

NO. 17-6595

JANUARY TERM, 2018

In The Supreme Court of the United States

WILLIAM A. LINDSEY, Petitioner

v.

STATE OF COLORADO, Respondent(s)

On Petition for Writ of Certiorari to the

State of Colorado Supreme Court

MOTION FOR LEAVE TO FILE PETITION FOR REHEARING

ATTACHMENTS

- 1) Motion to Disqualify Judge Pursuant Crim.P. 21(b)(2); Colorado Code of Judicial Conduct Rule 2.11; and 16-6-201 C.R.S. (Evidence Omitted)
- 2) Affidavit of Stephanie Chastagner, Federal Employee
- 3) Affidavit of Marc Jackson, Federal Investigator
- 4) Affidavit of Cyndy Coca, Federal Investigator
- 5) Order re Motion to Disqualify

DISTRICT COURT, JEFFERSON COUNTY, COLORADO Court Address: <u>1st Judicial District</u> <u>100 Jefferson County Parkway</u> <u>Golden, CO 80401</u>		17 JUN 12 4: 9: 00 DATE FILED: June 12, 2012 CASE NUMBER: 2012CR1487 JUDGE: [blank] CLERK: [blank]
Plaintiff(s): THE PEOPLE OF THE STATE OF COLORADO, v. Defendant(s): <u>WILLIAM LINDSEY</u>		^ COURT USE ONLY ^ Case Number: <u>12CR1487</u> Div: <u>11</u> Ctrm: <u> </u>
Attorney or Party Without Attorney: Name: <u>William Lindsey</u> Address: <u>DOC# 169718</u> <u>BCCE</u> <u>11560 CO. RD. FF, 75</u> <u>Las Animas, CO 81054</u> Phone Number: <u>None</u> FAX Number: <u>None</u> E-mail: <u>None</u> Atty. Reg. #: <u>None</u>		
MOTION TO DISQUALIFY JUDGE PURSUANT CRIM. P. 21(b)(2); COLORADO CODE OF JUDICIAL CONDUCT RULE 2.11; & 16-6-201 C.R.S.		

NOW COMES, William A. Lindsey, the Defendant in this motion to disqualify trial judge:

AS GROUNDS he states the following;

I. RULE OF DISQUALIFICATION

1. Colorado Revised Statutes 16-6-201 provides,

"(1) A judge of a court of record shall be disqualified to hear or try a case if:

* * *

(a) He is in any way interested or prejudiced with respect to the case, the parties, or counsel.

(2) Any judge who knows of circumstances which disqualify him in a case "shall", on his own motion, disqualify himself." (emphasis added).

Motion to disqualify Judge (Continued)

2. Colorado Rules of Criminal Procedure 2i (b) provides,

"Within 14 days after a case has been assigned to a court, a motion, verified and supported by affidavits of at least two credible persons not related to the defendant, may be filed with the court and served on the opposing party to have a substitution of the judge. Said motion may be filed "after" the 14-day period only if "good cause" is shown to the court why it was not filed within the original 14-day period. The motion "shall" be based on the following grounds:

* * *

(IV) the Judge is in any way interested or prejudiced with respect to the case, the parties, or counsel.

(2) Any Judge who "know" of circumstances which disqualify him in a case "shall" on his own motion, disqualify himself."

3. Colorado Code of Judicial Conduct 2.11, provides,

"(A) A Judge "shall" disqualify himself... in any proceeding in which the Judge's impartiality* might reasonably be questioned, including but not limited to the following circumstances:

(1) The Judge has a personal bias or prejudice concerning a party ..., or personal knowledge* of facts that are in dispute in the proceeding.

(2) The Judge knows* that the Judge, ... such person is:

* * *

(c) a person who has more than a de minimis* interest that could be substantially affected by the proceeding; or ...

(3) The Judge knows that he ... has an "economic interest*" in the subject matter in controversy or in a party to the proceeding

* * *

(5) The Judge:

(a) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

* * *

(c) was a material witness concerning the matter;"
(emphasis added).

