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## Trial starts this week in Fort Collins of man who said Colorado AG poked him

2:38 AM, Aug. 30, 2011

A political activist charged with falsely reporting he was assaulted by Attorney General John Suthers is set to go on trial in Fort Collins this week.

Robert Trucker's attorneys plan to call Suthers to the stand to testify about the Oct. 12 encounter between the two at the Old-Fashioned Political Rally in Loveland.

After the rally, Trucker complained to authorities that, while he was video recording a conversation with Suthers, Suthers poked him and pushed down his camera. Sheriff's investigators concluded the encounter didn't happen that way, and the Larimer County District Attorney's Office charged Trucker with false reporting.

Now, Trucker and his attorney, David Lane, plan to argue that prosecutors are only going after Trucker because of who Suthers is -a Republican allied with Larimer County District Attorney Larry Abrahamson and then-Sheriff Jim Alderden, also Republicans.

In a court filing, Lane notes Suthers

admitted in an interview with sheriff's deputies to touching the camera and possibly Trucker. Because making physical contact with someone is an element of harassment, Lane argued, Trucker had the constitutional right to make the complaint without fear of being charged himself.

Instead, Lane said Trucker is the victim of a "vindictive" prosecution that's "improper (and) politically motivated."

Abrahamson's office, in court filings, dismissed Lane's arguments of vindictive prosecution, and said they plan to argue Trucker caused the confrontation because his group was suing Suthers over alleged campaign-finance violations.

The judge hearing the misdemeanor case noted in court filings that prosecutors have wide discretion over who to charge and denied Lane's efforts to obtain a list of every false reporting case brought by Abrahamson's office in the past five years.

Abrahamson's office referred to Trucker's

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version of events as "fantastical" and an "incredible" tale.

Lane has previously represented Tim Masters in his federal wrongful imprisonment lawsuit against Larimer County and Fort Collins, and Balloon Boy dad Richard Heene in his criminal prosecution.

False reporting carries a penalty of up to six months in jail and a fine of up to \$750.

At the rally, Trucker had been advocating with Safe Streets Colorado, which supported a controversial ballot measure opposed by Suthers and Alderden.

The ballot measure -Proposition 102 regarding bail and bond criteria - failed, and Suthers was re-elected in November.

The trial begins Wednesday. Also expected to be called are Alderden and Jay Harrison, a deputy who ran unsuccessfully to replace the term-limited Alderden. Justin Smith was elected instead.



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