

<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: LINDA STANLEY, #45298</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) 457-5800 Email: e.kristofco@csc.state.co.us j.blasewitz@csc.state.co.us</p>	<p style="text-align: center;">FILED</p> <p style="text-align: center;">October 30, 2023</p> <p style="text-align: center;">Presiding Disciplinary Judge Colorado Supreme Court</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: 23PDJ041</p>
<p>COMPLAINT</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 29, 2012, and is registered upon the official records of this Court, registration no. 45298.

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 the elected District Attorney for the 11th Judicial District, which includes Fremont, Chaffee, Park and Custer Counties.

4. Respondent won her campaign for District Attorney in November 2020, and took office on January 12, 2021.

5. Months prior to her election, on May 10, 2020, Suzanne Morpew disappeared and a massive search and rescue effort ensued along with a potential criminal investigation involving the FBI and CBI.

6. The Chaffee County Sheriff's Office and other law enforcement executed hundreds of search warrants, and a massive amount of electronic data was collected.

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

8. Respondent was aware of the Suzanne Morpew investigation prior to becoming District Attorney on January 12, 2021.

9. Respondent met with law enforcement regarding the ongoing Morpew investigation on January 22, 2021, in a meeting that included Alex Walker¹, Joseph Cahill², Robin Burgess³, and Deputy District Attorney ("DDA") Jeff Lindsey.

10. As of January 2021, no charges had been filed related to Suzanne Morpew's disappearance.⁴

11. Respondent assigned Lindsey to be lead prosecutor on the Morpew investigation.

12. Respondent also assigned Lindsey the entire Chaffee County felony docket, in addition to handling the Morpew investigation.

13. On April 30 and May 3, 2021, Walker emailed Respondent and DDA Lindsey an amended draft Affidavit for Arrest Warrant for Barry Morpew.

14. On May 5, 2021, Walker submitted an Affidavit in Support of Arrest to the court, seeking a warrant with a no bond hold of Barry Morpew for first degree murder of his wife, Suzanne Morpew.

15. Judge Patrick Murphy found that there was probable cause to arrest Barry Morpew and signed arrest warrant the same day.

¹ From 2007 to spring 2021, Alex Walker was Chief Investigator for the DA's Office. He continued in the position when Respondent was elected. In May 2021, Walker left the DA's office and moved to the Chaffee County Sheriff's Office where he works today.

² Former Agent at CBI.

³ Detective Sergeant at Chaffee County Sheriff's Office.

⁴ Suzanne Morpew's body was found on September 22, 2023.

16. On May 18, 2021, Respondent and 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.

Respondent’s Statements to Press and Influencers Start Early and Continue

17. From April 2021 to August 2022, Respondent was in contact via text messaging with Mike King, host of the “Profiling Evil” YouTube channel.

18. Mike King is part of global network of “true crime” podcasters and influencers, and his YouTube channel discussing “true crime” is called “Profiling Evil.”

19. Respondent frequently updated King and responded to his requests for information about the Morphew case.

20. On May 3, 2021, Respondent exchanged text messages and had a phone call with King regarding the Morphew case.

21. On May 5, 2021, the same day Walker submitted an arrest affidavit to the court for Morphew’s arrest, Respondent attended a press conference along with Sheriff John Spezze.

22. In response to a question about whether Morphew was cooperating with the investigation and whether Morphew was asked if he knew where the body was, Respondent told the media,

He was taken into custody and when asked questions he said he wanted a lawyer and all questioning ended.

23. On May 15, 2021, when Mike King of “Profiling Evil” texted Respondent asking her for more information about the short rifle Barry Morphew allegedly used to kill Suzanne Morphew, as had been identified in the Complaint, Respondent replied, “Um, I will see what I can do. Only because it’s you, Mike.”

24. When King texted Respondent and asked her if perhaps Mr. Morphew strangled Suzanne in the hot tub, Respondent replied, “We know it wasn’t bloody. The hot tub was drained with ‘crust’ around the drain areas indicating it had not been used in a long time. But keep on spinning ideas in your brain!”

25. When King texted Respondent and asked her about Suzanne Morphew’s car keys, Respondent replied, “We think she always left her purse in the car.”

26. In June 2021, when King texted Respondent to comment about a new video on Barry Morphew, Respondent replied, “I’m great! Thanks!! We got him. No worries.”

