

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: October 26, 2020 CASE NUMBER: 2020SA134
Original Proceeding in Contempt 2019UPL44	
Petitioner: The People of the State of Colorado, v. Respondent: S. Kurt Pichon.	Supreme Court Case No: 2020SA134
ORDER OF INJUNCTION	

Upon consideration of the Petition for Contempt Citation and Report of Hearing Master under C.R.C.P. 239(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that the Colorado Supreme Court APPROVES the stipulation of the parties. KURT PICHON is held in CONTEMPT of the Colorado Supreme Court's order of injunction dated May 7, 2014. KURT PICHON and XKON RESEARCH, LLC are ENJOINED from engaging in the Unauthorized Practice of Law, in the state of Colorado.

IT IS FURTHER ORDERED that KURT PICHON and XKON RESEARCH, LLC pay restitution to Tricia Craven in the amount of \$2,750.00.

IT IS FURTHER ORDERED that the Respondents, are assessed costs in the amount of \$317.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within thirty (60) days of the date of this order.

BY THE COURT, OCTOBER 26, 2020.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN CONTEMPT BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Petitioner: THE PEOPLE OF THE STATE OF COLORADO Respondent: S. KURT PICHON	Case Number: 20SA134
REPORT OF HEARING MASTER UNDER C.R.C.P. 239(a)	

In this contempt matter, the Presiding Disciplinary Judge (“the PDJ”) recommends that the Colorado Supreme Court approve the stipulation to resolve the matter, hold S. Kurt Pichon (“Respondent”) in contempt for violating an order of the Colorado Supreme Court, enjoin him from further unauthorized practice of law, and require him to pay restitution and costs.

I. BACKGROUND

On April 21, 2020, Justin P. Moore, Office of Attorney Regulation Counsel (“the People”), filed a “Petition for Contempt Citation” against Respondent. The People alleged that Respondent should be held in contempt for violating a prior order of the Colorado Supreme Court. After receiving an extension of time to answer, Respondent filed a “Motion to Dismiss Citation to Show Cause” on June 12, 2020; the Colorado Supreme Court denied the motion and referred this matter to the PDJ on July 23, 2020, directing him to prepare a report setting forth findings of fact, conclusions of law, and recommendations.”

The PDJ held a scheduling conference via the Zoom videoconference platform on September 10, 2020. Moore appeared on behalf of the People, and Respondent appeared pro se. During the conference, the PDJ advised Respondent of his rights under C.R.C.P. 107(d), and Respondent pleaded not guilty to the contempt charge. A contempt hearing was scheduled for January 5, 2021.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

On October 19, 2020, the parties filed a “Stipulation, Agreement and Affidavit Consenting to Finding of, and Order Regarding, Contempt.” In the stipulation, the parties agree that Respondent was enjoined from engaging in the unauthorized practice of law on May 7, 2014, in case number 2014SA55. The parties stipulate that the order was a lawful

order of the Colorado Supreme Court; Respondent knew of the order; Respondent had the ability to comply with the order; and the order directed Respondent to stop engaging in the unauthorized practice of law.

The stipulation also provides that Respondent thereafter willfully and repeatedly refused to comply with the order of May 7, 2014, by engaging in the unauthorized practice of law:

- He gave Joseph Belville legal advice about Belville’s post-conviction legal matters.
- He charged Tricia Craven, Belville’s fiancée, a total of \$2,750.00 to assist Belville in his post-conviction matters. The payments were made in November and December 2017.
- He drafted and filed several pleadings in Belville’s case. These pleadings contain legal argument.

Respondent stipulates that his conduct constitutes a willful contempt of the Colorado Supreme Court’s order of injunction dated May 7, 2014.

In the stipulation, the parties agree the PDJ should recommend that the Colorado Supreme Court enter an order finding Respondent in contempt of the Colorado Supreme Court’s order of injunction issued May 7, 2014. The parties also agree that Respondent should be ordered to pay costs in the amount of \$317.00, as identified in exhibit 2.¹ The stipulation also provides that Respondent will refund \$2,750.00 in restitution to Tricia Craven, comprising an initial payment of \$300.00 at the time Respondent signed the stipulation and \$50.00 monthly payments thereafter, beginning within sixty days following the Colorado Supreme Court’s order accepting the stipulation, until all restitution and costs are satisfied. Finally, the parties request that the Colorado Supreme Court enter an order enjoining Respondent, including through XKON Research LLC, from engaging in any activity that constitutes the unauthorized practice of law.

