

COPY

SUPREME COURT, STATE OF COLORADO  
2 E. 14<sup>th</sup> Ave.  
Denver, Colorado 80203

ORIGINAL PROCEEDING IN DISCIPLINE, 19-  
779

Complainant:  
THE PEOPLE OF THE STATE OF COLORADO

Respondent:  
JASON LEE VAN DYKE, # 47445

Jacob M. Vos, #41562  
Assistant Regulation Counsel  
Jessica E. Yates, #38003  
Attorney Regulation Counsel  
Attorneys for Complainant  
1300 Broadway, Suite 500  
Denver, Colorado 80203  
Telephone: (303) 928-7811  
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▲ COURT USE  
ONLY ▲

Case Number:

**NOTICE OF CONVICTION OF SERIOUS CRIME AND PETITION  
FOR ORDER TO SHOW CAUSE WHY RESPONDENT SHOULD  
NOT BE IMMEDIATELY SUSPENDED  
FROM THE PRACTICE OF LAW**

Pursuant to C.R.C.P. 251.20(d), the People hereby report to the Court that Respondent Jason Lee Van Dyke has been convicted of a serious crime, and request the issuance of a citation directing

Mr. Van Dyke to show cause why his license to practice law should not be immediately suspended pursuant to C.R.C.P. 251.8.

### **Jurisdiction**

1. Mr. Van Dyke has taken and subscribed the oath of admission, was admitted to the bar of this Court on October 29, 2014, and is registered upon the official records of this Court, registration no. 47445. He is subject to the jurisdiction of this Court in these proceedings. Mr. Van Dyke's registered business address is PO Box 2618, Decatur, Texas, 76234.

### **General Allegations**

2. On February 26, 2019, Mr. Van Dyke entered a *nolo contendere* plea to making a False Report to Police in Denton County Texas County Criminal Court Case No. CR-2018-07544-E. See Ex. 1. (Conviction Records). The court accepted the plea the same day and sentenced Mr. Van Dyke to a 24-month deferred adjudication. *Id.* By accepting the plea, the court found that "the evidence submitted substantiates the guilt of" Mr. Van Dyke. *Id.*

3. Pursuant to C.R.C.P. 251.20(h), Mr. Van Dyke's *nolo contendere* plea, combined with the court's finding that the evidence

substantiated Mr. Van Dyke's guilt, qualifies as a conviction under C.R.C.P. 251.20.

4. The elements of the crime Mr. Van Dyke plead to are:

(a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to:

(1) a peace officer or federal special investigator conducting the investigation; or

(2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation.

Texas Penal Code § 37.08.

5. The crime contains a necessary element of which, as determined by its statutory definition, involves misrepresentation. It is therefore a serious crime as defined by C.R.C.P. 251.20(e).

6. Therefore, the People move the Court to issue a citation directing Mr. Van Dyke to show cause why his license to practice law should not be immediately suspended pursuant to C.R.C.P. 251.8. See C.R.C.P. 251.20(d).

DATED this 6th day of June, 2019,

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jacob M. Vos', is written over a horizontal line.

Jacob M. Vos, #41562  
Assistant Regulation Counsel  
Jessica E. Yates, #38003  
Attorney Regulation Counsel

Attorneys for Complainant

CERTIFICATE OF MAILING

I hereby certify that one copy of the foregoing **NOTICE OF CONVICTION OF SERIOUS CRIME AND PETITION FOR ORDER TO SHOW CAUSE WHY RESPONDENT SHOULD NOT BE IMMEDIATELY SUSPENDED FROM THE PRACTICE OF LAW** was placed in the United States mail, postage prepaid, this 6<sup>th</sup> day of June, 2019, and addressed to:

Jason Lee Van Dyke, Esq.  
P.O. Box 2618  
Decatur, Texas 76234

Certified Mailing:

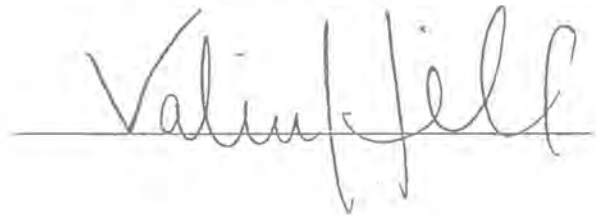
Certified Article Number

9414 7266 9904 2096 4408 57

SENDERS RECORD

Return Receipt Requested  
Also sent U.S mail

Also sent via email: [jasonleevandyke@gmail.com](mailto:jasonleevandyke@gmail.com)



FILE FOR RECORD  
DENTON COUNTY CLERK  
FEB 26 2019  
JUL LUKE DEPUTY

THE STATE OF TEXAS  
VS.

