

Boulder County Court--Longmont, State of Colorado 1035 Kimbark St., Longmont, CO 80501	DENIED BY COURT 10/22/2026 DATE FILED October 22, 2026 10:26 AM CASE NUMBER: 2026C30766 J KEITH COLLINS District Court Judge ▲ COURT USE ONLY ▲
Petitioner: Christopher S.P. Gregory v. Respondent: Philip J. Weiser	
Counsel for Christopher S.P. Gregory: The Gregory Law Firm, LLC Christopher S.P. Gregory, esq. 201 Coffman St., #1822 Phone: (970) 648-0642 Fax: (970) 648-0643 E-Mail: cspgregory@thegregorylawfirm.net Atty. Reg. # 37095	Case No: 26C30766 Division: 11
PETITION FOR REHEARING BY A CONFLICT-FREE AND IMPARTIAL JUDGE	

Comes now Petitioner Christopher S.P. Gregory for himself, *in pro per*, and petitions this Court to grant rehearing due to the probability of actual judicial bias and related structural error. In support of this Petition, Petitioner states the following, upon information and belief:

INTRODUCTION

Petitioner respectfully seeks rehearing on the ground of structural error arising from judicial bias and the appearance of bias. Petitioner's verified motion for judicial disqualification established multiple, independently sufficient bases requiring the disqualification of Chief District Judge Nancy W. Salomone, District Judge J. Keith Collins, Senior Judge Steven J. Sletta, and any other judge who is assigned to Petitioner's cases without a conflict-free process. Petitioner made his motion under the Fourteenth Amendment to the U.S. Constitution, Colo.

Const. Art. II, § 25, Colo. Const. Art. VI, § 23(3)(f)(II), (h), C.R.C.P. 97 and the Colorado Code of Judicial Conduct. After Petitioner filed his verified motion, Judge Collins issued orders denying judicial disqualification without explanation or reasons. The unexplained denial, coupled with the unresolved, documented grounds for disqualification, confirms an appearance of bias and a constitutionally intolerable probability of actual bias that requires vacatur and reassignment to an impartial judge, as well as the formation of a special tribunal consistent with Colo. Const. Art. VI, § 23(3)(f)(II) and (h). The denial also contravenes due process and the procedure contemplated by C.R.C.P. 97, which suspends all other proceedings until the disqualification question is resolved on a legally sufficient basis.

STANDARD FOR REHEARING

Rehearing is warranted where the court has overlooked or misapprehended material facts or controlling principles, including structural constitutional error arising from judicial bias or the appearance thereof, and violations of mandatory disqualification procedures under C.R.C.P. 97. *See also* C.A.R. 40(a)(2) (rehearing appropriate when the court has overlooked or misapprehended material facts or controlling legal principles); *Wright v. Dist. Court In & For Gunnison Cnty., Seventh Judicial Dist.*, 731 P.2d 661, 664 (Colo. 1987) (“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.”). Structural error warrants automatic reversal without harmless-error analysis because it undermines the basic framework of adjudication and the right to an impartial tribunal. *Hagos v. People*, 2012 CO 63 ¶ 10 (automatic reversal required with examples of structural error including a biased judge and the denial of the right to a public trial); *see also People v. Crabtree*, 2024 CO 40M ¶¶ 25-26 (“structural errors are the only errors in Colorado that require automatic

reversal””; a biased judge is one recognized form of structural error). Where a judge fails to address facially sufficient disqualification grounds and denies recusal without reasons, the appearance of impropriety and intolerable probability of bias compels rehearing and reassignment. *People v. Garcia*, 2024 CO 41M ¶ 21 (the Court “has long embraced the most basic principle of our justice system that judges ‘must be free of all taint of bias and partiality’” and that an actually biased judge presiding over determinative stages of a case constitutes structural error); *Sanders v. People*, 2024 CO 33 ¶ 48 (actual bias and the mere appearance of impropriety require disqualification); *Interest of C.Y.*, 2018 COA 50 ¶¶ 13-15 (broad standard under C.R.C.P. 97 requiring disqualification whenever judge’s involvement might create appearances of impropriety “serves not only to secure the confidence of parties to the proceedings, but also to protect public confidence in the judiciary.”).

BACKGROUND

Petitioner filed a verified motion seeking disqualification under C.R.C.P. 97 of Chief Judge Nancy W. Salomone, District Judge J. Keith Collins, Senior Judge Steven J. Sletta, and other judges involved in the conflicted assignment of Petitioner’s cases. Petitioner’s verified motion was supported by detailed factual averments regarding actual bias, appearance of bias, material-witness status, personal knowledge of disputed facts, and, specifically, conflicts derived from Judge Collins’s past and contemporaneous professional roles. The motion set forth that, upon filing, C.R.C.P. 97 mandates suspension of all other proceedings until the disqualification motion is ruled upon. The motion also explained that Chief Judge Nancy W. Salomone had issued a “Bench Recusal Order” recusing the 20th Judicial District bench from some, but not all, of Petitioner’s identically grounded cases, and then directly assigned Judge Collins to Petitioner’s matters despite acknowledged conflicts. Judge Salomone’s case assignments were

contrary to C.R.C.P. 97 and longstanding precedent prohibiting a disqualified judge from selecting his or her successor. After assignment, Judge Collins further selectively recused himself from two of Petitioner's related civil protection order cases, stating only "I recuse." Judge Collins refused to recuse from other identically pled cases, while declining to disclose conflicts of interest that required disqualification.

