**AFFIDAVIT OF FACT**

STATE OF COLORADO

COUNTY OF MESA COUNTY

The undersigned, Tina Peters, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the State of Colorado. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.
3. I submit the attached documents with facts supporting the illegalities of the election systems used in the 2020 General, 2021 municipal and 2022 Primary elections in Mesa County Colorado.
4. A full investigation into the facts which allege offenses is required pursuant to Colo. Rev. Stat. § 1-13-101(1).“Any person may file an affidavit with the district attorney stating the name of any person who has violated any of the provisions of this code and stating the facts which constitute the alleged offense. Upon the filing of such affidavit, the district attorney shall forthwith investigate, and, if reasonable grounds appear therefore, he shall prosecute the violator.”
5. Independent Special Counsel should be appointed to conduct the investigation as DA Rubinstein, and AG Phil Weisner, indeed all elected officials, have a conflict of interest with the subject of the allegations herin, Dominion Voting Systems.

**Relevant Facts**

1. On 17 September 2021, I presented the Board of County Commissioners and the District Attorney’s office a copy of the Forensic Examination and Analysis (Mesa 1) prepared by cyber security expert Doug Gould. Affiant submits this Report again with this Affidavit. EXHIBIT A
2. On 1 March 2022, I presented the Board of County Commissioners and the District Attorney’s office a copy of the Forensic Examination and Analysis Report (Mesa 2) prepared by cyber security expert Doug Gould. Affiant submits this Report again with this Affidavit.EXHIBIT B
3. On 19 March 2022, I presented the Board of County Commissioners and the District Attorney’s office a copy of the Election Database and Data Process Analysis (Mesa 3) prepared by Jeffrey O’Donnell and Dr. Walter C. Daugherity. Affiant submits this Report again with this Affidavit. EXHIBIT C
4. On 19 May 2022, District Attorney Rubinstein and Investigator Michael Struwe presented their findings after a partial investigation into some of the allegations of fraud in the Dominion Voting System used in Mesa County elections that were brought forth in the above-mentioned reports. EXHIBIT D
5. DA Rubinstein and Investigator Struwe admitted they chose not to investigate much of the evidence presented to them during their public presentation to the Mesa County Board of Commissioners on 19 May 2022.
6. Facts that allege offense under election code included in both the Forensic Examination and Analysis Report, Mesa 1 and 2 were not investigated.
7. DA Rubinstein misquoted CRS § 1-13-101(1) when he inserted the phrase “under certain circumstances” as his reason for not investigating all facts brought before him in the above-mentioned reports.
8. Investigator Struwe admits to having not read the manual for Dominion Voting Systems.
9. Investigator Struwe asserted he was able to recreate a test environment in a matter of two weeks.
10. The only outside experts the DA’s Office contacted during their partial investigation were Dominion Voting Systems and the Secretary of State’s office.
11. Dominion Voting Systems, and employees of, are a subject of the alleged offenses.
12. The Secretary of State and her staff are a subject of the alleged offenses.
13. DA Rubinstein and Investigator Struwe have both indicated they are not cyber experts, nor does the DA’s office employ any cyber security experts. Therefore, a thorough investigation could not have been completed without the assistance of independent cyber experts.
14. On April 15, 2022 direct contact with the author of the third Mesa County Report, Jeffrey O’Donnell, was attempted by the DA’s Office by Mr. Struwe to Mrs. O’Donnell’s cell phone, and again on April 21, 2022 despite being informed by counsel not to contact Mr. O’Donnell directly in violation of COBAR’s Colorado Rules of Professional Conduct, Rule 4.2.
15. At no time did the DA’s Office attempt to contact Mr. O’Donnell by and through counsel.
16. DA Rubinstein is in violation of COBAR’s Colorado Rules of Professional Conduct, Rule 8.4. Misconduct (c-e).

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation, except that a lawyer may advise, direct, or supervise others, including clients, law enforcement officers, or investigators, who participate in lawful investigative activities;

DA Rubinstein made dishonest statements regarding his duty under CRS § 1-13-101 by implying that he has discretion as to whether or not to investigate all facts that allege offenses.

(d) engage in conduct that is prejudicial to the administration of justice;

DA Rubinstein performed a shallow incomplete investigation which prejudiced the outcome by only contacting the subjects of said investigation.

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;

DA Rubinstein improperly influenced the Board of County Commissioners with his assertions that this was a thorough investigation leading to the conclusion that there was no threat found in our election systems.

1. On 21 May 2022, Randy Corporon, Attorney for Affiant, issued the attached OFFICIAL STATEMENT, TITLE: Official Response to Mesa DA Investigation, OBJECTIVE: Fact Check Rubenstein’s Investigative Report. Affiant submits this Report with this Affidavit. EXHIBIT E

**Conclusions**

1. A full investigation by cyber experts must be performed to meet the requirement of CRS § 1-13-101.
2. Independent cyber security experts must be consulted in the investigation.
3. Dominion Voting Systems is the subject of the alleged offenses and should not be involved in further investigations.
4. The Secretary of State and her office are the subject of alleged offenses and should not be involved in further investigations.
5. DA Rubinstein has a conflict of interest from an In-Kind Donation from Dominion by participating in further investigation.
6. AG Phil Weinstein has a conflict of interest from an In-Kind Donation from Dominion by participating in further investigation.
7. Special Counsel should be appointed to investigate the facts alleging these offenses.

4. I affirm I am under no duress to sign this affidavit, and I declare that, to the best of my
knowledge and belief, the information herein is true, correct, and complete.

Executed this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

STATE OF COLORADO, COUNTY OF \_\_\_\_\_\_\_ COUNTY,

This Affidavit was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 2022 by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title (and Rank)

My commission expires \_\_\_\_\_\_\_\_\_\_\_\_\_

(SEAL)