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Denver Post, The (CO)

DA's office taken off murder case A judge rules that Carol Chambers' office has a conflict of interest in a death penalty case involving inmates.

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Carlos Illescas The Denver Post

CENTENNIAL - District Attorney Carol Chambers' office has been yanked from a death penalty case after a judge ruled her office has a conflict of interest and violated professional rules of conduct.

A special prosecutor will be appointed in the trial of **Alejandro Perez**, an inmate at the Limon Correctional Facility.

Perez and inmate David Bueno have each been charged with first-degree murder in the stabbing death of another inmate, Jeffrey Heird, at Limon in 2004.

Chambers is seeking the death penalty in both cases.

In Monday's ruling, Lincoln County District Judge Stanley Brinkley wrote that Daniel Edwards, an attorney with the capital crimes unit for the Colorado attorney general's office, was appointed special district attorney by Chambers to work on the cases.

But in 2002, Edwards had served as **Perez's** defense attorney in a murder case for six months while he was in private practice.

"Mr. Edwards has literally switched sides," Brinkley wrote. "(A) web has been woven from which no fair trial can be obtained should the People continue to be represented by the present prosecutor's office and the capital crimes unit of the attorney general's office."

Chambers' office said Edwards' involvement was only for legal matters and did not involve actual facts of the case, Brinkley wrote.

Kathleen Walsh, spokeswoman for Chambers, said the 18th Judicial District could not comment because of ongoing cases. She said the office will appeal Brinkley's decision.

The attorney general's office also declined to comment.

David Lane, who is representing **Perez**, said, "It is unprecedented in state history that a judge would remove the state attorney general and the district attorney based on unethical conduct in a capital case."

It was not clear how Brinkley's decision would affect the Bueno trial, which went to the jury recently after several weeks of testimony.

But the judge presiding over the current **Perez** case told prosecutors to "proceed at their own risk" in the Bueno case.

In the order, Brinkley also questioned Chambers for "doubling up" on billing the state for salaries of prosecutors working on the **Perez** case. State law allows for reimbursement, but not for salaries, the judge wrote.

Dan May, the chief deputy district attorney prosecuting the case, has billed the Department of Corrections "full time" for his monthly salary during 2008, Brinkley wrote. Chambers has also submitted a bill for the salary of another prosecutor, Rich Orman.

Last year, Chambers asked for and received legislative approval for reimbursement by the Department of Corrections for \$200,000 in prosecuting the two death penalty cases.

Brinkley also wrote that Robert Watson, a prosecutor initially in charge of the investigation in the Heird murder, represented an inmate who **Perez's** defense attorneys say is a primary witness and possible suspect.

According to Brinkley, Chambers told him she did not know about the conflict. But the judge was critical of her office's lack of screening of prosecutors to ensure fairness.

This is the latest in a series of criticisms against Chambers, who is seeking re-election this fall.

Some think she has been too aggressive in seeking the death penalty. Of the seven Colorado defendants who face possible death sentences, six have their cases filed in the 18th Judicial District, which Chambers represents. She also received public censure in 2006 by an ethics panel for trying to intimidate a collections agency lawyer.

John Gleason, head of the Colorado Supreme Court's Attorney Regulation Counsel, said his office will wait until after the appeals process plays out before deciding whether to investigate Chambers' conduct.

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