Meanwhile, the Prosecution Struggles with Its Discovery Obligations

27. Within the first few months after Morphew's arrest, Respondent was made aware by Lindsey and other staff that her office was having extreme difficulty complying with Crim P. 16 mandatory disclosures in a timely manner in the Morphew case.

28. Respondent was aware that the Salida Office (Chaffee County) did not have enough bandwidth to send to defense counsel large amounts of electronic discovery, data, videos, and photos via the ACTION⁵ system in a timely manner.

29. Morphew's defense counsel filed a motion to compel and for sanctions because the prosecution failed to timely disclose all information to Morphew as required by Crim. R. 16.

30. 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).

31. On July 20, 2021, the prosecution 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.

32. 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.

33. Between July 22 and August 2, 2021, the prosecution 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.

34. In August 2021, Lindsey contacted Dan Edwards⁶, who at the time was not employed by that district attorney's office, to assist with motions practice in the prosecution of Barry Morphew.

⁵ ACTION is a relatively robust computer program that allows the prosecution to manage and track its cases, allows for note taking, allows for tasks to be sent and completed, allows for the filing of documents into the Colorado E-Filing system, accessing discovery, bates numbering, and most importantly, allows for the transmission of discovery through the Colorado District Attorney Council (CDAC) e-discovery system to defense attorneys.

35. Sheriff Spezze was able to obtain help on the Morphew prosecution by obtaining \$100,000 from the Chaffee County Commissioners.

36. The funds obtained by Sheriff Spezze could support hiring additional personnel, so Mark Hurlbert was hired as an additional deputy district attorney, and he began assisting on August 4, 2021.

37. Morphew’s combined preliminary hearing (“PH”) and presumption evident presumption great (“PEPG”) hearing was set for August 9-10 and 24-25, 2021.

38. 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 Ms. Morphew’s Range Rover which partially matched an unknown suspect who was being investigated for sexual assault.

39. Defense questioned Walker about the letter extensively on cross examination.

40. Although prosecutors in Respondent’s office 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.

Respondent Goes on the “Profiling Evil” Show After the PEPG Hearing

41. On August 24-25, 2021, the last two days of the PEPG hearing, defense cross-examined former CBI Agent Cahill regarding the CODIS DNA Casework Match letter.

42. On August 24, at 10:31am, during the third day of the PEPG hearing, Mike King texted Respondent the question, “feeling good?” and Respondent replied, “Yes. Only because the judge has basically indicated that he’s done. That’s good for us.”

43. Later on August 24, King texted Respondent, “Now the noise. I heard Defendant tried to stare you down this morning?” and Respondent replied, “I stared him down. I have tried to every single day.”

44. On August 29, King and Respondent discussed via text messaging and phone what King would say to his audience about the Morphew case, and what King would say to his audience about Respondent.

45. On August 30, 2021, Respondent appeared on Mike King’s YouTube channel called “Profiling Evil,” a publicly viewable show and comment forum, to discuss the Barry Morphew case.

46. During or after the “Profiling Evil” podcast, Respondent also made written statements in the online comment section after the podcast ended.

⁶ Edwards has been practicing criminal law for 47 years—as a PD, a DA, and assisting the AG.

47. In addition to commenting immediately after the podcast, Respondent used her own name as her username and authored numerous other comments in response to various members of the public who had also written comments to “Profiling Evil.”

48. A commenter on YouTube with the username “Gian-Luc Brasseur” posted the following on “Profiling Evil,” in response to Respondent’s statements about Morphew:

... in a preliminary hearing you are supposed to lay out enough evidence to take the accused to trial. The defense did a great job of debunking a few of the theories. Most reasonable observers of this case aren't even confident that the state laid out enough evidence to take this to a trial. How do you expect them to win a case with 0 DNA and 0 body with a very weak preliminary hearing? If there was some smoking gun they could have provided more info at the preliminary hearing causing the judge to actually send it to trial on day 4. Him needing time is not a sign of a very strong case. He has read the holy [sic] affidavit already so if you think there is something special in there, think again. It's best for the state to let this one go for now. Try the man again if you find better evidence.

