



CITATION QUALITY ASSESSMENT

Coomer v. Lindell

Response Opportunities & Attack Surface Analysis

Filing: Coomer_v_Lindell-gov.uscourts.cod.215068.283.0.pdf · 17 pages

Generated: June 18, 2026 · 3:29 p.m.

Coverage: 93 unique citations · 3 models consulted

Public Sample

Fusion Collective

Sentinel Citation Analysis · A Fusion Collective tool

Bottom Line

Attack-surface score: **32/100** — lower scores indicate more attackable citations.

The attack surface is broad and well-defined — a citation-by-citation rebuttal targeting the composite-0 misused cluster and the unverifiable cites should materially undermine the brief's persuasive weight.

Narrative

Bottom line: the brief's authority base is highly attackable. Of 93 unique citations, only 36 came back as solid on composite review, while 47 — more than half — were flagged as vulnerable or mischaracterized, and another 8 are soft. That ratio alone gives you a credible thematic argument that opposing counsel has overclaimed its support across multiple propositions, not just on isolated cites.

The most attackable individual citations are the cluster scoring composite 0 with 'misused' status. These include the Hoffman cite (offered for the credibility-attack vs. non-credibility distinction), the two Peterson v. Nelnet cites (offered for social media discovery in emotional distress cases and for limiting instructions), the Sanchez/Duffy cites (offered for Facebook posts going to mental state and reputation), Balderas (offered for cross-examination on dishonesty), Lohrenz v. Donnelly (offered for pre-existing reputation evidence), Begay, and Boeser v. Sharp. For each, the verification record does not support the parenthetical proposition the brief attaches. Your response can fairly argue, citation by citation, that the retrieved authority does not stand for what the brief says it stands for, and invite the court to compare the parenthetical to the opinion itself.

The St. Amant cite is also a candidate for a 'no retrieved authority supports this proposition' challenge — the supplied record could not confirm the citation as presented, so you can press opposing counsel to produce a pinpoint that actually supports the proposition rather than relying on the reader's familiarity with the case name. The single verified-not-found and skipped citations deserve the same treatment.

On calibration: gpt-5-mini was the most permissive grader (accuracy 57, misused 41), while Claude Sonnet was the strictest (accuracy 37, misused 54), with Gemini in between. Because even the most permissive model flagged a large misuse rate, the vulnerability findings are reasonably robust and not an artifact of one harsh reviewer.

Focus the response on the composite-0 cluster and the unverifiable cites; do not waste space on the 36 solid entries.

Citation Outcomes

TOTAL 93	SOLID 36 / 91	SOFT 8 / 91	VULNERABLE 47 / 91	INCONCLUSIVE 0 / 91
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Verification

FOUND	PARTIAL	NOT FOUND	UNSUPPORTED	ERROR
55	36	1	1	0

Fabrication Assessment

✓ No fabrication concerns — all 1 unverified citation scored as plausible (recognized reporter format and/or a credible web footprint).

Fabrication signal across the 1 Not Found citation — three signals scored each: reporter-format heuristic, web footprint, and an LLM judge.

LIKELY FABRICATED 0 / 1	MIXED SIGNALS 0 / 1	PLAUSIBLE 1 / 1	UNSCORED 0 / 1
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Top Response Opportunities

The 10 citations with the lowest Judge composites — attack vectors first. Each entry shows the citation, the filing context, and the Judge's synthesis.

CASE United States v. Begay, 497 F. Supp. 3d 1025, 1052 (nmd 2020) (citations omitted)

Existence: CONFIRMED · p.2 · authority ↗

The Tenth Circuit has reminded district courts that they should be “mindful” that “exclusion of evidence under Rule 403 that is otherwise admissible under the other rules is an extraordinary

remedy and should be used sparingly.” *United States v. Smalls*, 605 F.3d 765, 787 (10th Cir. 2010) (internal quotations and citations omitted). The trial court’s discretion to balance possible unfair prejudice against probative value is broad. *United States v. Begay*, 497 F. Supp. 3d 1025, 1052 (D.N.M. 2020) (citations omitted). While Federal Rule of Evidence 404(a) generally prohibits character evidence to prove conduct in conformity therewith, Rule 405(b) expressly permits evidence of specific instances of conduct when character is an essential element of a claim or defense. ...

