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Colorado abolishes death penalty; governor commutes sentences of 3 on death row

Gov. Jared Polis signed the repeal into law Monday



Hyoung Chang, The Denver Post

Sen. Dennis Hisey is heading to his desk at senate chamber in Colorado State Capitol building on Friday, March 13, 2020.

By **SAJA HINDI** | shindi@denverpost.com | The Denver Post

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Gov. Jared Polis signed [a bill](#) Monday making Colorado the 22nd state to abolish the death penalty, and he also commuted the sentences of the [three killers on death row](#).

They will instead serve life prison sentences without the possibility of parole, Polis said.

“The commutations of these despicable and guilty individuals are 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,” he said.

Support for the death penalty has gone down nationally amid concerns over cases in which death row inmates have been exonerated and minorities disproportionately received death sentences. More than a third of the states that still have capital punishment haven’t executed anyone in at least the last decade, [according to 2019 Pew Research Center data](#), nor have the federal government or the U.S. military.

The historic end of executions in Colorado comes after [about 36 hours of debate](#) at the legislature this year despite a push by Republicans to instead put the issue on the 2020 ballot.

Proponents called the death penalty “cruel and unusual punishment.” They said its use in cases is uneven, and the litigation surrounding it is not only costly to taxpayers but forces families to relive their loved ones’ killings. Only [one person has been executed](#) in the state since a federal moratorium was lifted in 1976.

Sen. Julie Gonzales, a Denver Democrat and bill sponsor, called the moment “solemn,” and while she applauded Colorado’s work, she said there’s more work to be done across the country.

“It is an important acknowledgement that every life has dignity no matter how heinous their actions, the crimes, they may have committed,” Gonzales said.

Arapahoe County District Attorney George Brauchler, however, called the signing a win for criminals.



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“The decision to pass and sign the death penalty repeal bill should bring a smile to the faces of future serial killers, terrorists, cop killers, mass murderers, child killers, and those in prison who decide to kill again,” he said in a statement. “We have also reduced the protections for witnesses to crime by lowering the bar for their murders. Colorado’s pro-offender legislature and its current governor have signaled that those lives are worth more protection than those of their victims.”

The newly signed bill specifies that the death penalty can't be given for crimes committed on or after July 1, and currently, at least one defendant in Adams County is [facing trial](#) in a case that could result in the death penalty. Dreion Dearing is accused of killing Adams County Deputy Heath Gumm.

"For all intents and purposes, the death penalty in Colorado is now a thing of the past," said Jim Castle, the attorney for Sir Mario Owens, one of three men on death row.

Robert Ray and Owens were convicted of fatally shooting Gregory Vann, 20, at a 2004 party in Lowry Park. Javad Marshall-Fields was wounded in the shooting, and he and his fiancée, Vivian Wolfe, were planning to testify about the shooting before Ray ordered that they be killed. Owens was convicted for their 2005 murders.

The other man on death row was Nathan Dunlap, who was convicted in 1993 of fatally shooting employees who were closing for the night at Chuck E. Cheese in Aurora. He killed Ben Grant, 17; Sylvia Crowell, 19; Colleen O'Connor, 17; and Margaret Kohlberg, 50. Bobby Stephens survived. Dunlap received a temporary reprieve from former Gov. John Hickenlooper in 2013.

The three black men [went to the same high school](#) at different times.

"There are no winners in these things," Castle said. "It's a tough day for victims of crime in these cases, and our hearts go out to them. It's a good day in the sense that in Colorado, life is a little more precious now."

Attorneys for Ray and Dunlap, Mary Claire Mulligan and Madeline Cohen, said the commutations recognize that their clients' cases demonstrate many of the reasons for the repeal, including their clients' ages at the time of the murders, their race, their backgrounds and issues with the prosecution.

But Brauchler called the commutations "offensive," particularly because Polis didn't submit any applications for commutations to the 18th Judicial District, where all three death row cases took place.

"Unlike the signing of the death penalty repeal bill, there was no urgency to commuting the sentences of these murderers of multiple Coloradans; combined, they have murdered seven innocent people," Brauchler said. "The decision to do it during a global pandemic is disrespectful to the victims, the jurors and the public. It is not leadership, but weakness and political opportunism."

The issue of the repeal doesn't follow strict party lines. A handful of Democrats opposed the measure while a few Republicans backed it.

"I just came to the conclusion I didn't think the state of Colorado should have the power over life and death in any circumstance," said Colorado Sen. Jack Tate, a Centennial Republican and bill sponsor.

Sen. Rhonda Fields, an Aurora Democrat, the mother of murder victim Marshall-Fields, opposed the repeal, as did Democratic Rep. Tom Sullivan, of Centennial, whose son, Alex, was killed in the Aurora theater shooting.

Update March 24: Due to an error, the name of one of the victims from the 1993 shooting was misspelled. Margaret Kohlberg was killed in the Chuck E. Cheese shooting in Aurora.

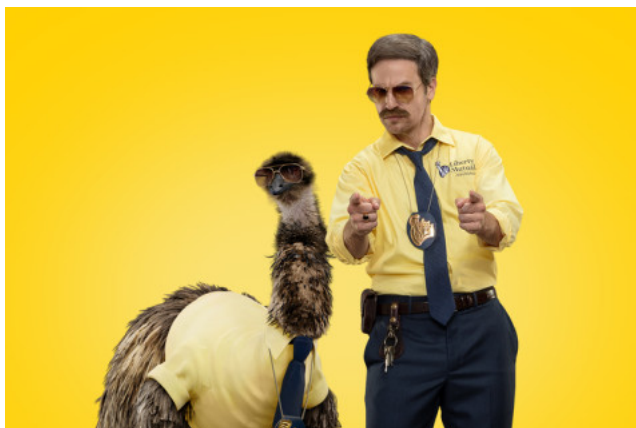
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