Jasen Von Dyke

§  
§  
§

COUNTY CRIMINAL COURT  
NUMBER FIVE  
DENTON COUNTY, TEXAS

**WAIVER OF JURY TRIAL | WAIVER OF TEN DAYS TO PREPARE FOR TRIAL | COURT'S  
ADMONISHMENT | WAIVER OF PRESENTENCE REPORT | PLEA AGREEMENT & JUDGMENT**

Comes now the Defendant, joined by his attorney and the Attorney for the State in the above-styled and numbered cause, waives his right to trial by jury and confront his accusers, the right to subpoena witnesses to testify on Defendant's behalf, and if applicable, waives 10 days to prepare for trial. Defendant waives the right to remain silent and not incriminate himself and waives a reading of the Information. The Defendant and the State hereby enter an announcement of ready. The State waives its right to a trial by jury.

The plea recommendation set forth below is agreed to by the Defendant, his attorney and the State's attorney, as evidenced by their respective signatures below. The Defendant understands that if he pleads guilty or nolo contendere and the punishment assessed by the court does not exceed the punishment recommended, an appeal here in may only be prosecuted with the permission of the trial court. All written motions on file are hereby waived. The Defendant affirmatively waives all rights to appeal this cause.

The Defendant acknowledges that he is aware of the full range of punishment provided by law for this offense. If the plea recommendation is for deferred or regular probation, Defendant reviewed the standard and special terms and conditions of probation, which are incorporated herein as "Exhibit A." Defendant is hereby informed that on violation of a condition of probation the Defendant may be arrested and detained. The defendant is entitled to a hearing limited to the determination by the court of whether it proceeds with an adjudication of guilt or revocation on the original charge. After the hearing, an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation, and defendant's appeal continue as if the adjudication had not been deferred, if applicable. Should the Court find any violation "True", the court may assess punishment anywhere within the range provided by law for the offense.

The defendant waives a pre-sentence report and his right to have an alcohol evaluation performed prior to sentencing.

**FIREARM WARNING:** if you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent or guardian of the victim or are/were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun or ammunition, pursuant to federal law under 18 U.S.C. §922(g)(9) or §46.04 (b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, consult your attorney.

Have you ever been convicted of a felony in any court in this state, any other state or under the laws of the United States?  
Yes  No

**IMMIGRATION WARNING:** The Defendant acknowledges that if the Defendant is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may result in deportation, exclusion from the country, or the denial of naturalization under federal law.

**SEXUAL OFFENDER REGISTRATION REQUIREMENTS:** If you are convicted of a second violation of Indecent Exposure §21.08 Texas Penal Code as described in Chapter 62 Article 62.001(5)(F), Texas Code of Criminal Procedure, you must meet all the registration requirements set out in that chapter. Failure to properly register is a separate criminal offense. By signing this document, you and your attorney are acknowledging that your attorney has advised you about and you are aware of any applicable registration requirements under Chapter 62.

<input checked="" type="checkbox"/> Plea Recommendation	<input type="checkbox"/> Open Plea	<input type="checkbox"/> Enhancement True	<input type="checkbox"/> Enhancement Waived
<input type="checkbox"/> Waive Count/s	<input type="checkbox"/> Lesser-Included	Date of Offense: <u>9-13-2018</u>	
Offense Pled to: <u>False Report to Police</u>		Class: <u>8</u>	
Range of Punishment: Jail: <u>0-180</u>		Fine: <u>0 to 2000</u>	
DEFENDANT'S PLEA: <input type="checkbox"/> GUILTY <input checked="" type="checkbox"/> NOLO CONTENDERE Enhancement(s): True/Not True			
FINE: <u>\$0 + CC 289, 289</u>		JAILs: <u>2</u> months	Regular Prob. <u>0</u> months
<input type="checkbox"/> _____ days in jail as a condition of probation beginning			

Special Court Ordered Terms and Conditions of Probation or Deferred Adjudication (as Designated by the Court):		
<input type="checkbox"/> 1   Restitution \$ _____	<input type="checkbox"/> 9   Sexual Eval.	<input type="checkbox"/> AFFV
<input type="checkbox"/> 2   Days in Jail COP _____ days	<input type="checkbox"/> 10   ESL	<input type="checkbox"/> Forfeit Weapon
<input checked="" type="checkbox"/> 3   D/A Evaluation	<input checked="" type="checkbox"/> 11   \$10 DCCS	<input type="checkbox"/> HIV Testing/Education
<input checked="" type="checkbox"/> 4   No Alcohol	<input type="checkbox"/> 12   YDDP/DWI VIP	<input type="checkbox"/> GED/HS DIP
<input type="checkbox"/> 5   DWISE/DOEP/ROP	<input type="checkbox"/> 12   Dom. Violence VIP	<input checked="" type="checkbox"/> Comm. Service <u>60</u>
<input type="checkbox"/> 6   Ignition Interlock _____ mo.	<input type="checkbox"/> 13   MPFR	<input checked="" type="checkbox"/> Destroy Evid. 38.43
<input type="checkbox"/> 7   CHANGE/Ang. Mgmt.	<input checked="" type="checkbox"/> 14   No Firearms	<input type="checkbox"/> MH Caseload
<input type="checkbox"/> 7   Alcoh Seller/l. Skills/Theft Divers.	<input type="checkbox"/> 15   SCRAM _____ mo	<input checked="" type="checkbox"/> Defer TRAS
<input type="checkbox"/> 8   Batterer's Intervention	<input type="checkbox"/> 16   \$100 FV Shelter	<input type="checkbox"/>

Sign HIPPA Release to allow Probation to have access to records.