The parties agree that based on Respondent’s health and financial circumstances, good cause exists to waive a fine in this matter. Respondent stipulates, however, that if he engages in further activity that constitutes the unauthorized practice of law or fails to

¹ The Colorado Supreme Court has held that “costs and fees cannot be assessed when the court imposes punitive sanctions against a contemnor, because C.R.C.P. 107(d)(1) does not expressly authorize their assessment.” *People v. Shell*, 148 P.3d 162, 178 (Colo. 2006). That holding reflects an inconsistency between C.R.C.P. 107(d)(1) and C.R.C.P. 239(g), which states that upon receiving the PDJ’s report and finding a respondent guilty of contempt, the Colorado Supreme Court shall “prescribe the punishment therefor, including the assessment of costs, expenses and reasonable attorney’s fees.” In light of the parties’ agreement regarding costs here, the PDJ recommends that the Colorado Supreme Court approve the stipulation in full, including the recommended award of costs.

comply with the terms of the stipulation, the People may request the remaining restitution and costs for this matter, along with fines, in future proceedings.²

IV. ORDER AND RECOMMENDATION

The PDJ **APPROVES** the stipulation of the parties. Subject to the Colorado Supreme Court's approval of the parties' stipulation, the PDJ **VACATES** the hearing set for January 5, 2021, and the prehearing conference set for December 8, 2020.

The PDJ **RECOMMENDS** that the Colorado Supreme Court **APPROVE** the stipulation of the parties, **FIND** that S. Kurt Pichon engaged in the unauthorized practice of law in contempt of the Colorado Supreme Court's order of injunction dated May 7, 2014, **HOLD** him in **CONTEMPT**, and **ENJOIN** him, individually and through XKON Research LLC, from further unauthorized practice of law as set forth in paragraph 9 of the stipulation. The PDJ further **RECOMMENDS** that the Colorado Supreme Court **ORDER** S. Kurt Pichon to pay **RESTITUTION** of \$2,750.00 to Tricia Craven as set forth in paragraphs 6 and 8 of the stipulation, and to pay **COSTS** of \$317.00 as set forth in paragraph 5 of the stipulation.



DATED THIS 21st DAY OF OCTOBER, 2020.

William R. Lucero

WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Copies to:

Justin P. Moore
Office of Attorney Regulation Counsel

Via Email
j.moore@csc.state.co.us

S. Kurt Pichon
Respondent

Via Email
joleecolorado.thompson@gmail.com;
xkonlegal@hotmail.com

Cheryl Stevens
Colorado Supreme Court

Via Hand Delivery & Email
cheryl.stevens@judicial.state.co.us

² C.R.C.P. 239(a) provides that if the matter proceeds to trial and the hearing master makes a finding of contempt but does not recommend imprisonment, then the hearing master "shall recommend that a fine be imposed for each incident of contempt; the minimum fine for each incident shall be not less than \$2000 and not more than \$5000." Here, the PDJ recommends that the Colorado Supreme Court approve the parties' agreement to waive a fine, as no hearing was held in this case. Further, the PDJ interprets C.R.C.P. 239(g), which provides that the Colorado Supreme Court may prescribe the appropriate punishment for contempt, and C.R.C.P. 239(h), which indicates that the Colorado Supreme Court may "issue an injunction in lieu of or in addition to the imposition of a fine or any other remedy under these rules," as affording the Colorado Supreme Court substantial leeway in fashioning contempt sanctions.

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN CONTEMPT, BEFORE THE PRESIDING DISCIPLINARY JUDGE, 19UPL44 1300 Broadway, Suite 520 Denver, CO 80203</p> <hr/> <p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondent: S. KURT PICHON</p> <hr/> <p>Justin P. Moore, #32173 Assistant Regulation Counsel Attorney for Petitioner 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 928-7835 Fax No.: (303) 501-1141 Email: j.moore@csc.state.co.us</p> <p>S. Kurt Pichon Respondent 133 Pierce Drive Colorado Springs, Colorado 80906 Telephone: (719) 231-4058 Email: joleecolorado.thompson@gmail.com</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: 20SA134</p>
<p>STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO A FINDING OF, AND ORDER REGARDING, CONTEMPT</p>	

On this 19th day of October, 2020, attorney for Petitioner, Assistant Regulation Counsel Justin P. Moore, and S. Kurt Pichon, the Respondent, enter into the following stipulation, agreement, and affidavit consenting to a finding of, and order regarding, contempt (“Stipulation”) and submit the same to the Colorado Supreme Court for a finding and order of contempt pursuant to C.R.C.P. 238-239.

1. The Respondent’s address is 133 Pierce Drive, Colorado Springs, CO 80906. The Respondent is not licensed to practice law in the State of Colorado.

2. The 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 the Respondent’s personal decision, and the Respondent affirms there has been no

coercion or other intimidating acts by any person or agency concerning this matter.

3. The Respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. The Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced Petition for Contempt. At any such hearing, the Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the Petitioner. At any such formal hearing, the Petitioner would have the burden of proof and would be required to prove the charges contained in the Petition for Contempt beyond a reasonable doubt. Nonetheless, having full knowledge of the right to such a formal hearing, the respondent waives that right.

4. The Respondent and the Petitioner stipulate to the following facts and conclusions:

- a. Respondent admits to the allegations in the Petition for Contempt. *See Exhibit 1.* The parties agree that paragraphs 13 and 25 of the Petition should reflect case number 05CR1827.
- b. Respondent admits that he is in contempt of the Colorado Supreme Court's Order of Injunction in 2014SA55.