JUDGE'S SYNTHESIS — **VULNERABLE · 0**

The supplied AUTHORITY text does not correspond to the citation in the filing. The filing cites ‘United States v. Begay, 497 F. Supp. 3d 1025, 1052 (D.N.M. 2020),’ but the supplied text is a per curiam opinion captioned ‘United States v. Begay, No. 201800332,’ from the United States Navy-Marine Corps Court of Criminal Appeals, decided 28 February 2019. The supplied opinion contains nothing beyond a recitation of the case caption, sentence, and a one-paragraph affirmance under Articles 59 and 66, UCMJ; it includes no discussion of Rule 403, probative value, unfair prejudice, or trial court discretion. Accordingly, the supplied text provides no support for the filing’s proposition that ‘the trial court’s discretion to balance possible unfair prejudice against probative value is broad.’ All three per-model judgements agree on this point, and I concur. Because the supplied authority does not match the citation, I cannot opine on what the actual D.N.M. 2020 opinion holds. Attack vectors for the response brief: (1) point out that the citation cannot be verified against the supplied text and demand the opposing party produce the language supporting the proposition; (2) if the opposing party’s pin cite (p. 1052) does not in fact contain the asserted proposition, argue the citation is unsupported and should be disregarded. Recommend the attorney independently pull 497 F. Supp. 3d 1025 to confirm whether page 1052 actually contains a Rule 403 balancing discussion and whether the proposition is holding or dictum before relying on or attacking it on substantive grounds.

CASE

Balderas v. Real Estate Law Center, P.C., 409 F. Supp. 3d 1122, 1128 (2019) (allowing cross-examination about specific instances of dishonesty)

Existence: **CONFIRMED** · p.3 · authority ↗

See *World Wide Ass’n of Specialty Programs v. Pure, Inc.*, 450 F.3d 1132, 1139 (2006) (recognizing that “reputation and character are inextricably intertwined” in defamation cases). Additionally, under Rule 608(b), specific instances of conduct may be inquired into on cross-examination if probative of truthfulness. *New Mexico ex rel. 2 Case No. 1:22-cv-01129-NYW-SBP Document 283 filed 02/25/25 USDC Colorado pg 3 of 17 Balderas v. Real Estate Law Center, P.C., 409 F.Supp.3d 1122, 1128 (2019) (allowing cross-examination about specific instances of dishonesty). The Court must balance the probative value of evidence against the danger of unfair prejudice under Rule 403. ...*

JUDGE'S SYNTHESIS — **VULNERABLE · 0**

The filing cites 'Balderas v. Real Estate Law Center, P.C., 409 F. Supp. 3d 1122, 1128 (2019)' for the proposition that cross-examination about specific instances of dishonesty is permitted under Rule 608(b). The supplied AUTHORITY text, however, is a different opinion: 'In re Juan Raul BALDERAS & Elia Lisa Balderas, Debtors,' 328 B.R. 707 (2005), a bankruptcy court decision addressing post-confirmation Chapter 13 attorneys' fees under 11 U.S.C. §§ 330, 1322, 1325, and 1326. The supplied text contains no discussion of Rule 608(b), cross-examination, truthfulness, character evidence, or specific instances of dishonest conduct. The parties, reporter, volume, page, year, and subject matter all differ from the citation in the filing. Because the supplied AUTHORITY does not correspond to the cited case, I cannot evaluate the proposition against the cited opinion's actual text, and per the grounding rules I do not speculate about what the 2019 Balderas opinion holds. All three per-model judgments (Claude, GPT-5-mini, Gemini) reach the same conclusion — the supplied text is a different opinion and does not support the filing's proposition. Attorney advocacy opening: in the response brief, counsel should flag that the citation as presented does not match the supplied authority and demand that opposing counsel produce the actual text of 409 F. Supp. 3d 1122, 1128 supporting the Rule 608(b) proposition. Counsel should independently verify the citation before relying on or attacking it on the merits; if the 2019 opinion exists and supports the point, the attack shifts to relevance/weight, but on this record the citation is vulnerable as unverified and, on the supplied text, unsupported.

