

DISTRICT COURT MESA COUNTY, COLORADO Court Address: 125 N. Spruce, Grand Junction, Colorado 81501	<p style="text-align: center;"><b>^ FOR COURT USE ONLY ^</b></p>
THE PEOPLE OF THE STATE OF COLORADO  v.  CHRISTOPHER PETER LAMBROS, Defendant.	
For the People: Daniel P. Rubinstein, #27473 Whitney L. Wright, #52613  For the Defendant: Scott J. Burrill, #42813	Case No. 22 CR 1390  Division: 12      Courtroom: 12

Formal filing and a bond hearing in this matter came on for hearing on Friday, November 4, 2022, before the HONORABLE GRETCHEN B. LARSON, Judge of the District Court, and the following proceedings were held.

1                   MR. BURRILL:    We are ready on Mr. Lambros if  
2                   you'd like, Judge.

3                   THE COURT:        22 CR 1390, People versus  
4                   Christopher Lambros. Mr. Lambros is present, in custody,  
5                   with Mr. Burrill. Ms. Wright and Mr. Rubinstein are  
6                   present for the People.

7                   I - I just wanted to make a record real quickly so  
8                   there's complete open disclosure. A member of the media  
9                   did come into court earlier with a camera. Since I had not  
10                  received any sort of request for expanded media coverage I  
11                  did ask the deputy to have the media remove the camera from  
12                  the courtroom. Media is always fine to be in the  
13                  courtroom, but if there's a request for expanded media  
14                  coverage I do have to get that in advance so I can give the  
15                  prosecution and defense an opportunity to weigh in on the  
16                  request.

17                  MR. BURRILL:    Thank you, Judge. We appreciate  
18                  that. I had looked and specifically checked to see if  
19                  there was a request before today's court appearance and  
20                  didn't see one, so I appreciate that.

21                  We are in receipt of a six-count complaint and  
22                  information. We would waive further reading and advisement  
23                  at this time. We are requesting a preliminary hearing with  
24                  respect to this case, but we are waiving the 35-day rule.  
25                  We're not requesting that the Court set a date or time for

1 that right now. We hope to address that at a later court  
2 date, Judge.

3 THE COURT: Okay.

4 MR. BURRILL: The main thing that we wanted to  
5 address today was the issue of bond. I did provide notice  
6 to Mr. Rubinstein that I intended to do that in Mr.  
7 Lambros's case.

8 THE COURT: And has there been VRA compliance?

9 MR. RUBINSTEIN: There has, Judge. One of the  
10 victims is present. We've attempted contact with the other  
11 victim unsuccessfully to address that issue, but I believe  
12 we are in compliance with VRA. I should also let the Court  
13 know: I had given notice to the defense of my request to  
14 increase bond as well.

15 THE COURT: Okay.

16 MR. BURRILL: That's correct.

17 THE COURT: Mr. Burrill?

18 MR. BURRILL: Yes Your Honor, I can go. I guess  
19 one thing I would ask the Court to consider is maybe if  
20 anyone is specifically going to address the Court regarding  
21 bond to have them go first so I can potentially address  
22 some of the things that they mentioned. But if the Court  
23 wants me to go first before anyone speaks with respect to  
24 bond, I can also do that.

25 MR. RUBINSTEIN: [Victim's name redacted] is

1 present and would like to address the Court.

2 THE COURT: Okay. If she'd like to say  
3 something, ma'am, I just need to have you come up to the  
4 podium and state your name into the record, and then you  
5 can tell me whatever you'd like to tell me.

6 VICTIM: (Crying.) My name is [victim's name  
7 redacted}. (Sniffs.) And I'm one of his victims. I was  
8 in the hospital on life support when this happened to me.  
9 (Sobs.) This man should never walk out anywhere! He  
10 should be in a prison for the rest of his life. (Sobs.)  
11 He's ruined my life! (Sniffs.) You know my health has  
12 gotten horrible -(sobs) - 'cause of this. It's devastated  
13 my life - (sniffs) - devastated me. You know I thought I  
14 was safe at the hospital - (sniffs) - and a nurse does this  
15 to me! (Sobbing.) It's horrible! Just - you should be  
16 ashamed of yourself! (Sobs.) Thank you.

17 THE COURT: Thank you. Okay.

18 MR. BURRILL: Okay. Your Honor, there are a  
19 couple of things that I wanted to talk about with respect  
20 to bond for Mr. Lambros.

21 First of all, I did want to talk a little bit about  
22 some of the relevant legal considerations. And one of the  
23 reasons why is just I find in my experience sometimes the  
24 focus drifts away from Article 4 of Title 16 in these types  
25 of bond argument, because the charges alleged are serious.