49. In response to this public comment by Gian-Luc Brasseur, Respondent, again using her own name as her username, wrote,

...the judge explained why he was going to take time with it. He actually should because there was a lot of evidence admitted. I'm curious how long you've been a criminal law attorney since you like to think that you know it. Look this up: Dante Lucas. Convicted in Pueblo, Colorado (right next to my jurisdiction) less than a year ago for First Degree Murder!! Guess what?? No DNA. No Body, No murder weapon, No "smoking gun" as you say. But here's the clincher! He was the last one to see Kelsey alive!! And Barry was the last one to see Suzanne alive (as we stated in the prelim). Those items you listed may be important to you, but not for others (PS Dylan Redwines father was also just recently convicted of first degree murder in the death of his son. Same scenario. Didn't have any of the laundry list of items that you think are required for a conviction. I can come up with plenty more. Just let me know.

50. On September 14, 2021, Respondent exchanged Facebook Messenger messages with Julez Wolf, creator of “True Crime with Julez,” which is a podcast available through YouTube and other public platforms, regarding Barry Morphew.

51. When Julez Wolf asked whether Morphew was getting ready to flee, Respondent said, “possibly”.

52. These text messages were made public by Wolf and remained available for the public to read.

53. On September 16, 2021, Morphew's defense filed a Motion for Sanctions for violation of the Court's Pre-Trial Publicity Order of June 3, 2021.

54. The motion was based in part on Respondent's statements to the media and Respondent's written comments to the public on the "Profiling Evil" YouTube channel, and to Julez Wolf, creator of "True Crime with Julez."

55. On September 17, 2021, the Court found that there was probable cause for the charges against Morphew, but that the prosecution did not meet its burden regarding the proof evident presumption great portion of the hearing.

56. Defense requested a \$50,000 bond, the prosecution requested a \$10 million dollar bond, and ultimately the court set a \$500,000 cash only bond.

57. On September 17, 2021, defense also requested the court address Defense Motion D-22 regarding a request for sanctions for Respondent's extrajudicial statements.

58. Judge Murphy stated he had not reviewed the defense motion, but advised Respondent:

While I won't order it, it certainly seems reasonable to limit interaction and interviews with the media regarding a specific case that you are prosecuting. That is the normal route that I see most prosecutors take. So I'm not ruling on the motion, I'm not issuing an order other than the order I've already issued, but I am saying if there's a violation it's going to be a self-inflicted wound.

59. Later, when King from "Profiling Evil" texted Respondent questions about the hearing, Respondent responded to his text, "Not surprised on bail. No CH, and our CBI witness, Cahill, majorly screwed up on his testimony. He's not on the case anymore."

With No Additional Funding Requested, the Prosecution Team Struggles with Staffing

60. Respondent did not ask for additional funding for the Morphew prosecution when she submitted her 2022 budget to the commissioners in September 2021, reasoning that to do so would,

...take a whole lot of time away from us to have a public meeting in front of all the commissioners [and commissioners would argue] why are we paying more for your entire budget when this is over in May. And if it doesn't go, for whatever reason it doesn't go, are they going to ask for that money back, et cetera.

61. Lindsey resigned in October 2021 and gave four weeks of notice.

62. Respondent assigned Hurlbert to take over as lead counsel on the Morphew case.

63. On October 29, 2022, Lindsey left the 11th JD office and Respondent hired Bob Weiner to assist with the Morphew case.

Court Requires Change of Venue, in Part Due to Respondent's Extrajudicial Statements

64. On January 25, 2022, the court held a hearing on defense's motion for sanctions for pretrial extrajudicial statements, which highlighted numerous statements by Respondent to the media as well as Respondent's written comments to the public on the "Profiling Evil" YouTube channel, and to Julez Wolf, creator of "True Crime with Julez."

65. Judge Murphy recused himself because he was good friends with the lawyer representing Barry Morphew's new girlfriend, Shoshanna Darke.

66. Judge Ramsey Lama was then assigned to preside over the case—now Fremont County case 22CR47.

67. Judge Lama reviewed numerous statements Respondent made publicly regarding Morphew, as well as an affidavit from a Salida community member, who attested that "the talk of the town was that the media, DA Stanley, and the Judge [Murphy] all made statements that convinced them that Barry Morphew killed his wife."

68. On January 31, 2022, the court issued an Order granting Motion to Change Venue, based in part on Respondent's out of court statements.

69. Judge Lama determined that Respondent's out of court statements materially prejudiced Morphew's right to a fair and impartial jury.

Respondent Fails to Ensure the Prosecution Team Properly Discloses Its Experts

70. Respondent knew or should have known the Morphew case depended heavily on expert testimony, given there was no body to establish murder and much of the typical forensic evidence in a homicide was not available, such that the expert disclosure requirements needed to be met fully and on time.