II. MOTION TIMELY

1. The trial judge must, of necessity, initially determine the timeliness and legal sufficiency of a motion to disqualify him for prejudice, he cannot pass upon the truth or falsity of statement of fact in the motion and supporting affidavits. Whether the motion is timely and whether it sufficiently states grounds for disqualification are questions of law subject to plenary review. As a matter of judicial policy courts must take as true, for purposes of a motion to disqualify, facts stated in the affidavits and motion. *Erbaugh v. People*, 57 Colo. 48, 140 P. 188 (1914). Crim. P. 21(b)(1) provides upon a showing of good cause the motion can be filed outside of time limits. (emphasis added).
2. Mr. Lindsey did not know or receive documents of HONORABLE Todd Laurence Vriesman, Judge prior relationships, and economic interest associated with the parties in this criminal action until the Spring of 2017 while in Direct Appeal, and only after discovering that his sentencing was illegal by Trial Judge's issue of an ex parte ORDER of Restitution without Mr. Lindsey nor his attorney being present in total violation of Federal and State Due Process Rights, State Criminal Procedure Rule(s) 32(b), and 43(a) in which Mr. Lindsey did not have nor waive his right to appear, thus rendering his sentence illegal.
3. This motion is the only way Mr. Lindsey could bring this to the attention of the District Court.

- (a) It is held that a motion for a change of Judge is timely if made as soon as possible after discovery of facts meriting disqualification. *People v. District 192* Colo. 503, 560 P.2d 828 (1977); *People v. Botham*, 629 P.2d 589 (Colo. 1981).

III. AFFIDAVIT(S) IN SUPPORT

1. Mr. Lindsey in accordance of Crim. P. 21(3) submit supporting affidavit(s) stating facts showing grounds for disqualification. See also 16-6-201(3) ("... [M]ust be verified and supported by the affidavits of at least two credible persons not related to the defendant, stating facts showing the existence of grounds for disqualification, the judge must enter an order disqualifying himself...")

IV. NO JURISDICTION

1. Because it can be reasonably inferred from the facts alleged in this motion and supporting affidavits that the Judge has a bias or prejudice that has prevented him from dealing fairly with Mr. Lindsey he must be removed. Cf *Wilkerson v. District Court*, 925 P.2d 1373, 1376 (Colo. 1996). Colorado Code of Judicial Conduct, Rule 2.11 requires that a Judge disqualify himself if the Judge's impartiality might reasonably be questioned.

Motion to disqualify Judge (Continued)

See also Crim. P. 21(b)(2). When a trial Judge is recused, he loses jurisdiction over subsequent rulings requiring the exercise of judicial discretion. See Beckford v. District Court, 698 P.2d 1323, 1330 (Colo. 1985) (emphasis added).

2. In assessing motion to disqualify judge, trial court is limited to inquiry into legal sufficiency of motion and accompanying affidavit(s), and their timeliness. Estep v. Hardeman, 1985, 705 P.2d 523.

3. Facts set forth in affidavit supporting motion to disqualify a judge are subject to a trial court's inquiry, but are presumed to be true. Smith v. District Court for Fourth Judicial District, State of Colorado, Division 6, 1981, 629 P.2d 1055, People ex rel. v. District Court of Third Judicial District, 1915, 152 P. 149, 60 Colo. 1. (emphasis added).

4. Trial judge has no discretion in the matter of recusing himself upon finding the affidavits sufficient to allege prejudice; trial judge immediately loses all jurisdiction in the matter except to grant the change. People v. District Court In and For Third Judicial District, 1977, 560 P.2d 828, 192 Colo. 503.

V. PRIOR RELATIONSHIP(S)

1. HONORABLE Todd Laurence Vriesman, Judge while as a partner in Montgomery, Kolodny, Amadio & Dushabek, LLP was the attorney of record in representing Adam Aircraft Industries, Inc.

2. Adam Aircraft Industries, Inc. used Portfolio Real Estate Englewood LLC C/O Lakestar Properties LLC as their property management company.

3. Portfolio Real Estate used McKenna Long & Aldridge LLP as their legal representation.

4. Witness Lino S. Lipinsky De Orlov, Esq. worked for McKenna Long & Aldridge, LLP as the attorney of record representing Portfolio Real Estate.