CASE

United States v. Begay, 497 F. Supp. 3d 1025, 1061 (nmd 2020) (denying exclusion of prior uncharged acts under Rule 403 because the party seeking inclusion intended to offer the evidence for a proper purpose relevant to essential issues)

Existence: **CONFIRMED** · p.4 · authority ↗

Colo. 2007), the court permitted evidence of specific instances of dishonesty when relevant to evaluating credibility. The body camera footage shows Mr. Coomer initially denying involvement in the accident before later admitting to it - conduct that directly bears on his truthfulness. Courts in the Tenth Circuit have admitted evidence of uncharged acts where the evidence is relevant to showing credibility and honesty. See e.g. United States v. Begay, 497 F. Supp. 3d 1025, 1061 (D.N.M. 2020) (denying exclusion of prior uncharged acts under Rule 403 because the party seeking inclusion intended to offer the evidence for a proper purpose relevant to essential issues).

...

JUDGE'S SYNTHESIS — **VULNERABLE · 0**

The filing cites 'United States v. Begay, 497 F. Supp. 3d 1025, 1061 (D.N.M. 2020)' for the proposition that a court denied Rule 403 exclusion of prior uncharged acts because the proponent intended to offer them for a proper purpose relevant to essential issues. The supplied AUTHORITY text does not match that citation. The supplied text is a per curiam opinion of the United States Navy-Marine Corps Court of Criminal Appeals, No. 201800332, decided 28 February 2019, affirming a court-martial sentence

‘submitted without assignment of error.’ The supplied text contains no discussion of Rule 403, Rule 608(b), prior uncharged acts, credibility evidence, or any evidentiary balancing — only a brief affirmance that ‘the approved findings and sentence are correct in law and fact.’ The supplied text also states it ‘does not serve as binding precedent under NMCCA Rule of Appellate Procedure 30.2(a).’ Because the supplied authority plainly does not correspond to the cited case (different court, different reporter, different year, different subject matter), I cannot verify the filing’s characterization from the supplied text. All three per-model judgements agree on this point and reach the same conclusion.

ATTACK VECTORS FOR RESPONSE BRIEF: (1) The citation cannot be verified against the supplied text — the responding attorney should independently pull 497 F. Supp. 3d 1025 to confirm whether the case exists at that reporter location, whether it is in fact a D.N.M. 2020 decision, and whether page 1061 contains the proposition asserted. (2) If the actual opinion at that reporter location does not contain the quoted proposition, the citation is unsupported and should be challenged as a mischaracterization. (3) Independent verification of the pin cite is essential before relying on or rebutting this authority. Recommend the attorney verify the citation directly before drafting the response.

CASE St. Amant, 88 S. Ct. 132320 L.Ed.2d 262 (scotus 1968)

Existence: **CONFIRMED** · p.5 · authority ↗

Coomer has put his character and reputation directly at issue through his defamation and emotional distress claims alleging that the Defendants had no basis to make any statement regarding Coomer’s conduct or hatred involving President Trump or his supporters in the 2020 election—including law enforcement. The Defendants’ are permitted to introduce evidence of Coomer’s disdain for President Trump and his law enforcement supporters specifically to show the reasonableness of Mr. Lindell’s alleged statements on public concern and to rebut Coomer’s “actual malice” evidence. Spacecon Specialty Contractors, LLC v. Bensinger, 713 F.3d 1028, 1041–42 (10th Cir. 2013); citing St. Amant v. Thompson, 390 U.S. 727, 731, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968); Garrison v. Louisiana, 379 U.S. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites ‘St. Amant v. Thompson, 390 U.S. 727, 731, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968)’ for the proposition that defendants may introduce evidence of a defamation plaintiff’s disdain for a public figure to rebut actual malice and show the reasonableness of the challenged statements. The supplied AUTHORITY text does not correspond to that citation. Instead, it is a one-paragraph order captioned ‘JENNIFER ST. AMANT, Plaintiff, v BOARD OF LAW EXAMINERS, Defendant,’ SC: 162483, issued by the Michigan Supreme Court on ‘February 5, 2021,’ stating only that ‘the motion of defendant to seal the record is GRANTED.’ The parties, court, date, and content all diverge from the cited U.S. Supreme Court opinion, and the supplied text contains no discussion of defamation, actual malice, reasonableness, or evidentiary admissibility. All three per-model judgements concur and reach the same conclusion; none diverge. Because the supplied authority does not match the citation, I cannot evaluate the filing’s proposition against the cited case’s actual text and must stop there. Attorney action items for the response brief: (1) independently verify the St. Amant v. Thompson citation and pull the actual opinion text before drafting any substantive attack; (2) in the response, note that the opposing brief strings St.