71. The prosecution's expert disclosures were due February 14, 2022.

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

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

74. Neither Respondent, nor Hurlbert, nor Weiner reviewed Edwards' expert disclosure for accuracy before it was filed.

75. No one from the prosecution team timely disclosed the CVs and expert reports of prosecution's experts as required by the court's order.

76. On February 24, 2022, the court held a hearing on expert disclosures, during which the prosecution conceded their expert disclosures did not comply with Rule 16 or the court's case management order.

77. The prosecution sought and received an extension of time to February 28, 2022, to supplement their expert disclosures.

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

79. On February 28, 2022, Hurlbert 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.

80. The prosecution’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.

81. Respondent was aware that defense filed multiple motions to exclude experts’ opinions based on the prosecution’s failure to comply with expert disclosure requirements.

82. On March 1, 2022, defense filed a “Supplemental Motion to Strike Witnesses Proffered as Experts and Motion to Strike” noting prejudice to the defense 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.

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

84. Grant Grosgebauer joined the Morphew prosecution team in March 2022.

85. 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.

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

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

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

89. On March 10, 2022, the court issued a verbal order striking several prosecution experts finding that the prosecution failed to comply with Rule 16 and Court Orders, as follows:

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.

90. On March 30, 2022, Grosgebauer attended and participated in a *Shreck* hearing on the qualifications and scope of opinion of expert Doug Spence.

91. 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.

92. Spence expressed opinions during his telephone conversation with Grosgebauer the night before the *Shreck* hearing that were not entirely consistent with what had been included in the prosecution's expert endorsement.

93. 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.

94. 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.

95. 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.

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

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

98. 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.

99. On April 8, 2022, the court granted another one of the defense'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...

100. 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.

101. Respondent was informed by the prosecution team that expert dog handler Spence had been excluded, such that of the 16 experts initially endorsed by the prosecution, 15 had been excluded altogether, and 1 had their scope of testimony reduced.

Respondent Orders Investigation of Judge Lama After Series of Adverse Rulings

102. On March 12, 2022, two days after the court hearing regarding the prosecution's deficient expert disclosures, Respondent texted the Morphew prosecution team⁷ (now Hurlbert, Weiner and Grosgebauer) a petition started by Julez Wolf⁸.

103. Respondent sent the prosecution team the petition written by Julez Wolf, which claimed "the ex-wife of Judge Lama is an advocate of Suzanne Morphew and victims of Domestic abuse."

104. Respondent continued texting the other prosecutors, encouraging them to investigate whether Judge Lama ever abused his ex-wife, Iris Lama.⁹

105. Respondent decided to interview Iris Lama because,

...we couldn't understand Judge Lama's orders that were so egregious against us, and he's normally not like that. And we were discussing what's going on, and those two came together. And I said, let's see if we can get somebody to interview her to see if there was something going on or if she suspects that he is trying to get back at her, essentially, in almost a passive-aggressive way by making this case impossible to prosecute... So we wanted to see if she would say anything to us about any of that or if these actions by the judge may be almost a passive-aggressive move at her.

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

107. Walker refused, telling Respondent she had no good source for the investigation.

108. Respondent persisted and enlisted her own investigator to interview Judge Lama's ex-wife.

⁷ The prosecution team had a group text chat thread where all members could text and see each other's texts.

⁸ Julez Wolf has true crime podcast called "True Crime with Julez."

⁹ The text message string between Respondent, Hurlbert, and Weiner is filed as suppressed—for Attorney's Eyes Only, as **Exhibit A**, along with a contemporaneously filed a motion to suppress **Exhibits A and B**.

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

110. On April 9, 2022, the day after the expert disclosures sanctions order and 19 days before the scheduled commencement of the Morphew trial, Investigator Andrew Corey met with Respondent, Hurlbert and Weiner and wrote in his notes that Respondent wanted to find out if Judge Lama had spoken to Iris about the Morphew case, and whether domestic violence had occurred during their relationship.¹⁰

111. A week later, on April 15, 2022, Respondent's investigator, Andrew Corey, interviewed Iris Lama.

112. 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.

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

114. 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]

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

116. After being placed on notice by the prosecution team, defense and the court of repeated problems in meeting Rule 16's requirements by not timely disclosing all information required, Respondent failed to ensure that the prosecution team would timely and completely comply with Rule 16's requirements concerning the strategically vital expert disclosures.