5. While as an attorney HONORABLE Todd Laurence Vriesman worked intimately with Lino S. Lipinsky De Orlov, Esq. many times during the proceeding in the United States District Court, D. Colorado. Bankruptcy case 00-11751-mer Chapter 7.

6. As then attorney of record HONORABLE Todd L. Vriesman represented Adam Aircraft Industries, Inc. from on or about June 2008 through July 2013. See attached Todd L. Vriesman (Denver, CO) law360.com document; In Re: Adam Aircraft Industries, Inc. Notice of Entry of Appearance and Request for Notices (June 26, 2008) (Both Todd L. Vriesman Esq., and Lino S. Lipinsky De Orlov Esq. are named in the certificate of service.)

7. In People v. Lindsey, 12CR1487 People's Good-Faith Trial witness List (November 25, 2013) page 2; and People v. 12CR1487 Objection to witness Testimony (Jan. 29, 2014) page 2 ¶6 list Lino S. Lipinsky as "a lawyer who represented Portfolio Real Estate."

Motion to Disqualify Judge (Continued)

8. From, through, Mr. Lindsey's company entered into a lease rental contract with option to buy with Adam Aircraft Industries, Inc.'s Real Estate Management company by and through Portfolio Real Estate Englewood, LLC, C/O Lakestar Properties LLC. See Rental Contract.
9. Mr. Lindsey's company, or rather the action(s) taken under his company's name are the subject of this criminal action.
10. Mr. Lipinsky's firm McKenna, Long & Aldridge LLP drafted the lease contract entered thereon between the parties.
11. HONORABLE Todd L. Vriesman's firm in which he was a partner Montgomery, Kolodny, Amatuzio & Dusbabek LLP expressly approved the lease contract.
 - (a) The property under lease contract at: 12876 East Adams Aircraft Circle, Englewood, CO 80112.
 - (b) Was owned by Adam Aircraft Industries, Inc., The lease contract included a buy option after the bankruptcy was resolved,
 - (c) HONORABLE Todd L. Vriesman had to communicate with Lino S. Lipinsky and sign off on the contract ensuring that it harmonized with the terms of the Bankruptcy and Federal Bankruptcy laws.
12. Adam Aircraft Industries, Inc., was represented by then attorney Todd L. Vriesman of Montgomery, Kolodny, Amatuzio & Dusbabeck, LLP in Chapter 7 Bankruptcy and other matters. Adams Aircraft Industries, Inc., owned the property that the defendant rented with an option to purchase.
13. Adams Aircraft Industries, Inc., contracted Portfolio Real Estate Englewood, LLC C/O Lakestar Properties LLC to manage that property.
14. Portfolio Real Estate Englewood, LLC C/o Lakestar Properties LLC had Lino S. Lipinsky De Orlov, Esq. of McKenna, Long & Aldridge, LLP represent concerning the property at 12876 East Adams Aircraft Circle, Englewood, CO 80112.
15. The property was part of the bankruptcy of Adams Aircraft Industries, Inc., in which then attorney Todd L. Vriesman was attorney of record.
16. Mr. Lindsey/Company rented/leased that property.
17. It is held that court "must" meticulously avoid any appearance of partiality. Wood Bros. Homes v. City of Fort Collins, 670 P.2d 9 (Colo. App. 1983)., and "if" at least an appearance of bias or prejudice existed due to a professional relationship between the trial judge and an expert witness for defendants the trial court erred in denying a motion for recusal. Hammons v. Birket, 759 P.2d 783 (Colo. App. 1988).

MOTION TO DISQUALIFY JUDGE (Continued)

VI. ECONOMIC INTEREST

1. Portfolio Real Estate Englewood, LLC, C/O Lakestar Properties LLC on behalf of Adams Aircraft Industries, Inc., sued Mr. Lindsey in a civil action in case No.: 2012CV200699 in Arapahoe District Court concerning the rental property, the court awarded damages in excess of One million dollars against Mr. Lindsey.

2. As a former partner in Montgomery, Kolodny, Amatuzio & Dusbabeck, LLP it cannot be said that HONORABLE Todd L. Vriesman did not have some economic interest in the outcome of the criminal case against Mr. Lindsey.