5. Pursuant to C.R.C.P 251.32, Respondent agrees to pay administrative costs in the sum of \$317.00 incurred in conjunction with this matter made payable to Colorado Supreme Court Office of Attorney Regulation Counsel. A copy of the statement of costs in this matter is attached as **Exhibit 2.**

6. Respondent agrees that he will refund \$2,750.00 as restitution to Tricia Craven in this matter.

7. The parties agree that based on Respondent's health and financial circumstances, good cause exists to waive a fine in this matter.

8. Respondent agrees that he will pay \$300.00 at the time of signing this agreement and will pay \$50.00 per month, beginning within sixty (60) days of acceptance of this agreement by the Colorado Supreme Court, until restitution and the administrative costs have been fully paid. Respondent's payments shall first be applied to restitution, until restitution is satisfied, then to the administrative costs. Respondent shall make any check or money order payable to Tricia Craven until all restitution has been paid. After restitution has been fully paid, all payments shall be made payable to the Colorado Supreme Court Office of Attorney Regulation Counsel. Respondent shall send all payments to the Office of Attorney Regulation Counsel, 1300 Broadway Suite 500, Denver, CO 80203.

9. Respondent shall not engage in any activity, including but not limited to conduct through XKON Research L.L.C, which constitutes the unauthorized practice of law. Respondent understands that while a fine has been waived, for purposes of this agreement, fines may be requested if Respondent engages in further activity that constitutes the unauthorized practice of law.

10. In the event Respondent fails to comply with the terms of this agreement, the parties understand that while the People have agreed to waive a fine, for purposes of this agreement, the People may request the remaining restitution and costs from this matter, along with fines, in future proceedings.

RECOMMENDATION FOR AND CONSENT TO ORDER OF CONTEMPT

Based on the foregoing, the parties hereto recommend that an order be entered finding Respondent in contempt of the Order of Injunction in 2014SA55; that Respondent be ordered to refund \$2,750.00 in restitution to Trisha Craven; and requiring Respondent to pay costs in the amount of \$317.00. The parties further request that an order enter specifying that Respondent shall make a \$300 payment at the time he signs this agreement and \$50 monthly payments beginning within sixty (60) days of acceptance of this agreement by the Colorado Supreme Court, until all restitution and costs are satisfied. Finally, the parties request that an order enter that Respondent shall not engage in any activity, including but not limited to conduct through XKON Research L.L.C, which constitutes the unauthorized practice of law.

Tricia

S. Kurt Pichon, Respondent, and Assistant Regulation Counsel Justin P. Moore, attorney for Petitioner, acknowledge by signing this document that they have read and reviewed the above.

S. Kurt Pichon
133 Pierce Drive
Colorado Springs, CO 80906
Phone Number: (719) 231-4058
Email: joleecolorado.thompson@gmail.com

Respondent

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

Subscribed and sworn to before me this 9 day of Oct., 2020, by S. Kurt Pichon, Respondent.

Witness my hand and official seal.

My commission expires: 9/3/2024.

KAITLYN BURLESON
Notary Public
State of Colorado
Notary ID: 20154035818
My Commission Expires 9/3/2024

Notary Public

/s/ Justin P. Moore

Justin P. Moore, #32173
Assistant Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203
Telephone: (303) 928-7835

Attorney for the Petitioner

<p>SUPREME COURT, STATE OF COLORADO 2 E.14th Avenue Denver, Colorado 80203</p> <p>ORIGINAL PROCEEDING IN CONTEMPT</p> <hr/> <p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondent: S. KURT PICHON</p> <hr/> <p>Justin P. Moore, #32173 Assistant Regulation Counsel Jessica E. Yates, #38003 Attorney Regulation Counsel Attorneys for Petitioner 1300 Broadway, Suite 500 Denver, Colorado 80203</p> <p>Telephone: (303) 928-7835 Fax No.: (303) 501-1141 Email: j.moore@csc.state.co.us</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p>
<p>PETITION FOR CONTEMPT CITATION</p>	

Petitioner, by and through Justin P. Moore, Assistant Regulation Counsel, and under authorization pursuant to Colorado Rule of Civil Procedure 238(a), respectfully petitions this Court pursuant to C.R.C.P. 238 to issue a contempt citation to the Respondent, S. Kurt Pichon, to show cause why he should not be held in contempt of the Colorado Supreme Court and be subject to a fine or imprisonment pursuant to C.R.C.P. 107 for violation of a previous court order

enjoining this Respondent from engaging in the unauthorized practice of law in Colorado. As grounds, the People state as follows:

Jurisdiction

1. Respondent is not licensed to practice law in Colorado or in any jurisdiction in the United States.

2. Respondent's last known address is 133 Pierce Drive, Colorado Springs, CO 80906.

3. On May 7, 2014, Respondent and his company, XKON Legal Research, LLC, were enjoined by the Colorado Supreme Court from engaging in the unauthorized practice of law. ("May 7, 2014 Order" – *See* Exhibit 1)

4. Respondent was ordered to pay \$500 in restitution and costs, as part of the May 7, 2014 Order.

5. The May 7, 2014 Order was a lawful order.

6. The Colorado Supreme Court has exclusive jurisdiction to define the practice of law in Colorado and to prohibit the unauthorized practice of law within the state of Colorado. *See* C.R.C.P. 228.