Amant behind a Tenth Circuit case (Spacecon) with a ‘citing’ signal — if St. Amant’s actual text does not support the specific proposition that a plaintiff’s animus toward the subject of the speech is admissible to negate actual malice or prove reasonableness, flag the string cite as overreaching and argue the proposition rests on Spacecon alone; (3) similarly verify Garrison v. Louisiana, which is string-cited in the same parenthetical chain. Do not assume from this record what St. Amant v. Thompson holds — the supplied text gives no basis to say.

CASE **Garrison v. Louisiana, 85 S. Ct. 20913 L.Ed.2d 125 (scotus 1964)**

Existence: **CONFIRMED** · p.5 · [authority ↗](#)

The Defendants’ are permitted to introduce evidence of Coomer’s disdain for President Trump and his law enforcement supporters specifically to show the reasonableness of Mr. Lindell’s alleged statements on public concern and to rebut Coomer’s “actual malice” evidence. Spacecon Specialty Contractors, LLC v. Bensinger, 713 F.3d 1028, 1041–42 (10th Cir. 2013); citing St. Amant v. Thompson, 390 U.S. 727, 731, 88 S.Ct. 1323, 20 L.Ed.2d 262 (1968); Garrison v. Louisiana, 379 U.S. 64, 74, 85 S.Ct. 209, 13 L.Ed.2d 125 (1964). Coomer’s public statements on these topics are relevant to assessing both the truth of the alleged defamatory statements and the extent of damages claimed. ...

JUDGE’S SYNTHESIS — **VULNERABLE · 0**

The supplied AUTHORITY text does not correspond to the citation in the filing. The filing cites ‘Garrison v. Louisiana, 379 U.S. 64, 85 S.Ct. 209, 13 L.Ed.2d 125 (1964),’ a U.S. Supreme Court citation invoked (via Spacecon and St. Amant) for a proposition about actual malice and reasonableness of allegedly defamatory statements on matters of public concern. The supplied text, however, is a Louisiana Fourth Circuit Court of Appeal writ opinion captioned ‘State of Louisiana v. Erick Garrison,’ No. 2025-K-0470, addressing a motion to suppress evidence from an Instagram search warrant in a homicide prosecution. The supplied text contains nothing about defamation, actual malice, public-concern speech, or reasonableness of a speaker’s belief. Because the supplied text is a different authority entirely, I cannot evaluate the filing’s characterization of the cited 1964 case from this record. All three per-model judgements reached the same conclusion and I agree. Recommendation for the responding attorney: independently verify the citation against the actual 1964 U.S. Supreme Court opinion before relying on or attacking the substantive proposition; on this record, the citation cannot be confirmed and the attorney should flag the mismatch and require opposing counsel to substantiate the quoted proposition from the actual cited authority.

CASE **Boeser v. Sharp, No. CIVA03CV00031WDMMEH, 2007 WL 1430100, at *7 (cod 2007)**

Existence: **CONFIRMED** · p.6 · [authority ↗](#)

2011), the court allowed evidence of prior substance abuse issues as relevant to emotional distress damages. The District of Colorado in Sanchez v. Duffy, 416 F.Supp.3d 1131 (D. Colo. 2018)

*permitted evidence of prior mental health treatment to challenge causation in emotional distress claims. In Boeser v. Sharp, the court recognized that when a plaintiff places mental state at issue evidence of pre-existing conditions becomes highly relevant to assessing damages. Boeser v. Sharp, No. CIVA03CV00031WDMMEH, 2007 WL 1430100, at *7 (D. Colo. May 14, 2007); see also Solis-Marrufo v. Bd. of Comm'rs for Cnty. of Bernalillo, No. CIV 11-0107 JB/KBM, 2013 WL 1658203, at *20 (D.N.M. Mar. 28, 2013) (permitting Defendants to contradict a plaintiff's asserted damages by inquiring into 6 Case No. ...*