(a) A disqualifying interest of a judge "must" necessarily relate to the subject matter of the litigation. Walker v. People, 126 Colo. 64, 414 P.2d 123, cert. denied, 385 U.S. 939, 87 S. Ct. 305, 17 L.ED. 2d 218 (1986). Moreover, the appearance of possible prejudice can dictate disqualification. People v. District Court, 192 Colo. 503, 560 P.2d 828 (1977.)

VII. BIAS AND PREJUDICE

1. In People v. Lindsey, 12CR1487 the People submit "Motion in Limine TO EXCLUDE TESTIMONY REGARDING FINANCIAL OPERATIONS OF DEFENDANT'S BUSINESS" (April 20, 2015) This motion specifically requests the suppression of "any" evidence regarding Mr. Lindsey's company's deals before March 7, 2011 and after April 10, 2012. See Attached

2. Trial Judge Todd L. Vriesman issue "ORDER GRANTING MOTION IN LIMINE TO EXCLUDE TESTIMONY REGARDING FINANCIAL OPERATIONS OF DEFENDANT'S BUSINESS". (See Attached).

3. A judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.

4. Trial Judge Todd L. Vriesman did not do this.

5. During the dates listed in the Motion in Limine, trial judge was the attorney of record for Adams Aircraft Industries, Inc., in which Mr. Lindsey leased with the option to purchase their property.

6. In the case of People v Barton, 121 P.3d 230 (Colo. App. 2004) there were numerous allegations of the judges personal involvement made during sentencing hearing about his personal involvement, this presented a legally sufficient basis to create the appearance of prejudice that could prevent the judge from dealing fairly with the defendant.

7. In the case of Mr. Lindsey, the judge knew of his personal involvement, Mr. Lipinsky knew of the trial judge's personal involvement, however, Mr. Lindsey did not know, nor did trial judge or Mr. Lipinsky inform him of this fact.

Motion to Disqualify Judge (Continued)

8. The court held that when a trial judge over a lawsuit had a controlling interest in a bank in which a party to lawsuit was substantial depositor and when he had a business association with the law firm which initially represented that same party was a "private interest" which should have disqualified trial judge from presiding over lawsuit. *Zoline v. Telluride Lodge Association*, 1987, 732 P.2d 635.

9. How much more so in Mr. Lindsey's case, where the trial judge was a partner in the law firm, and the witness was a lawyer in a law firm who represented the parties interest that the trial judge represented and the defendant lost in a civil suit as a result of the criminal action of more than One million dollars.

10. Further, trial judge ORDER 2.7 million in restitution against Mr. Lindsey ex parte, where the law expressly provides that the defendant "must" be present at the restitution hearing so he can object and or challenge the restitution amount so ORDERED.

11. Trial judge's prejudice is evidenced in the sentencing hearing transcripts where he stated that if he should choose to hold a restitution hearing... See attached *People v. Lindsey*, 12CR1487 sentencing hearing transcript(s).

VIII. DUE PROCESS VIOLATION

1. Mr. Lindsey has the right to have his case tried fairly in court by an impartial tribunal and is entitled to due process requirement of a hearing before a fair and impartial tribunal. In order to insure a fair and impartial hearing of the issues involved, and to guarantee that no judge shall preside in a case in which he is not wholly free, disinterested, and independent, a judge shall be disqualified in an action in which he is interested or prejudiced.

2. The opportunity to disqualify a judge is statutory and not a constitutional right, as it may be implicit in a right to a fair trial as in this case.

IX. CONCLUSION

As soon as Mr. Lindsey discovered the facts brought fourth in this motion he presented them to the court. Recusal motion "must" be brought as soon as defendant becomes aware of basis for making the motion, and judge "must" enter timely order disqualifying himself if motion and affidavits allege facts that support disqualification. *People v. Arledge*, 1997, 938 P.2d 160.