7. Respondent has willfully and repeatedly refused to comply with the May 7, 2014 Order through conduct within the state of Colorado as set forth in the general allegations below.

General Allegations

A. Respondent's knowledge of and ability to comply with the May 7, 2014 Order.

8. Respondent knew of the May 7, 2014 Order.

9. Respondent, through his attorney, was served with a copy of the May 7, 2014 Order on May 8, 2014. *See* Exhibit 2.

10. Respondent had the ability to comply with the May 7, 2014 Order.

11. The May 7, 2014 Order required Respondent to refrain from engaging in the unauthorized practice of law.

12. Respondent has engaged in the unauthorized practice of law in violation of this Court's Order of Injunction as described below.

B. Belville matter

13. In 2006, Joseph Belville was sentenced to 40 years in the Department of Corrections after pleading guilty to various crimes in Denver District Court, *People v. Joseph Belville*, Case Number 05CR1826.

14. In late 2017, Belville, who had heard about Respondent through word of mouth at the prison, asked his fiancée, Tricia Craven, to contact Respondent (at XKON) about doing post-conviction legal work.

15. Craven met with Respondent to discuss Belville's situation and paid him \$250 to go visit Belville at the Colorado Territorial Correctional Facility in Canon City to meet with Belville concerning his legal rights and options.

16. Craven thought that Respondent was either a lawyer or a paralegal and Respondent did not advise her that he was not a lawyer.

17. Respondent is a convicted felon.

18. While Belville knew that Respondent was not a lawyer, Respondent told Belville that he worked with attorney Dennis Hartley.

19. On November 13, 2017, Respondent met with Belville at the Department of Corrections.

20. Respondent called Craven on his way back from meeting with Belville and they negotiated a fee for Pichon's legal services.

21. On December 22, 2017, Craven signed a retainer agreement with XKON on behalf of Belville. The retainer agreement contains the following language:

The above client has retained the services of XKON RESEARCH, L.L.C. who accepts employment to assist Mr. Belville with post conviction matters in regard to his present sentence within the Colorado Department of Corrections, with Case Number 05CR1827, out of the 2nd Judicial District in Denver, Colorado.

In consideration of services to be performed and costs to be advanced, the client shall pay XKON RESEARCH, L.L.C. an "upfront" fee in the sum of \$2,500.00. This cost is inclusive of the requisite "packet(s)" that will exemplify the Client in the most positive light for parole or community corrections purposes. Moreover, However, [sic] in the event that our targeted goal proves successful, then Mr. Belville (will, as a bonus, pay an additional \$2,500.00) upon his release from the prison fold to the streets.

XKON RESEARCH, L.L.C. will assign portions of said work to specific paralegals and/or lawyers that contract with XKON RESEARCH, LLC. Please note that we are not lawyers.

22. Craven paid Respondent \$2,500 after signing the contract, meaning that Craven paid Respondent a total of \$2,750.

23. Between 2017 and 2018, Respondent and Belville communicated through the DOC email system known as “Jpay.”

24. Pertinent parts of these Jpay communications from Respondent to Belville are captured below:

a) September 25, 2017:

Please keep in mind that the crime of violence statute as set forth under 18-1.3-406, CRS (Formerly 16-11-309, CRS) that still reflects the same verbiage as when the General Assembly enacted the statute back in 1976. Meaning, the Department of Corrections “shall transmit to the sentencing court a report on the evaluation and diagnosis of the violent offender.” I personally called DRDC and spoke with a sergeant who was responsible to ensure that every sentencing court associated with a crime of violence was provided with the “mandatory” report, yet he told me that if that was the case, he’d be inundated with having to send a plethora of reports across the whole state and therefore was instructed to only provide the report to those specific sentencing courts that requested the report. With that in mind, if the sentencing court renders a denial for Reconsideration pursuant to Crim. P. Rule 35(b) without being privy to the Diagnostic Report, then the sentence stands as being illegal in nature and the sentencing court shall afford the defendant a de novo review of the previously imposed sentence. And granted Joe, the sentencing court could, and has done so, can vacate the prior sentence, peruse the report, and hand down the exact sentence as previously administered. However Joe, you and I both know

that if you can get another “bite of the apple” after doing over a decade in the joint, not only might you have a new judge and prosecutor, but the receptiveness of requesting that you be immediately released based on those prior defendants that are similarly situated as yourself carries considerably more juice or effectiveness than you might think. In short, this technique is tantamount to creating your own abbreviated proportionality review. See *People v. Howie Long*. See the angle Joe? Anyhow, please respond to this brief letter, and if possible, please include a copy of your Mittimus from the thirty-two (32) year sentence (05CR1827) and afford me a brief synopsis of how you managed three (3) distinct sentence(s), consisting of two (2) 6 year terms; and one (1) two (2) year sentence; bootstrapped to the controlling term of thirty-two (32) years as handed down from the Denver District Court Judicial system. . I need to know exactly what occurred to generate the four (4) specific convictions and sentence(s).

b) From September 29, 2017:

Joe: ...

