

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE PRESIDING DISCIPLINARY JUDGE 1300 Broadway, Suite 250 Denver, Colorado 80203</p>	<p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">September 27, 2024</p>
<p>Complainant: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondent: MARK HURLBERT, # 24606</p>	<p style="text-align: center;"><b>Presiding Disciplinary Judge Colorado Supreme Court</b></p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Erin Robson Kristofco, #33100 Senior Assistant Regulation Counsel Jonathan Blasewitz, #48277 Assistant Regulation Counsel Jessica E. Yates, #38003 Attorney Regulation Counsel Attorneys for Complainant 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 928-7907 Email: <a href="mailto:e.kristofco@csc.state.co.us">e.kristofco@csc.state.co.us</a>; <a href="mailto:j.blasewitz@csc.state.co.us">j.blasewitz@csc.state.co.us</a></p> <p>Nancy L. Cohen, # 11846 Aidan T. O’Neil, #59595 Respondent’s Counsel 1888 N. Sherman St Suite 300 Denver, CO 80202 Telephone: (720) 699-2322292-2058 Email: <a href="mailto:nancy@cohenblacklaw.com">nancy@cohenblacklaw.com</a>; <a href="mailto:aidan@cohenblacklaw.com">aidan@cohenblacklaw.com</a> Fax No: (303) 515-6655</p>	<p>Case Number: 24PDJ012</p>
<p style="text-align: center;"><b>REVISED STIPULATION TO DISCIPLINE PURSUANT TO C.R.C.P. 242.19</b></p>	

On this 27th day of September, 2024, Erin Robson Kristofco, Senior Assistant Regulation Counsel and attorney Jonathan Blasewitz, Assistant Regulation Counsel, attorneys for the Complainant, and Mark Hurlbert, the Respondent who is represented by attorneys Nancy Cohen and Aidan O’Neil in these proceedings, enter into the following Stipulation to Discipline pursuant to C.R.C.P. 242.19 (“Stipulation”) and submit the same to the Presiding Disciplinary Judge for his consideration.

**RECOMMENDATION: Public censure and payment of costs.**

1. Respondent has taken and subscribed to the oath of admission, was admitted to the bar of this Court on October 14, 1994, and is registered as an attorney upon the official records of this Court, registration no. 24606. Respondent is subject to the jurisdiction of this Court and the Presiding Disciplinary Judge in these proceedings.

2. The claims and allegations in this case arise from Respondent's involvement in the criminal prosecution by the 11<sup>th</sup> Judicial District Attorney's Office of Barry Morphew ("Mr. Morphew") for the alleged murder of his wife, Suzanne Morphew (hereinafter referred to as the "Morphew Case").

3. Respondent enters into this Stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

4. This matter has become public under the operation of C.R.C.P. 242.41(a)(1).

5. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for discipline of attorneys and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced complaint. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Complainant. At any such formal hearing, Complainant would have the burden of proof and would be required to prove the charges contained in the Complaint with clear and convincing evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

6. Respondent and Complainant specifically waive the right to a hearing pursuant to C.R.C.P. 242.30.

7. Respondent has read and studied the Complaint, a true and correct copy of which is attached as Exhibit 1, and Respondent is familiar with the allegations therein.

8. Claim I of the Complaint charged Respondent with violating Colo. RPC 1.3 (lawyer shall act with reasonable diligence and promptness in representing a client). Based upon the discovery performed to date, prosecutorial discretion, and as part of this Stipulation to Discipline, Complainant moves that Claim I Colo. RPC 1.3, be dismissed.

With respect to Claim II of the Complaint, Respondent affirms under oath that the following facts and conclusions are true and correct:

- a. Linda Stanley ("Stanley") was elected to the position of District Attorney for the 11th Judicial District and assumed office in January 2021. The 11th Judicial District is made up of Fremont, Chaffee, Park, and Custer counties.

- b. The 11th Judicial District Attorney's Office is a rural district attorney's office and frequently underfunded. There was significant turnover when Stanley assumed the office.
- c. Barry Morphey ("Morphey") was charged and arrested in Chaffee County for first degree murder on May 5, 2021, after his wife, Suzanne Morphey, went missing on May 10, 2020. ("*Morphey* case").
- d. The Morphey investigation was substantial, involving at least three different law enforcement agencies and over 5 terabytes of discovery.
- e. Respondent was working as a contract Deputy District Attorney for Stanley's office, and in July 2021 Stanley assigned him to assist with the Morphey Case.
- f. In addition to the Morphey case, Respondent was prosecuting a cold case homicide and another multi-defendant homicide that occurred at a DOC prison. Both cases required significant time by the Respondent and resources by 11<sup>th</sup> DA's Office.
- g. At the end of October 2021, Robert Weiner ("Weiner"), a prosecutor for nearly thirty years, was retained to assist with the prosecution of Morphey.
- h. In January through March 2022, Judge Lama issued a series of unfavorable rulings toward the prosecution including a defense's motion to change of venue (venue was changed), excluding evidence of prior acts evidence of domestic violence, and excluding or restricting crucial expert witnesses.
- i. After Judge Lama issued a series of rulings adverse to the prosecution team, Stanley texted the prosecution team a link to an online change.org petition written by someone named Julez Wolf. The petition called for investigating and possibly removing Judge Lama from the *Morphey* Case alleging a conflict of interest and citing three bases: (1) that the judge excluded evidence of domestic violence in the *Morphey* Case; (2) that Judge Lama's ex-wife Iris Diaz Lama ("Ms. Diaz") was an "advocate of Suzanne Morphey and victims of Domestic abuse"; and (3) that Ms. Diaz and Mr. Morphey belonged to the same gym.
- j. Weiner suggested an interview of Judge Lama's former wife regarding allegations that she was acquainted with Suzanne Morphey or another witness in the case, and that she was involved in advocating for victims of domestic violence. Respondent agreed the investigation should include interviewing Judge Lama's former wife.<sup>1</sup>
- k. Respondent was concerned allegations in the change.org petition amounted to undisclosed conflicts of interest, and had potentially impacted Judge Lama's rulings. Respondent's agreement to interview Judge Lama's former wife, rather than raise the matter directly with Judge Lama or Morphey's defense team, amounted to a reckless attempt to uncover a conflict or other information that might be cause for the judge's

---

<sup>1</sup> See Ex. 1, attached Complaint and March-April 2022 text string (attached to Complaint as Ex. 1).

recusal. Respondent endorsed this course of action in his texts to Stanley, a less experienced prosecutor.

- l. Respondent expressed belief that any interview of Judge Lama's former wife should be on her terms. Although Respondent had more experience as a prosecutor than Stanley, Respondent did not encounter this type of basis for a recusal in his career. Throughout the March-April 2022 text string he advocated for investigating Judge Lama's state of mind regarding potential conflicts that could have informed his rulings on the *Morphew* case.<sup>2</sup>
  - m. Even after Respondent learned Stanley planned to have her Office's own investigator (rather than an independent entity) interview Judge Lama's former wife, Respondent failed to take any affirmative steps to deter or prevent Stanley from proceeding with the interview.
  - n. Although Respondent had concerns the investigation should be independent, he failed to tell Stanley to use an independent entity for the investigation. By early April, the prosecution team was discussing dismissal of the *Morphew* case.
  - o. Respondent briefly spoke to Investigator Corey about the interview. By endorsing such an interview, and then failing to take appropriate measures to prevent it after Stanley elected to use her own staff to conduct the interview, Respondent thereby participated in an attempt to prejudice the administration of justice, in violation of RPC 8.4(a) and (d). Although the interview of the Judge's former wife occurred, the *Morphew* case was dismissed without prejudice before Judge Lama learned of the investigation, thus the legal proceeding was not directly prejudiced.
  - p. Through Respondent's conduct described above, he engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 242.9. Respondent admits that the foregoing actions and inactions detailed above violated Colo. RPC 8.4(a) and (d) Attempt to Prejudice the Administration of Justice.
  - q. The People agree Respondent's violation of Colo. RPC 8.4(a) and (d) Attempt to Prejudice the Administration of Justice was based on his reckless actions and inactions related to the investigation of the judge presiding over the *Morphew* case and the interview of Ms. Diaz and that Respondent did not intentionally violate the Colorado Rules of Professional Conduct.
9. Pursuant to C.R.C.P. 242.19(b)(4), Respondent agrees to pay costs in the amount of \$4,894.50, (a copy of the statement of costs is attached hereto as Exhibit 2), incurred in conjunction with this matter within thirty-five (35) days after acceptance of the Stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. Respondent agrees that statutory interest shall accrue from thirty-five

---

<sup>2</sup> *In Re Matter of Aubuchon*, 309 P.3d 886 (Arizona, 2013) (it is ethically prohibited for prosecutors to probe the mental processes engaged in by judges in making judicial decisions, because doing so is "destructive to judicial responsibility", upholding finding that a prosecutor violated Rule 8.4(d) by attempting to interview judges in order to ascertain their state of mind and perhaps secure a basis for recusal of the judges.)

