

SUPREME COURT, STATE OF COLORADO
2 E. 14th Avenue
Denver, CO 80203

ORIGINAL PROCEEDINGS PURSUANT TO
§ 1-40-107(2), C.R.S. (2009)
Appeal from Ballot Title Setting Board

PAGE PENK

Petitioner,

v.

DAN DOMINICO, SHARON EUBANKS
and WILLIAM HOBBS,

TITLE BOARD

Respondents

FILED IN THE
SUPREME COURT

FEB 19 2010

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

PAGE PENK

pro se

1304 S. Parker Rd. PH 17

Denver, CO

80231

303.283.7913

Case No. 10 SA *56*

EMERGENCY APPEAL OF BALLOT TITLE BOARD FINAL RULING

QUESTION PRESENTED

Wisely, the United States Supreme Court recently ruled in *Citizens United v. F.E.C.* (docket number 09-08205, decided Jan. 21st, 2010), that corporations have First Amendment rights to free speech. As the respondents on Feb. 17th, 2010 abridged my First Amendment rights in setting a final ballot title for Proposition #37, 2010, "A call for a global day without violence each Jan 1st.", contrary to my wishes, I ask that a strict scrutiny standard be applied in review of this governmental action, as was done in *Citizens*. In that case, if read in its entirety, the High Court gave the people the gift of information power by first acknowledging the reality that corporations already *are* engaged in political speech, before then urging that funding of that speech be transparent to voters. This is a key legal tool needed for said people to take back control of the great ship of state that is the United States and the U.S. Supreme Court was wise in offering this. But, as this is a binary tool that requires at least one citizen to activate in order to function as intended, I respectfully ask the following question in an effort to unite the warring Houses of the Court and end this destructive War on the Constitution that is ravaging this great and good land, so as to save my Russian Wife's Sunni Muslim daughter Madina:

- I. I ask for affirmation that citizens and father still have that same First Amendment rights to free speech as corporations, as there is current doubt in the minds of many that said rights of "We, the People", are still respected by the government.

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[insert table here]

OPINIONS

The Colorado Secretary of State's Certification of Final Title Board Action Feb. 17th, 2010 for Proposition #37, is contained in the Appendix.

JURISDICTIONAL STATEMENT

The Colorado Supreme Court is authorized under Colorado Revised Statute § 1-40-107(2), (2009) Appeal from Ballot Title Setting Board, to review their decision.

CONSTITUTIONAL AND STATUTORY PROVISIONS

[insert legal text here]

STATEMENT OF THE CASE

1. “My personal feeling is that there’s been enough fighting.”¹
2. Birkland talks of the “fundamental values and social structure, the basic legal framework, which in the United States is the constitutional framework and judicial norms”², as beings system parameters that are suppose to help limit and guide government conduct. Robert Putnam in *Bowling Alone: The Collapse and Revival of the American Community* (2000), says that “*generalized reciprocity is a community asset... Trustworthiness, not simply trust, is the key ingredient... What kind of assurances can each of us have in the good faith of others? A legal system, complete with law enforcement, provides one strong answer.*”³
3. I respectfully ask this honorable Court to reassure myself and many others that that our systems of laws as described by Birkland, Putnam, and Jefferson *et al*, still protects the First Amendment rights of it citizens from governmental interference, here the actions of the state title board in setting a title contrary to my wishes. The people hunger for such reassurance of our worth as human beings. For as it says in the Book of Revelations 4:11 “Thou art worthy.”

¹ McChrystal, Gen. Stanel. “McChrystal sees Taliban role.” *Financial Times of London*, 24 Jan., 2010, web accessed 24 Jan. 2010.

² Birkland, Thomas A., *After Disaster: Agenda Setting, Public Policy and Focusing Events* (Washington, D.C.: Georgetown University Press, 1997), p. 7.

³ Putnam, Robert. *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000), p. 136.

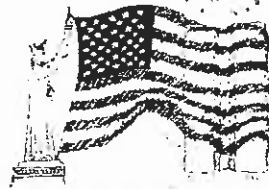
REASONS FOR GRANTING THE WRIT

4. I.

elections are fast approaching. If you want to register to vote, see me for a form.

Ken Valero

E-mail:
Kamaludin@hotmail.com
or Visit:
www.geocities.com/kamal80224



FINANCIAL STATEMENT

Contributors to this issue:

Axelson
Beckham
George A.
Larkin J.
Maestas
Anon (1)

Total contributed:
\$35.00

Cost of the last issue:
\$55.00

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"In the days ahead, we must not consider it unpatriotic to raise questions about our national character. We must begin to ask why there are 40 million poor people in a nation overflowing with such unbelievable affluence? Why have we substituted the arrogant undertaking of policing the whole world, for the high task of setting one's own house in order? All of these questions remind us that there is a need for a radical restructuring of the architecture of American society. For its very survival's sake, America must re-examine old presuppositions and release itself from many things that for centuries have been held sacred. For the evils of racism, poverty, and militarism to die, a new set of values must be born. Our economy must become more person-centered than property-centered. Our government must depend more on its moral power than its military power."