JUDGE'S SYNTHESIS — **VULNERABLE · 0**

The supplied AUTHORITY text does not correspond to the cited case. The filing cites Boeser v. Sharp, No. CIVA03CV00031WDMMEH, 2007 WL 1430100, at *7 (D. Colo. May 14, 2007), for the proposition that 'when a plaintiff places mental state at issue evidence of pre-existing conditions becomes highly relevant to assessing damages.' But the AUTHORITY block supplied is captioned Pamela J. Stoney v. Cingular Wireless LLC, No. 10-1506 — a different opinion with different parties and subject matter (wrongful termination and jury-instruction issues under the Colorado Wage Claim Act). The supplied text does mention a Boeser citation in passing, but at a different Westlaw cite (2006 WL 898126) and in a wholly unrelated context (whether complaints about unearned bonuses/commissions constitute protected activity). Nothing in the supplied text addresses pre-existing mental conditions, emotional distress damages, or evidentiary admissibility under Rules 403/405. Because the supplied authority does not match the citation, I cannot verify the filing's proposition from the supplied materials. All three per-model judgements reach the same conclusion and are consistent with this finding. ATTACK VECTORS for the response brief: (1) Independently pull 2007 WL 1430100 and verify whether it actually contains the cited proposition at *7 — the citation could not be verified from materials supplied here. (2) If verified, examine procedural posture (e.g., discovery ruling vs. trial admissibility ruling) and whether the holding was limited to particular Rule 403/404/405 contexts. (3) Note that the related Boeser order discussed in Stoney was treated skeptically by the Tenth Circuit on a different point, which may be useful background when checking the cited order's persuasive weight. Recommend counsel independently verify the citation before responding substantively.

CASE Cnty. of Bernalillo, No. CIV 11-0107 JB/KBM, 2013 WL 1658203, at *20 (nmd 2013)

Existence: **CONFIRMED** · p.6 · [authority ↗](#)

*2018) permitted evidence of prior mental health treatment to challenge causation in emotional distress claims. In Boeser v. Sharp, the court recognized that when a plaintiff places mental state at issue evidence of pre-existing conditions becomes highly relevant to assessing damages. Boeser v. Sharp, No. CIVA03CV00031WDMMEH, 2007 WL 1430100, at *7 (D. Colo. May 14, 2007); see also Solis-Marrufo v. Bd. of Comm'rs for Cnty. of Bernalillo, No. CIV 11-0107 JB/KBM, 2013 WL 1658203, at *20 (D.N.M. Mar. 28, 2013) (permitting Defendants to contradict a plaintiff's asserted damages by inquiring into 6 Case No. 1:22-cv-01129-NYW-SBP Document 283 filed 02/25/25 USDC Colorado pg 7 of 17 previous drug use as admissible where plaintiff's mental and emotional state at issue under Rules 403 and 405). ...*

JUDGE'S SYNTHESIS — **VULNERABLE · 0**

The filing cites Solis-Marrufo v. Bd. of Comm'rs for Cnty. of Bernalillo, No. CIV 11-0107 JB/KBM, 2013 WL 1658203, at *20 (D.N.M. Mar. 28, 2013), for the proposition that defendants may inquire into a plaintiff's previous drug use under Rules 403 and 405 where the plaintiff's mental and emotional state is at issue. The supplied AUTHORITY text does not correspond to that citation. Instead, the supplied text is an opinion captioned Benavidez et al. v. Bernalillo County Board of County Commissioners (Opinion Number 2021-NMCA-029), consolidated with Fernandez v. Bernalillo County Board of County Commissioners, addressing zoning, master plans, zone map amendments, quasi-judicial versus legislative action, and due process challenges to a commissioner's alleged bias. The parties, docket numbers, deciding tribunal, date, and subject matter all differ from the cited Solis-Marrufo case. Nothing in the supplied text discusses evidentiary rules, drug use, emotional distress damages, or causation in personal injury/civil rights claims. All three per-model judgements agree that the supplied authority does not match the citation and therefore the filing's use cannot be verified against this text. Because the supplied authority does not match the citation, I cannot make any factual assertion about what the cited Solis-Marrufo opinion actually holds, its precedential status, or its subsequent history. Attack vector for the response brief: the attorney should independently pull the actual Solis-Marrufo opinion at 2013 WL 1658203 and verify (a) whether it in fact permits Rule 403/405 inquiry into prior drug use to rebut emotional distress damages, (b) the specific procedural posture (e.g., motion in limine ruling, which may limit weight), and (c) whether the case is factually distinguishable from the present matter. If the opposing brief's paraphrase overstates the holding or omits limiting conditions, that is the opening to exploit. The attorney should also note that this is an out-of-district trial court order with limited persuasive weight.