(35) days after the Presiding Disciplinary Judge accepts this Stipulation. Should Respondent fail to make payment of the costs within thirty-five (35) days, Respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by Complainant in collecting the above stated amount. Complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the Stipulation and Respondent's default on the payment.

10. This Stipulation represents a settlement and compromise of the specific claims and defenses pled by the parties, and it shall have no meaning or effect in any other lawyer regulation case involving another respondent attorney.

11. This Stipulation is premised and conditioned upon acceptance of the same by the Presiding Disciplinary Judge. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, Stipulation, or other statement made by Respondent in conjunction with this offer to accept discipline of a public censure and payment of costs may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 242.30.

12. The Office of Attorney Regulation Counsel has notified or will notify shortly after the parties sign this agreement, the complaining witnesses in the matter of the proposed disposition.

13. The parties agree Respondent does not owe any restitution as a part of this stipulated case.

#### **PRIOR DISCIPLINE**

14. None.

#### **ANALYSIS OF DISCIPLINE**

15. The American Bar Association *Standards for Imposing Lawyer Sanctions* (1991 and Supp. 1992) (“ABA Standards”) are recognized by the Colorado Supreme Court as the guiding authority for selecting the appropriate sanction to impose for lawyer misconduct. *See In re Roose*, 69 P.3d 43, 46-47 (Colo. 2003) (citing *In re Attorney D*, 57 P.3d 395, 399 (Colo. 2002)). As the Colorado Supreme Court has stated,

The ABA Standards were created as a model system of sanctions, designed to achieve greater consistency in the sanctioning of attorney misconduct while at the same time leaving room for “flexibility and creativity in assigning sanctions in particular cases of lawyer misconduct.” ABA Standards, Preface (2005). Flexibility and discretion are built into the ABA Standards’ two-step framework for determining the appropriate sanction. *See* ABA Standards, Theoretical Framework; ABA Standard 3.0 & cmt . . . . [T]his framework is “not designed to propose a specific sanction for each of the myriad of fact patterns in cases of lawyer

misconduct,” but rather is designed to “give courts the flexibility to select the appropriate sanction in each particular case.” ABA Standards, Theoretical Framework; *see also* ABA Standard 1.3 cmt. . . .

*In re Attorney F*, 285 P.3d 322, 326 (Colo. 2012); *see also* ABA Standards 1.3 cmt. (“While these standards set forth a comprehensive model to be used in imposing sanctions, they also recognize that sanctions imposed must reflect the circumstances of each individual lawyer, and therefore provide for consideration of aggravating and mitigating circumstances in each case.”).

The Court has also stated, “individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases.” *In re Rosen*, 198 P.3d 116, 121 (Colo. 2008).

16. Pursuant to American Bar Association *Standards for Imposing Lawyer Sanctions* 1991 and Supp. 1992 (“ABA Standards”), §3.0, the Court should consider the following factors generally:

- a. The duty violated: Respondent violated his duty to the legal system to refrain from interfering or attempting to interfere with the legal process.
- b. The lawyer’s mental state: Reckless.
- c. The actual or potential injury caused by the lawyer’s misconduct: Respondent’s misconduct caused potential harm to the profession, the legal system, and the public.

17. Pursuant to ABA Standard § 5.23 public censure is generally appropriate when a lawyer in an official or governmental position negligently fails to follow proper procedures or rules, and causes injury or potential injury to a party or to the integrity of the legal process.

Pursuant to ABA Standard § 5.22 suspension is generally appropriate when a lawyer in an official or governmental position knowingly fails to follow proper procedures or rules, and causes injury or potential injury to a party or to the integrity of the legal process.

18. These presumptions are impacted by aggravating and mitigating factors. The ABA Standards “clearly contemplate that after applying its scheme to arrive at a presumptive form and range of discipline, a disciplining authority will always consider any other factors, unique to the particular respondent, in the particular case, which should mitigate or aggravate that presumptive discipline.” *Rosen*, 198 P.3d at 122 (citing ABA Standard 3.0 cmt. 9.2, 9.3). While the ABA Standards enumerate a number of such aggravating and mitigating factors, they are “expressly intended as exemplary and are not to be applied mechanically in every case.” *Id.*

ABA Standards § 9.22 aggravating factors include:

- (i) substantial experience in the practice of law: Respondent was licensed in 1992 and had been a prosecutor for 28 years at the time of the conduct. This factor should be afforded average weight.

ABA Standards § 9.32 mitigating factors include:

(a) absence of a prior disciplinary record: Respondent has no prior discipline. This factor should be afforded average weight.

(b) absence of a dishonest or selfish motive: Respondent has been a prosecutor his entire career. At the time, Respondent was handling two other homicides. Those two homicide cases required significant time and resources. This factor should be afforded significant weight.

(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings: Respondent was open and cooperative throughout the People's investigation and subsequent discovery during this case, including his deposition, and freely provided emails, phone records, billing logs and other information. This factor should be afforded average weight.

(k) imposition of other penalties or sanctions: Morphew has filed a civil lawsuit against Respondent and the matter is still pending. The public nature of publicity about Respondent from this proceeding and the proceeding involving Stanley case and Stanley's trial and hearing board decision has been extensive and defense counsel in the criminal case has extensively publicized the proceedings and Respondent's participation on. Iris Eytan who is the attorney who filed the civil rights lawsuit against Respondent and others, published her lengthy grievance against Respondent immediately after she filed it with OARC which has remained public during this entire time. She also held a press conference immediately after filing the prosecution team. Respondent has repeatedly been named in news articles regarding the disciplinary actions pursued by Complainants arising from the Morphew Case, including the instant grievance. This factor should be afforded significant weight.

(l) remorse; In retrospect, Respondent has remorse that he did not caution Stanley. Respondent recognizes the potentially negative perception of the judiciary and the public by an interview of interviewing a presiding judge's ex-wife, Respondent is agreeing to accept discipline here as a result. This factor should be afforded significant weight.

19. The following Colorado case law supports the parties' stipulation to a public censure. Prior hearing board decisions, PDJ decisions, and court-approved stipulations are not cited as binding on the PDJ; rather they are cited to help determine the proportionality of the agreed-upon sanction in this case and ensure consistency in attorney discipline matters. *See In re Roose*, 69 P.3d 43, 48 (Colo. 2003) (hearing board opinions can "serve to instruct and guide, but not bind, future Hearing Boards in their decisions").

*People v. Bertagnolli*, 861 P.2d 717, 721 (Colo. 1993) (public censure warranted even though none of the standards 6.12, 6.13, or 6.14, "precisely fits the facts and ethical violation in this case... respondent's conduct went beyond mere negligence and, although it caused no actual harm ... it cannot be said that the potential for harm was negligible. ").

*People v. Foster*, 276 P.3d 583, 587 (Colo. O.P.D.J. 2011) (Respondent's state of mind was knowing when he violated 3.1 and 8.4(d), and although a suspension was the presumptive sanction in this matter under the ABA Standards, aggravating and mitigating factors, including Respondent's unblemished record over his twenty years of practice is a mitigating factor of significant weight, along with Respondent's cooperative attitude throughout the disciplinary proceedings warranted public censure.)

*People v. Chambers*, 154 P.3d 419 (Colo.O.P.D.J.,2006) (public censure was appropriate sanction for district attorney, whose communications with attorney that represented collections agency in suit against alleged debtor indicated intent to influence such civil suit and thus violated the professional conduct rule prohibiting conduct prejudicial to the administration of justice; reprimand was presumptive sanction for negligent conduct of type engaged in by district attorney, she had no prior disciplinary record, there was no evidence that district attorney acted with dishonest or selfish motive, and she cooperated in the disciplinary proceedings. Rules of Prof. Conduct, Rule 8.4(d)).

