

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

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: April 18, 2014 3:28 PM
FILING ID: 192AEBCD8A9CD
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

Kurt Pichon, individually and as principal of XKON
Legal Research, LLC
Pro se Respondents
P.O. Box 60851
Colorado Springs, CO 80960

**STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO
AN ORDER OF INJUNCTION**

On this 15th day of ~~March~~^{April} 2014, Kim E. Ikeler, Assistant Regulation
Counsel, and Kurt Pichon and XKON Legal Research, LLC (“XKON”), the
Respondents, enter into the following stipulation, agreement, and affidavit
consenting to an order of injunction (“stipulation”) and submit the same to the

Colorado Supreme Court for a finding and order of injunction pursuant to C.R.C.P. 229-237.

1. Respondent Pichon's address is P.O. Box 60851, Colorado Springs, CO 80960. Respondent Pichon is not licensed to practice law in the State of Colorado or any state.

2. Respondent XKON's address is P.O. Box 60851, Colorado Springs, CO 80906. Respondent XKON does not employ any licensed attorneys.

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

4. Respondents are familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. Respondents acknowledge the right to a full and complete evidentiary hearing on the above-referenced petition for injunction. At any such hearing, Respondents 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 injunction by a preponderance of the evidence.

Nonetheless having full knowledge of the right to such a formal hearing, the Respondents waive that right.

5. Respondents understand that the practice of law in Colorado includes, but is not limited to, the following:

- a. providing advice to any other individual on the legal effect of any proposed action in a legal matter; or assisting that individual in making decisions that require legal judgment and a knowledge of the law that is greater than the average citizen;
- b. providing advice to any other individual as to various legal remedies available to that individual and the possible legal courses of action for that individual;
- c. acting in a representative capacity on behalf of any other individual in matters that affect that individual's legal rights and duties;
- d. selecting or preparing any legal document for any other individual, other than solely as a typist; and, without limiting the above, explaining to that individual or any other individual the legal significance of such document;
- e. holding oneself out as an attorney, lawyer, "esquire", immigration consultant, or legal consultant, either directly or impliedly;
- f. holding oneself out to others in a manner that another individual would place some reliance on the Respondent to handle that individual's legal matters;
- g. advertising oneself as an immigration consultant, or being able to select and prepare immigration paperwork on behalf of others (without U.S.B.I.A. accreditation);
- h. making an appearance or speaking on behalf of another individual in negotiations, settlement conferences, mediations, hearings, trials, oral

arguments or other legal proceedings unless specifically allowed by the rules that apply to such appearance in such legal proceeding;

- i. serving as a conduit or intermediary on behalf of any other individual for the obtaining or relaying of any legal counsel;
- j. conducting the business of management of a law practice to the extent that the exercise of legal judgment on behalf of another occurs; and
- k. soliciting or accepting any fees for legal services.

6. Respondents and the Petitioner stipulate to the following facts and conclusions:

- a. Corey Handy was the defendant in *People v. Corey Handy*, El Paso County District Court, Case No. 11CR2718 (the “criminal case”). In April 2012, Mr. Handy pled guilty to criminal intent to commit murder, a Class 2 felony. In June 2012, he was sentenced to 30 years in prison. At relevant times he was an inmate with the Colorado Department of Corrections.
- b. Mr. Handy’s mother, Leanne Snell, retained Respondents to obtain transcripts of her son’s Rule 11 advisement and sentencing and to conduct legal research that would assist with reducing her son’s sentence. Ms. Snell paid Respondents a total of \$500 in cash. Respondent Pichon promised to and did research the law and consult with her about her son's case.
- c. In September 2012, the district attorney filed a proposed restitution payout order. In October 2012, the district court ordered Mr. Handy to pay

restitution in the amount of \$25,766.90. On November 8, 2012, Alternate Defense Counsel Tracy Beth Eubanks, representing Mr. Handy, filed an Objection to the restitution payout order.

- d. On November 13, 2012, Respondent Pichon sent an e-mail to Mr. Handy's mother. Respondent Pichon advised Mr. Handy's mother that the deputy district attorney had acted illegally by adding \$13,000 in restitution after the court had imposed Mr. Handy's sentence and without giving Mr. Handy a due process opportunity to contest the restitution amount. Respondent Pichon promised to research whether this added restitution constituted "double jeopardy".
- e. After holding a hearing, the district court in May 2013 entered an amended restitution order in the amount of \$26,796.27.
- f. On May 28, 2013, Respondent Pichon sent an e-mail to Mr. Handy via J-Pay, a website through which persons can correspond electronically with prisoners. The e-mail originated from "XKON Research, LLC". Respondent Pichon stated: "[W]e are currently waiting to see if the Colorado Court of Appeals will be rendering a ruling on the crime of violence statute, which is paramount to trying to create relief for a number of convicts and inmates like yourself ... we are waiting for the court to respond before

driving in that direction with full force ... I hope that we'll be better postured within the coming months to aid you with your current situation.”

