

D 2010-017

EXECUTIVE ORDER

Designating State's Prosecutor to Investigate Conduct of District Attorney Myrl Serra

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular Colorado Revised Statute § 24-31-101(1)(a), I, Barbra O'Brien, Lieutenant Governor and Acting Governor of the State of Colorado pursuant to Article IV, Section 13(5) of the Colorado Constitution, hereby issue this Executive Order designating John W. Suthers, Attorney General for the State of Colorado, as the State's prosecutor, to investigate and, if appropriate, prosecute criminal matters related to possible criminal conduct by Myrl Serra, District Attorney for the Seventh Judicial District.

I. Background and Purpose

On September 17, 2010, allegations of potential criminal conduct by Myrl Serra, District Attorney for the Seventh Judicial District, were brought to the attention of the Montrose County Sheriff. Because of the close relationship between the Montrose County Sheriff's Office and the Office of the District Attorney for the Seventh Judicial District, the Montrose County Sheriff referred the matter to the Colorado Bureau of Investigation ("CBI"). In the course of conducting its investigation, CBI learned of additional potential criminal activity by Mr. Serra, which included allegations of potential official misconduct. On September 27, 2010, the Governor, pursuant to C.R.S. § 24-33.5-412(1)(d), authorized CBI to investigate the additional allegations of potential criminal conduct.

Mr. Serra is a sitting district attorney and, thus, not subject to investigation by his own office. Because some of the allegations against Mr. Serra concern official misconduct, it is not appropriate to request a sitting district attorney in another judicial district to investigate this matter. I am, therefore, designating the Attorney General to appear for the State of Colorado to investigate, and if appropriate, to prosecute any potential criminal wrongdoing related to Mr. Serra's conduct.

II. Directives

Pursuant to Colorado Revised Statute § 24-31-101(1)(a), I hereby appoint John W. Suthers, Attorney General for the State of Colorado, to be the State's prosecutor and

authorize him to take all necessary actions to investigate and, if he deems it appropriate and if supported by the evidence, prosecute, on behalf of the State of Colorado, criminal conduct by Myrl Serra.

III. Duration

Unless modified or rescinded by future Executive Order of the Governor, this appointment and the directive in this Executive Order shall expire upon completion of the Attorney General's investigation and, if deemed appropriate and supported by the evidence, the prosecution of Mr. Serra.

GIVEN under my hand and the
Executive Seal of the State of
Colorado this twenty-ninth day of
September, 2010.

Barbra O'Brien
Lieutenant Governor and Acting Governor