*People v. Layton*, 494 P.3d 693 (Colo. O.P.D.J., 2021) ()(Although Layton was disciplined, the Hearing Board found in the Carmichel matter Layton's conduct in calling Kline seeking a protection order did not violate Colo. RPC 8.4(a) because it did not implicate Rule 3.1 or Rule 8.4(d) attempt to prejudice the administration of justice as it was not connected to a proceeding).

Considering all of the factors described above, including the equitable facts, described above, and the acceptance of responsibility which thereby saves the Court and the hearing board time and resources, and especially the number of mitigating factors which significantly outweigh the one aggravating factor, Complainant and Respondent respectfully submit a public censure is an appropriate sanction.

### **RECOMMENDATION FOR AND CONSENT TO DISCIPLINE**

20. Based on the foregoing, the parties hereto recommend that a public censure, and payment of costs, be imposed upon Respondent. Respondent consents to the imposition of discipline of a public censure. The parties request that the Presiding Disciplinary Judge order that the effective date of such discipline be immediate.

Mark Hurlbert, Respondent; Nancy Lin Cohen and Aidan O'Neil, attorney for Respondent; and Erin Robson Kristofco and Jonathan Blasewitz, attorneys for the Complainant, acknowledge by signing this document that they have read and reviewed the above and request the Presiding Disciplinary Judge to accept the Stipulation as set forth above.



MA

Mark Hurlbert  
11th Judicial District Attorney  
340 4th Street  
Fairplay, CO 80440  
Telephone: (719) 836-2080  
Respondent

STATE OF COLORADO )  
 )ss:  
COUNTY OF Fremont )

Subscribed and sworn to before me this 27<sup>th</sup> day of September, 2024, by  
Acknowledgment, the Respondent.

Witness my hand and official seal.

My commission expires:

Margarita Garcia

10/28/2026  
Notary Public



Erin Kristofco  
Erin Robson Kristofco, #33100  
Senior Assistant Regulation Counsel  
Jonathan Blasewitz, #48277  
1300 Broadway, Suite 500  
Denver, CO 80203  
Telephone: (303) 928-7811  
Attorneys for the Complainant

s/ Nancy Cohen  
Nancy Cohen, #11846  
Aidan O'Neil, #59595  
1888 N Sherman St  
Suite 770  
Denver, CO 80203  
Telephone: (720) 699-2322  
Attorneys for Respondent

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE PRESIDING DISCIPLINARY JUDGE 1300 Broadway, Suite 250 Denver, Colorado 80203</p> <hr/> <p>Complainant: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondent: MARK HURLBERT, #24606</p> <hr/> <p>Erin Robson Kristofco, #33100 Senior Assistant Regulation Counsel Jonathan Blasewitz, #48277 Assistant Regulation Counsel Jessica E. Yates, #38003 Attorney Regulation Counsel Attorneys for Complainant 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 928-7911 Email: <a href="mailto:e.kristofco@csc.state.co.us">e.kristofco@csc.state.co.us</a>; <a href="mailto:j.blazewitz@csc.state.co.us">j.blazewitz@csc.state.co.us</a></p>	<p style="text-align: center;"><b>FILED</b></p> <p style="text-align: center;">February 15, 2024</p> <p style="text-align: center;">Presiding Disciplinary Judge Colorado Supreme Court</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p style="text-align: center;">Case Number: 24PDJ012</p>
<p><b>COMPLAINT</b></p>	

THIS COMPLAINT is filed pursuant to the authority of C.R.C.P. 242.15, 242.16 and 242.25, and it is alleged as follows:

**Jurisdiction**

1. The Respondent has taken and subscribed the oath of admission, was admitted to the bar of this Court on October 14, 1994, and is registered upon the official records of this Court, registration no. 24606.
  
2. Respondent is subject to the jurisdiction of this Court in these disciplinary proceedings. The Respondent's registered business address is 136 Justice Center Road, Suite 203, Canon City, Colorado 81212.

## **General Allegations**

3. Respondent is a Deputy District Attorney for the 11<sup>th</sup> Judicial District Attorney's Office, which includes Fremont, Chaffee, Park and Custer Counties.

4. Respondent worked as a Deputy District Attorney ("DDA") in 2019 and 2020 for the 11th Judicial District before being rehired on a contractual basis to handle prison cases.

5. After Suzanne Morphew went missing in May 2020, the Chaffee County Sheriff's Office and other law enforcement executed hundreds of search warrants, and a massive amount of electronic data was collected.

6. The Morphew case was highly publicized and hundreds of community members participated in their own searches for Suzanne Morphew.

7. In January 2021, Linda Stanley was elected as the District Attorney ("DA").

8. On May 5, 2021, Commander Alex Walker, Chief Investigator of the District Attorney's Office, submitted an Affidavit in Support of Arrest to the court, seeking a warrant with a no bond hold of Morphew for first degree murder of his wife, Suzanne Morphew.

9. Judge Patrick Murphy found that there was probable cause to arrest Morphew and signed the arrest warrant the same day.

10. On May 18, 2021, DA Stanley and Chief DDA Lindsey filed a "Complaint and Information" which lists the official charges against Barry Morphew as: one count of first degree murder, one count of tampering with a deceased human body, one count of tampering with physical evidence, possession of a dangerous weapon, and one count of attempt to influence a public servant.

11. Respondent initially was not involved in the Barry Morphew prosecution because DA Linda Stanley directed him to prosecute a prison homicide and a cold case.

12. Within the first few months after Morphew's arrest, DA Stanley was made aware that her office was having extreme difficulty complying with Colorado Rules of Criminal Procedure Rule 16 mandatory disclosures in a timely manner in the Morphew case.

13. Before Respondent joined the prosecution team, Morphew's defense team filed a motion to compel and for sanctions because the prosecution failed to timely disclose all information to Morphew as required by Rule 16.

14. On June 3, 2021, Judge Murphy issued an Order in response to defendant's discovery motions declaring,

The defense request for all "emails and text messages between law enforcement officers and all individuals (including prosecutors) contacted and pertaining to this case" is too broad and is not required by case law or statute. ... Therefore it is ordered that any electronic communications

created or received by law enforcement officers related to this case **must be disclosed to the defense** if they are material to the prosecution of the case **or if they contain any evidence that would be in any way favorable to the defense.**

(Emphasis added).

15. In July 2021, DA Stanley assigned Respondent to work on the Morphew case.

16. On July 20, 2021, Respondent and others on the prosecution team disclosed a May 19, 2021, CODIS DNA Casework Match letter containing potentially exculpatory information, which the prosecution had in its possession for two months prior to disclosure.

17. On July 22, 2021, after another hearing on discovery issues, Judge Murphy determined the prosecution had violated discovery rules, by failing to timely provide cell phone data and other electronic discovery to the defense, and ordered further production from the prosecution within seven days.

18. Between July 22 and August 2, 2021, Respondent and others on the prosecution team disclosed a significant amount of information to the defense including: (1) a Tempe CODIS Match letter dated 10/22/20, (2) a Phoenix CODIS Match letter dated 11/19/20, and (3) an Illinois CODIS Match letter dated 4/28/21.

19. In August 2021, Dan Edwards, who at the time was not employed by that district attorney's office, was hired to assist with motions practice in the prosecution of Barry Morphew.

20. Morphew's combined preliminary hearing ("PH") and presumption evident presumption great ("PEPG") hearing was set for August 9-10 and 24-25, 2021.

21. On August 9-10, 2021, during the first two days of Morphew's combined PH and PEPG hearing, defense identified a May 19, 2021 CODIS DNA Casework Match letter regarding DNA swabbed from Suzanne Morphew's Range Rover which partially matched an unknown suspect who was being investigated for sexual assault.

22. The defense team questioned Commander Walker about the May 19, 2021 CODIS DNA Casework Match letter on cross examination.

23. Although Respondent and others on the prosecution team had the May 19, 2021 CODIS DNA Casework Match letter containing potentially exculpatory information in their possession, the letter was not disclosed to the defense until two months later on July 20—only 20 days before the preliminary and PEPG hearing.

24. In October 2021, DA Stanley assigned Respondent to take over as lead counsel on the Morphew case.

25. DA Stanley in her deposition testified,

Q Who was or who were the lead prosecutors on that [Morphew] case, in your mind?

A Jeff Lindsey was definitely the lead prosecutor. After Jeff left, Mark took over that role.

Q And did Mark stay in that role until the case was dismissed?

A Yes.

Q Was there any confusion, do you think, among the attorneys on the case as to who the lead was?

A No.

