

People v. Rusty David Miller. 18PDJ011. May 21, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Rusty David Miller (attorney registration number 42495) for ninety days, all to be stayed upon the successful completion of a one-year period of probation. The probation takes effect on June 25, 2018.

On December 3, 2016, Miller stole a bottle of wine, which was valued at more than \$500.00, from a Castle Rock liquor store. When Miller was contacted by law enforcement soon thereafter, he denied taking the bottle of wine and denied knowing why law enforcement had contacted him. Later, when Miller met with law enforcement officials, he returned the bottle of wine.

Miller was charged in Castle Rock Municipal Court with one count: a violation of Castle Rock Municipal Code Section 9.04.180(B) General Theft—Willfully Concealing Unpurchased Goods with Intent—Shoplifting. On April 5, 2017, Miller entered a guilty plea. Judgment and sentencing were deferred for twelve months. As part of his deferred judgment and sentence, Miller was ordered to complete fifty hours of useful public service as well as a petty theft class. He successfully completed all terms and conditions of his deferred judgment and sentence. He also timely self-reported his conviction to disciplinary authorities.

Miller's guilty plea, as part of a deferred judgment and sentence, constitutes a criminal conviction under C.R.C.P. 251.20. Through his misconduct, Miller violated Colo. RPC 8.4(b) and C.R.C.P. 251.5(b) (a lawyer engages in misconduct by committing 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(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).