117. As a result of that lack of diligence, the prosecution's expert disclosures to Morphew were not timely, and were incomplete.

118. Even after the court granted the prosecution additional time to supplement their expert disclosures, Respondent failed to diligently or promptly assist with expert disclosures.

119. 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.

120. 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.

¹⁰ Corey's notes and report are attached as Ex. B, filed as suppressed along with a contemporaneous motion to suppress Exhibits A and B attached to the Complaint.

CLAIM II
[Pretrial Publicity—Colo. RPC 3.6(a)]

121. Colo. RPC 3.6(a) states that a lawyer who is participating in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.¹¹

122. Respondent violated this rule on several occasions, including but not limited to:

- a) On May 5, 2021, when she told the media Barry Morphew “was taken into custody and when asked questions he said he wanted a lawyer and all questioning ended.”
- b) In late August and early September 2021, when Respondent appeared on the YouTube channel “Profiling Evil” to discuss the Morphew case, and also made written extrajudicial statements in the public comment section after the podcast ended—wherein she wrote Gian-Luc Brasseur and made specific comparisons between Barry Morphew and a prior murder conviction where no body was found (Dante Lucas).
- c) On September 14, 2021, when Respondent exchanged Facebook Messenger messages with Julez Wolf of “True Crime with Julez”, and in response to her question about whether Morphew might flee, Respondent stated, “possibly.”
- d) In June 2021, when Respondent texted King in response to a Barry Morphew video, “we got him. No worries.”

123. By such conduct, and in each instance described above, Respondent violated Colo. RPC 3.6(a).

¹¹ Colo. RPC 3.6(a), **Comment [5]** There are, on the other hand, certain subjects **that are more likely than not to have a material prejudicial effect on a proceeding, particularly when they refer to** a civil matter triable to a jury, **a criminal matter**, or any other proceeding that could result in incarceration. These subjects relate to:

(1) the character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a party or witness;

(2) in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, **or statement given by a defendant or suspect or that person's refusal or failure to make a statement;**

(3) the performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;

(4) **any opinion as to the guilt or innocence of a defendant or suspect in a criminal case** or proceeding that could result in incarceration;

(5) information that the lawyer **knows or reasonably should know is likely to be inadmissible as evidence in a trial** and that would, if disclosed, **create a substantial risk of prejudicing an impartial trial;** or

(6) the fact that a defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.

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

CLAIM III

[Prosecutor’s Extrajudicial Comments—Colo. RPC 3.8(f)]

124. Colo. RPC 3.8(f) states the prosecutor in a criminal case shall refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused.

125. Respondent violated this rule on several occasions, including but not limited to:

- a) On May 5, 2021, when she told the media Barry Morpew “was taken into custody and when asked questions he said he wanted a lawyer and all questioning ended.”
- b) In August and September 2021, when Respondent appeared on a YouTube channel called “Profiling Evil” to discuss the Morpew case.
- c) In August and September 2021, when Respondent appeared on the YouTube channel “Profiling Evil” to discuss the *Morpew* case, and also made written extrajudicial statements in the public comment section after the podcast ended—wherein she wrote Gian Luc Brasseur and made specific comparisons between Barry Morpew and a prior murder conviction where no body was found (Dante Lucas convicted for murder).
- d) On September 14, 2021, when Respondent exchanged Facebook Messenger messages with Julez Wolf of “True Crime with Julez”, and in response to her question about whether Morpew might flee, Respondent stated, “possibly.”
- e) In June 2021, when King texted about a Barry Morpew video Respondent replied to the host of the Profiling Evil YouTube channel with a text stating, “We got him. No worries.”

126. By such conduct, and in each instance described above, Respondent violated Colo. RPC 3.8(f).

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

CLAIM IV

[Responsibilities of Supervisory Lawyer—Colo. RPC 5.1(a) and (b)]

127. Colo. RPC 5.1(a) and (b) provide, (a) a partner in a law firm¹², and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving

¹² “Law firm” refers to a partnership, professional company, sole proprietorship, or other entity through which any lawyer renders legal services; it also refers to a corporation, organization, **or government office** in which the lawyer renders legal services.” *Rule 241 - Terminology*, C.R.C.P. 241.

reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct, and (b) a lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

128. Respondent violated section (a) of this rule because she failed to make reasonable efforts to ensure the 11th Judicial District Attorney's Office had in effect measures giving reasonable assurance that all prosecutors in her office conformed to the Rules of Professional Conduct, including Colo. RPC 3.4(c) and 3.8(d).