The verified motion identified at least six independent bases for Judge Collins's mandatory disqualification, including that he is a material witness to matters intertwined with Petitioner's allegations; he possesses personal knowledge of disputed evidentiary facts; his written orders and coordinated rulings with a separately assigned judge evidenced retaliatory use of process; he permitted intervention by the Attorney General notwithstanding conflicts; he engaged in selective recusal contrary to authority; and his withholding of material disqualification information, taken with those conflicts, deprived Petitioner of due process and constituted structural error. Despite these grounds, Judge Collins denied disqualification without explanation or reasons.

Additionally, despite Petitioner's objections expressly raised through the disqualification motion, State Court Administrator Steven Vasconcellos proceeded to directly appoint Senior Judge Michael A. O'Hara to Petitioner's parallel case to compel prosecution—*Gregory v. Dougherty*, Boulder County (Longmont) Case No. 26C30788. Predictably, upon his assignment to the case, Judge O'Hara immediately imposed a facially unconstitutional prior restraint requiring Petitioner to submit prospective case filings as suppressed and further suppressing Petitioner's disqualification motion, without first ruling on it as required by C.R.C.P. 97.

ANALYSIS

1. The unexplained denial of a facially sufficient C.R.C.P. 97 motion violates due process and heightens the appearance of bias, requiring vacatur and reassignment.

C.R.C.P. 97 requires suspension of all other proceedings upon the filing of a motion to disqualify and obligates the judge to adjudicate that motion based solely on the four corners of the verified filing, accepting the movant’s facts as true for purposes of the legal sufficiency analysis. C.R.C.P. 97 (“Upon the filing by a party of such a motion all other proceedings in the case shall be suspended until a ruling is made thereon.”); *S.S. v. Wakefield*, 764 P.2d 70, 73 (Colo. 1988) (“The judge, in other words, must confine his analysis to the four corners of the motion and supporting affidavits, and then determine as a matter of law whether they allege legally sufficient facts for disqualification.”); *People v. Dist. Court In & For Third Judicial Dist.*, 560 P.2d 828, 832 (Colo. 1977) (“As a matter of judicial policy courts must take as true, for purposes of a motion to disqualify, facts stated in the affidavits and motion.”).

Denying recusal without explanation frustrates meaningful review, obscures whether the correct C.R.C.P. 97 framework was applied, and leaves unrebutted a record replete with undisclosed conflicts and material-witness concerns. Canon Rule 2.11(A) of the Colorado Code of Judicial Conduct (the Code). Where a verified motion alleges concrete facts supporting a reasonable inference of bias or an intolerable probability of bias, due process requires a transparent articulation of reasons or recusal; silence in the face of those facts itself creates an appearance of impropriety requiring reassignment. *People v. Dist. Court In & For Third Judicial Dist.*, 560 P.2d 828, 831–32 (Colo. 1977) (“Courts must meticulously avoid any appearance of partiality, not merely to secure the confidence of the litigants immediately involved, but ‘to retain public respect and secure willing and ready obedience to their judgments.’”); *People v. Sanders*, 2022 COA 47, ¶ 16 (when raised, failure to examine disqualification based upon appearance of bias procedurally deficient), *aff’d on other grounds*, 2024 CO 33.

Here, the verified motion laid out specific, objective conflicts, including Judge Collins's material-witness status and personal knowledge, selective recusals, and professional entanglements bearing on Petitioner's claims. The court's refusal to provide reasons leaves the conflicts unresolved and magnifies the appearance that the court is adjudicating its own credibility and conduct, violating basic requirements of impartial adjudication. *Cf. People in Interest of A.L.C.*, 660 P.2d 917, 918 (Colo. App. 1982) (applying parallel criminal procedure standard allowing for consideration of disqualification motion by alternate judge; vacating orders upon finding grounds for disqualification). Because structural error is not subject to harmless-error review, the remedy is vacatur and reassignment to an impartial judge.

2. The court's failure to disclose or explain disqualification rulings contravenes the disclosure framework recognized in the Code of Judicial Conduct and compounds the appearance of impropriety.

