

CASE NO. CV 2009-00025

2009 JAN 12 PM 2:42

CLERK OF DISTRICT COURT
LATAH COUNTY

BY W DEPUTY

David Glasebrook

[REDACTED]
Moscow Idaho
[REDACTED]

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Dave Glasebrook,

Petitioner,

vs.

Governor C:L. Butch Otter,

Respondent.

Case No. CV 2009-00025

Petition For Writ of Mandate
I.C. Title 7, Chapter 3

Fee Category: U
Filing Fee: \$88.00

STATE OF IDAHO)
 : ss
County of Latah)

Statement of Facts

1. Governor Butch Otter failed to faithfully enforce Idaho law as required by oath of office and by Idaho statutes, I.C. 67-802, controlling his position and duties as Idaho Governor.

Reasons Why Writ of Mandate Should Issue

2. There is sufficient evidence in the public arena to show that the University of Idaho did violate Open Meeting and Open Record laws, that the University of Idaho allowed

PETITION FOR WRIT OF MANDATE

ASSIGNED TO
LON ILM D STEPHEN

commercial web sites to be operated using University of Idaho computer and phone systems and that when discovered the University of Idaho did cover up those violations of law rather than providing proper relief to me and that in direct violation of Executive Order 2005-22 and the University of Idaho Computer Use Policy the University of Idaho did allow individuals to send e-mail and post messages containing political, defamatory, threatening or otherwise prohibited activity.

3. The Idaho Attorney General is knowledgeable of these violations. The Latah County Prosecutor is knowledgeable of these violations. The City of Moscow Prosecutor is knowledgeable of these violations. The Governor of Idaho is knowledgeable of these violations. I petitioned Governor Butch Otter for relief from these injustices and violations of law. For over eighteen months Governor Otter failed to even send a simple letter addressing my petitions. The Governor refuses to enforce the law as he is sworn to do. By failing to do his duty, the Governor breached the public faith and breached my personal civil rights and liberties.

Constitution and Statutes

4. Note: this list is not comprehensive and does not include all applicable references from the US Constitution and Federal Statutes.

5. Idaho Constitution

Article I, Section 4

Article I, Section 18

Article IV, Section 5

And Others

6. Idaho Statutes

Title 7, Chapter 3

Title 9, Chapter 3

Title 59, Chapter 7

Title 67, Chapter 8

Title 73, Chapter 4
And Others

7. Executive Order 2005-22 (2005)
University of Idaho Computer Use Policy (2007)
And Others

8. Idaho Supreme Court Cowles Publishing Company v The Kootenai County Board of
Commissioners (2007)
and Others

Statement of Related Causes

9. By failing to enforce Idaho laws in a timely manner, Governor Butch Otter destroyed public trust in our Idaho government. By failing to enforce Idaho laws in a timely manner, Governor Otter allowed computer records to be altered, deleted and to expire. By failing to enforce Idaho laws in a timely manner, Governor Otter violated my personal rights and liberties and prohibited me from taking proper legal action against the parties willfully violating Idaho law.

Relief Sought

10. I request that Governor Butch Otter show me all documents, phone logs, official and unofficial records and recollections, including those same items from his personal staff, detailing exactly how he handled my petitions.

11. I request that Governor Otter immediately order the Attorney General to subpoena from the appropriate web registry all information concerning NoSuperWalmart.com, to include any and all phone records, e-mail, and all electronic data showing the complete use of that site, web site updates and computer IP addresses used to make and update that web site, and to provide that information to me in a timely manner.

12. I request that Governor Otter immediately order the Attorney General to Subpoena PayPal for any and all information concerning NoSuperWalmart.com to include any electronic PayPal payments to NoSuperwalmart.com and to provide that information to me in a timely manner.

13. I request that Governor Otter immediately order the University of Idaho to release all requested e-mail and electronic records to me in a timely manner.

14. I request that Governor Otter immediately order the University of Idaho to comply in good faith with the Open Records and Open Meeting laws responding to any and all requests in a timely manner.

15. I request that Governor Otter immediately assign an ISP officer knowledgeable of computer fraud having the ability to retrieve deleted material from the University of Idaho computers and computing system or to authorize me to retain an appropriate individual to recover those files.

16. I request that both Governor Otter and I pay our own legal expenses for this Writ of Mandate since this petition is not frivolous civil conduct. Governor Otter had over eighteen months to take care of this issue. He has a full staff including state officials to insulate him and legal stonewalling is neither in my best interest nor the best interest of the State of Idaho.

17. I request that penalties and other damages be determined later.

18. If Governor Otter is unwilling to immediately comply with these requests, I request that the court order Governor Otter to appear before the court at a specified time to explain in detail exactly why he does not want to follow the laws he is sworn to uphold and why he does not want to uphold my civil rights and liberties.

Conclusion

19. Governor Butch Otter and the Idaho government failed to protect my personal rights and liberties guaranteed by the Idaho Constitution and by Idaho statutes and failed to faithfully insure that Idaho laws were carried out.

20. I retain the right to cross-examine any and all evidence or statements given by Governor Butch Otter without further notice or legal process.

21. I retain the right to introduce new material, exhibits and evidence as required without further notice or legal process.

22. I have exhausted all administrative remedies. I do have a clear legal right to demand this performance from Governor Otter and Governor Otter has a clear legal duty to act as I requested.

23. To preclude further breakdown of Idaho's administrative and judicial branches responsibilities and to prevent further breach of public faith in Idaho government, and to protect my personal rights and liberties, this Writ of Mandate must be issued.