

**2019 APAAC Annual Prosecutor Conference**  
**June 19-21, 2019**  
**Arizona Grand Resort & Spa**  
**Phoenix, Arizona**



**Keynote Speech - 21st Century Modern  
Policing & the Modern Prosecutor**

Presented By:

**GEORGE BRAUHLER**

District Attorney for Colorado's 18th Judicial District

Distributed by:

Arizona Prosecuting Attorneys' Advisory Council  
1951 West Camelback Road, Suite 202  
Phoenix, Arizona

**ELIZABETH BURTON ORTIZ**  
**EXECUTIVE DIRECTOR**

## The 21<sup>st</sup> Century Prosecutor

## Aurora Theater Massacre Case

## 18<sup>th</sup> Judicial District

## Transparency

## Transparency



# OIS

# Conviction Review Unit

# Critical Response Team

# Forfeitures

**OFFICER INVOLVED SHOOTINGS**

Investigations of officer involved use of deadly force or potentially deadly force present a unique set of circumstances, which make them more complex than routine investigations. Law enforcement agencies in the 8th Judicial District pool resources through a Critical Response Team to investigate the incidents, and the District Attorney's Office determines whether the use of force was lawful or criminal. Those reports are public by

Report on Nov. 27, 2018 shooting in Centennial	Report on Aug. 31, 2018, shooting in Douglas County	Report on Aug. 20, 2018, shooting in Cherry Hills Village	Report on June 23, 2018, shooting in Centennial
Review of the shooting death of Nicholas Ryan, who was fired on by five Douglas County Sheriff's deputies on Dry Creek Road near the I-25 overpass.	Review of the shooting death of Paul Edward Atkins by three Douglas County Sheriff's deputies on U.S. 89 near Delus Road	Review of the shooting at a suspect by Cherry Hills Village Police Officer Cory Sack at a home on Sedgwick Drive	Review of the shooting death of Andrew Adam Paine by Arapahoe County Sheriff's Office deputies at a home on South Olive Street
<a href="#">Read more</a>	<a href="#">Read more</a>	<a href="#">Read more</a>	<a href="#">Read more</a>

# Set **higher** standard than required

# Conviction or flight

## CLEMENCY

In Colorado, there are two types of clemency:

- 1) commutation of sentence is the shortening of a criminal sentence
- 2) pardon is a public declaration of forgiveness by the governor after the sentence has been served

The procedure the Colorado legislature has enacted for the commutation and pardon process is found in Colorado Revised Statutes, §§ 16-17-101, 102.

The application form for both types of clemency can be found [here](#).

The state's Clemency Coordinator will seek input from the district attorney, the judge who presided over the case, and the attorney who prosecuted the case. The Clemency Coordinator will also seek input from the victim. Once this is complete, the packet is reviewed by the clemency board, which makes recommendations on the merits of each application. The governor then makes a final decision to grant, deny, table (postpone consideration) or take no action concerning the request.

## FORFEITURES

Forfeiture is the seizing of property connected to illegal activity. Governments can seize property that is contraband, that is the proceeds of illegal activity or that was used in the commission of a crime.

In Colorado, this is governed by statute: CRS 16-13-302(1) (public nuisance) and CRS 16-13-301.6(2) (contraband forfeiture acts).

Posted here is the record of forfeiture cases in the 18th Judicial District since George H. Brauchler became district attorney in January 2013. 'CV' indicates 'civil,' and 'CR' indicates 'criminal.'

Download the complete 2017 Report here: [Download](#)

Download the 2017 Fund Balance Sheet here: [Download](#)

## PRISON STATISTICS

### Prison Statistic Reports

The Community Law Enforcement Action Reporting Act of 2015 (CLEAR Act) mandated that the Colorado Division of Criminal Justice provide annual justice system reports analyzed by race, ethnicity and gender. While the law does not apply to the Office of the District Attorney, we understand the importance of transparency of this information and want to provide as much data as we can. Here we post quarterly reports on people sent to prison in the 18th Judicial District. Note: Our data includes race and ethnicity categories. Unfortunately, ethnicity is not currently reported.

- [Cases with prison sentences 1st quarter 2017](#)
- [Cases with prison sentences 1st quarter 2018](#)
- [Cases with prison sentences 1st quarter 2019](#)
- [Cases with prison sentences 2nd quarter 2017](#)

JANUARY 1-DECEMBER 31, 2017 FORFEITURE ACTIONS REPORT FOR THE 18TH JUDICIAL DISTRICT 16-13-701(1)(a)(b)(c) C.R.S.

