

<b>DISTRICT COURT, JEFFERSON COUNTY, COLORADO</b> 100 Jefferson County Parkway Golden, Colorado 80401 Telephone: (303) 271-6190	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <hr/> trial court case No. 99 DR 3717  Div. 9 / Jack Berryhill, judge
In re the Marriage of: <b>Petitioner:</b> CHRISTY RYAN and <b>Respondent:</b> SEAN HARRINGTON	
Sean L Harrington P.O. Box 351855 Westminster, CO 80035	
<b>FATHER'S SECOND EXHIBIT SUPPLEMENT TO C.R.C.P. 59 MOTION</b>	

Sean L. Harrington submits the within EXHIBIT SUPPLEMENT TO HIS MOTION FOR RECONSIDERATION:

1. **Exhibit D - March 20, 2009 e-mailed memorandum from 18<sup>th</sup> Judicial District Attorney**, discussing findings that Madeline Wilson made certain false statements, but that the statements were not “materially false” as required by Colorado’s perjury statute, because a judge in Texas declined to set a Motion for hearing that was based on the false statements. The Ass’t District Attorney, Leslie Hansen, indicated to Mr. Harrington via telephone on March 12, 2009 that, if a Texas court (either the trial court<sup>1</sup> or an appellate court) produces findings that the statements could have been material, an indictment against Ms. Wilson will be brought.

Submitted this 20<sup>th</sup> day of March, 2009.



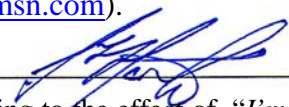
Sean L. Harrington

**CERTIFICATE OF MAILING**

I hereby certify that on the 21<sup>st</sup> day of March, 2009, a true and accurate copy of the foregoing *EXHIBIT SUPPLEMENT* has been mailed, first class postage prepaid, to the following:

**First Judicial District Court / Division 9**  
100 Jefferson County Parkway  
Golden, CO 80401

and by electronic mail to: David H. Yun ([DYun@jalegal.com](mailto:DYun@jalegal.com)) and Brett N. Huff ([bhuff@huffandleslie.com](mailto:bhuff@huffandleslie.com)) and Christy C. Ryan ([cryan72@msn.com](mailto:cryan72@msn.com)).



<sup>1</sup> On October 13, 2008, the Texas trial judge said to counsel in chambers something to the effect of, “I’m just not going to find jurisdiction over an attorney in Colorado . . . If he wants to sue a Colorado attorney, let him sue her in Colorado.”



## OFFICE OF THE DISTRICT ATTORNEY

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### Memorandum

To: Sean Harrington  
From: Leslie Hansen  
Date: March 20, 2009  
Re: Perjury Complaint

Question: Did Ms. Wilson make "materially false statements" in the Affidavit of Madeline Wilson such that the affidavit is perjurious?

A materially false statement is one that, regardless of its admissibility under the rules of evidence, could have affected the course or outcome of an official proceeding or action or decision of a public servant, such as a judge. §18-8-501 (1).

Ms. Wilson is a licensed attorney in the State of Colorado and represented Sean Harrington's ex-wife, Christy Ryan in divorce proceedings in Jefferson County, Colorado. Ms. Wilson's law office is in Arapahoe County. Ms. Ryan moved to Texas in late 2004; Mr. Harrington found her in Texas and filed an action there in family court to regain parental access to his daughter. Ms. Wilson was also sued as a third party in Texas. She authored an affidavit that was executed at her office in this jurisdiction and submitted to the court in Texas in conjunction with a motion entitled, Special Appearance and Motion Objecting to Jurisdiction. The motion sought to have the judge find that the Texas court did not have personal jurisdiction over Ms. Wilson and that she therefore could not be sued in the State of Texas.

Among other things, Ms. Wilson averred in the affidavit that she did not conduct business in the State of Texas and that even though she holds an inactive license to practice law in Texas, that she did not represent any clients in Texas as a licensed attorney; and that she had not represented any Texas residents in litigation or transactions in the State of Texas. In the affidavit, Ms. Wilson further stated that she did not engage in business in Texas, including any acts constituting business within the meaning of Texas law and that she had not committed a tort in Texas. Ms. Wilson stated that, "I represented Respondent Christy Ryan . . . in a lengthy, contentious divorce and child custody proceeding in Colorado . . . All of my actions undertaken in Ms. Ryan's representation occurred in Colorado. Any attorney-client relationship between Ms. Ryan and myself was initiated in Colorado. I remain her attorney in an ongoing matter related to the Colorado custody proceeding."

The assertion is that Ms. Wilson did practice law in Texas because she gave her client, Christy Ryan, legal advice after Ms. Ryan left Colorado and went to Texas with Mr. Harrington's daughter. Further that Ms. Wilson assisted Ms. Ryan in secreting the daughter in Texas and concealing her whereabouts from the father. Mr. Harrington was able to retrieve an e mail sent from Ms. Wilson to Ms. Ryan in Texas wherein Ms. Wilson tells Ms. Ryan, "... I ADVISE YOU TO GET A RESTRAINING ORDER WHERE YOU ARE SINCE WE CAN'T DO IT FOR YOU HERE. IF I FIND HIM, I WILL LET YOU KNOW." Mr. Harrington contends that it is not just the use of the word "advise" by Ms. Wilson, but the fact that she gives instructions to Ms. Ryan about how to obtain the restraining order, including suggesting specific language to be used and what to tell the child's school in Texas, so that school records can be withheld from the father. Ms. Wilson also advises Ms. Ryan to listen in on her daughter's phone calls when she is speaking to her father for additional information that can be used to obtain the restraining order. Mr. Harrington and his attorney in Texas contend that she did in fact conduct business in Texas because she gave her former client legal advice about the restraining order and that this conduct contradicts her affidavit wherein she stated that she did not conduct business in Texas.

The Judge in Texas granted Ms. Wilson motion and she was dismissed from the lawsuit in that jurisdiction. Thereafter, Mr. Harrington discovered additional evidence i.e. several e mails between Ms. Wilson and Harrington's ex-wife exchanged after Ms. Ryan moved to Texas. Based on this new evidence Mr. Harrington's attorney filed a

**EXHIBIT A**

Motion for A New Trial (a Motion for Reconsideration had been previously filed, but the e mails had not yet been discovered). The Motion for a New Trial disclosed the newly discovered e mails. These motions were denied without written findings by the court.

After a review of the pleadings and the relevant case law, both Colorado and Texas, it is my opinion that we can not file a charge of perjury against Ms. Wilson in Colorado. Harrington's attorney argued in the Motion for a New Trial that the e mails proved that Wilson was doing business in Texas and that her affidavit to the contrary amounted to perjury. Even though the judge did not issue specific finds with regard to the Motion for A New Trial, a persuasive argument can be made that the judge's failure to grant a new trial indicated that the statements were not "materially false" as they did not induce him to change his ruling. (Given the way this particular case played out, I do not think it makes a difference that the law in Colorado uses the word "could" as opposed to "would".) It is therefore my opinion that we can not prove beyond a reasonable doubt that the statements were "materially false".