129. Respondent failed to make reasonable efforts to ensure that subordinate prosecutors were adequately trained regarding discovery and timely disclosures, including expert disclosures, and failed to make reasonable efforts to implement adequate office procedures to facilitate compliance with Crim. P. 16 and related orders from the tribunal relating to discovery and disclosures.

130. Respondent failed to make reasonable efforts to implement adequate measures to ensure administrators and prosecutors could consistently comply with the Rules of Professional Conduct.

131. Respondent violated section (b) because she failed to make reasonable efforts to ensure the *Morphew* prosecutors would comply with the Rules of Professional Conduct.

132. Even after Respondent was on notice her prosecution team had been sanctioned for discovery violations, Respondent failed to verify that designated experts had been interviewed as to the scope of their opinion prior to being disclosed, failed to verify expert disclosures had been reviewed before filing, failed to verify that all material in support of the expert disclosures had been disclosed, and failed to ensure that all such disclosures were timely, and thus did not make reasonable efforts to ensure prosecutors in the *Morphew* case were complying with the Rules of Professional Conduct.

133. By such conduct, Respondent violated Colo. RPC 5.1(a) and (b).

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

CLAIM V

[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)]

134. 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.

135. Colo. RPC 8.4(d) prohibits a lawyer from engaging in conduct that is prejudicial to the administration of justice.¹³

¹³ RPC 8.4 Comment [5] states, “[l]awyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers.”

136. Respondent, in her role as elected district attorney, instructed her Chief Investigator, Andrew Corey, to interview the ex-wife of Judge Lama, the judge who was presiding over the *People v. Morphew* case.

137. 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.

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

139. Respondent persisted in having her own investigator interview the Judge Lama's ex-wife, even after Commander Walker refused to interview Judge Lama's ex-wife due to a lack of credible evidence to warrant an interview.

140. Respondent used her position and office's resources in a manner intended to prevent others, including Judge Lama, from effectively performing their roles in the criminal justice system.

141. Respondent's actions constituted of an abuse of her power as an elected district attorney and were contrary to a prosecutor's responsibility to act as a minister of justice.

142. Through her 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.

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

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

Respondent's Extrajudicial Statements Become More Brazen

144. On May 22, 2023, a child abuse case was initiated against William Henry Jacobs stemming from the death of a 10 month old child.

145. Approximately a week later, Brooke Crawford, the mother of the child, was charged as a co-defendant on June 2, 2023.

146. The charges arose from an incident that occurred while the child was in Mr. Jacobs' care.

147. Respondent subsequently formally charged Mr. Jacobs with Murder in the First Degree and two counts of felony Child Abuse resulting in death for the death of a 10 month old child; he was also charged with misdemeanor Animal Cruelty.

148. Ms. Crawford was charged with felony child abuse resulting in serious bodily injury, misdemeanor child abuse, and misdemeanor animal cruelty.

149. On August 1, 2023, a television interview aired with Respondent and KRDO channel 13 Investigative Reporter Sean Rice discussing the child abuse cases.

150. As of the date of this filing, KRDO's video and audio news story can be accessed at: <https://krdo.com/news/2023/08/01/fremont-co-district-attorney-believes-accused-baby-killer-got-with-babys-mom-just-to-get-laid/>.

151. During the television interview on channel 13, Respondent made the following statements about defendants Mr. Jacobs and Ms. Crawford:

Stanley: I think she saw a live-in babysitter. Now she can just really pound out the hours, right? She's got a live-in babysitter now she doesn't have to worry about anything, right?

Rice: DA Linda Stanley is speaking about Brooke Crawford, a Canon City mom charged with child abuse resulting in death. Her 10-month old son, Edward, was left in the care of William Jacobs back in May. Police say Jacobs told detectives he shook and slapped the baby on the back to get him to breathe.

Stanley: I just had so many buzzers going off when they said the boyfriend was watching him.

Rice: While police investigated the case, the baby died at Children's Hospital. That's when DA Stanley's office upgraded Jacobs' child abuse charges to first degree murder.

Stanley: There's no witnesses. There's no nothing. There's a whole lot of things indicative of prior – of a prior incident with that baby.

