

*People v. Christopher M. Melichar. 23PDJ001. April 6, 2023.*

The Presiding Disciplinary Judge approved the parties' amended stipulation to discipline and suspended Christopher M. Melichar (attorney registration number 49782) for one year and one day, with ninety days to be served and the remainder to be stayed pending his successful completion of a three-year period of probation, with conditions. In approving the sanction, the Presiding Disciplinary Judge considered the stipulated unique circumstances of the case. The suspension takes effect May 11, 2023.

Melichar, who at the time was a public defender in El Paso County, began a sexual relationship with a woman in August 2020. Melichar later learned the woman was married and had children. The relationship lasted about six months, during which the woman sent Melichar nude pictures of herself. Melichar also took nude and revealing pictures of the woman, and he recorded videos of their sexual encounters. After the relationship ended, Melichar sent many text messages to the woman, threatening to share with her husband compromising photographs and videos of her. On April 3, 2021, Melichar sent her a text message stating that she "need[s] to earn everything. I have videos." Later, Melichar told her that he did not want anything to stop him from sending the videos to her husband. The woman replied via text, telling Melichar that she had not given him consent to take videos of her, as she was likely blackout drunk at the time he recorded them. Melichar responded that her voluntary intoxication was no defense. When the woman did not resume a sexual relationship with Melichar, he sent to her husband a topless photograph of her as well as a video depicting her performing oral sex on Melichar.

The woman's husband notified the police on April 5, 2021. As part of the law enforcement investigation, the woman reported that Melichar had photos and videos of her that were taken without her consent. Melichar was arrested and charged with a class-one misdemeanor of posting a private image for harassment. On May 28, 2021, Melichar pleaded guilty to posting a private image for harassment, which includes the elements of intent as well as the victim's lack of consent, her reasonable expectation that an image would remain private, and her serious emotional distress. Melichar was sentenced to twenty-four months of supervised probation, including domestic violence counseling, which he has completed.

Through this intentional conduct, Melichar 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) and Colo. RPC 8.4(h) (providing that it is professional misconduct for a lawyer to engage in any conduct that directly, intentionally, and wrongfully harms others and that adversely reflects on the lawyer's fitness to practice law).

The case file is public per C.R.C.P. 242.41(a).