Anyhow, I am not exactly sure as to what type of post conviction work you are seeking, but my main concern at this point is whether or not we're time barred pursuant to the three (3) year bar as set forth under 16-5-402, CRS. Short of excusable neglect or justifiable excuse, the threshold matter would be upon you, (the defendant) to prove or justify Joe. ...it might prove instrumental in you hiring me to peruse the file in Denver and then generate a memorandum that will exemplify what angles appear realistic for post conviction purposes. Most law firms charge a few grand for such work, but we only charge about \$400.00, and that way my five (5) member “team” can kick around all pliable issues, while never losing track as to the true threshold level that must be met in order to prevail in any post conviction setting Joe.

c) From December 21, 2017:

Joe: ...

please keep in mind that I receive hundreds of phone calls and letters from both convicts and inmates alike seeking to hire my services for matters that parallel your own. And granted, I am very hard to get a hold of at times, as Trish well knows, but I do have a number of clients that have already paid the freight for me to work on their cases and therefore I am obligated to do whatever is necessary to generate relief in their behalf...

Moreover, I spoke at length with Dennis W. Hartley (Attorney extraordinaire) about affording us his name and know-how when the time comes for filing purposes. Yes, we got lucky there Joe. But unfortunately, we are still relegated to start this journey with this damn district court in Denver, but I have some cool ideas that can/could alleviate considerable time and hassle Joe. Anyhow, I am currently saddled with two (2) lengthy homicide cases that have consumed (and will consume) a lot of time in the immediate future, but in the meantime I am planning to request your signature on file some cursory motion(s) that can get the ball running in your behalf. ...

Res Judicata! Kurt...

d) From January 11, 2018:

Joe: ...

Unfortunately, our very first move surrounds the refiling of the already redundant motion that the court(s) have been quite obviously incapable of ever properly addressing or even grasping for that matter. Yeah I know Joe, “What the f@#k Kurt?” Well, that particular argument will be expeditiously denied as we both know. However, once denied, then we take the argument to the COA (Court of Appeals) and request for a “limited remand,” with instructions back to the lower tribunal (district court) for actual fact finding and conclusions of law. Moreover, please keep in mind that while this litigation smolders in the State of Colorado court system, we will be putting our energies into the federal angle (habeas corpus) of arguing the illegal aspects of your current status within the state system, based on the liberty interest loss that you are being subjected to Joe.

...Sincerely, Kurt...

e) From January 25, 2018:

Joseph: ...

Anyhow, our little “generic” motion that is basically ready to go will likely have a February date to ensure that we get a new jurist to render our probable denial and therefore be the same judge that we’ll be requesting the limited remand against once we get docketed up in the COA (Court of Appeals). Meaning, I don’t want you to freak once you see the date on our motion for relief Joe. Kind of trippy I know, but its incumbent upon me to generate any conceivable angle necessary to win this darn thing once and for all to get you home. Catching my drift? Moreover, this new judge, whomever it ends of being, will never forget you and quite likely will place 05CR1827 into the archives of his/her minds for the duration of their judgeship within the 2nd Judicial District. So please send back the signed motion asap and know that I will be keeping tabs on the time frames associated with our case, while critically scrutinizing each ruling that comes down the pike from that particular division. Got it? Additionally, once the motion is filed for what, the third time? Well, then we’ll be heading in the direction of filing a writ with the feds and quite likely the mandamus avenue if our criteria fits that genre...

Sincerely, ... Kurt

f) From March 8, 2018

Joe: I am in receipt of your recent correspondence, where you have inquired about the status of your case, with emphasis on either the writ of mandamus or habeas corpus. ... Therefore, our office is basically waiting to hear from the district court, where you are the conduit for such and therefore we expect to be hearing from you in the immediate future. So unless I hear from you within say two (2) weeks, I will then contact the Denver District Court administrator to afford us the status on the motion. Okay? So hang tough and upon hearing from you we’ll make the decision as to whether or not we go the mandamus or habeas route. Lets win this damn thing Joe and

get you home sooner rather than later. Please acknowledge receipt of this J-Pay...

Sincerely, K

g) From April 10, 2018

Joe: Well, now that we have waited virtual months to receive a determination/opinion in association with the motion for post conviction relief purposes, its high time that we force the system to comply with the time frame necessary to render a determination on our request for relief. Unfortunately, the district court has utilized the same predictable practices that you and I have dealt with over the course of our entire affiliation with the criminal justice system. Therefore, I am taking the motion “personally” to the Clerk of the District Court, while adding that we are prepared to do what is necessary within which to contact both the State Court Administer as well as the district court administer in Denver, Colorado. I am terribly sorry that things have been so time consuming Joe and our calculated expectations as to what we’d have accomplished by this time have not yet been met. So its incumbent upon me to get your case “on the move” and have the pertinent direction squared away in the immediate future. With that being said, I will keep you advised as to how my trip to Denver goes next week and also what was specifically said concerning the time frame and effect of the pleadings that you submitted to the lower tribunal. So hang tough and let me get busy and force the court to do their job Joe. Again, I am very sorry that we haven’t kept up to our expectations, but I will right the ship and get this thing going in the right direction asap my friend. Sincerely, ...K

h) May 30, 2018

Joseph: Well, after holding the clerk of the Denver Courts feet to the fire, it seems as though they are consumed with the belief that the decision on your previous motion is the “principal” Rule 35 motion that was denied, along with your request to dismiss the appeal. Therefore, we have to file another motion for relief, but in order to save time, I think we might as

well consider us filing the writ of habeas corpus in order to grasp their attention and get this damn thing addressed Joe...

