

People v. Dion James Custis. 15PDJo80. January 20, 2016.

The Presiding Disciplinary Judge publicly censured Dion James Custis (attorney registration number 23143) on March 30, 2016.

In 2015, the Wyoming Supreme Court publicly censured Custis for misconduct that occurred while he was appealing his client's convictions for sexual abuse of a minor. In his appellate brief, Custis included an extensive discussion of a forensic interviewer's testimony, including quotations. That testimony, however, reflected the interviewer's statements in a separate case. The prosecutor notified the Wyoming Supreme Court of Custis's misrepresentations. In his response, Custis contended that the misrepresentations were inadvertent, embarrassing, and a typographical error. But he took no steps to correct the misrepresentations, nor did he take any other remedial action. Thereafter, he was sanctioned by the Wyoming Supreme Court, which ordered him to revise his brief and to pay \$500.00. In the ensuing disciplinary case, the Wyoming Supreme Court concluded that Respondent violated Wyo. RPC 3.3(a), 5.3(c)(2), 8.4(c), and 8.4(d).

The Office of Attorney Regulation Counsel sought the same discipline as that imposed by the Wyoming Supreme Court, and Custis challenged the order of the Wyoming Supreme Court. The Presiding Disciplinary Judge concluded in an order granting summary judgment that Custis's misconduct constitutes grounds for the imposition of reciprocal discipline in Colorado under C.R.C.P. 251.21(e).