DEFENDANT	COUNTY	CV CASE #	PROPERTY SEIZED OR CASE	CHARGES	CRIM STATUS	CV STATUS	PROPERTY FORFEITED
COLLINS, MANUEL	DOUGLAS	17CV11028	\$3,590.00	17CR1041 MARIJUANA CONCENTRATE POSS	PENDING	PENDING	
ELLENBERG, MATTHEW	ARAPAHOE	17CV30257	\$4,024.00	16CR24254 POSS W/ INTENT TO DIST	RESOLVED	RESOLVED	\$4,024.00
FERN, LAURA	ARAPAHOE	17CV31734	\$1,437.00	17CR2618 CONT SUB DIST	RESOLVED	RESOLVED	\$1,437.00
GIRON-SANCHEZ, #1 #6	ARAPAHOE	17CV30274	\$46,157.00	16CR3453 POSS W/ INTENT TO DIST	PENDING	PENDING	
HANSON, ERIC	ARAPAHOE	17CV30574	\$17,507.00	17CR406 COLLECTOR OF MARIJUANA	RESOLVED	RESOLVED	\$17,507.00
HUMMEL, ERIC	ARAPAHOE	17CV30662	\$10,299.00	17CR460 MARIJUANA CONCENTRATE POSS	RESOLVED	RESOLVED	\$10,299.00
JOSEPH, PETER	ARAPAHOE	17CV30806	\$1,106.00	17CR812 CONT SUB POSS W/ INTENT	PENDING	PENDING	
KUYAROV, IRINA	DOUGLAS	17CV30966	2011 HONDA ACCORD	17CR754 POSS W/ INTENT TO DIST	PENDING	PENDING	
LYTLE, CLIFTON	ARAPAHOE	17CV32340	\$5,119.00	17CR2462 CONT SUB POSS W/ INTENT TO DIST	RESOLVED	PENDING	

133 cases with prison sentences for 1/1/2019 to 3/31/2019

Case Number	Chrg	Priors	Race	Ethnicity	Gender	Age	Plea	Prob Rev	Dept	Term	Sentence
00002017CR002248	TRF9	2	W	U	F	29	Yes	Yes	19	Dept of Corrections	3 Years
00002017CR002121	DRV9	1	W	U	M	55	No	No	1	Dept of Corrections	12 Years
00002017CR001677	WRTR	1	W	U	M	55	No	No	1	Dept of Corrections	48 Months
00002017CR001630	FELG	6	W	U	M	30	No	No	1	Dept of Corrections	18 Months
00002017CR002196	TRF1	2	W	U	M	36	No	No	1	Dept of Corrections	12 Years
00002017CR002157	BURG	0	W	U	M	36	No	No	1	Dept of Corrections	18 Years
00002017CR002081	ASSA	0	W	U	M	38	Yes	No	19	Dept of Corrections	3 Years
00002017CR000698	ID TH	0	W	U	M	38	Yes	No	19	Dept of Corrections	18 Months
00002017CR000698	VEHC	2	W	U	M	54	No	No	19	Dept of Corrections	3 Years
00002017CR001677	MOTG	0	W	U	M	18	Yes	No	19	Dept of Corrections	1 Year
00002017CR001211	INDM	0	W	U	M	18	Yes	No	19	Dept of Corrections	20 Years
00002017CR002178	HC66	0	W	U	M	24	Yes	No	19	Dept of Corrections	10 Years
00002017CR001212	CONT	1	W	U	M	29	Yes	No	19	Dept of Corrections	4 Years
00002017CR001447	BURG	0	W	U	M	29	Yes	No	19	Dept of Corrections	48 Months
00002017CR002196	MOTG	0	W	U	M	37	Yes	No	19	Dept of Corrections	8 Years
00002017CR000492	ASSA	0	W	U	M	24	Yes	No	19	Dept of Corrections	7 Years
00002017CR002074	CONT	0	W	U	M	24	Yes	No	19	Dept of Corrections	1 Year
00002017CR000221	BURG	0	A	N	M	38	Yes	Yes	19	Dept of Corrections	30 Years





**Cameras in the courtroom?**

CRIMINAL JUSTICE RECORDS REQUEST  
 OFFICE OF THE DISTRICT ATTORNEY, 18TH JUDICIAL DISTRICT  
 6450 S. REVERE PKWY, CENTENNIAL, CO 80111  
 PHONE: 720-874-8500 FAX: 720-874-8501

(PLEASE COMPLETE ALL SECTIONS)  
 \* INDICATES REQUIRED INFORMATION  
 INCOMPLETE FORMS WILL BE DISCARDED

\*Name of Requestor:   
 \*DOB:   
 \*Address:   
 \*City and State:   
 \*Zip Code:   
 \*Phone Number:   
 Cell Phone:   
 \*Email:  Confirmation will be emailed to this address.

**\*\*NOTE:** This \$25 fee is non-refundable and is required before any search will be done. Your payment will show up as payment to "Office of the District Attorney, 18th Judicial District." Other charges may be associated with completing your request and will be assessed in accordance with C.R.S. 24-72-306.\*\*

**Bias:**  
**“almost exclusively”**  
**(Hanlon)**

**Accessibility**



# Board Certification (Gur)



**IGNORANCE**

Sometimes it's best just not to know.



**3.6**

**“extrajudicial statement...”**

**3.6 & 3.8**

**Remember these?**

**3.6**

**“reasonably should know...”**

**3.6**

**“disseminated  
by...public  
communication...”**

**Briefings to  
government  
officials**

**3.6**

**“substantial  
likelihood...”**

**3.8 (f)**

**Prosecutor  
shall:**

**3.6**

**“materially  
prejudicing...adjudic  
ative proceeding”**

**3.8 (f)**

**“refrain  
from...extrajudic  
ial statements...”**

**3.8 (f)**

**“substantial  
likelihood of...”**

**3.8 (f)**

**“exercise  
reasonable care  
to prevent...”**

**3.8 (f)**

**“heightening public  
condemnation of  
the accused...”**

**3.8 (f)**

**investigators,  
etc...**

**3.8 (f)**

**AND...**

**3.8 (f)**

**“from making an  
extrajudicial  
statement...”**

**Technology**

**In trial**

**eDiscovery**

**Experts**

**In trial**

**Questions?**