18th Judicial District Attorney's Office

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DA, 18th Judicial District

Requests:

1. Conviction Integrity Unit

-Request for 2 FTEs to start (or one FTE and one temp)

-4 FTEs to fully staff

2. Temporary employees and intern program

Conviction Integrity review – Why?

- Central Park 5
  - Exonerated
  - Actual perpetrator confessed
  - DNA evidence
  - Settlement of $41 million

Conviction Integrity review – Why?

TIMOTHY MASTERS, Larimer, Colorado

- **Crime:** Murder 1
- **Reported Crime Date:** 1987
- **Convicted:** 1999
- **Exonerated:** 2008
- **Sentence:** Life
- **Age at the date of reported crime:** 15 yrs old (Juvenile)
- **Contributing Factors:** Perjury/False Accusation, Official Misconduct
- **Did DNA evidence contribute to the exoneration?** Yes

Conviction Integrity review – Why?

On February 11, 1987, the body of 37-year-old Peggy Hettrick was found in a field in Fort Collins, Colorado, less than 500 yards from a bar where she was last seen leaving about 1:30 a.m.

Witnesses told police she left after spotting her boyfriend with another woman. She had been stabbed in the back and sexually mutilated.

Fifteen-year-old Timothy Masters, who lived with his father in a trailer near the field, saw the body on his walk to school that morning, but did not report it.

When his father mentioned that his son had seen what he thought was a mannequin in the field, they pulled Masters from school for questioning.

The boy told police that his mother had died four years earlier, so he assumed someone had placed a mannequin there as a prank.

Conviction Integrity review – Why?

As the investigation continued, police focused on Masters because:

- The date of the killing was close to the date of his mother's death
- a news clipping about Hettrick's murder was on his desk
- he owned a flashlight and collection of knives

No physical evidence linked him to the crime, although police found a considerable amount of blood; a blood trail stretched more than 100 feet from the woman's body, apparently the result of excessive internal bleeding. But none of the victim's blood was found on any of Masters' knives.

Conviction Integrity / review – Why?

The investigation continued for years without an arrest, but with numerous suspects. In 1992, police learned that Masters told a friend that a nipple had been cut off of Hettrick's body--a detail that was not believed to be public.

Investigators questioned Masters in Philadelphia where he was stationed in the U.S. Navy. He said he had learned the detail from a girl in his school art class whose Girl Scout troop had been to the field shortly after the crime. The girl corroborated Masters' story.

In 1997, police enlisted J. Reid Meloy, a psychologist specializing in sexual homicide. **Meloy concluded that Masters' artwork implicated him in the crime**. He called the crime "displaced sexual matricide," arising from Masters' feeling of abandonment by his mother's death.

Masters was charged with murder on August 10, 1998 – over 10 years later – and went to trial in February, 1999. The prosecution relied heavily on Meloy's testimony, as well as Masters' drawings and knives. Masters was found guilty by a jury and sentenced to life in prison.

Conviction Integrity review – Why?

On January 2, 2008, **prosecutors admitted that certain evidence had been withheld from Masters' defense lawyers**, including

- Reports from two experts contacted by police prior to the trial that disagreed with Meloy's opinion of Masters' guilt
- Information about the arrest of Hammond.

On January 18, 2008, prosecutors announced that DNA tests pointed to a different suspect and said that Masters should be released from prison.

On January 22, 2008, the charges were dismissed, and Masters was released.

Larimer County and the City of Ft. Collins subsequently settled wrongful conviction claims brought by Masters.

Conviction Integrity review – Why?

- Wrongful convictions reduce community safety and confidence in the criminal justice system.
- When a wrongful conviction happens, not only is an innocent person prosecuted for a crime they did not commit, but a guilty person has walked free and remains in our communities.
- Prosecutors have a duty to ensure wrongful convictions are corrected and procedures and policies are implemented to reduce the risk of future wrongful convictions. (*See ABA Model Rule of Professional Responsibility 3.8 (i)-(k)*.)

Sentencing disparity

- Sentencing disparities in the justice system raise concerns about fairness, as similar cases often receive different outcomes due to race, socioeconomic status, and judicial discretion.
  - These inconsistencies undermine trust and call for reform.

- The need to address sentencing disparities is not just about fairness but also about improving the overall effectiveness of the criminal justice system.
  - When sentences are perceived as fair and just, it enhances the legitimacy of the system and can lead to better compliance and respect for the law.
  - This is particularly important in maintaining public order and fostering a sense of justice among the community.