Motion to Disqualify Judge (Continued)

Conclusion (Continued) Because of the facts, papers, documents, motion, and affidavit(s) trial judge has no discretion in the matter of recusing himself upon finding the affidavit(s) sufficient to allege prejudice; trial judge immediately loses all jurisdiction in the matter "except" to grant the change. *People v. District Court in and for Third Judicial District, supra*. See also, *Parenteau v. Jacobson*, 32 Mass. App. Ct. 97, 586 N.E.2d 15 (1992) (Once a judge concludes that there are grounds for recusal, he must completely disassociate himself from participating in the case). Disqualification is called for where financial or other conflicts or interest exist or where a judge otherwise cannot act impartially. *People ex rel. Person v. Miller*, 56 IL. App. 3d 450, 13 IL. Dec 920, 371 N.E.2d 1012 (1st District 1977). Moreover, trial judge substantially relied upon testimony in entering his findings of facts and conclusions of law. *Hammons v. Birket, supra*. (emphasis added). In this case it was testimony of Lino S. Lipinsky. See trial transcripts.

X. REVIEW

1. Appellate court reviews de novo a trial court's ruling on motion for recusal of a judge. *People v. Taylor*, App. 2005, 131 P.3d 1158. *People v. Julien*, 2002, 47 P.3d 1194 (Appellate court examined de novo whether there was basis for disqualification of trial judge). In reviewing motion to disqualify judge, appellate court starts with the precept, basis to system of justice, that must be free of all taint of bias and partiality *Julien; supra*. In reviewing trial court's consideration of motion for disqualification and accompanying affidavit(s), Supreme Court must take facts asserted in motion and affidavit(s) as true. *Klinck v. District Court of Eighteenth Judicial District*, 1994, 876 P.2d 1270.

WHEREFORE, William A. Lindsey, the defendant, request in the interest of fairness as outlined in Federal and State Constitution(s), court grant this motion an accompanying papers, documents, and affidavit(s).

Completed this 6th day of June, 2017.

*Attachments list on following page.

Respectfully Submitted,

/s/ William A. Lindsey
William A. Lindsey

LIST OF ATTACHMENTS

1. Affidavit - Federal Employee, Stephanie Chastagner
2. Affidavit - Federal Investigator, Marc Jackson
3. Affidavit - Federal Investigator, Cyndy Coca
4. Experian Business Report for Montgomery, Amatuzio, Kolodny & Dusbabek.
5. Fastcase Document - In re Adam Aircraft Industries, Inc June 22, 2009
6. Fastcase Document In re Adam Aircraft Industries, Inc June 21, 2013
7. Fastcase Document - In re Adam Aircraft Industries, Inc March 28, 2014
8. Fastcase Document - In re Adam Aircraft Industries, Inc May 15, 2014
9. Leagle Document - In re Adam Aircraft Industries, Inc.
10. www.law360.com documents
11. Notice of Entry of Appearance and Request for Notices & Certificate of Service
12. People v. Lindsey 12CR1487, Motion in Limine to exclude testimony regarding financial operations of defendant's business 4/20/2015.
13. People v. Lindsey 12CR1487 ORDER granting Motion in Limine to exclude testimony regarding financial operations of defendant's Business. WHICH WAS GRANTED IN COURT BY JUDGE TODD L. VRIESMAN
14. People v. Lindsey 12CR1487, People's good-faith trial witness list submitted/received by court on 11/26/2013.
15. People v. Lindsey 12CR1487, Objection to Witness Testimony, received by court 01/29/2014.
16. People v. Lindsey 12CR1487, Official Transcript from trial on 04/22/2015. Lino S. Lipinsky's testimony, before the Honorable Todd L. Vriesman, in the Jefferson County District Court, Division 11, State of Colorado.

County of Jefferson

State of Colorado

SS. Affidavit

Affidavit in Support of Motion for Disqualification

I, Stephanie Chastagner, a Federal employee, being sworn and fully disposed State the following:

I have knowledge that Jefferson District Court Judge Todd L. Vriesman was a partner in Montgomery, Kelodny, Amatuzio & Dusbabeck, L.L.P., 1775 Sherman Street, 21 Floor, Denver, CO, 80203, and that he was personally the Attorney of Record representing Adams Aircraft Industries, Inc., and Adams Aircraft Industries Inc., own the property located at: 12786 East Adams Aircraft Circle, Englewood, CO 80112.