26. On October 29, 2021, Judge Murphy issued a Case Management Order (“CMO”).

27. The CMO required the prosecution to file its expert disclosures by February 14, 2022, with any supplemental disclosures due by March 21, 2022.

28. The defense’s disclosures were due by March 7, 2022.

29. The CMO, citing Rule 16 Part I (a)(d)(3), required, “These disclosures should include the underlying facts or data supporting the opinion as well as providing a written summary of the testimony describing the witness’ testimony (if no report has been prepared by the expert).”

### **Respondent Fails to Comply with the CMO and Expert Disclosure Requirements**

30. Respondent knew or should have known the Morphew case depended heavily on expert testimony given there was no body to establish murder.

31. Respondent was aware the prosecution’s expert disclosures were due February 14, 2022, per the CMO.

32. Edwards drafted the initial expert disclosures without ever having reviewed the discovery—pulling names only from the pleadings.

33. On February 9, 2022, Edwards sent an email reminding Respondent, Weiner and DA Stanley about the upcoming expert disclosure deadline, and, according to Edwards, he sent the drafts to Respondent for review.

34. Edwards filed the expert disclosures on February 14, but the expert disclosures were inaccurate and incomplete.

35. According to Edwards, Respondent never responded to Edwards’ request to review the draft expert disclosures for accuracy before it was filed.

36. Respondent failed to ensure the prosecution team timely disclosed the CVs and expert reports of prosecution’s experts as required by the court’s order.

37. On February 17, 2022, Edwards reminded Respondent and others on the prosecution team that they failed to file a bill of particulars as required by the court, and as a result defense filed a, “motion to dismiss counts 3 and 5 for failure to comply with order for bill of particulars.”

38. In the same email regarding the bill of particulars, Edwards stated, “It was my understanding that Bob and/or Mark was going to take care of this issue.”

39. On February 24, 2022, the court held a hearing on expert disclosures, during which Respondent and others on the prosecution team conceded their expert disclosures did not comply with Rule 16 or the CMO.

40. Respondent sought and received an extension of time to February 28, 2022, to supplement their expert disclosures.

41. On February 24, 2022, Edwards filed his notice of withdrawal and left the prosecution team.

42. On February 28, 2022, Respondent filed “P-44 People’s Superseding Endorsement of Expert Witnesses” which admitted that some listed experts were still in the process of preparing a statement.

43. Respondent’s superseding expert disclosure, filed February 28, 2022, was still missing expert reports and CVs from various experts, which were specifically required by the court’s prior order.

44. On March 1, 2022, the Morphew defense team filed a “Supplemental Motion to Strike Witnesses Proffered as Experts and Motion to Strike” noting prejudice to Morphew because prosecution still had not included an expert CV, expert opinion or written summaries, for several experts and provided no underlying facts or data supporting the opinion.

45. On March 2, 2022 the defense team filed a “Supplement to Motion to Strike Proposed Expert Witnesses.”

46. On March 3, 2022, the prosecution provided additional discovery including emails with law enforcement created as far back as May 2020, which the prosecution obtained during November 2021 and January 18, 2022.

47. On March 7, 2022, well-after the extended expert supplemental disclosure deadline, Respondent filed a “Good Faith Witness List” and “Notice of Endorsement of Witness.”

48. On March 8, 2022, the defense team filed a “Supplement to Motion for Discovery Sanctions” based on the prosecution’s February 28 and March 3, 2022 discovery production.

49. On March 9, 2022, Respondent filed the prosecution’s response to the defense team’s motion to strike witnesses proffered as experts, arguing that Morphew was not prejudiced by the inadequate expert disclosures.

50. On March 10, 2022, the court issued a verbal order striking several prosecution experts finding that Respondent and others on the prosecution team failed to comply with Rule 16 and Court Orders:

The court finds a pattern of neglect demonstrating a need for modification of a party's discovery practices in this case... this is trial by ambush. That's exactly what the rules are designed to prevent. And I'm not finding it willful, but I'm finding a pattern and I'm finding prejudice. There's a record to support a pattern of neglect here and prejudice.

51. On March 30, 2022, DDA Grant Grosgebauer, who had only recently joined the Morphew prosecution team, attended and participated in a *Shreck* hearing on the qualifications and scope of opinion of expert Doug Spence.

52. The night before the hearing, Grosgebauer called Spence to prepare him for the hearing, and at that point learned that no one on the prosecution team had actually spoken to expert Spence.

53. Spence expressed opinions during his telephone conversation with DDA Grosgebauer the night before the *Shreck* hearing that were not entirely consistent with what had been included in the prosecution's expert endorsement, reviewed and supplemented by Respondent.

54. The prosecution's initial and supplemental expert endorsement for Spence had indicated that Spence would offer an opinion based on a law enforcement canine, Rosco, following a scent down to a creek in the direction of the Morphew home, but this was not consistent with what Spence told Grosgebauer the night before the *Shreck* hearing.

55. In addition, on cross-examination of Spence, the defense elicited that Spence had, in fact, authored his own report of his investigation, which he had not provided previously.

56. At that point, the *Shreck* hearing focused on a possible Rule 16/discovery violation for prosecution's failure to disclose an endorsed expert's report.

57. DDA Grosgebauer acknowledged in court that because Respondent and others on the prosecution team had endorsed Spence as an expert but failed to turn over Spence's report (of which Grosgebauer reported he had no prior knowledge), the prosecution was not in compliance with Rule 16.

58. Respondent's failure to interview Spence or ensure another prosecution team member interviewed Spence before endorsing him as an expert led to the failure to timely identify and disclose Spence's expert report.

59. Respondent's failure to interview Spence or ensure another prosecution team member interviewed Spence before endorsing him as an expert led to Respondent including inaccurate information in the expert endorsement filed by Respondent.

60. DDA Grosgebauer proposed that the remedy was for the Court to strike Spence as a witness.

61. The Court agreed and on March 30, 2022, the court excluded expert witness Spence based upon the stipulation of the People that they had failed to disclose the opinion or report of their own expert.

62. On April 8, 2022, the court granted another one of the defense team’s motions for sanctions for discovery violations, and determined:

the People failed to put in place a system to preserve emails as ordered by Judge Murphy on June 3... The Court finds a continuing pattern by the People of an inability and failure to comply with its Rule 16 obligations as well as the Court's case management orders...

63. In the same order issued April 8, 2022, the court excluded most of the prosecution’s experts, finding:

the People's actions amount to negligent, and arguably, reckless disregard for their Rule 16 obligations and duty to abide by court orders... the court excludes 11 out of 16 of the People's endorsed expert witnesses [a sanction] warranted based upon the record... The case is set for trial to begin on April 28, 2022.

64. Altogether, of the 16 experts initially endorsed by Respondent and others on the prosecution team, 15 had been excluded altogether, and one had their scope of testimony reduced.

### **Respondent Participates in an Investigation of Judge Lama after Series of Adverse Rulings**

65. On March 10, Respondent texted the prosecution team:

Do all of you have some time to talk tonight? Judge is messing with us again.

Linda Stanley: Maybe. Still in trial now.

Respondent: I was thinking another 7:00 call.

Linda Stanley: I guess I will have to see what happens. But I'll let you know.

Respondent: Apparently we had to point out page numbers on our expert reports to the defense.

...

Linda Stanley: You can call me even if no one else is available.

Respondent: Will do.

66. On March 12, 2022, Stanley texted the Morphew prosecution team<sup>1</sup> (now Hurlbert, Weiner and Grosgebauer) a petition started by Julez Wolf (recall “True Crime with Julez”).

---

<sup>1</sup> The prosecution team had a group text chat thread where all members could text and see each other’s texts, attached as Exhibit A.



67. The petition written by Julez Wolf, claimed “the ex-wife of Judge Lama is an advocate of Suzanne Morpew and victims of Domestic abuse.”

68. Stanley texted Respondent and the other prosecutors as follows:

Linda Stanley: You guys might want to read this... [attached petition started by Julez Wolf titled “Help Give Suzanne Her Voice!”]

Respondent: That is very interesting. I was thinking about a motion to recuse

Linda Stanley: I think we should. But I’m not sure how true it is. I can tell you that I have heard this rumor before. Long before Barry Morpew. But it could DEFINITELY explain why he hates us so much.

Bob Weiner: Holy crap!! Yes let’s go after him! He should have disclosed this. We need to confirm asap.

Linda Stanley: I can get an investigator on it.