Rice: Prior abuse that Stanley says is the direct result of Jacobs having direct access to a child he didn't care about. She says the pair moved into a Motel 6 room together mere days after meeting one another. The DA tells 13 Investigates the criminal evidence points to a relationship where the child was not the first priority.

Stanley: Without the caring factor, without the love factor, then the baby's a pain in the ass.

Rice: The DA says just before the baby was killed, Jacobs had been released from a youth correctional facility. She says Jacobs was previously convicted of a sex crime and assault.

Stanley: I mean, I'm going to be very blunt here. He had zero investment in this child. Zero. He is watching that baby so he can get laid. That's it. And have a place to sleep. I'm sorry to be so blunt, but honest to God that's what's going on.

Rice: Today we reached out to Jacobs' attorney for comment on Stanley's view of his motives in this case. We're still awaiting his response. Jacobs will be due back in court later this month.

152. The online article that accompanied the news video went on to include Respondent's comments about Mr. Jacobs' ability to flee as follows,

The 11th DA says she was worried Jacobs would be 'gone' if they didn't arrest him soon after the baby's death. This was because, according to Stanley, Jacobs was just recently released from custody.

153. Respondent stated,

I said you got to hook him because he's going to be gone. He knows what's going on. He's no dummy to this process and what's happening and he knows what he did.

154. On August 8, 2023, defense counsel for Ms. Crawford filed a Motion to Dismiss for Outrageous Government Conduct, based on Respondent's statements to Sean Rice at KRDO.

155. Notwithstanding this filing, Respondent did not contact KRDO to request that the video or corresponding written article be removed from its website.

CLAIM VI **[Pretrial Publicity—Colo. RPC 3.6(a)]**

156. Colo. RPC 3.6(a) states that a lawyer who is participating in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.¹⁴

¹⁴ Colo. RPC 3.6(a), **Comment [5]** There are, on the other hand, certain subjects **that are more likely than not to have a material prejudicial effect on a proceeding, particularly when they refer to** a civil matter triable to a jury, **a criminal matter**, or any other proceeding that could result in incarceration. These subjects relate to:

(1) the **character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness**, or the identity of a witness, or the expected testimony of a party or witness;

(2) in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, or statement given by a defendant or suspect or that person's refusal or failure to make a statement;

(3) the performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;

(4) **any opinion as to the guilt or innocence of a defendant or suspect in a criminal case** or proceeding that could result in incarceration;

(5) information that the lawyer **knows or reasonably should know is likely to be inadmissible as evidence in a trial and** that would, if disclosed, **create a substantial risk of prejudicing an impartial trial**; or

(6) the fact that a defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.

157. Even after she'd already suffered the consequences of her extrajudicial statements in the Morphew case, Respondent continued with more brazen statements.

158. Respondent violated this rule when she made extrajudicial statements to KRDO reporter, Sean Rice, which she knew or reasonably should have known would be disseminated by means of public communication and would have a substantial likelihood of materially prejudicing an adjudicative proceeding in the Jacobs and Crawford matters.

159. As the Elected District attorney, Respondent's stated belief of a defendant's guilt or innocence is inherently prejudicial.

160. Her statements had a substantial likelihood of materially prejudicing the Jacobs and Crawford trials: these were charged as felony cases, under media scrutiny, and Respondent offered her opinions as to Mr. Jacobs' intent, his prior juvenile conviction, and his guilt.

161. Respondent also made statements about Ms. Crawford's character, judgment and motives.

162. By such conduct Respondent violated Colo. RPC 3.6(a).

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

CLAIM VII
[Prosecutor's Extrajudicial Comments—Colo. RPC 3.8(f)]

163. Colo. RPC 3.8(f) states the prosecutor in a criminal case shall refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused.

164. Respondent's statements to Sean Rice at KRDO regarding Ms. Crawford's character, intent, and judgment, had a substantial likelihood of heightening the public's condemnation of the accused, Ms. Crawford.

165. Respondent's statements to Sean Rice at KRDO regarding Mr. Jacobs' intent, his prior juvenile conviction, and his guilt, had a substantial likelihood of heightening the public's condemnation of the accused, Mr. Jacobs.

166. By such conduct Respondent violated Colo. RPC 3.8(f).

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 30th day of October, 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erin Kristofco", written over a horizontal line.

Erin Robson Kristofco, #33100
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