I have read the transcripts of People v. Lindsey Case No.: 12CR1487, where on page #159 line #12 – 25 and page #160 line #1 – 18. Lino S. Lipinsky De Orlov Esq. admitted that he is a litigation Partner in McKenna, Long and Aldridge, L.L.P., 1875 Sherman Street, Suite 200, Denver, CO 80202. Lino S. Lipinsky De Orlov wrote the lease contract for the property located at 12876 East Adams Aircraft Circle, Englewood, CO 80202 and he handled the lease agreement between William A. Lindsey / Revolutions in LIGHTING, Inc. and Portfolio Real Estate Englewood C/O Lakestar Properties LLC.

Also, I know that Portfolio Real Estate Englewood C/O Lakestar Properties LLC is the property management company for Adams Aircraft Industries, Inc., which directly manages the property located at 12876 East Adams Aircraft Circle, Englewood, CO 80112 and Judge Vriesman was/is the attorney of record concerning the bankruptcy of that property, with which William A. Lindsey leased.

After reading the documents, papers & court transcripts in my opinion Judge Todd L. Vriesman and Lino S. Lipinsky De Orlov, Esq. know of and knew of each other's involvement and have a professional relationship.

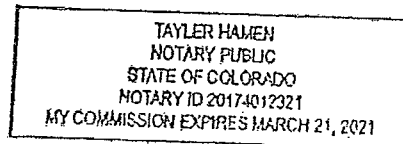
Affiant further sayth not.


Stephanie Chastagner

10 May 2017
Date:

Notary:

State of Colorado
County of Jefferson
The forgoing instrument was acknowledged
before me this 10th day of May
2017 by Stephanie Chastagner
Taylor Hamen
Notary Public



County of Jefferson)
)
)
)
)
State of Colorado)

SS. Affidavit

17 JUN 12 AM 9:00

JEFFERSON COUNTY, CO.

Affidavit in Support of Motion for Disqualification

I, Marc Jackson, a Federal Investigator, being sworn and fully disposed State the following;

I have knowledge that Jefferson District Court Judge Todd L. Vriesman was a partner in Montgomery, Kolodny, Amaturzio & Dusbabeck, L.L.P., 1775 Sherman Street, 21 Floor, Denver, CO, 80203, and that he was personally the Attorney of Record representing Adams Aircraft Industries, Inc., and Adams Aircraft Industries Inc., own the property located at: 12786 East Adams Aircraft Circle, Englewood, CO 80112.

I have read the transcripts of People v. Lindsey Case No.: 12CR1487, where on page #159 line #12 - 25 and page #160 line #1 - 18. Lino S. Lipinsky De Orlov Esq. admitted that he is a litigation Partner in McKenna, Long and Aldridge, L.L.P., 1875 Sherman Street, Suite 200, Denver, CO 80202. Lino S. Lipinsky De Orlov wrote the lease contract for the property located at 12876 East Adams Aircraft Circle, Englewood, CO 80202 and he handled the lease agreement between William A. Lindsey / Revolutions in LIGHTING, Inc. and Portfolio Real Estate Englewood C/O Lakestar Properties LLC.

Also, I know that Portfolio Real Estate Englewood C/O Lakestar Properties LLC is the property management company for Adams Aircraft Industries, Inc., which directly manages the property located at 12876 East Adams Aircraft Circle, Englewood, CO 80112 and Judge Vriesman was/is the attorney of record concerning the bankruptcy of that property, with which William A. Lindsey leased.

After reading the documents, papers & court transcripts in my professional opinion Judge Todd L. Vriesman and Lino S. Lipinsky De Orlov, Esq. know of and knew of each other's involvement and have a professional relationship.

Affiant further sayth not.