1 And that's why I think it's even more important for us to  
2 remember what the legislature and the drafters of the  
3 Colorado Constitution have said regarding bond. They have  
4 clearly spoken on this particular issue, and what the  
5 legislature has decided is that this is aailable offense  
6 in the State of Colorado. They have not provided  
7 necessarily specific guidance on exactly what that means,  
8 but we know that it means at the very least that the Court  
9 needs to set some sort of a bond and conditions of release  
10 that are appropriate in this particular case. There are  
11 certain offenses where somebody is not entitled to bond;  
12 they are specific delineated in Title 16, Article 4,  
13 subsection 101, and this is not one of those cases.

14 The bond in this case is currently set at \$250,000  
15 cash-only, and that is not something that Mr. Lambros can  
16 come even close to being able to post. And so what we  
17 contend, at least right now, is that Mr. Lambros is being  
18 denied a reasonable bond or an opportunity to have pretrial  
19 release in connection with this case. And so we think that  
20 this is contrary to the legal standards the legislature as  
21 set regarding bond.

22 Article 4 of Title 16 gives the Court both mandatory  
23 things that you must consider, and then other things that  
24 are you allowed to consider. And so first of all, I wanted  
25 to talk about the "shall" language in Article 4. First and

1       foremost, the court shall presume that all persons in  
2       custody are eligible for release with the least restrictive  
3       conditions. The court shall impose bond conditions that  
4       are sufficient to reasonably ensure someone's appearance,  
5       and to protect the safety of a person or persons in the  
6       community. The court must consider the individual  
7       characteristics of each person that is in custody, and  
8       shall consider their financial condition. If there's a  
9       monetary condition, it has to be reasonable. And I would  
10      contend that this is because people are not supposed to  
11      languish in jail before any sort of conviction has  
12      occurred. I would content that the presumption of  
13      innocence is hollow indeed if that is what is happening in  
14      a specific case.

15             Now there are admittedly other things that the Court  
16      may consider. What I anticipate is that much of what the  
17      prosecution will focus on in this particular hearing today  
18      would be in that category of factors for the court. So the  
19      court shall set bond conditions that are necessary to  
20      reasonably ensure the appearance of a person at later court  
21      dates. That's number one in terms of the - the factors  
22      that the Court is going to look at.

23             I would contend to the Court that there is nothing  
24      whatsoever indicating that Mr. Lambros would in any way  
25      fail to appear in connection with this case. He's been

1 living in the Grand Junction community since approximately  
2 2012, so that is a decade that he's been here in Mesa  
3 County. I would point out that he's been here longer than  
4 many of my coworkers or Mr. Rubinstein's coworkers in the  
5 Mesa County community. Now his main ties are located here.  
6 For example, his wife lives here in Mesa County with him,  
7 and he would be residing with her if he's able to post bond  
8 in connection with this case. He's a homeowner, and so his  
9 - his real property that he owns is here in Mesa County.  
10 He also would have a very set location where he would be  
11 staying if he's able to post bond in connection with this  
12 case. I don't think that there's anything indicating that  
13 Mr. Lambros would flee or leave.

14 Now the prosecution might argue that because they  
15 elected to charge him with a serious offense, that in and  
16 of itself means that he's a flight risk. I - I would just  
17 argue that that argument is not supported in Article 4 of  
18 Title 16, and I think to some degree it's a little bit  
19 problematic. You know Mr. Lambros doesn't control the  
20 specific charges that the prosecution levies against him,  
21 and nothing in our statutes or constitution indicates that  
22 somebody doesn't have a right to pretrial release simply  
23 because of the prosecution's charging decisions and the  
24 fact that an offense is serious.

25 So then I'll shift focus into what I think the

1 prosecution will focus on more in their argument, which is  
2 that there's a danger to person or persons in the  
3 community. Per the CPAT this in particular case, it  
4 indicates that this is Mr. Lambros's first arrest. He  
5 doesn't have some sort of lengthy criminal history  
6 indicating that he's some sort of unacceptable risk to  
7 public safety. There is no indication that he's some sort  
8 of unacceptable risk to public safety. We're not dealing  
9 with somebody who has a documented history of being  
10 anything other than a taxpaying member of this community,  
11 and the communities in which he lived before Mesa County.

12 And so let's talk about the situation that's alleged  
13 here. The allegation in this case is that this case is  
14 tied into and part of Mr. Lambros's role being a nurse at  
15 Saint Mary's. There's no indication or allegation that Mr.  
16 Lambros is - is - is committing any sort of offenses in a  
17 random capacity all over Mesa County. It is specific with  
18 respect to his role at Saint Mary's. And so I guess  
19 fortunately for the Court and the prosecution, there is a  
20 nonmonetary bond condition that can specifically address  
21 that concern, which is what we're asking the Court to do in  
22 this particular case: is have as a bond condition the fact  
23 that Mr. Lambros is not allowed to work in a caregiver role  
24 at all while he's out on bond in connection with this case.  
25 Mr. Lambros has no issue with that in any way whatsoever.