The verified motion explained that Canon Rule 2.11(A) imposes mandatory disqualification for personal bias, prejudice, or personal knowledge, and that Rule 2.11(C) contemplates disclosure of disqualifying information to allow informed waiver where appropriate. Nonwaivable conflicts are self-executing. *See People ex rel. A.G.*, 262 P.3d 646, 651 (Colo. 2011) ("there is no provision to waive disqualification when actual bias is the concern"). Judge Collins insisted he had no obligation to disclose the nature of conflicts, but the verified motion cited Canon Rule 2.11(C) and its commentary to the contrary, emphasizing disclosure obligations even when the judge believes disqualification is unwarranted. In these circumstances, denying disqualification without explanation, while withholding disclosures that the Code contemplates, violates due process and entrenches the appearance of bias, requiring vacatur and reassignment.

3. Selective recusals and parceling related matters to the same judge despite conflicts exacerbate the structural error and contravene the procedure mandated by C.R.C.P. 97.

Chief Judge Salomone's bench-wide recusal from some, but not all, identically grounded cases, followed by direct assignment to Judge Collins despite conflicts, departed from the well-settled principle that prohibits a disqualified judge from selecting a successor and which requires conflict-free reassignment mechanisms. *Aaberg v. Dist. Court of Seventh Judicial Dist. In & For Gunnison Cnty.*, 319 P.2d 491, 493 (Colo. 1957). Judge Collins then selectively recused from two related cases with no stated grounds while adjudicating others arising from the same factual basis, conduct the verified motion identified as incompatible with established authority and as independently disqualifying. *Beckord v. Dist. Court of Larimer Cnty. in Eighth Judicial Dist.*, 698 P.2d 1323, 1329 (Colo. 1985). These compounded procedural irregularities reinforce the objective appearance of partiality and constitute structural error demanding vacatur and reassignment.

4. The unexplained denial of Petitioner's C.R.C.P. 97 motion underscores the need for reassignment and for conflict-free appointment consistent with Colo. Const. Art. VI, § 23(3)(f)(II) and (h).

The verified motion set forth that the Colorado Supreme Court is implicated by Petitioner's allegations and that multiple constitutional triggers require formation of a special tribunal to exercise appointment authority in a conflict-free manner. Given the documented conflicts, unexplained denial, and parceling of assignments described above, the appearance of bias cannot be cured by continued proceedings before Chief Judge Salomone, Judge Collins, Judge Sletta, Judge O'Hara, or any similarly selected judicial officer. Vacatur, reassignment to a neutral jurist through a conflict-free process, and, as necessary, initiation of the special-tribunal mechanism under Art. VI, § 23(3)(f)(II) and (h) are required to restore public confidence and due process.

CONCLUSION

Petitioner respectfully requests that the Court:

1. Grant rehearing.
2. Vacate the orders entered by Judge Collins, Judge Sletta, and Judge O'Hara. *A.L.C.*, 660 P.2d at 918.
3. Grant the motion for disqualification or, at minimum, require a reasoned ruling addressing the verified motion's factual showings under C.R.C.P. 97, accepting those facts as true for purposes of legal sufficiency. *Klinck v. Dist. Court of Eighteenth Judicial Dist.*, 876 P.2d 1270, 1274-76 (Colo. 1994) (reversing denial of judicial disqualification motion when incorrect standard applied, evidence considered beyond four corners of affidavit).
4. Reassign this matter to an impartial judge through a conflict-free appointment mechanism, with directions to avoid any judge identified in the verified motion as conflicted. Colo. Const. Art. VI, § 23(3)(f)(II), (h).
5. As necessary to ensure a conflict-free reassignment, direct initiation of procedures consistent with Colo. Const. Art. VI, § 23(3)(f)(II) and (h) for formation of a special tribunal to exercise appointment authority. Specifically, a special tribunal must be formed through district court judges and possibly one Court of Appeals judge selected randomly through a pool and process overseen by a conflict-free administrator other than Colorado State Court Administrator Steven Vasconcellos.
6. Grant such further relief as is necessary to remedy the structural error and protect Petitioner's right to an impartial tribunal.

The verified motion presented detailed, objective grounds establishing at least an appearance of bias and an intolerable probability of actual bias. Judge Collins denied disqualification without explanation or reasons. That unexplained denial, in the face of unrebutted conflict showings and procedural irregularities under C.R.C.P. 97, constitutes structural error. Rehearing should be granted, the affected orders vacated, and the case reassigned to an impartial judge through a conflict-free process, with special-tribunal procedures invoked as necessary to secure an unbiased forum.

Respectfully submitted,

/s/ Christopher S.P. Gregory

Christopher S.P. Gregory, Reg. # 37095

Attorney *Pro Per* for Petitioner

CERTIFICATE OF SERVICE

I certify that, on October 15, 2026, I have sent a true and complete copy of the foregoing Petition for Rehearing by a Conflict-Free and Impartial Judge via E-Mail (or through means otherwise specified below) to:

Philip J. Weiser, Attorney General
Charles Kooyman, Senior AAG
Colorado Department of Law
1300 Broadway, 10th Floor
Denver, CO 80203
*Attorneys for "Intervenor" Colorado
Commission on Judicial Discipline*

/s/ Christopher S.P. Gregory

Christopher S.P. Gregory