Bob Weiner: Lets pull his divorce case.

Respondent: He is obviously biased. I have realized him asking me about the bated numbers on the expert reports was because he didn’t believe me when I said we gave the defense reports.

Linda Stanley: Wow.

Bob Weiner: He should not be on the bench.

Linda Stanley: I looked into this organization, change dot org. Anyone can start a petition. So we don’t know if any of it is true. The only way to know is to talk to his ex-wife. And BTW, he has custody of his kid.

Bob Weiner: Need to pull that divorce case.

Linda Stanley: I thought you can’t get copies of that stuff unless you are a party to the case.

Respondent: I didn’t think so either.

Bob Weiner: Maybe start with interviewing her.

Respondent: I agree.

Linda Stanley: Ok. But the person who started the petition is Julez Wolf. She has a YouTube channel. I’m not sure that’s a credible source.

Linda Stanley: Alliance Against Domestic Abuse – 1055 E. Highway 50, Salida, CO 81201. (Screenshot of Alliance Against Domestic Abuse website)

Linda Stanley: She goes by Iris Diaz now

Linda Stanley: And she's friends with Shoshana!

(Screenshots and pictures)

Linda Stanley: All kinds of reasons for recusal, in my opinion.

Bob Weiner: He should have disclosed this!

Respondent: We need to find some time to talk about this. Tonight? And I think I ought to bring in Michelle.

Linda Stanley: Yes and yes.

(redacted)

Linda Stanley: I also have asked an investigator to look into the other information I sent everyone.

69. Respondent did not voice disapproval of DA Stanley's plan to have an investigator interview Iris Lama because he felt that Judge Lama was biased against him.

70. In March 2022, DA Stanley and Weiner called Commander Walker at the Chaffee County Sheriff's Office and asked if Walker had an investigator to investigate an allegation of prior domestic abuse by Judge Lama.

71. Respondent was aware that Commander Walker refused to investigate Judge Lama, telling DA Stanley she had no good source for the investigation.

72. On April 7, 2022, DA Stanley emailed Respondent and others and informed them that investigator Andrew Corey, who worked for Respondent's office, was going to interview Iris Lama regarding Judge Lama.

73. Respondent did not object when DA Stanley enlisted the office's own investigator to interview Judge Lama's former wife.

74. On April 9, 2022, the day after the expert disclosures sanctions order and 19 days before the scheduled commencement of the Morphew trial, Investigator Corey met with DA Stanley, Respondent, and Weiner and wrote in his notes that DA Stanley wanted to find out if Judge Lama had spoken to Iris Lama about the Morphew case, and whether domestic violence had occurred during their relationship.<sup>2</sup>

75. At the April 9 meeting, Respondent again did not attempt to convince DA Stanley to back off her request to Investigator Corey, nor did he voice disapproval.

76. A week later, on April 15, 2022 investigator Corey interviewed Iris Lama.

---

<sup>2</sup> Corey's notes and report are attached as Ex. B.

77. Investigator Corey reported that Iris Lama told him there was never any domestic abuse in their relationship, and that Judge Lama never said anything to her about the Morphew case.

78. On April 19, 2022, the prosecution team moved to dismiss case at the pretrial readiness conference, which was nine days before the trial was scheduled to begin.

79. The court granted the motion and dismissed the Morphew case without prejudice.

### **CLAIM I**

#### **[A Lawyer Shall Act with Reasonable Diligence and Promptness—Colo. RPC 1.3]**

80. Colo. RPC 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client.

81. Respondent failed to timely and completely comply with the requirements of Rule 16 and the CMO concerning the strategically vital expert disclosures.

82. Even after the court granted the prosecution additional time to supplement their expert disclosures Respondent failed to diligently or promptly comply with the expert disclosure requirements.

83. Respondent failed to ensure that a member of the prosecution team spoke with expert Spence prior to the disclosures being filed and supplemented, resulting in inaccurate disclosures and a surprise, undisclosed written report of expert Spence.

84. As a result of that lack of diligence, the prosecution's expert disclosures to Morphew were untimely, incomplete and inaccurate.

85. As a sanction for violating the court's expert disclosure order, 15 of the 16 experts tendered by the prosecution were stricken and only one was permitted to testify as an expert.

86. By such conduct, and in each instance described above, Respondent violated Colo. RPC 1.3.

WHEREFORE, the Complainant prays at the conclusion of this Complaint.

### **CLAIM II**

#### **[Attempt to Violate the Rules of Professional Conduct and Conduct Prejudicial to the Administration of Justice—Colo. RPC 8.4(a) and Colo. RPC 8.4(d)]**

87. Colo. RPC 8.4(a) prohibits a lawyer from attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so, or doing so through the acts of another.

88. Colo. RPC 8.4(d) prohibits a lawyer from engaging in conduct that is prejudicial to the administration of justice.

89. Respondent confirmed or agreed with the prosecution team's decision to enlist the office's own investigator, Corey, to interview the former wife of Judge Lama, who was presiding over the Morphew case.

90. Respondent did so in an effort to uncover information about Judge Lama that would be cause for his recusal or disqualification from continuing to preside over the Morphew case.

91. Respondent took this approach despite having no credible source for suspecting that Judge Lama had physically abused his ex-wife, or other conduct that would justify a criminal investigation.

92. Respondent used his position in a manner intended to prevent others, including Judge Lama, from effectively performing their roles in the criminal justice system.

93. Respondent's actions constituted of an abuse of power and were contrary to a prosecutor's responsibility to act as a minister of justice.

94. Through his actions, Respondent acted in a manner that constituted an attempt to prejudice the administration of justice, and also was prejudicial to the administration of justice.

95. By such conduct, Respondent violated Colo. RPC 8.4(a) and 8.4(d).

WHEREFORE, the Complainant prays at the conclusion of this Complaint.

WHEREFORE, the People pray that the Respondent be found to have engaged in misconduct under C.R.C.P. 242.9 and the Colorado Rules of Professional Conduct as specified above; the Respondent be appropriately disciplined for such misconduct; the Respondent be required to take any other remedial action appropriate under the circumstances; and the Respondent be assessed the costs of this proceeding.

DATED this 15th day of February, 2024.

Respectfully submitted,



Erin Robson Kristofco, #33100  
Senior Assistant Regulation Counsel  
Jonathan Blasewitz, #48277  
Assistant Regulation Counsel  
Jessica E. Yates, #38003  
Attorney Regulation Counsel

Attorneys for Complainant



3 People >

iMessage  
Mar 9, 2022 at 6:46 PM

Mark Hurlbert

MH Still on for 7. I will call each of you.

Bob Weiner

BW Thanks

Mar 10, 2022 at 12:48 PM

Mark Hurlbert

MH Do all of you have some time to talk tonight? Judge is messing with us again.

Linda Stanley

LS Maybe. Still in trial now.

Mark Hurlbert

MH I was thinking another 7:00 call.

Linda Stanley

LS I guess I will have to see what happens. But I'll let you know.

Mar 10, 2022 at 2:38 PM

Mark Hurlbert

MH Apparently we had to point out page numbers on our expert reports to the defense.



iMessage





3 People >

MH

Apparently we had to point out page numbers on our expert reports to the defense.

Mar 10, 2022 at 4:33 PM

Linda Stanley

I'm on my way home now from Park County. My jury trial is over.

LS

Guilty on everything.

Mark Hurlbert

MH

Congrats.

Mar 10, 2022 at 6:56 PM

Linda Stanley

LS

You can call me even if no one else is available

Mark Hurlbert

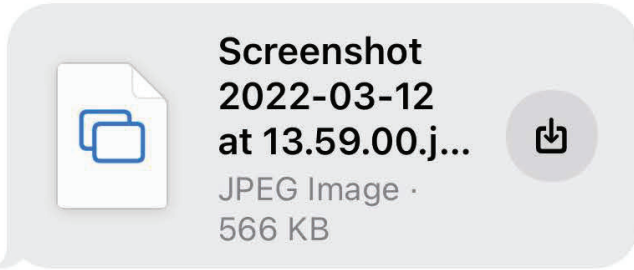
MH

Will do.

