

People v. Nick Wimmershoff. 17PDJ041. October 11, 2017.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Nick Wimmershoff (attorney registration number 09538) from the practice of law for three years, effective October 11, 2017. To be reinstated after his suspension, Wimmershoff will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law. Further, Wimmershoff is not eligible for reinstatement during the period of his felony probation.

In April 2015, Wimmershoff was charged in Boulder County with one count of sexual assault on a child by one in a position of trust—pattern of abuse, a class-three felony. The complaint charged him with having “unlawfully, feloniously, and knowingly subjected [A.M.W.], not his spouse, to sexual contact and the victim was less than eighteen years of age and the defendant was in a position of trust with respect to the victim.” The complaint also charged Wimmershoff with committing the act as a part of a pattern of sexual abuse. A.M.W. is Wimmershoff's grandchild and was less than fifteen years of age at the time the complaint was filed.

On October 13, 2016, Wimmershoff pleaded guilty to an added count of child abuse, a class-four felony. The plea agreement included a non-sexual factual basis. Wimmershoff waived the establishment of a factual basis and pleaded that he “unlawfully, feloniously, and with criminal negligence caused an injury to or permitted to be unreasonably placed in a situation that posed a threat of injury to the life of health of a child,” which “resulted in serious bodily injury to the child.”

On February 1, 2017, the court formally entered a four-year deferred sentence, and Wimmershoff was placed on felony probation for four years. He was also ordered to serve twenty days of work crew.

Through his conduct, Wimmershoff violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) and C.R.C.P. 251.5(b) (any criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer amounts to grounds for discipline).