(Dr. Martin Luther King, addressing his workshop before the Poor People's Campaign, 1967)

CHÚC MỪNG NĂM MỚI

Quý ngài đã qua: Giáp thân lại đến, một lần nữa, chúa Xuân lại đến với cộng đồng người Việt hải ngoại nói chung, và người Việt tại nhà báo nói riêng, trong niềm vui đó; Tôi hân hoan Kính chúc tất cả mọi người và gia đình một năm mới: An Khang, thanh bình hạnh phúc và đoàn tụ

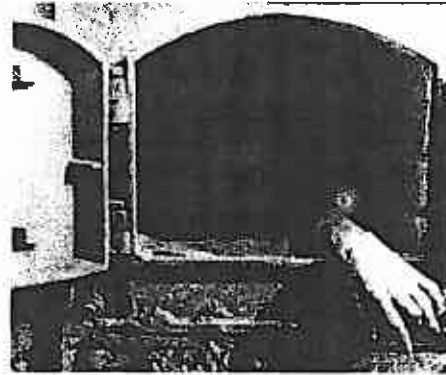
Si Huvnh

⁴ Ex Post Facto, Dec. 2003/January 2004 Volume 12 Issue 12/Volume 13 Issue 1, back page.

II. [You can't put Madina in an oven, even a portable oven camouflaged by name as nuclear weapons. Not for a good reason or a bad reason or even an accidental reason. In fact, you can't put any kids into portable ovens for *any* reason. In fact, my suggestion is before anyone wants to do that, test the oven on me first, down at Pinon Canyon. In fact, put it on Youtube and make my death pay-per-view.



=



5. Now, as soon as the frame of reference for “nuclear weapons” is changed from “weapons” to “ovens”, the war ends. Because the American people, American mothers in particular, agree with me, about not stuffing *any* kids into ovens that is. Because the new truth is, REAL MEN DON'T PUT KIDS IN OVENS!!!]

6. In issuing *Citizens United*, the Supreme Court moved to allow a “new set of values to be born.”, those values being financial transparency through full disclosure of corporate First Amendment speech. I ask for that same respect in having my First Amendment rights acknowledged by having the action of the state title board reviewed and corrected.

SUMMARY REVERSAL IS WARRANTED

Because corporations now have First Amendment rights, I respectfully request public acknowledgment of my First Amendment rights as well.

CONCLUSION

For the reasons outlined above, I respectfully request that this honorable Court correct the errors of the Colorado title board.

Respectfully submitted Feb. 19th, 2010.

Page Penk 

PROOF OF SERVICE

On Feb. 19th, 2010, I Jesse Lampley, certify under penalty of perjury that I did hand deliver a true and correct copy *PENK v. DOMINICO*, to the office of respondent's counsel of record:

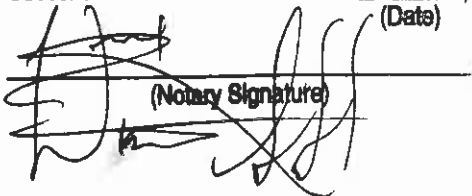
Office of the Colorado Attorney General
1525 Sherman St. Seventh Floor
Denver, Colorado
80203

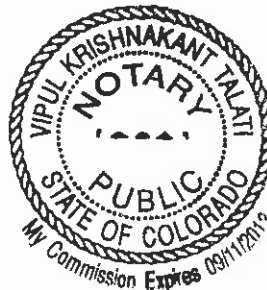
I declare under penalty of perjury that the forgoing is true and correct.

Under 28 U.S.C. 1746, Executed on Feb. 19th 2010, by:

Jesse Lampley . Signed Feb 19th, 2010

State of Colorado County of Denver
Subscribed and sworn before me on 02/19/2010
(Date)


(Notary Signature)





STATE OF COLORADO

DEPARTMENT OF
STATE

CERTIFICATE

I, **BERNIE BUESCHER**, Secretary of State of the State of Colorado, do hereby certify that:

the attached are true and exact copies of the text, motion for rehearing, titles, and the rulings thereon of the Title Board on Proposed Initiative "2009-2010 #37".....

..... **IN TESTIMONY WHEREOF** I have unto set my hand
and affixed the Great Seal of the State of Colorado, at the
City of Denver this 19th day of February, 2010.

A handwritten signature in blue ink that reads "Bernie Buescher". The signature is written in a cursive style and is positioned above a horizontal line.

SECRETARY OF STATE

Ballot Title Setting Board

Proposed Initiative 2009-2010 #37¹

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado constitution concerning a call for a global day without violence on January 1st of each year.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado constitution concerning a call for a global day without violence on January 1st of each year?

Hearing February 3, 2010:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 2:08 p.m.

Hearing February 17, 2010:

Motion for Rehearing granted in part to the extent Board amended titles; denied in all other respects.

Hearing adjourned 2:06 p.m.

¹ Unofficially captioned "Global Day Without Violence" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.