Mar 12, 2022 at 1:59 PM

Linda Stanley

LS



Here's the response I received



iMessage



Exhibit 1

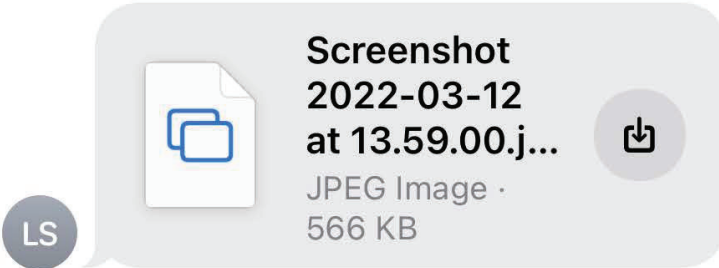
Exhibit A  
03407



3 People >



Linda Stanley



LS

Here's the response I received from Mike. I haven't responded yet because I wanted to see if Bob had yet and/or make sure we are all on the same page before I answer.

Mar 12, 2022 at 4:21 PM

Bob Weiner

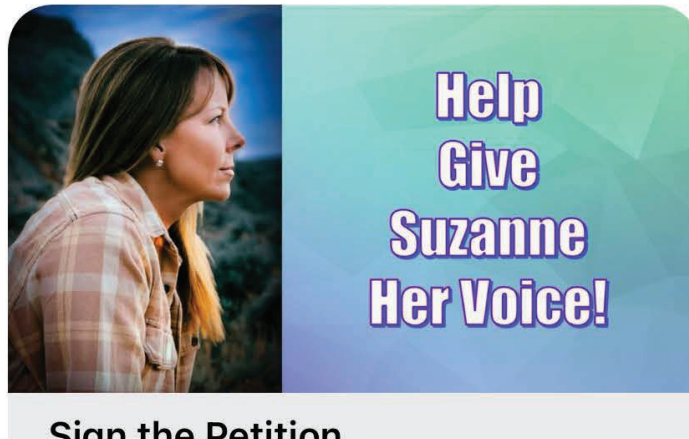
BW

I have called Michael left him a voicemail I am waiting to hear back

Sent with Siri

Mar 12, 2022 at 7:51 PM

Linda Stanley



iMessage





3 People >

LS: You guys might want to read this ...

Mark Hurlbert

MH: That is very interesting. I was thinking about a motion to recuse.

Linda Stanley

I think we should. But I'm not sure how true it is. I can tell you that I have heard this rumor before. Long before Barry Morphew.

LS: But it could DEFINITELY explain why he hates us so much.

Bob Weiner

BW: Holy crap!! Yes let's go after him! He should have disclosed this. We need to confirm asap.

Linda Stanley

LS: I can get an investigator on it.

Bob Weiner

BW: Let's pull his divorce case

Linda Stanley

LS: But we still need to appeal him.



iMessage







3 People >

Bob Weiner

BW

Let's pull his divorce case

Linda Stanley

LS

But we still need to appeal him.

Mark Hurlbert

MH

Yes we do.

Bob Weiner

BW

Hell yes and put this in the appeal!!

Mark Hurlbert

MH

He is obviously biased. I have realized him asking me about the bated numbers on the expert reports was because he didn't believe me when I said we gave the defense reports.

Linda Stanley

LS

Wow.

Bob Weiner

BW

He should not be on the bench

Linda Stanley

I looked into this organization, change dot org. Anyone can start a petition. So we don't know if any of it is true. The only



iMessage





3 People >

Linda Stanley

I looked into this organization, change dot org. Anyone can start a petition. So we don't know if any of it is true. The only way to know is to talk to his ex-wife. And BTW, he has custody of his kid.

LS

Bob Weiner

Need to pull that divorce case

BW

Linda Stanley

I thought you can't get copies of that stuff unless you are a party to the case

LS

Mark Hurlbert

I didn't think so either.

MH

Bob Weiner

Maybe start with interviewing her

BW

Mark Hurlbert

I agree.

MH

Linda Stanley

Ok. But the person who started the petition is Julez Wolf. She has a YouTube channel. I'm not sure that's a credible source.

LS



iMessage





3 People >



Linda Stanley

LS

Ok. But the person who started the petition is Julez Wolf. She has a YouTube channel. I'm not sure that's a credible source.

Mar 13, 2022 at 12:37 PM

Linda Stanley

**Alliance Against Domestic Abuse · 1055 E Highway 50, Salida, CO 81201, UNI...**



opengovus.com



IMG\_5914.jpe

g  
JPEG Image · 433 KB



IMG\_5915.jpe

g  
JPEG Image · 279 KB



LS



275105027\_11  
25710338188  
427\_64374...

Image · 170 KB



LS

She goes by Iris Diaz now.



Screenshot (962).jpeg

JPEG Image · 89



iMessage

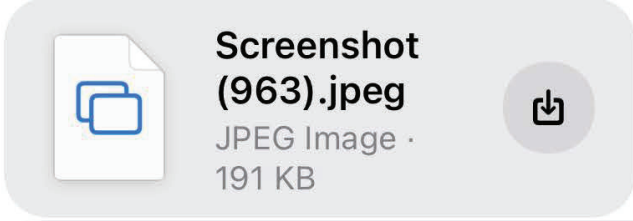




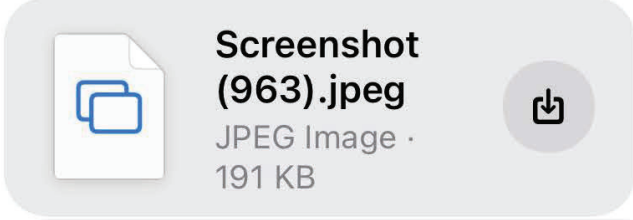
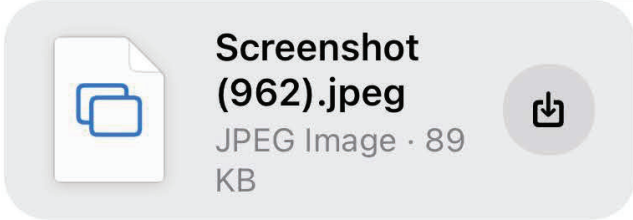
3 People >



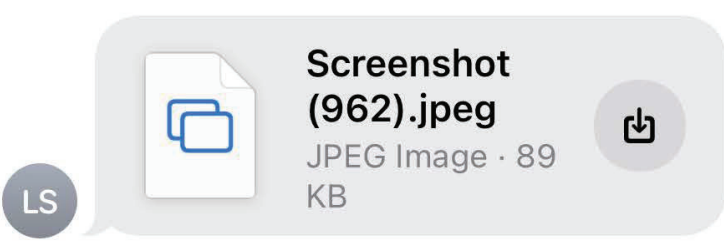
LS She goes by Iris Diaz now.



And she's friends with Shoshana!



LS All kinds of reasons for recusal, in my opinion.



Mar 13, 2022 at 2:05 PM

Bob Weiner



iMessage



Exhibit 1

Exhibit A  
03413



3 People >

Mar 13, 2022 at 2:05 PM

Bob Weiner

BW

He should have disclosed this!!

Mar 14, 2022 at 9:17 AM

Mark Hurlbert

MH

We need to find some time to talk about this. Tonight? And I think I ought to bring in Michelle.

Linda Stanley

LS

Yes and Yes.

LS

Do we have anyone for the appeal yet?

Mark Hurlbert

MH

Not from me. I have been playing phone tag with Shapiro at AGs Office

Bob Weiner

BW

Michael called me this morning but I was already in court. I texted him back

Linda Stanley

I just reached out to several more people on getting an appellate attorney. I'll let you guys know



iMessage





# Office of the District Attorney, 11<sup>th</sup> Judicial District

INVESTIGATOR'S REPORT  
136 JUSTICE CENTER ROAD  
CANON CITY, CO 81212  
APRIL 12, 2022

**Case Number:** N/A

**Agency:** 11<sup>th</sup> Judicial District Attorney's Office

**Victim:** N/A

**Defendant:** N/A

On 4/9/22 I was asked to speak with Iris Lama, by District Attorney Linda Stanley. Iris Lama is the ex-wife of District Judge Ramsey Lama. District Attorney Stanley wanted me to speak with Iris to make sure Judge Lama had not spoken to Iris about anything that would make him impartial to the Barry Morphew case and if any Domestic Violence had occurred in the relationship. Iris agreed to meet with me in person at DR Lund's Clinic 205 G street in Salida Colorado on 04/15/2022 at 9am.

On 4/15/2022 at approximately 0900 hours I spoke with Iris Lama at 205 G street in Salida Colorado. Iris told me that Judge Ramsey Lama maintained a high level of professionalism and had never said anything about the Barry Morphew case. Iris also stated never did any type of Domestic abuse happen in the relationship.