- g. On June 19, 2013, Respondent Pichon wrote to Mr. Handy, under the letterhead of XKON Legal Research. Respondent Pichon referred to *People v. Handy*, 11CR2718. Respondent Pichon addressed Mr. Handy's concerns about an advisement Judge Sells gave Mr. Handy at a hearing on April 27, 2012. Respondent Pichon noted that, at the advisement, the Judge had informed Mr. Handy “of the consequences of the plea and what rights you were waiving in lieu of this alleged ‘deal’ that was offered up by Joe LeDonne, the Deputy District Attorney out of the 4th Judicial District.”
- h. To reduce the “disproportionate” sentence imposed by the Judge, Respondent Pichon counseled using the “Diagnostic Narrative Summary argument”, with which Respondent Pichon claimed he had succeeded in some other cases. Respondent Pichon then stated: “My main concern with your case surrounds the amount of notoriety that was generated and the fact that even though you never saw the kids in the vehicle the system still painted you into an uncompromising corner of sorts, while depriving you of being afforded a pliable defense. However, I managed to get Roger Hammond relief with this argument and that was a 2nd degree murder beef.”

- i. On June 21, 2013, Mr. Handy *pro se* filed a motion for post-conviction relief.
- j. On July 8, 2013, Respondent Pichon sent an e-mail to Mr. Handy through J-Pay. Respondent Pichon was responding to inquiries from Ms. Snell. Respondent Pichon first explained why Respondent XKON Legal Research LLC had not ordered the pre-trial hearing transcripts: “the only record(s) that are pertinent Corey are the Rule 11 advisement and in some cases the actual sentencing transcripts.” Respondent Pichon advised not attempting to overturn the plea, because that could result in “consecutive sentencing for each alleged victim”, which would keep Mr. Handy in jail for the rest of his life. Instead, Respondent Pichon opined that “success will come solely from the deficiencies stemming from the Rule 11 reading (advisement) and/or sentencing.”
- k. Respondents admit that their above-described actions constituted the unauthorized practice of law.

7. Respondents have read and studied the Petition for Injunction and are familiar with the allegations therein, and a true and correct copy of the Petition for Injunction is attached to this stipulation as Exhibit A.

8. Pursuant to C.R.C.P. 251.32, Respondents agree to pay the costs and administrative costs in the sum of \$91 incurred in conjunction with this matter

within six months after the acceptance of the stipulation by the Colorado Supreme Court.

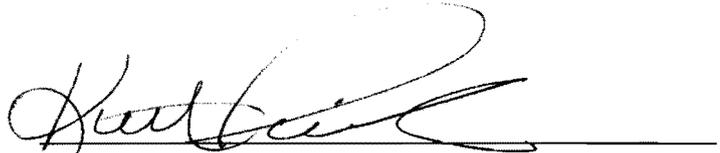
9. Respondents further agree to pay \$500 plus interest at 8% per annum, compounded annually, to Leanne Snell upon approval of this Stipulation by the Court. Interest will be computed at 8% per annum from June 1, 2013 and continuing on the unpaid balance through the date the refund is paid to her in full.

10. Based on Respondents' cooperation in entering into this Stipulation, the parties ask that the Court exempt Respondents from a fine.

**RECOMMENDATION FOR AND CONSENT TO ORDER OF
INJUNCTION**

Based on the foregoing, the parties hereto recommend that an order be entered enjoining Respondents from the unauthorized practice of law, and requiring that Respondents pay restitution of \$500, plus interest as described above, and costs in the amount of \$91.

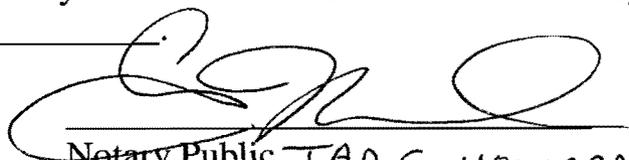
Kurt Pichon and XKON Legal Research, LLC, the Respondents; and Kim E. Ikeler, attorney for Petitioner, acknowledge by signing this document that they have read and reviewed the above.



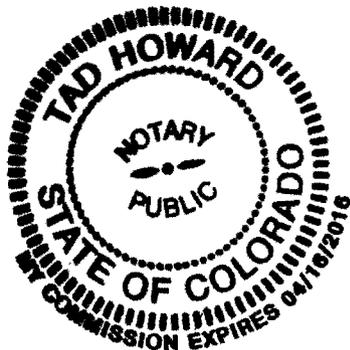
Kurt Pichon, individually and as principal of
XKON Legal Research, LLC, Respondents
P.O. Box 60851
Colorado Springs, CO 80960

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

Subscribed and sworn to before me this 15TH day of ^{APRIL}~~March~~ 2014, by Kurt Pichon, known to me. Witness my hand and official seal. My commission expires: _____



Notary Public TAO C. HOWARD
115 EVERMIST #202
Colo-Sprgs. CO
80903





Kim E. Ikeler, #15590
Assistant Regulation Counsel
1300 Broadway, Suite 500
Denver, Colorado 80203
Telephone: (303) 928-7863
Attorney for Petitioner