



## C 2020 001

### EXECUTIVE ORDER

#### Commutation of Sentence

Pursuant to the authority vested in the Governor of the State of Colorado by Article IV, Section 7 of the Colorado Constitution and C.R.S. § 16-17-101, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order commuting the death sentence of Offender No. 89148 to imprisonment for life without the possibility of parole.

#### I. Background

In 1996, Colorado Department of Corrections Offender Number 89148 (“Offender No. 89148”), was sentenced to death in Arapahoe County, Colorado (93CR2071) on four counts of first degree murder (F-1). On May 1, 2013, after Offender No. 89148 exhausted all of his legally guaranteed appeals, the District Court in Arapahoe County issued a warrant for his execution, setting the date to fall within the week beginning August 18, 2013, and ending August 24, 2013. On May 6, 2013, Offender No. 89148 submitted a petition for executive clemency. On May 22, 2013, Governor Hickenlooper granted Offender No. 89148 a temporary reprieve from his death sentence in Executive Order D 2013 006.

For the reasons stated below, I am commuting the death sentence of Offender No. 89148 to imprisonment for life without the possibility of parole.

#### II. Basis for Commutation

Commutations are typically granted to reflect evidence of extraordinary change in the offender. That is not why I am commuting this sentence to life in prison without the possibility of parole. Rather, the commutation of this despicable and guilty individual is consistent with the abolition of the death penalty in the State of Colorado, and consistent with the recognition that the death penalty cannot be, and never has been, administered equitably in the State of Colorado.

Offender No. 89148 committed heinous crimes. In 1993, he murdered four individuals, Sylvia Crowell, Ben Grant, Margaret Kohlberg, and Colleen O’Connor, and nearly killed Bobby Stephens, at a Chuck E. Cheese restaurant where he had been employed. The victims’ loved ones and Mr. Stephens live with the pain of Offender No. 89148’s actions every single day. No punishment for Offender No. 89148, death or life imprisonment without possibility of parole, can bring back the victims or lessen the pain and heartache he has caused.

The victims of this crime have had to live with this case for far longer than they should have, which is its own form of injustice. While I understand that some victims agree with this decision and others disagree, I hope that my action will at least provide certainty about the outcome of this horrific event and accompanying legal proceedings. I am under no illusion that this Executive Order gives all of the victims what they want or need, but I hope they will find some comfort in knowing that a final decision has been made regarding Offender No. 89148's sentence, and that he will spend the rest of his life imprisoned, with no possibility of release or rejoining society. I also hope that the victims find some peace and will finally be freed from the public attention that has forced them to relive this personal tragedy over and over.

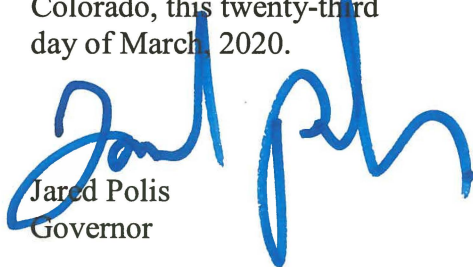
My decision today is not a commentary on the moral or ethical implications of the death penalty in our society; rather it is a reflection of current law in Colorado, where the death penalty has been abolished.

### **III. Grant of Clemency**

Offender No. 89148 be and hereby is granted a commutation reducing his death sentence to a sentence of imprisonment for life without the possibility of parole. This grant of clemency is limited to reducing Offender No. 89148's death sentence to imprisonment for life without the possibility of parole, and shall not in any way affect the underlying criminal conviction.



GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this twenty-third  
day of March, 2020.

A blue ink signature of Jared Polis, written in a cursive style.

Jared Polis  
Governor