

<p>District Court, Chaffee County, Colorado 142 Crestone Avenue Salida, Colorado 81201</p> <hr/> <p>In Re: The Appointment of an Acting District Attorney</p> <p>Prepared by the Court:</p> <hr/> <p>Hon. Amanda Hunter Chief Judge, 11th Judicial District Park County, Colorado</p>	<hr/> <p>Case No.</p>
<p align="center">ORDER APPOINTING JEFF LINDSEY AS ACTING DISTRICT ATTORNEY</p>	

1. Background

Linda Stanley (Bar # 45298) is the elected District Attorney for the 11th Judicial District. On September 27, 2024, the Presiding Disciplinary Judge of the Colorado Office of Attorney Regulation issued an Order disbaring Ms. Stanley from the practice of law. The order was effective September 10, 2024. The Order was a result of a two-week disciplinary hearing held in June 2024. That case is docketed as 23PDJ041.

Ms. Stanley subsequently filed an appeal of the disbarment Order with the Colorado Supreme Court. That case is docketed as 24SA263. At the same time, Ms. Stanley filed for a stay on the disbarment Order with the Presiding Disciplinary Judge. The Presiding Disciplinary Judge denied the stay request by written Order on October 18, 2024. The Order denying the stay set Ms. Stanley’s disbarment date as no sooner than November 1, 2024. Ms.

Stanley did not file a review for the denial of the stay with the Colorado Supreme Court and an Order and Notice of Disbarment was issued at 4:48 p.m. on November 1, 2024.

Anticipating the possibility that the District could be without the elected District Attorney, (then) Chief Judge Murphy had two conversations with Kara Veitch, legal counsel to Governor Jared Polis. These conversations took place in September and October of 2024. The topic of the conversations was who had the authority to appoint Ms. Stanley's replacement if the need arose.

There are two statutes on point regarding replacement of an elected District Attorney. C.R.S. 1-12-204 states: 'all vacancies in any state office and in the office of district attorney shall be filled by appointment by the governor until the next general election after the vacancy occurs, when the vacancy shall be filled by election.' C.R.S. 20-1-108 states: "if he is sick or absent, such court shall appoint some person to discharge the duties of the office until the proper officer resumes the discharge of his duties."

Thus, the distinction between "vacant" and "absent" determines whether the Governor or the Chief Judge of the District makes the appointment.

After consulting with legal counsel at the State Court Administrator's office, it was the opinion of (then) Chief Judge Murphy that Ms. Stanley was "absent" from her position as there was at least a chance that she might return to her office (if she were successful in her appeal of the disbarment Order).

During the October meeting with Ms. Veitch, there was consensus that "vacant" would connote a permanent situation whereas "absent" would connote something less than permanent. There was agreement that Ms. Stanley was "absent", pending her appeal. Therefore, there was agreement that the Chief Judge of the District was the proper authority to appoint a District

Attorney during Mr. Stanley's absence.¹ Ms. Veitch indicated that she has also spoken to Tom Raines, Executive Director of the Colorado District Attorney's Council, and that Mr. Raines agreed with that analysis.

Again, in anticipation of the possibility that the District Could be without the elected District Attorney, (then) Chief Judge Murphy began conversations with Jeff Lindsey. At the time Mr. Lindsey was the Chief Deputy District Attorney in the 10th Judicial District. Mr. Lindsey was well known to Chief Judge Murphy as he has worked as a prosecutor in the 11th Judicial District two separate times. Mr. Lindsey seemed the obvious choice to stand in for Ms. Stanley as he has worked in the District, lives in the District, and is familiar with the District. Perhaps most importantly, Mr. Lindsey is the only person running for the position of District Attorney for the 11th Judicial District in the 2024 election. Mr. Lindsey will be the elected District Attorney for the District in January.

During those conversations, Mr. Lindsey made it clear that he was able and willing to assume the role as Acting District Attorney whenever the Court appointed him.

On October 29, 2024, District Judge Amanda Hunter replaced Chief Judge Murphy as Chief Judge.

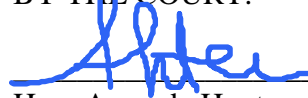
2. Order

Due to her disbarment, the Court finds that Linda Stanley is "absent" from her position as elected District Attorney for the 11th Judicial District. Pursuant to C.R.S. 20-1-108, the Court appoints Jeff Lindsey, (bar number 24664) as Acting District Attorney for the 11th Judicial District.

¹ Much like when (then) Chief Judge Murphy had to appoint Mark Hurlbert as acting District Attorney in June of 2022 when Ms. Stanley's license was suspended due to noncompliance with Continuing Education requirements.

Done in Chambers and dated this 1st day of November, 2024.

BY THE COURT:



Hon. Amanda Hunter
Chief Judge, 11th Judicial District

cc: