters, that he cannot be fair to her in future proceedings, and that his actions cause reasonable people in Mesa County to question his impartiality.

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

Respectfully submitted April 23, 2026.

s/John Case
John Case #2431

CERTIFICATE OF SERVICE

I certify that on April 23 2026, a copy of this Response was electronically served through Colorado Courts E-Filing on opposing counsel of record.

/s/John Case _____