Hang tough! ...K

i) June 14, 2018:

Joseph: Okay my friend! Sorry I didn't get back at you sooner, but after speaking at length with the clerk of the court, it appears as though my filing the habeas corpus might just be the avenue that we are seeking to generate the relief in making your claim(s) legitimate Joe. I have been thoroughly working in your behalf, and even though I don't have the success that we were seeking at this given moment, but I am confident that we will have some answers to the questions that cannot legitimately be answered by the powers-that-be. Therefore, I promised to keep you in the loop as things progressed and in sending this short missive I am doing just that my friend. However, I expect that you will be hearing something from the ADA in the near future, while ensuring that we're proceeding in the right direction that will eventually generate the relief that we have been seeking since you first contacted me Joe. So please hang tough and keep the faith that I won't sleep very well (like you) until this situation is totally resolved and you are wearing street clothes my friend. Sincerely, K w/XKON Research, LLC, P.O. Box 60851, Colorado Springs, CO 80960

j) June 21, 2018

Joe:...

Anyhow, I am generating both a new 35(c) motion, as well as the writ of habeas corpus, to satisfy the clerk's dubious question to me about you and my own personal involvement in the case...Your friend, ...K

k) July 10, 2018

Joseph: Well, after you so eloquently put your boot deep up my rear end, (of which I probably needed) I decided to contact all the authorities that I had filed motion(s) with in your

behalf, while realizing that a considerable number of months had transpired since the inception of the original first (1st) filing some eight (8) months ago. Needless to say, the initial motion, which clearly exemplified the reality of the identical argument(s) that were previously filed in your behalf - yet all denied, I decided to file the Petition for Writ of Habeas Corpus with both the local Fremont County District Court as well as the Colorado Supreme Court, including the requisite (and mandatory) personal service upon Steve Hager, the Warden at the Centennial Correctional Facility. Keep in mind that I added an Appendix to each writ of habeas corpus, that clearly reflected the 3rd motion that was filed in your behalf in April of 2018. Moreover, it was incumbent upon me to ensure that our service upon the Warden at your facility, Steve Hager, was verified by the Certified Mail that the rule of law dictates as you and I both know Joe. However, you need to let me know that you received your receipt of the personal service that reflected such per the certified mail that was served upon Mr. Hager, the Warden at the Centennial Correctional Facility. Moreover, and believe it or not, but we have finally gotten the attention of the “powers-that-be” concerning the outright possibility that you are serving an illegal sentence, based on the erroneous stacking of charge(s) & time frames that is in direct violation of Colorado Law. Like I stated upon our initial contact visit, it might take a number of filings before we generate not only the attention of different courts,’ but in time have a realistic ruling that affords us the open-door opportunity to appeal such a ruling by means of the Colorado Court of Appeals. Therefore, as a means to generate the critical eye of Colorado’s high court(s), we should soon be able to file the requisite Notice of Appeal, based on the lower tribunal’s denial of our motion for relief that has time and again been denied by the’ lower courts within the 1st Judicial District in Denver, Colorado. Is this a victory? Not quite, but once we have our appeal perfected in the high court, then we get to put our foot in their butt and finally obtain the relief that you have been seeking since the inception and/or illegal imposition of the previously applied sentence Joseph. Are we on the same page Bubba? You and I both knew that this was going to be a journey of sorts, but until we get/got the attention of a real court of law, of which, I am not totally

convinced that we truly have at this epoch, I cannot start celebrating my friend. So upon your receiving the receipt of service upon the Warden, Steve Hager, please let me know asap per the mail and we'll finally move to the next phase of this arduous trip through this unpredictable criminal justice system. Yes, we (especially you) have waited long enough my friend. Oh! Thanks for the kick in the ass Joseph. ...Kurt

1) July 19, 2018

Joe: Well, our office is in receipt of your numerous letters that were sent with severe urgency. And granted, it appears as though you have found a serious glitch in the erroneous application of the “Little Bitch,” with emphasis on the fact that the language of the bitch statute reads “within ten years, of the date of the COMMISSION of the said offense, has been twice previously convicted...” Meaning, its clear that the district attorney focused on the re-sentencing in your case, not the conviction Joe. However, there is a specific “invited error doctrine” that the Attorney General would hinge their argument upon,. but does this “doctrine” come into play when a defendant is basically hoodwinked into accepting a plea offer based on what is clearly an illegal or unethical plea offer, no matter that they'll likely state the plea agreement greatly inured in your benefit. And when I say that its because I was led to believe that they could have filed the “Big Bitch” on you, but instead offered up this “global plea agreement” that still saddled you with a forty (40) year term of confinement, but removed you from having to serve forty (40) years straight, without earned time Joe. Am I right in my interpretation of what occurred in your case? Anyhow, I am calling an attorney friend, Tom Carberry in Denver to get his take on this scenario, while wondering whether the DA can enter into a plea agreement knowing that the offer is based on illegal provisions, no matter if the “deal” appears to be invited error, yet in the defendant's behalf. The reason I know about the “invited error doctrine” is because the COA arrived at a determination in one of my appeals and therefore denied me the relief that I had coming. But I still believe that such a plea has to be knowingly to such a degree that when reading you your Rule 11 rights, the court