Marc Jackson

8 MAY 2017
Date:

State of Colorado
County of Jefferson
The forgoing instrument was acknowledged
before me this 8th day of May
2017 by Marc Jackson Jr.
Taylor Hamen
Notary Public

State of Colorado
County of _____
The _____
before _____
20_____
Notary Public

_____ment was acknowledged
before _____
day of _____

Notary:

TAYLER HAMEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174012321
MY COMMISSION EXPIRES MARCH 21, 2021

County of Jefferson)
)
) SS. Affidavit
)
State of Colorado)

17 APR 12 10:01
Affidavit in Support of Motion for Disqualification

I, Cyndy Coca, a Federal Investigator, being sworn and fully disposed State the following;

I have personal knowledge that Jefferson District Court Judge Todd L. Vriesman was a partner in Montgomery, Kolodny, Amatuzio & Dusbabeck, L.L.P., 1775 Sherman Street, 21st Floor, Denver, CO 80203, and that he was personally the Attorney of record representing Adams Aircraft Industries, Inc., and Adams Aircraft Industries Inc., own the property located at: 12876 East Adams Aircraft Circle, Englewood, CO 80112.

I went to the property on or about 04/20/2017 met with a leasing agent of Colliers International on behalf of Portfolio Real Estate Englewood C/O Lakestar Properties LLC who informed me that the property is in bankruptcy, foreclosure & receivership as of 04/04/2017 and owned by Adam Aircraft Industries, Inc.

I have read the transcripts of People v. Lindsey Case No.: 12CR1487, where on page #159 line #12 - 25 and page #160 line #1 - 18. Lino S. Lipinsky De Orlov Esq. admitted that he is a litigation Partner in McKenna, Long and Aldridge, LLP, 1875 Sherman Street, Suite 200, Denver, CO 80202. Who wrote the lease contract for the property located at 12876 East Adams Aircraft Circle Englewood, CO 80202 and he handled the lease agreement between William A. Lindsey / Revolutions in LIGHTING, Inc. and Portfolio Real Estate Englewood C/O Lakestar Properties LLC.

Also I know that Portfolio Real Estate Englewood C/O Lakestar Properties LLC is the property management company for Adam Aircraft Industries, Inc., which directly manages the property at 12876 East Adams Aircraft Circle, Englewood, CO 80112 and Judge Vriesman was/is the attorney of record concerning the bankruptcy of that property, with which William A. Lindsey leased.

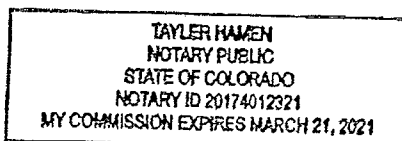
After reading documents, papers & court transcripts in my professional opinion Judge Todd L. Vriesman and Lino S. Lipinsky De Orlov, Esq. know of and knew of each other's involvement and have a professional relationship.

Affiant further sayth not.

Cyndy Coca 4/24/17
Cyndy Coca Date

Notary:

State of Colorado
County of Jefferson
The forgoing instrument was acknowledged
before me this 24 day of April
2017 by Cyndy Coca
Taylor Hamen
Notary Public



DISTRICT COURT, JEFFERSON COUNTY, COLORADO		DATE FILED: June 23, 2017 10:29 AM CASE NUMBER: 2012CR1487
Court Address: 100 Jefferson County Parkway, Golden, CO, 80401-6002		
The People of the State of Colorado v. WILLIAM ARTHUR LINDSEY		△ COURT USE ONLY △
		Case Number: 2012CR1487 Division: 11 Courtroom:
Order re Motion to Disqualify		

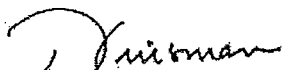
Defendant is serving a sentence. There are no pending proceedings for disqualification.

There are no alleged circumstances that require disqualification. The affiants do not have personal knowledge of the events contained in their affidavits.

The documents demonstrate on their face the following: prior to appointment, this judge represented a major shareholder in a company that declared bankruptcy. The bankrupt company was represented separately by an appointed trustee, who was adverse to the shareholder and who obtained separate legal counsel. The trustee also retained a property management company to lease the company's building. The lawyer for the leasing company was on the list of interested persons required to receive notice of filings in the bankruptcy proceeding. In summary, a prior client of this judge used to work in the same building leased to Defendant's company years later by the bankruptcy trustee through a property management company, whose lawyer testified at the Defendant's criminal trial about non-payment of rent by Defendant.

Disqualification is DENIED.

Issue Date: 6/23/2017



TODD L. VRIESMAN
District Court Judge

EXHIBIT B