<input type="checkbox"/> Prior DWI within 5 years	<input type="checkbox"/> DL Susp.	<input checked="" type="checkbox"/> 39.14 Disclosure Attached
<input checked="" type="checkbox"/> Notes/Conditions/submit to Mental Health evaluator and follow directives; 2) Have no contact with Tan Retraff; Deb Assistant; 3) Remain in Denton County or contiguous counties unless otherwise approved by the court. Also (booked) & Foreign Counties and the most direct route to & from those Counties		
<input type="checkbox"/> Accident	<input type="checkbox"/> Defendant Under 21 YOY at time of Incident	
BAC Evidence: <input type="checkbox"/> None <input type="checkbox"/> Breath _____ <input type="checkbox"/> Blood _____		

**Notice of Right to Petition for Non-Disclosure:** After Sentencing the defendant, the Court hereby informs Defendant of the right to petition the court for an order of nondisclosure of criminal history record information under Subchapter E-1, Chapter 411, Government Code, unless Defendant is ineligible to pursue that right.

**Conditions of Community Supervision:** The judge may impose any reasonable condition of community supervision. The judge may also amend or modify the conditions of supervision at any time during the period of supervision.

EXHIBIT  
tabbier  
1

Plea and Judicial Confession: I voluntarily enter my plea of GUILTY/NOLO CONTENDERE to the above mentioned offense. My plea is entered freely and voluntarily, and without any coercion, distress or promise of benefit other than the plea-bargain agreement.

I swear to or affirm all of the foregoing, and I further swear or affirm that all testimony that I give in this case will be the truth, the whole truth and nothing but the truth. I understand the English language or this document has been translated for me. I have read or my attorney has read this entire document, including Exhibit A, if applicable, to me and I have discussed it fully with my attorney; I understand this document completely, including the Court's admonishments, and I am aware of the consequences of my plea. My attorney has discussed with me the law and the facts applicable to this case, and I am satisfied that I have been effectively represented. I understand that if an appeal is made, written Notice of Appeal must be filed within 30 days of the sentencing date.

[Signature]  
DEFENDANT

Defendants who do not understand the English language sign here, along with attorney or interpreter:

I understand the \_\_\_\_\_ language. This entire document was read to me and fully explained to me in that language by my attorney and/or interpreter.

DEFENDANT

The Defendant does not adequately understand the English language. I have read this entire document to the Defendant in \_\_\_\_\_, and s/he has indicated that s/he understands my explanation of the document.

ATTORNEY FOR DEFENDANT

INTERPRETER (Sign & Print Name)

DEFENSE ATTORNEY

I hereby join, consent and approve of the waiver of jury trial. In addition, I hereby advise the Court that I fully consulted with the Defendant and carefully reviewed this entire document with him/her. I believe the Defendant is mentally competent, understands the admonishments, is aware of the consequences of the plea and is freely, voluntarily, knowingly and intelligently entering his/her plea of guilty or nolo contendere, waiver, stipulation and judicial confession. I hereby waive my right to 10 days to prepare after my appointment, with Defendant's consent.

[Signature]  
ATTORNEY FOR DEFENDANT

Dominick Marsala  
Printed Name of Defense Attorney

STATE'S ATTORNEY

Before the entry of Defendant's plea of guilty or nolo contendere herein, the above requests, waivers and stipulations are hereby consented to and approved by me, the attorney representing the State of Texas.

[Signature]  
STATE'S ATTORNEY

R. Frey  
Printed Name of State's Attorney

JUDGE

THE COURT HEREBY FINDS THAT: (1) The Defendant was sane when the alleged offense was committed, is mentally competent to enter his/her plea, is represented by competent counsel, understands the nature of the charges against him/her, and has been warned of the consequences of a plea of guilty or nolo contendere, including the minimum and maximum punishment provided by law; (2) the attorney for Defendant and the State consent to and approve the waiver of trial by jury and agree to stipulate the evidence and judicial confession in this case; and (3) the Defendant understands the consequences of his/her plea, and the Defendant's plea of guilty or nolo contendere, statements, waivers, consent stipulations and judicial confession were freely, voluntarily, knowingly and intelligently made. The Court hereby grants leave to amend the information/indictment (if applicable). Approves the waiver of jury trial, all other waivers, the consent to stipulate evidence and judicial confession. (4) The evidence submitted substantiates the guilt of the Defendant. If a conviction, the Court finds the defendant "Guilty" of the offense.

DONE AND ENTERED this FEB 26 2019

[Signature]  
JUDGE PRESIDING

I AM THE DEFENDANT WHO RECEIVED THIS JUDGMENT ON THE ABOVE DATE IN OPEN COURT

[Signature]  
Defendant

4/3/80  
Date of Birth

TXDL 1S1S8112  
Texas Driver's License

Right Thumb



9/10  
#21/64