



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

4 May 2016

RE: SB 180 and SB 181

Daniel,

As we discussed Tuesday morning, I am writing to tell you that I support these two bills as amended and you are authorized to read this statement into the record and share it with other members of the House Judiciary committee. I will also try to testify in person if doing so is important, though I must return to Boulder for an appearance before the 20th JD District Judicial Evaluation Commission at 5 pm.

The issue of the fate of the nearly 50 individuals serving life without parole sentences for crimes committed while they were juveniles has troubled me since I was first sworn in as District Attorney in 2008. I have actively supported several efforts to rectify this situation all of which have been unsuccessful, opposed strongly by my professional organization, CDAC. Though I respect my elected colleagues and our professional organization, and do not question their motives, I disagree strongly with them on this issue and have done so consistently throughout my two terms in office.

I commend the legislature for being troubled by the unconstitutional nature of the status quo and for proposing several bills through the years to remedy the problem. As a lawyer, and especially as a District Attorney, whose first job is to do justice and to uphold the principles of the United States and Colorado Constitutions, I cannot ignore that the United States Supreme Court has said (twice, now) that these sentences are unconstitutional and that the principles are retroactive and that this situation must be rectified. Though one could wait until each case is reviewed on an ad hoc basis by the courts, I have always felt that the legislature is best suited to devise a mechanism for review and correction of these sentences and a framework for imposition of sentences on similar crimes going forward.

Which brings me to the two proposed bills as they have been sent to this House by the Senate. Are they perfect? No. Are there amendments that might make them better? Yes. But they are much better than doing nothing and infinitely better than the specter of dragging the victims impacted by the crimes committed by these young people back to testify year after year before legislative committees as the legislature tries to figure out how to address this situation. These bills will provide a framework for one thoughtful reevaluation of these sentences, considering impacts from victims and others, as well as defendants, so the sentences can be modified reasonably with appropriate focus on public safety.

I smile a bit ruefully when my colleagues suggest that I don't have "standing" to address this issue since none of the people serving these sentences committed their crimes in Boulder County. Certainly, I am sensitive, very much so, to respecting the suffering of those actually impacted by these cases. However, as anybody who reads the papers knows, we have plenty of violent crime in the 20th Judicial District (I have personally tried 2 first degree murder cases in my time as the elected DA), some of it committed by young people and when appropriate, we impose very strong sentences for violent crimes in my

jurisdiction. But we do always try to deal with children differently than adults. Currently, we have two homicide cases committed by young people, Larry Long, who slaughtered his 3 family members in 1986, shortly after he turned 18 and was recently denied parole after serving 30 years and Tess Damm and the 2 juvenile and 1 adult co-defendants who killed Tess's mother in Lafayette in 2007 (when Tess was 14), and each received long, but ultimately reviewable sentences. Some of these defendants are doing well in prison, getting their education and developing emotionally and will likely be conditionally released eventually with the support of their families and the families of the victims and others are not. Ms. Damm in particular, seems to be doing well and her likely eligibility for parole will come in her early 30's.

The fact is: every crime is different and the legislature needs to assure the appropriate flexibility to achieve justice. These two bills meet that goal.

The Legislature needs to act and act now. I urge that you vote in favor of both of these bills.

Stan Garnett