My recording of this conversation was lost, so I referred to my notes for this report. My investigation into this matter is complete and nothing was found of any wrongdoing.

Nothing further at this time.

**Andrew Corey**

Criminal Investigator

Office of the District Attorney

11<sup>th</sup> Judicial District

(719) 239-1497

**Statement of Costs**

---

**Mark Hurlbert  
24PDJ012**

<b>4/18/2024</b>	<b>Javernick &amp; Stenstrom, LLC - Deposition, half</b>	<b>\$</b>	<b>1,243.35</b>
<b>8/7/2024</b>	<b>Javernick &amp; Stenstrom - Transcript, half</b>	<b>\$</b>	<b>1,496.00</b>
<b>8/13/2024</b>	<b>Brownstein - Reviews, half</b>	<b>\$</b>	<b>884.06</b>
<b>8/23/2024</b>	<b>Brownstein - Reviews, half</b>	<b>\$</b>	<b>448.44</b>
<b>8/28/2024</b>	<b>Javernick &amp; Stenstrom - Deposition, half</b>	<b>\$</b>	<b>598.65</b>
<b>9/13/2024</b>	<b>Administrative Fee</b>	<b>\$</b>	<b>224.00</b>
			<hr/>
	<b>AMOUNT DUE</b>	<b>\$</b>	<b>4,894.50</b>



**J A V E R N I C K**  
 & S T E N S T R O M, L L C  
*certified shorthand reporters*

3131 South Vaughn Way, Suite 224  
 Aurora, Colorado 80014  
 (720) 449-0329 FEIN 84-1566167

**INVOICE**

DATE	INVOICE #
4/18/2024	24056

**BILL TO:**  
 ERIN ROBSON KRISTOFKO, ESQ.  
 Office of Attorney Regulation Counsel  
 1300 Broadway  
 Suite 500  
 Denver, Colorado 80203

**RE:**  
 People v. Linda Stanley, #45298  
 Supreme Court, State of Colorado  
 Original Proceeding in Discipline Before  
 the PDJ  
 Case No. 23PDJ041

DUE DATE	REPORTER	SHIP DATE	SHIP VIA
5/18/2024	SFC	4/9/2024	UPS

QUANTITY	ITEM	DESCRIPTION	RATE	AMOUNT
227	2Depo ARC	Deposition of MARK DERALD HURLBERT Original Transcript Preparation 2-Day Expedite - ARC April 5, 2024	8.73	1,981.71
1	e-Transcript	e-Transcript	25.00	25.00
1	Admin Fee		100.00	100.00
310	Exhibits Sca...	Exhibits Scanned volume discount	0.50	155.00
1	AF - Half Day	Appearance Fee - Half Day	150.00	150.00
1	AF-Evening	Appearance Fee - Evening	50.00	50.00
1	0+1 Delivery	Shipping and Handling (Original)	25.00	25.00

X   
 Approved by Jessica E. Yates

Interest will be charged at the rate of 1.5% per month on any amount not paid within 30 days. **Total** \$2,486.71

Approved:   
 Re: People v. Stanley 23PDJ041  
 REGU-TRLS-1935(CRTR)





**J A V E R N I C K  
& S T E N S T R O M, L L C**  
*certified shorthand reporters*

3131 South Vaughn Way, Suite 224  
Aurora, Colorado 80014  
(720) 449-0329 FEIN 84-1566167

# INVOICE

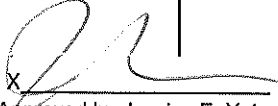
DATE	INVOICE #
8/7/2024	24217

<b>BILL TO:</b>
ERIN ROBSON KRISTOFKO, ESQ. Office of Attorney Regulation Counsel 1300 Broadway Suite 500 Denver, Colorado 80203


<b>RE:</b>
People v. Linda Stanley, #45298 Supreme Court, State of Colorado Original Proceeding in Discipline Before the PDJ Case No. 23PDJ041

DUE DATE	REPORTER	SHIP DATE	SHIP VIA
9/7/2024	ES	7/24/2024	UPS

QUANTITY	ITEM	DESCRIPTION	RATE	AMOUNT
172	PDJ-T	Excerpt of Transcript of Proceedings of Testimony of Mark Hurlbert June 11, 2024	6.00	1,032.00
1	e-Transcript	e-Transcript	25.00	25.00
1	Admin Fee		100.00	100.00
53	PDJ-T	Excerpt of Transcript of Proceedings of Testimony of Robert Weiner June 11, 2024	6.00	318.00
1	e-Transcript	e-Transcript	25.00	25.00
1	Admin Fee		100.00	100.00
207	PDJ-T	Excerpt of Transcript of Proceedings of Testimony of Robert Weiner June 12, 2024	6.00	1,242.00
1	e-Transcript	e-Transcript	25.00	25.00
1	Admin Fee		100.00	100.00
1	0+1 Delivery	Shipping and Handling (Original)	25.00	25.00

  
Approved by Jessica E. Yates

Interest will be charged at the rate of 1.5% per month on any amount not paid within 30 days.	<b>Total</b>	<b>\$2,992.00</b>
---	--------------	-------------------

Approved:  Deputy Reg. Counsel  
\* Re: 1/2 to People v. Hurlbert, 24PDJ012; 1/2 to People v. Weiner, 24PDJ013  
REGU-TRLS-1935(CRTR) Exhibit 2

# Brownstein

Brownstein Hyatt Farber Schreck, LLP  
675 15th Street, Suite 2900  
Denver, CO 80202  
Phone: 303-223-1100  
Facsimile: 303-223-1111

http: www.bhfs.com

Colorado Supreme Court Office of Attorney Regulation Counsel  
Attn: Erin Kristofco, Senior Assistant Regulation Counsel  
1300 Broadway  
Suite 500  
Denver, CO 80203

Invoice Date: August 13, 2024  
Invoice #: 996988  
Client.Matter #: 067131.0001

**Payment Due Upon Receipt**

Client: Colorado Supreme Court Office of Attorney Regulation Counsel  
Matter: Expert Witness

## REMITTANCE SUMMARY

For Professional Services Rendered Through August 13, 2024

Fees	\$1,725.00
Administrative Fee	\$43.13
<b>Total Invoice Amount</b>	<b>\$1,768.13</b>

Previous Balance Due	\$973.75
<b>Total Amount Due</b>	<b>\$2,741.88</b>

X   
Approved by Jessica E. Yates

Brownstein will never email or call you with a change to the payment remittance instructions listed below.  
Please report any events of this type to our Controller, Katlin Longfield at 303-223-1580.

### ELECTRONIC PAYMENTS (PREFERRED)


For Electronic Payment Instructions,  
please visit the  
Brownstein website at:

[www.BHFS.com/WireInstructions](http://www.BHFS.com/WireInstructions)

### CHECK PAYMENTS (LOCKBOX)

Send to:  
Brownstein Hyatt Farber Schreck, LLP  
P.O. Box 172168  
Denver, CO 80217-2168

DO NOT MAIL PAYMENTS VIA CERTIFIED MAIL

Approved:   
Re: 1/2 on People v. Harlbert 24 PDJ012 and 1/2 on People v. Weiner, 24 PDJ013  
REGU-TRLS-1935 (EXPW) **Exhibit 2**

# Brownstein

Brownstein Hyatt Farber Schreck, LLP  
675 15th Street, Suite 2900  
Denver, CO 80202  
Phone: 303-223-1100  
Facsimile: 303-223-1111

[http: www.bhfs.com](http://www.bhfs.com)

Colorado Supreme Court Office of Attorney Regulation Counsel  
Attn: Erin Kristofco, Senior Assistant Regulation Counsel  
1300 Broadway  
Suite 500  
Denver, CO 80203

Invoice Date: August 13, 2024  
Invoice #: 996988  
Client.Matter #: 067131.0001

**Payment Due Upon Receipt**

Client: Colorado Supreme Court Office of Attorney Regulation Counsel  
Matter: Expert Witness

---

## INVOICE SUMMARY

For Professional Services Rendered Through August 13, 2024

Fees	\$1,725.00
Administrative Fee	\$43.13
<b>Total Invoice Amount</b>	<b>\$1,768.13</b>

---

Previous Balance Due	\$973.75
<b>Total Amount Due</b>	<b>\$2,741.88</b>

---

### ELECTRONIC PAYMENTS (PREFERRED)

For Electronic Payment Instructions,  
please visit the  
Brownstein website at:  
[www.BHFS.com/WireInstructions](http://www.BHFS.com/WireInstructions)