CASE

Lohrenz v. Donnelly, 350 F.3d 1272, 1282-83 (cadc 2003) (admitting evidence of plaintiff's social media posts to assess pre-existing reputation)

Existence: **CONFIRMED (PINCITE UNVERIFIED)** · p.9 · [authority](#) ↗

1:22-cv-01129-NYW-SBP Document 283 filed 02/25/25 USDC Colorado pg 9 of 17 reputation, certainly where his character and reputation was well known and published many times prior to any alleged statements by the Defendants at issue here. V. Evidence About Religious Views and Social Media Posts is Relevant to Reputation. A. Admissibility of Social Media Evidence. Courts regularly admit social media evidence in defamation cases when relevant to reputation and damages. See Roberts v. McAfee, Inc., 660 F.3d 1156, 1167-68 (9th Cir. 2011) (holding public social media posts relevant to reputational damages analysis); see also Lohrenz v. Donnelly, 350 F.3d 1272, 1282-83 (D.C. Cir. 2003) (admitting evidence of plaintiff's social media posts to assess pre-existing reputation). ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites Lohrenz v. Donnelly, 350 F.3d 1272, 1282-83 (D.C. Cir. 2003), with a parenthetical claiming the court 'admitt[ed] evidence of plaintiff's social media posts to assess pre-existing reputation.' The supplied authority text contains no such holding or discussion. The opinion concerns a Navy combat pilot's defamation suit against Elaine Donnelly and the Center for Military Readiness, and the cited pages (corresponding to the court's analysis of Waldbaum's 'special prominence' prong) address whether Lohrenz was a voluntary limited-purpose public figure by virtue of choosing combat aviation. The evidence discussed in the opinion consists of traditional media coverage (hometown newspapers, a KNSD-TV interview, The Compass, 60 Minutes), congressional letters, the Donnelly Report, a speech at the Army-Navy Club, a CMR press release, and the plaintiff's Navy training records — not social media posts. The word 'social media' appears nowhere in the supplied text. All three per-model judgements (Claude, GPT-5-mini, Gemini) reach the same conclusion: the parenthetical is fabricated relative to the supplied text and materially mischaracterizes the authority. Attack vectors for the response brief: (1) The parenthetical proposition is not supported by anything in the cited opinion's text at 1282-83; opposing counsel should be asked to identify the language relied upon. (2) The cited pages address the public-figure inquiry, not evidentiary admissibility of reputation evidence. (3) Even on its face, the case is a defamation/public-figure analysis culminating in summary judgment for defendants on actual malice — it is not an evidentiary ruling admitting reputation evidence of any kind based on the supplied text. The attorney should independently verify the citation and pinpoint, and be prepared to argue that the citation cannot bear the weight the filing places on it. No basis exists in the supplied text to assess current treatment; score conservatively at 0 because the supplied text does not support the proposition at all.

CASE

Sanchez v. Duffy, 416 F. Supp. 3d 1131, 1142 (cod 2018) (allowing Facebook posts as relevant to plaintiff's mental state and reputation)

Existence: CONFIRMED · p.10 · authority ↗

*Notably, this includes social media statements showing mental impressions of Commer about political issues surrounding the time that Coomer was involved in election management for a company (Dominion) that oversees elections in multiple U.S. states. 9 Case No. 1:22-cv-01129-NYW-SBP Document 283 filed 02/25/25 USDC Colorado pg 10 of 17 Courts within the District of Colorado have consistently admitted social media evidence in similar contexts. See Sanchez v. Duffy, 416 F.Supp.3d 1131, 1142 (D. Colo. 2018) (allowing Facebook posts as relevant to plaintiff's mental state and reputation); Estate of Martinelli v. City & Cty. of Denver, No. 19- cv-02737, 2021 WL 4133804, at *6-7 (D. Colo. Sept. 10, 2021) (admitting social media evidence as relevant to damages claims); Peterson v. ...*