1 He will one hundred percent abide by that bond condition if  
2 the Court orders that.

3 I will also note that I read an article the other day  
4 indicating that Mr. Lambros's license was under suspension  
5 so I don't really see how this would be an issue anyway.  
6 It's a bond condition that would comply with Colorado law,  
7 with that "shall" language that's in subsection 103 of  
8 Article 4 of Title 16. And it's specifically tailored to  
9 address that specific concern here. It's least restrictive  
10 in order to address that concern, and I don't really see if  
11 the Court imposes that bond condition how there would be  
12 some sort of danger to the community or other people in  
13 light of the allegations that are contained in this case,  
14 and Mr. Lambros's complete lack of any sort of other  
15 criminal history.

16 And so again, right now bond is set at \$250,000 cash-  
17 only. There is absolutely no way that Mr. Lambros can come  
18 up with \$250,000 in cash to post that bond. Quite frankly,  
19 I don't know anyone who could post that bond. I'm an  
20 attorney and there's absolutely no way whatsoever I could  
21 post that bond. And I don't really understand what sort of  
22 argument or reasoning was used to find that the monetary  
23 condition of bond was reasonable for Mr. Lambros other than  
24 it's just being set at that amount to deny him bond.  
25 That's really the only argument I can understand in favor

1 of having a \$250,000 cash-only bond. If that is the logic  
2 and the rationale that people are using, it's not - it's  
3 not legal. It's not complaint with statutes or our  
4 constitution regarding bond.

5 I'd also note that if Mr. Lambros was someone like  
6 Elon Musk, he would be out on bond right now. And I don't  
7 really see why someone's pretrial release should be tried  
8 to their wealth, rather than having bond conditions that  
9 address specific concerns. Right no Mr. Lambros is being  
10 functionally denied bond because he cannot make \$250,000 in  
11 cash.

12 What we're asking the Court to consider is modifying  
13 bond to be some form of personal recognizance bond with  
14 significant supervision; or in the alternate, modify and  
15 lower bond to be a cash or surety bond, or potentially a  
16 cash, surety, or property bond. You did hear that Mr.  
17 Lambros is a homeowner in the community, which is one of  
18 the reasons I'm asking the Court to consider the property  
19 aspect of bond being a possibility.

20 If the Court does want additional information  
21 concerning Mr. Lambros's precise financial condition, I  
22 could get that to the Court in the form of an affidavit if  
23 the Court would find that useful. I don't have one  
24 prepared today but I could absolutely do that. However, I  
25 would note that, you know, pursuant to Colorado guidelines

1 right now, you know Mr. Lambros is indigent. He's not  
2 working at all. He doesn't have any sort of income, and  
3 it's why I'm able to represent him at this proceeding. If  
4 the Court was willing to, you know, modify bond with the -  
5 the bond condition we've proposed of not working in a  
6 caregiver capacity, he's not going to have any sort of  
7 income even when out of custody, which means it's very,  
8 very likely he will also qualify for Public Defender  
9 representation and the State of Colorado will consider him  
10 indigent. And so, you know, the current bond is not  
11 something that an indigent person is able to post. And so  
12 we're asking the Court to entertain those modifications  
13 we've proposed today. Thank you.

14 THE COURT: Mr. Rubinstein?

15 MR. RUBINSTEIN: Thank you, Judge. Well  
16 Judge, as the Court knows bond serves two purposes. And I  
17 agree with Mr. Burrill that the purposes of bond are to  
18 ensure the community is safe and to ensure his appearance  
19 in court. Where I disagree with Mr. Burrill is that the  
20 law does not permit the Court to set a monetary bond that  
21 assures that that happens, and a monetary bond under the  
22 specific circumstances of the specific case that prohibits  
23 him from being out in the community where he could continue  
24 to harm people.

25 What - what the Court knew at the time of setting the

1 original \$250,000 bond was that we were aware of three  
2 victims. One of them we had identified, [victim's name  
3 redacted], who spoke in court and the Court could see by  
4 her reaction that she has had a little more time to  
5 understand that this happened because she was the victim  
6 that this came to light as a result of. A nurse walked in  
7 on the Defendant actually doing this to her, and he was  
8 immediately placed on administrative leave as a result of  
9 that.