should touch base on the fact that your plea is based on a structured or fabricated deal so that the plea is knowingly accepted, with you being totally cognizant of the consequences of such a plea Joe. Additionally, have you heard anything from the Colorado Supreme Court yet? How about the Fremont County District Court?...

Sincerely, ...K

m) July 30, 2018:

Joe: Well, after filing motions with both the Colorado Supreme Court and the Fremont County Court system, I am amazed that they haven't responded in kind to you. I have never in my thirty plus year ever had such difficulty getting the courts to respond. My next means of addressing this problematic scenario is for me to contact the District Court Administrator in association with the Denver court system, as well as the Administrator with the Supreme Court... So hang tough and let me do the job that I was hired to complete my friend. Sincerely, ...K

n) August 14, 2018:

Dear Joe: Well, I feel like jumping for joy now that the district court has FINALLY rendered an appealable decision that they could have easily issued so many months ago Joe. Needless to say, we can now really get to work and hopefully get a solid ear in the Court of Appeals (COA). I am sitting here working on the next phase while searching for your most recent mittimus that is necessary for the Notice of Appeal. I do have that in my file I believe. Either way, I will be sending you a copy of the Notice of Appeals asap. I will then file the requisite motion for record production to ensure that the record because perfectly certified. I will get back at you soon! Let me know if you hearing anything on our civil writs of habeas corpus. Take Care Bubba!!! ...K

o) In an October 17, 2018 correspondence, Respondent said

in pertinent part:

I can't believe that you would somehow lose faith in me and send a letter to the district court after I had undermined a previous motion and slickly got exactly what I wanted to ensure that the attention to our desired (and controlling) strategy would finally be properly addressed and the courts would afford us a remand with directions to both amend the mittimus and demand that you be released immediately from the prison fold. I told you initially DO NOT correspond with the courts, because that's my job. I said specifically to you Joe, "your sole job is to inform me of any and all correspondences that you receive from the courts - are you crystal clear on that Joe?"

p) On December 26, 2018, Respondent wrote:

oseph [sic]:

...I was forced to file an emergency motion to supplement a record that was grossly deficient in nature, but could hold up to constitutional muster in the "maybe" sense. But my new motion specifically requested the Rule 11, knowing that without it the high court would deny any and all Opening Briefs filed without such pertinent information. In conclusion, and based on the current time frames and associated issues. I want you to "totally" consolidate the illegal sentencing argument, as a means to finally, once and for all, have the argument worded perfectly, as well as referring to the deficient Rule 11 given you initially Joe. In short, if you are so darn unhappy with what I have done - then please feel free to send me a comprehensive argument on the merits that parallel your personal stance on what it takes to generate relief. Yes, its time to put away your fears and kick some butt in the high court. Our argument is a winner for sure. Get back at me asap. Sincerely, Kurt

C. Court Filings

25. In 2018, Respondent drafted and filed multiple pleadings in Denver District Court case number 05CR1826.

26. While the pleadings were purportedly *pro se* pleadings filed by Belville, the signature on the documents is not Belville's.

27. These pleadings contain legal argument.

28. Respondent drafted and, on July 11, 2018, filed a Petition for Writ in a Criminal Matter in Fremont County District Court captioned *Joseph Belville v. Steven Hager, Warden, Centennial Correctional Facility*, 18CV67 ("Petition").

29. While the Petition was purportedly a *pro se* pleading written by Belville, the signature on the document is not Belville's.

30. The Petition contains legal argument.

31. Respondent's pattern and practice of knowingly failing to abide by the Court's May 7, 2014 Order and willful disregard of such Order, is an affront to the dignity of this Court and represents an immediate threat to the public.

D. Statement Regarding Harm

32. Craven entered into a contract with Respondent and paid money to Respondent to perform legal services which were prohibited under the Colorado Supreme Court's Order of Injunction.

33. Because of his reliance on Respondent to perform legal services for him, Belville was denied competent legal advice and representation with respect to post-conviction matters.

34. The foregoing conduct constitutes a willful contempt of the Colorado Supreme Court's Order of Injunction and is an affront to the dignity to the authority or dignity of the Court.

E. Request for Relief

35. The most effective way to deal with this conduct is by a finding of contempt and an imposition of a fine, a jail term of less than 180 days and/or remedial sanctions.

WHEREFORE, the Petitioner prays that this Court issue a citation to Respondent S. Kurt Pichon to show cause why the Court should not find him in contempt of this Court and impose a fine or imprisonment and assess all costs of the proceeding, against him. If a citation is issued, the citation need also state that a fine or imprisonment may be imposed to vindicate the dignity of the Supreme Court. *See* C.R.C.P. 238(c).

