

People v. John D. Halepaska. 20PDJo71. February 17, 2021.

The Presiding Disciplinary Judge approved the parties' amended conditional admission of misconduct and suspended John D. Halepaska (attorney registration number 28653) for one year and one day, with nine months to be served and the remainder to be stayed upon the successful completion of a three-year period of probation, with conditions. The suspension took effect on February 17, 2021.

In December 2015, Halepaska and his wife had an argument. His wife poked him in the chest with her cell phone; he grabbed the phone and tossed it over his shoulder, breaking it against the wall. Halepaska's wife called the police. She allegedly reported a number of physical contacts, but she had no bruises or signs of injury, and she now asserts that she told the reporting officer that Halepaska did not hurt her. In April 2016, Halepaska pleaded guilty to the class-three misdemeanor of harassment—shove/strike/kick—act of domestic violence, and he received a deferred judgment with two years of supervised probation. Halepaska did not self-report the conviction because he was wrongfully advised that he was not required to do so.

In a separate matter several years later, Halepaska relapsed for several months while in recovery from alcohol use disorder. At that time, during one evening in August 2018, Halepaska exchanged a series of inappropriate texts with his fifteen-year-old niece. Halepaska says that he was "black out" drunk when he sent his niece a text saying, "that's hot" in response to a selfie she sent him. He then questioned her about her sex life, made other inappropriate inquiries, and asked, "Will you show me your body." The inappropriate text messages were limited to that one evening. They came to light in October 2018, when his niece was asked about them while she was in the hospital recovering from a suicide attempt. Halepaska pleaded guilty to invasion of privacy for sexual gratification, a class-one extraordinary risk misdemeanor. He was sentenced to ten days of non-jail time on a work crew and five years of supervised probation, including sobriety monitoring. He has completed a psychosexual evaluation, which indicated that he is at very low risk of recidivism for sexually related offenses.

Through this conduct, Halepaska violated Colo. RPC 8.4(b) (providing that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

The case file is public per C.R.C.P. 251.31.