Sentencing disparity

- Studies show marginalized defendants often face harsher sentences than wealthier ones.
- Implicit bias, historical inequalities, and legal representation gaps drive these disparities, raising ethical concerns about true justice.
- Racial bias influences on use of discretion.
- A financially burdensome and under-resourced criminal legal system puts people with low incomes, who are disproportionately people of color, at a disadvantage.

Conviction Integrity / review – Why?

- Transparency:
  - Our community will benefit from understanding the work the Unit has done.
  - We will publish data about the number of requests handled, investigations completed, and cases closed
  - Learning Opportunities.
    - Every exoneration or case correction identifies an error in the criminal justice system.
    - Our office will identify the factors that led to that error, learn from them, and change policies to prevent those errors from recurring.
    - Root cause analysis involving multiple system stakeholders – community members, police, courts, defense counsel, and experts as needed – should be used to identify systemic factors that contribute to wrongful convictions and avoid single-directed blame which is counterproductive.
- Serves the goal of restoring community trust in the system.

Conviction Integrity / review – Why?

- Current review by appellate unit
- Review process under prior admins did not have dedicated staff, but relied on volunteers
- Defense requests for review of convictions and sentences have been submitted and need review
- Additional cases come to our attention via clemency petitions

Conviction Integrity / review – Who?

- Independence is key to an effective and transparent Conviction Integrity Unit.
  - Reviewing cases of old convictions is a difficult task to undertake, and one fraught with emotion and deeply held beliefs about the outcome.
  - CIUs should be independent entities, outside the appellate unit
- A unit apart from other units within the DA's office and led by an attorney with strong experience who reports directly to the Elected are the hallmarks of an independent unit

Conviction Integrity / review – When?

- Now is the time
  - Important to the communities we serve
    - Numerous requests from defense bar
  - Consistent with County values
  - 1st JD stood theirs up in 100 days after the 2020 election
  - Federal funding grants were terminated
  - DNA advances
- Other offices with CIUs:
  - 1st JD (JeffCo)
  - 2nd JD (Denver)
  - 20th JD (Boulder)

Conviction Integrity review – How?

- Types of review for claims of innocence:
  - Actual innocence – that the individual convicted had no role in the crime
    - Actual innocence and the individual claims there is new evidence to prove it
    - Actual innocence without new evidence to prove it
  - Legal innocence in that the individual's actions were justified through mental illness, self-defense, or defense of others
  - Legal innocence in that the individual committed some of the acts alleged but not all

Justice Integrity review – How?

- Review of other claims:
  - Constitutional violations during the process
  - Sentencing issues
    - Disparate sentencing
    - Habituals
  - Use data collected to find cases with disparate sentencing

Staffing

- To fully staff, 4 FTEs
  - Experienced attorney (DDA III or IV), preferably with defense as well as prosecution experience
  - Paralegal
  - Investigator
  - Victim Witness advocate
- Could launch the unit with two FTEs – attorney and paralegal
  - $277,637 with full time paralegal; $202,544 with temporary, part-time paralegal

Additional request:

-Temporary staff funds, to include internship program

- Temporary staff are needed to cover for individuals out on FMLA, to meet spikes in discovery needs (eg processing body worn camera, etc.)

Internship program

- We have a vibrant student internship program in which third year law students can practice law – i.e., appear in court – under the state's Student Practice Act ("SPA").
  - 3L SPA interns handle traffic and misdemeanor cases under the supervision of licensed attorneys.
  - Interns help handle dockets, argue motions, and engage in all aspects of trial work.
  - They also research and respond to defense motions, prepare motions for the People, and work closely with victims, witnesses, and defense counsel.
  - They are crucial to staffing Division 101, which is our first appearance for traffic and other minor offenses.
- They save the office money and allow us to better serve the public

Total for both internship programs = $182,406

A. 3L SPA Internship Program

Season	Number of Interns	Hours/Week per Intern	Duration (Weeks)	Total Paid Hours	Cost Calculation	Total Cost
Spring	4	20	20	4 × 20 × 20 = 1,600	1,600 × $22.575	$36,120
Summer	5	40	10	5 × 40 × 10 = 2,000	2,000 × $22.575	$45,150
Fall	4	20	20	4 × 20 × 20 = 1,600	1,600 × $22.575	$36,120
Total 3L SPA				5,200 Hours		$117,390

B. 2L Appeals Internship Program

Season	Number of Interns	Hours/Week per Intern	Duration (Weeks)	Total Paid Hours	Cost Calculation	Total Cost
Spring	2	24	20	2 x 24 x 20 = 960	960 × $22.575	$21,672
Summer	3	32	10	3 × 32 × 10 = 960	960 × $22.575	$21,672
Fall	2	24	20	2 × 24 × 20 = 960	960 × $22.575	$21,672
Total Appeals				2,880 Hours		$65,016

Questions?