10 And the investigation then began with obtaining search  
11 warrants. At the time that the arrest warrant was  
12 activated, we were aware of a victim on April 30<sup>th</sup> of 2022;  
13 there were two videos of him sucking on breasts of a person  
14 on - in Intensive Care on a ventilator. There's June 24<sup>th</sup>  
15 and June 25<sup>th</sup>, two videos we believe were likely the same  
16 victim but two different dates of violation. And then  
17 there was the July 9<sup>th</sup> incident with [victim's name  
18 redacted]. It was sent up for three Class 3 felony  
19 charges, and given the unique position of trust that the  
20 Defendant was in and that he had specifically sought for  
21 the purpose of victimizing people, it - the bond was set at  
22 \$250,000. Since the time that that happened we have now  
23 learned of other victims; for example, we've identified the  
24 June 24<sup>th</sup> and 25<sup>th</sup> victim and discovered that that wasn't  
25 just sexual contact, it was actual - actually sexual

1 penetration and intrusion, thus the more serious Class 2  
2 felony charges that have now been filed against him for  
3 this. I did let Mr. Burrill know that we had identified  
4 more people and that I was not prepared to charge them as  
5 Jane Doe victims at this time and wanted to wait until  
6 we've identified all of them. And we're working closely  
7 with Saint Mary's Hospital and the HIPAA protections that  
8 need to be place for that. But we are quickly moving  
9 through that evidence and we've already identified that  
10 there are now five chargeable incidents, and fourth victim  
11 dating back to an incident we discovered in March of 2016.

12 That all puts the con - puts into context his  
13 statement of "don't ever get rid of these videos, you need  
14 to keep them forever. This is your Dexter collection." It  
15 really puts into context the vast number of victims we are  
16 concerned we may find, and the public safety protection  
17 that the Court needs to impose by - by increasing the bond.

18 We are asking, by the way, for the bond to be one  
19 million dollars cash-only. The two purposes being to  
20 protect the community; and the fact that he has now had his  
21 nursing license suspended does not change the fact that the  
22 People are extremely concerned that a person who would  
23 utilize his position of trust in this way to target and  
24 prey on the most vulnerable victims that are on ventilators  
25 in the Intensive Care Unit of a hospital, and use his

1 position to do that is somebody who is a public safety  
2 risk. The fact that he cannot continue to do it in exactly  
3 that pattern doesn't change the fact that a person who  
4 would do that is a continued public safety risk.

5 It also - within the - within the spectrum of a flight  
6 risk, it is clear for this man who is 61 years old is now  
7 facing charges that have much more possible sentences than  
8 the remainder of his life. So he is facing a life  
9 sentence, which makes him a flight risk. We have learned  
10 through a jail phone call that he has asked his wife to  
11 sell their Shelby Mustang and Ford F-250. I do not believe  
12 there are any nonmonetary conditions that can keep somebody  
13 who is facing the rest of his life in prison from fleeing,  
14 because what motivation would he have to do that?

15 Mr. Burrill, at one point during his argument, said  
16 there is - the - the documented history is that he is safe.  
17 Your Honor, Mr. Lambros has well documented his history.  
18 The evidence against him is extremely strong because  
19 they're on video. We have videos of his face of him doing  
20 this, so the likelihood of conviction goes way up and as  
21 well the likelihood of him being a flight risk goes way up  
22 when he knows that. He is the one who has documented his  
23 history.

24 So for all of those reasons, Your Honor, we believe a  
25 one million dollar cash-only bond is appropriate. Thank

1           you.

2                   THE COURT:        I'm going to go ahead and take the  
3           matter under advisement so I can review all the information  
4           that's in the case file, and I'll issue a written order.

5                   When did the parties otherwise wish to bring this case  
6           back?

7                   MR. BURRILL:    Your Honor, I anticipate that  
8           there's going to be a lot of discovery and review in this  
9           case, so I was thinking approximately 30 days or so for  
10          status. I was - I don't - we're going to meet that maybe  
11          the seventeenth.

12                   MR. RUBINSTEIN:        So eight (unintelligible).

13                   MR. BURRILL:    So anytime - like late - the last  
14          week of November potentially, the first week of December.  
15          So maybe that - could you do Friday, the second?

16                   MR. RUBINSTEIN:        If I can have just a moment?  
17          Thank you, that works.

18                   THE COURT:        Why don't we do Friday, December  
19          2<sup>nd</sup> at 10:00 AM to keep it all...

20                   MR. BURRILL:    That should work.

21                   THE COURT:        So it's not quite so crowded.

22                   MR. BURRILL:    You said at ten o'clock?

23                   THE COURT:        Ten o'clock.

24                   MR. BURRILL:    That works.

25                   THE COURT:        Okay. Mr. Lambros, your case is

1 continued until Friday, December 2<sup>nd</sup> at 10:00 AM.

2 (End of proceedings on this date.)

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REPORTER'S CERTIFICATE

I certify that the foregoing transcript from the electronic sound recording from the proceedings is in compliance with Chief Justice Directive 05-03.

Dated: December 6, 2022.



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Patricia J. Smith