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EXECUTIVE ORDER

Designating State's Prosecutor to Investigate the Murder of Peggy Hettrick

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, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order designating John W. Suthers, Attorney General for the State of Colorado, as the State's prosecutor, to investigate and prosecute criminal matters related to the murder of Peggy Hettrick.

I. Background and Purpose

In February of 1987, Peggy Hettrick was brutally murdered in Larimer County, Colorado. Twelve years later, Timothy Masters was tried and convicted for Ms. Hettrick's murder. Since Mr. Masters' conviction, doubts have been raised about his guilt. In April 2007, Judge Joseph Weatherby appointed Seventeenth Judicial District Attorney Don Quick to serve as a special prosecutor to review Mr. Masters' conviction.

Mr. Quick and his team spent nine months on their investigation, during which they discovered and stipulated that numerous documents that Mr. Masters' defense team was entitled to in advance of trial were not provided to them. In recent weeks, new DNA testing—utilizing procedures that were not available at the time of the murder or trial—established that the DNA found on Ms. Hettrick's clothing did not belong to Mr. Masters, but rather to someone else. This combination of evidence and discovery issues led the special prosecutors to request that the district court vacate Mr. Masters' conviction and sentence. On January 22, 2008, the district court granted the special prosecutors' motion and ordered a new trial. Three days later, Eighth Judicial District Attorney Larry Abrahamson filed a motion to dismiss the charges against Mr. Masters.

Peggy Hettrick's murder remains unsolved. The State of Colorado has a vested interest in investigating and prosecuting the individual or individuals responsible for Ms. Hettrick's murder. Moreover, the State has an obligation to the victim, her family, and the citizens of Colorado to fully investigate the murder and, if possible, to bring those responsible to justice. This must be accomplished in a manner that not only serves the interest of justice in this case but that also strengthens the public's confidence in the criminal justice system.

In the interest of justice and at the request of the Eighth Judicial District Attorney, I am designating the Attorney General to appear for the State of Colorado to investigate, and if appropriate, to prosecute such matters in the interest of justice.

II. Mission

Pursuant to Colorado law and this Executive Order, the Attorney General shall conduct a comprehensive investigation of any suspects revealed through the new DNA evidence or otherwise in the Hettrick murder case. If evidence warrants and if deemed to be in the public interest, the Attorney General shall pursue prosecution, consistent with State law.

III. Directive

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 prosecute, on behalf of the State of Colorado, any suspects in the murder of Peggy Hettrick.

IV. 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 the individual or individuals responsible for the murder of Peggy Hettrick.

GIVEN under my hand and
the Executive Seal of the
State of Colorado, this twenty-ninth
day of January 2008.

Bill Ritter, Jr.
Governor