DATED this 21st day of April, 2020.

Respectfully submitted,

/s/ Justin P. Moore

Justin P. Moore, #32173
Assistant Regulation Counsel
Jessica E. Yates, #38003
Attorney Regulation Counsel

Attorneys for Petitioner

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: May 7, 2014 CASE NUMBER: 2014SA55
Original Proceeding in Unauthorized Practice of Law, 13UPL041	
Petitioner: The People of the State of Colorado, v.	Supreme Court Case No: 2014SA55
Respondents: Kurt Pichon and XKON Legal Research LLC, #105UP.	
ORDER OF INJUNCTION	

Upon consideration of the Stipulation, Agreement and Affidavit Consenting to an Order of Injunction filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Stipulation shall be, and the same hereby is, APPROVED.

IT IS FURTHER ORDERED that Respondents KURT PICHON and XKON LEGAL RESEARCH, LLC, #105 UP shall be and the same hereby are, ENJOINED FROM ENGAGING IN THE UNAUTHORIZED PRACTICE OF LAW IN THE STATE OF COLORADO.

IT IS FURTHER ORDERED that said Respondents KURT PICHON and XKON LEGAL RESEARCH, LLC, #105 UP pay restitution of \$500.00, plus

Exhibit 1 Stipulation



interest at 8% per annum, compounded annually, to Leanne Snell. Interest will be computed at 8% per annum from June 1, 2013 and continuing on the unpaid balance through the date the refund is paid to her in full.

IT IS FURTHER ORDERED that the Respondents, KURT PICHON and XKON LEGAL RESEARCH, LLC, #105 UP are assessed costs in the amount of \$91.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within thirty (30) days of the date of this order.

BY THE COURT, MAY 7, 2014.

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue
Denver, Colorado 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW, 13UPL041

DATE FILED: May 14, 2014 3:58 PM
FILING ID: B7AB014060F6D
CASE NUMBER: 2014SA55

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

Respondents:
KURT PICHON and XKON LEGAL RESEARCH, LLC, #
105UP

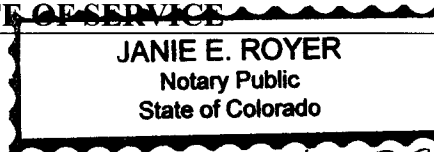
▲ COURT USE ONLY ▲

Case Number: 14SA55

Kim E. Ikeler, #15590
Assistant Regulation Counsel
Attorney for Petitioner
1300 Broadway, Suite 500
Denver, Colorado 80203
Telephone: (303) 928-7863
Fax No.: (303) 501-1141

ACCEPTANCE OF SERVICE

STATE OF COLORADO)
)
COUNTY OF JEFFERSON)



My Commission Expires: Jan 3, 2015

I, Frank Oldham, Esq., Attorney for Respondent, do hereby accept service of the Order of Injunction issued on May 7, 2014 by the Colorado Supreme Court in:

PEOPLE OF THE STATE OF COLORADO

vs.

KURT PICHON and XKON LEGAL RESEARCH, LLC, CASE NO. 14SA055

this 8th day of May 2014.

Frank Oldham, Esq., Attorney for Respondent

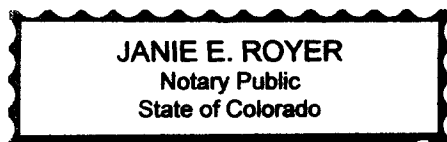
The foregoing acceptance was duly acknowledged before me on this 8th day of May 2014.

Witness my hand and official seal.

My commission expires:

Jan 3, 2015 20104048071

Janie E. Royer
Notary Public



My Commission Expires: Jan 3, 2015

Exhibit 1 Stipulation



Statement of Costs

**S Kurt Pichon
20SA134**

5/1/2020	Checkmate-Service fee INV 1528,	\$	93.00
10/8/2020	Administrative Fee	\$	<u>224.00</u>
	AMOUNT DUE	\$	317.00

INVOICE #: 1528

Checkmate, Inc.
8480 E. Orchard Rd., #5700
Greenwood Village, CO 80111

Issue Date: 05/01/2020
Terms: Net 15 Days
Due Date: 05/01/2020

Bill To: Office of Attorney Regulation Counsel
Attn: Rebecca Glenn
1300 Broadway, Suite 500
Denver, CO 80203

Client Reference

Supreme 20SA134

Field Sheet ID: 1968

Service To: S. KURT PICHON

Qty	Item Code	Description	Fee	Total Fee
1.00	SFCS	Service Fee - Colorado Springs	\$93.00	\$93.00

Location: 133 Pierce Drive, Colorado Springs, El Paso County, CO 80906

Field Sheet Total: \$93.00

Invoice Total: \$93.00
Payments: \$0.00
Outstanding Balance: \$93.00

Approved: *[Signature]*, Deputy Reg. Counsel
Re: People v. Pichon, Case No 20.SA134
REGU-UPOL-2820

Please reference the invoice number on all payments

Thank you and we appreciate your business!