### CHECK PAYMENTS (LOCKBOX)

Send to:  
Brownstein Hyatt Farber Schreck, LLP  
P.O. Box 172168  
Denver, CO 80217-2168

DO NOT MAIL PAYMENTS VIA CERTIFIED MAIL

**Exhibit 2**

# Brownstein

Client: Colorado Supreme Court Office of Attorney Regulation Counsel  
 Matter: Expert Witness

Invoice Date: August 13, 2024  
 Invoice #: 996988  
 Client.Matter #: 067131.0001  
 Page 2

## FEE DETAIL

Date	Timekeeper	Description	Hours	Rate	Amount
07/03/24	J. Suthers	Telephone conference Erin Kristofco re Hurlbert and Weiner matters; review documents; outline expert report; begin drafting report	2.50	250.00	625.00
07/10/24	J. Suthers	Review and revise Hurlbert/Weiner expert report	1.30	250.00	325.00
07/26/24	J. Suthers	Review hearing depositions of Hurlbert and Weiner; revise report	1.00	250.00	250.00
07/29/24	J. Suthers	Review revised expert report draft	0.20	250.00	50.00
07/30/24	J. Suthers	Zoom conference Erin and Jonathan; review and revise draft of report	1.00	250.00	250.00
07/31/24	J. Suthers	Review documents sent by Regulation Counsel; revise draft of expert report	0.60	250.00	150.00
08/07/24	J. Suthers	Telephone conference with Erin Kristofco and Jonathan Blasewitz; final review and revision of expert report	0.30	250.00	75.00
<b>Total Fees</b>			<b>6.90</b>		<b>\$1,725.00</b>

## FEE SUMMARY

Timekeeper	Worked Hours	Worked Amount	Billed Hours	Billed Rate	Billed Amount
John W. Suthers	6.90	1,725.00	6.90	250.00	1,725.00
<b>Total Fees</b>	<b>6.90</b>	<b>\$1,725.00</b>	<b>6.90</b>		<b>\$1,725.00</b>

## CHARGE DETAIL

Date	Description	Amount
08/02/24	Administrative Fee	43.13
<b>Total Charges</b>		<b>\$43.13</b>

## OUTSTANDING INVOICES AS OF AUGUST 13, 2024

Invoice Date	Invoice Number	Invoice Amount	Payments & Credits	Balance Due
07/03/24	992319	\$973.75	-	\$973.75
<b>Total Outstanding</b>				<b>\$973.75</b>

To request copies of the above-listed invoices, please contact Finance-Receiveables@BHFS.com.

Approved: *[Signature]*, Deputy Reg. Counsel  
 \* Re: 1/2 on People v. Hurlbert 24 PDJ012 + 1/2 on People v. Weiner, Exhibit 2 24 PDJ013  
 REGU-TRLS-1935 (EXPW)

# Brownstein

Brownstein Hyatt Farber Schreck, LLP  
675 15th Street, Suite 2900  
Denver, CO 80202  
Phone: 303-223-1100  
Facsimile: 303-223-1111

http: www.bhfs.com

Colorado Supreme Court Office of Attorney Regulation Counsel  
Attn: Erin Kristofco, Senior Assistant Regulation Counsel  
1300 Broadway  
Suite 500  
Denver, CO 80203

Invoice Date: August 23, 2024  
Invoice #: 999704  
Client.Matter #: 067131.0001

**Payment Due Upon Receipt**

Client: Colorado Supreme Court Office of Attorney Regulation Counsel  
Matter: Expert Witness

## INVOICE SUMMARY

For Professional Services Rendered Through August 31, 2024

Fees	\$875.00
Administrative Fee	\$21.88
<b>Total Invoice Amount</b>	<b>\$896.88</b>

Previous Balance Due	\$1,768.13
<b>Total Amount Due</b>	<b>\$2,665.01</b>

Approved: *[Signature]*, Deputy Reg. Counsel  
\* Re: 1/2 for People v. Hurlbert, 24PDJ012  
1/2 for People v. Weiner, 24PDJ013  
REGU-TRLS-1935 (EXPW)

### ELECTRONIC PAYMENTS (PREFERRED)

For Electronic Payment Instructions,  
please visit the  
Brownstein website at:

www.BHFS.com/WireInstructions

### CHECK PAYMENTS (LOCKBOX)

Send to:  
Brownstein Hyatt Farber Schreck, LLP  
P.O. Box 172168  
Denver, CO 80217-2168

DO NOT MAIL PAYMENTS VIA CERTIFIED MAIL

**Exhibit 2**

# Brownstein

Brownstein Hyatt Farber Schreck, LLP  
675 15th Street, Suite 2900  
Denver, CO 80202  
Phone: 303-223-1100  
Facsimile: 303-223-1111  
  
http: www.bhfs.com

Colorado Supreme Court Office of Attorney Regulation Counsel  
Attn: Erin Kristofco, Senior Assistant Regulation Counsel  
1300 Broadway  
Suite 500  
Denver, CO 80203

Invoice Date: August 23, 2024  
Invoice #: 999704  
Client.Matter #: 067131.0001

**Payment Due Upon Receipt**

Client: Colorado Supreme Court Office of Attorney Regulation Counsel  
Matter: Expert Witness

---

## REMITTANCE SUMMARY

For Professional Services Rendered Through August 31, 2024

Fees	\$875.00
Administrative Fee	\$21.88
<b>Total Invoice Amount</b>	<b>\$896.88</b>

---

Previous Balance Due	\$1,768.13
<b>Total Amount Due</b>	<b>\$2,665.01</b>

*Brownstein will never email or call you with a change to the payment remittance instructions listed below.  
Please report any events of this type to our Controller, Katlin Longfield at 303-223-1580.*

---

### ELECTRONIC PAYMENTS (PREFERRED)

For Electronic Payment Instructions,  
please visit the  
Brownstein website at:

[www.BHFS.com/WireInstructions](http://www.BHFS.com/WireInstructions)

### CHECK PAYMENTS (LOCKBOX)

Send to:  
Brownstein Hyatt Farber Schreck, LLP  
P.O. Box 172168  
Denver, CO 80217-2168

DO NOT MAIL PAYMENTS VIA CERTIFIED MAIL

**Exhibit 2**

**J A V E R N I C K**  
**& S T E N S T R O M, L L C**  
*certified shorthand reporters*

3131 South Vaughn Way, Suite 224  
Aurora, Colorado 80014  
(720) 449-0329 FEIN 84-1566167

**INVOICE**

DATE	INVOICE #
8/28/2024	24285

<b>BILL TO:</b>
ERIN ROBSON KRISTOFKO, ESQ. Office of Attorney Regulation Counsel 1300 Broadway Suite 500 Denver, Colorado 80203


<b>RE:</b>
People v. Mark Hurlbert, #24606 Supreme Court, State of Colorado Original Proceeding in Discipline Before the PDJ Case No. 24PDJ013

DUE DATE	REPORTER	SHIP DATE	SHIP VIA
9/28/2024	ES	8/19/2024	UPS

QUANTITY	ITEM	DESCRIPTION	RATE	AMOUNT
78	depo ARC Vi...	Videoconferenced Videotaped Deposition of MICHAEL DOUGHERTY Original Transcript Preparation - videotaped August 7, 2024	5.35	417.30
1	e-Transcript	e-Transcript	25.00	25.00
1	Admin Fee		100.00	100.00
1	AF - Half Day	Appearance Fee - Half Day	150.00	150.00
1	0+1 Delivery	Shipping and Handling (Original)	25.00	25.00
1	Videotaping ...	Videotaping Services	300.00	300.00
1	Videotaping ...	Videotaping Services Additional Hours	100.00	100.00
39	Exhibits Sca...	Exhibits Scanned	1.00	39.00
38	Exhibits Color	Exhibit Copying Color original	1.00	38.00
10	Exhibits	Exhibit Copying original	0.30	3.00

x   
Approved by Jessica E. Yates

Interest will be charged at the rate of 1.5% per month on any amount not paid within 30 days.	<b>Total</b>	<b>\$1,197.30</b>
---	--------------	-------------------

Approved:  Deputy Reg. Counsel  
re: 1/2 for People v. Hurlbert, 24PDJ012 + 1/2 for People v. Weiner, 24PDJ013  
REGU-TRLS-1935(CRTR)  
**Exhibit 2**