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites *Sanchez v. Duffy*, 416 F. Supp. 3d 1131, 1142 for the proposition that the court 'allow[ed] Facebook posts as relevant to plaintiff's mental state and reputation.' The supplied authority text is an extensive 'ORDER DENYING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT' in a § 1983 malicious prosecution case brought by Tyler Sanchez, who alleges Defendants 'knowingly or recklessly extracted from him a false confession to a sexual assault.' The opinion addresses qualified immunity, the circumstances of multiple interrogations, Sanchez's alleged cognitive and developmental disabilities, a polygraph examination administered by Defendant Dickson, and Sanchez's written confession. Nowhere in the supplied text does the word 'Facebook,' 'social media,' 'post,' or 'reputation' appear, and there is no evidentiary ruling concerning the admissibility of social media content for mental state or reputation. The parenthetical in the filing therefore finds no support in the supplied authority text. All three per-model judgements (Claude, GPT-5-mini, Gemini) independently reached the same conclusion: the filing's parenthetical does not correspond to anything in the supplied opinion, and the case appears to concern wholly different subject matter. Attorney advocacy openings: (1) The opposing brief's parenthetical is unsupported by the cited opinion as supplied — the response brief can directly quote the opinion's own description of itself ('alleges ... a false confession to a sexual assault ... liable ... for malicious prosecution') to show subject-matter mismatch; (2) the pincite to 1142 should be independently checked, but on the text provided there is no social-media ruling anywhere in the opinion; (3) because the citation purports to show 'Courts within the District of Colorado have consistently admitted social media evidence,' undermining this lead citation weakens the string-cite's rhetorical force. Recommend independent verification of the pincite before filing, but on the supplied text the citation is not defensible.

CASE

2021 WL 4133804, at *6-7 (cod 2021) (admitting social media evidence as relevant to damages claims)

Existence: CONFIRMED · p.10 · authority ↗

*Notably, this includes social media statements showing mental impressions of Commer about political issues surrounding the time that Coomer was involved in election management for a company (Dominion) that oversees elections in multiple U.S. states. 9 Case No. 1:22-cv-01129-NYW-SBP Document 283 filed 02/25/25 USDC Colorado pg 10 of 17 Courts within the District of Colorado have consistently admitted social media evidence in similar contexts. See Sanchez v. Duffy, 416 F.Supp.3d 1131, 1142 (D. Colo. 2018) (allowing Facebook posts as relevant to plaintiff's mental state and reputation); Estate of Martinelli v. City & Cty. of Denver, No. 19- cv-02737, 2021 WL 4133804, at *6-7 (D. Colo. Sept. 10, 2021) (admitting social media evidence as relevant to damages claims); Peterson v. ...*

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites 'Estate of Martinelli v. City & Cty. of Denver, No. 19-cv-02737, 2021 WL 4133804, at *6-7 (D. Colo. Sept. 10, 2021)' for the proposition that the court admitted social media evidence as relevant to damages claims. The supplied AUTHORITY text, however, is 'People v Sanchez, 2024 NY Slip Op 06063,' an Appellate Division, Second Department decision addressing a criminal defendant's waiver of the right to appeal and an excessive-sentence claim. The supplied text contains nothing about social media evidence, damages, civil litigation, or the District of Colorado. Because the supplied authority does not correspond to the cited case, I cannot verify the filing's proposition from the supplied text. All three per-model judgements agree on this point, and I concur. Attack vectors for the response brief: (1) the citation cannot be verified from the supplied text — the attorney should independently pull 2021 WL 4133804 and confirm both its existence and whether it actually admitted social media evidence as to damages; (2) even if the underlying Martinelli opinion exists as described, the filing strings it together with two other district authorities to imply a 'consistent' District of Colorado practice — the response can attack that framing by examining whether each cited case actually turned on admissibility for the same purpose the opposing brief now invokes (mental impressions about political issues), or whether they involved materially different evidentiary postures (e.g., discovery scope, reputational damages, emotional distress). Recommend independent verification of the citation before relying on or attacking it on the merits.

Methodology & Limitations

This assessment is grounded solely in authority text retrieved from public sources (CourtListener, Cornell LII, the eCFR, and Google Scholar). Each citation's use is evaluated against the authority text actually retrieved for it — not against any model's prior knowledge of the cited case. Where an authority could not be retrieved, or where the retrieved authority did not match the cited locator, no characterization of the cited authority's holding, status, or subject matter is offered; such citations are flagged for independent verification rather than described. This report is an analytical aid for the responding attorney, not legal advice, and every finding should be independently verified against the primary source before it is relied upon.