

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

LLS NO. R17-0883.01 Gwynne Middleton x4340

HJR17-1025

HOUSE SPONSORSHIP

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HOUSE JOINT RESOLUTION 17-1025

101 **CONCERNING THE REQUEST THAT GOVERNOR HICKENLOOPER**
102 **EXERCISE HIS AUTHORITY TO GRANT CLEMENCY TO RENE**
103 **LIMA-MARIN.**

1 WHEREAS, In 2000, at the age of 19, Rene Lima-Marín and an
2 accomplice were convicted of burglary, aggravated robbery, and
3 second-degree kidnapping and given consecutive sentences of 98 years;
4 and

5 WHEREAS, While Lima-Marín was young at the time of
6 committing the crime and not fully aware of the severe consequences of
7 his actions prior to arrest, he was rightfully convicted at trial; and

8 WHEREAS, Despite the initial stiff sentence, the public defender
9 who reviewed Lima-Marín's case file after sentencing assured him that,
10 if he behaved while incarcerated, his sentence would be greatly reduced,
11 never explaining that the reduced sentence was due to a rare clerical error;
12 and

13 WHEREAS, While incarcerated, Lima-Marín became a model
14 inmate, joining a small Christian prayer group that focused on personal

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended Final Rdg.
April 21, 2017

1 responsibility and service to others, and, with a clean behavior record,
2 was granted parole in April 2008; and

3 WHEREAS, During the five years of his parole, Lima-Marin
4 maintained a spotless record, fulfilling all the terms of the parole without
5 incident and overcoming the many obstacles the formerly incarcerated
6 face when reentering society; and

7 WHEREAS, The life Lima-Marin created outside of prison was
8 that of a model citizen, working his way from menial jobs to a skilled
9 career in construction, marrying his long-time girlfriend, raising his
10 adopted son and the son he and his wife had after marrying, purchasing
11 a home, and serving in his local church as a youth group leader who
12 ministered to young people in group homes; and

13 WHEREAS, In the intervening years between his initial
14 incarceration and reincarceration, Lima-Marin strived to be a productive,
15 taxpaying member of society rather than a tax burden on the state; and

16 WHEREAS, When Lima-Marin was notified about the error and
17 told he must return to prison, he surrendered to authorities of his own
18 volition rather than evade capture, a strong testament to his honesty and
19 moral conviction; and

20 WHEREAS, By releasing Lima-Marin early and then
21 reincarcerating him because of the clerical error, the state is enacting
22 cruel and unusual punishment by separating him from his family and the
23 life he built as a rehabilitated, free citizen; and

24 WHEREAS, The criminal justice system claims to not only be
25 about upholding justice but about reforming offenders, which is exactly
26 what Lima-Marin's initial incarceration achieved as evidenced by the life
27 he led during incarceration and in the years following his release; and
28

29 WHEREAS, Over the past decades pardons and clemencies
30 granted by governors in Colorado and other states have declined
31 dramatically; and

32 WHEREAS, There are a number of worthy cases for pardons or
33 clemencies other than Lima-Marin's, and these cases are currently under
34 consideration by the governor; and

1 WHEREAS, Lima-Marín is deserving of clemency by the
2 governor due to the dramatic positive changes he has made in his life; and

3 WHEREAS, Because of the rare nature of this administrative
4 error, the Colorado General Assembly believes the equally rare granting
5 of clemency authorized by the governor would eliminate a court decision
6 that could set a problematic precedent for other cases in the future; now,
7 therefore,

8 *Be It Resolved by the House of Representatives of the Seventy-first*
9 *General Assembly of the State of Colorado, the Senate concurring herein:*

10 That we, the Colorado General Assembly, urge Governor
11 Hickenlooper to use his executive authority to grant clemency to René
12 Lima-Marín.

13 *Be It Further Resolved,* That copies of this Joint Resolution be sent
14 to Governor John Hickenlooper; members of Colorado's Executive
15 Clemency Advisory Board; George Brauchler, District Attorney of the
16 18th Judicial District; Honorable Carlos A. Samour, Jr., Chief Judge of
17 the 18th District Court; René Lima-Marín; and Lima-Marín's wife
18 Jasmine Lima-Marín.