



OFFICE OF THE DISTRICT ATTORNEY

CAROL CHAMBERS, DISTRICT ATTORNEY

18TH JUDICIAL DISTRICT

SERVING ARAPAHOE, DOUGLAS, ELBERT AND LINCOLN COUNTIES

6450 S. REVERE PARKWAY

CENTENNIAL, CO 80111

(720) 874-8500

FAX (720) 874-8501

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Cynthia Graham
c/o Maureen Caine
150 E. 10th Ave
Denver, CO 80203

Dear Mrs. Graham,

Thank you for taking the time to sit down with Carol Chambers and us today. We are very sorry to have upset you. We can only imagine how difficult it is to have to keep re-visiting your son's violent and sudden death, and especially to be told that at this point, we cannot prosecute anyone for that crime.

This letter summarizes the information we shared during our meeting. Please do not hesitate to call one of us at any time if you have any questions or thoughts about this information.

As you know, approximately a year-and-a-half ago, the Arapahoe County Sheriff's Office submitted this case to us to review for charges. We reviewed the information provided and were unable to file charges because the evidence did not meet our filing standard. As we believe you know, the District Attorney's Office is prohibited from filing charges in any case where there is insufficient admissible evidence to support a reasonable likelihood of successfully proving the charges beyond a reasonable doubt at trial. While all evidence, admissible or not, is invaluable in giving an investigation some direction, only admissible evidence can be considered in assessing whether or not charges can be proven at a trial.

However, we were requested and agreed to bring the case before a grand jury in order to make use of the additional investigative tools a grand jury provides.

The Sheriff's Office had developed multiple suspects during its investigation. Over the past year, the grand jury has met for more than twenty sessions on this case and has heard from some seventy witnesses. Despite this, the admissible evidence against these suspects still consists of not much more than what existed before the grand jury investigation began. At this point, neither the Sheriff's Office, the DA's Office, nor the grand jurors themselves can think of any new witnesses to subpoena to testify.

The Sheriff's Office presented the case, including the information developed in the grand jury, to the District Attorney's Office. This was a 6 hour process and a total of more than twenty Chief and Senior Deputy DAs and DA Investigators participated in this review. There was unanimous agreement that the evidence that had been developed so far is not sufficient to provide a

reasonable likelihood of proving charges beyond a reasonable doubt at trial. This is not the kind of decision that anyone in the District Attorney's Office makes lightly or in haste. The most experienced members of the Office arrived at this conclusion only after careful and thorough consideration of the evidence presented. Because this is not the kind of case where physical evidence establishes who committed the crime, we are focusing on those considerations as they relate to the testimonial evidence in the case.

You may have been told that some of the suspects "confessed" to having some involvement in your son's murder. From this, it would be reasonable to conclude that those suspects surely can be charged. Unfortunately, this is not the case.

Confessions are admissible evidence against the person who made them, but only against the person who made them. They are not admissible against other people. At this point, the "confessions" in this case that were made to police officers in the case consist mainly of suspects pointing the finger at each other and disavowing their own involvement. Statements like this are of minimal value except to show that the suspect who made them may have been present at the scene. That alone is not sufficient to be able to file charges.

Admissions made to witnesses other than police officers are also admissible against the person who made them. However, in order to use those statements, we need to be able to trace them back to identify the person the suspect actually spoke to. We also need to be able to connect those "admissions" to the facts of this case.

"Word on the street is ..." or "everyone says suspect X said ..." is not sufficient to be able to identify the actual person who heard the suspect make the statements. In addition, an admission of being involved in some type of criminal activity, for example a shooting without any more detail about who, where, when, etc., is not sufficient for us to be able to establish that the shooting being admitted to is the shooting in this case. Unfortunately the "admissions" we are aware of in this case are largely those types of statements.

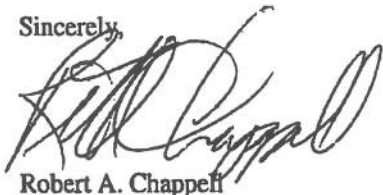
In addition, in this case we are faced with a situation where witnesses claim that they "heard" that the suspects made admissions, but when they describe these admissions, they are inconsistent with the objective known facts of the case. Some suspects themselves have also made admissions to law enforcement that are inconsistent with the objective facts of the case. Finally, even where suspects have made admissions, consistent with the facts or otherwise, they have also recanted those admissions immediately and repeatedly. When assessing whether or not there is a reasonable likelihood of success at trial, we also have to consider how a defense attorney would use the evidence. A situation like this gives a defense attorney a realistic opportunity to successfully claim that the admissions are false and unreliable and to use that claim to raise reasonable doubt.

Even before the grand jury investigation began, the information that was gathered that pointed to particular suspects consisted in large part of unreliable rumors. The grand jury investigation unfortunately did not help to transform those rumors into evidence that is admissible against any specific suspect.

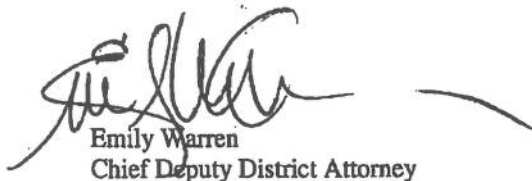
This investigation, however, is not closed. We will be asking the Chief Judge to extend the service of these grand jurors for up to six more months. The Sheriff's Office will continue to investigate, and if additional information is developed in that time, we will be able to present it to the same grand jury that has worked so hard on this case. Some crimes are not solved until years after they occur. Should there be developments in the future, the work of the grand jury will not be for nothing. The information that was developed in the grand jury over the past year will still be available for consideration along with any future developments that may occur.

Your son Andrew was truly a lovely person. We are so sorry for your loss and so sorry that at this point, we cannot hold anyone accountable in connection with his death. Again, please do not hesitate to call if you have any questions, thoughts or concerns.

Sincerely,



Robert A. Chappell
Assistant District Attorney



Emily Warren
Chief Deputy District Attorney

cc: Grayson Robinson
Sheriff, Arapahoe County Colorado