



June 1, 2026

The Honorable Harmeet Dhillon
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

RE: Civil Rights Criminal Referral re: Tina Peters

Dear Assistant Attorney General Dhillon:

On behalf of the Article III Project (A3P), I write to urge an investigation of potential federal civil-rights violations of Tina Peters, the former Mesa County, Colorado clerk who just received a righteous and courageous commutation by Colorado Governor Jared Polis (D) of her astonishing and illegal 9-year prison sentence. *See* 18 U.S.C. § 241 (conspiracy to violate rights); 18 U.S.C. § 242 (deprivation of rights). The evidence is clear: Colorado government officials conspired to severely, unconstitutionally, and criminally punish Tina Peters because of her First Amendment-protected views on election integrity. Specifically, A3P requests that the criminal investigation focus on the following participants in Peters' prosecution: Mesa County District Judge Matthew Barrett, who presided over Peters' trial; Colorado Attorney General Phil Weiser; Mesa County District Attorney Dan Rubinstein, who led the prosecution in cooperation with Weiser; Colorado Secretary of State Jena Griswold; and any and all other potential coconspirators.

Peters served as County Clerk for Mesa County, Colorado. In that role, she oversaw the election process before, during, and after each election. She gravely doubted the accuracy of the results of the 2020 presidential election, believing that rampant election fraud had occurred, resulting in the election being stolen from President Donald Trump. To prove that the election system in Mesa County was vulnerable to fraud, Peters provided the source code for election software to an outside adviser. In March 2022, Rubinstein and Weiser, supported vociferously by Griswold, led the legal effort to indict Tina Peter. In October 2024, Mesa County District Judge Matthew Barrett sentenced then-69-year-old Peters to approximately nine years in prison after her conviction on several felony counts.

The sentencing posed grave constitutional concerns. Barrett repeatedly castigated Peters for her First Amendment-protected speech. Last month, the Colorado Court of Appeals remanded the case for resentencing in light of concerns that Barrett improperly punished Peters for her exercise of First Amendment rights. Shortly thereafter, Governor Jared Polis commuted Peters' sentence, and she will be released on June 1. Notably, Governor Polis expressed concern in his commutation statement that Peters was being punished for her exercise of free speech (*i.e.*, being an "election denier").

Weiser, Rubinstein, and Griswold were all quick to condemn Polis' commutation. Griswold even wrote an opinion piece in the *Denver Post*, arguing that Peters should have served out her entire sentence in prison. Peters has no criminal record, and her convictions were for nonviolent crimes. Her actions did not alter one vote, and her sentence was significantly longer than sentences of defendants convicted in

federal courts for having voted illegally. Peters' mother is also dying—another point militating in favor of clemency.

The governor's commutation aside, several profoundly troubling questions require answering. What coordination did Griswold, who allowed the passwords of sensitive election-related material to be published, have with Weiser and Rubinstein? Did Weiser and Rubinstein prosecute Peters to punish her for her views on the 2020 election—views which, contrary to Griswold's claim, had nothing to do with her offense? Did Barrett impose a longer sentence on Peters because she exercised a cherished First Amendment-protected right?

Only a criminal investigation can answer these questions, because judges and prosecutors are absolutely immune civilly under 42 U.S.C. § 1983. See *Imbler v. Pachtman*, 424 U.S. 409 (1976) (prosecutors); *Pierson v. Ray*, 386 U.S. 547 (1967) (judges). This protection, however, does not extend to criminal liability. See *Imbler*, 424 U.S. at 429 (noting that civil immunity does not protect prosecutors from prosecution at the state or federal level for violations of a defendant's rights); *Dennis v. Sparks*, 449 U.S. 24, 31 (1980) (observing that judges can be prosecuted just like other citizens). Crucially, *Dennis* dealt with official judicial acts, so it is implausible that the Supreme Court was referring to conduct that is plainly unofficial (e.g., drunk driving or domestic violence against a judge's spouse). *Dennis* extended the Court's holding six years prior in *O'Shea v. Littleton*, 414 U.S. 488, 503 (1974) (underscoring that the Supreme Court has never held that executive, legislative or judicial officers are immune for criminal deprivations of constitutional rights).

Tina Peters' case is extraordinary. Rarely does an appellate court (all Democrat appointees) vacate a sentence due to its profound concerns that a defendant was punished for having exercised a core constitutional right. Still rarer is the case where, in commuting a sentence, a governor expresses the precise same concerns. This is particularly true when the governor is of the opposite political party, like Governor Polis (Democrat) is of Tina Peters (Republican). No one is above the law, including secretaries of state, district attorneys, attorneys general or judges. There is ample reason to commence a criminal probe into whether Peters was the victim of a criminal conspiracy to violate her civil rights designed to punish her for being an "election denier."

A3P thanks you for your attention to this matter of the utmost importance to the rule of law.

Sincerely,

Mike Davis
Founder and President
Article III Project