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## DA Carol Chambers under fire for giving witness a car in death-penalty case

By Alan Prendergast

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Attorneys for Sir Mario Owens, sentenced to death for the 2005 murders of Vivian Wolfe and Javad Marshall-Fields, claim that Eighteenth Judicial District Attorney Carol Chambers and her prosecutors made several unusual deals with witnesses in the secrecy-shrouded case -- including donating a car to one witness and paying for six months' worth of auto insurance coverage -- and failed to disclose those arrangements to the defense before trial.

Chambers defends her office's actions and denies any ethical violations. The donation of the car -- a 2002 Ford Taurus, which she describes as an "office pool car" -- was one of several steps taken to protect witnesses, she says, in a case in which Owens and co-defendant Robert Ray were charged with killing a witness.

"I do not believe this has ever been done for any other witness," Chambers writes in an e-mail to *Westword*. "This was an extraordinary situation where the witness was in danger, had to relocate so that she and her children would be protected, and needed transportation as a basic life necessity. This was the most cost-effective way we could come up with to meet those goals."

But in a court document filed last week, defense attorneys contend that the gift of the car was one of several arrangements that should have been disclosed to Owens' attorneys before trial so that they could properly cross-examine witnesses and raise issues about their motives and credibility. The document alleges that other witnesses also received "concessions" or favorable plea bargains in exchange for their testimony, the details of which were hidden from the defense.

Chambers says the allegations are "absolutely incorrect." She adds that many of the issues have been raised before in the post-conviction battle, and the court has ruled in her office's favor.

Although she's pursued more death-penalty cases than any other current district attorney in the state, Chambers' efforts have been dogged by disclosure issues and ethical quagmires. Her attempts to obtain the ultimate penalty for David Bueno



and Alejandro Perez, two inmates accused of killing another prisoner at the Limon Correctional Facility, were derailed repeatedly. Her office was removed from the Perez case after a judge raised concerns about prosecutors failing to disclose conflicts of interest and [billing the Department of Corrections](#) for some salaries and other costs of its death-penalty team. Although a higher court reinstated Chambers' office on the case, [Perez was acquitted](#) last February.



Chambers

As for Bueno, a jury convicted him but refused to impose the death penalty. But that conviction was thrown out by another judge, who [blasted prosecutors for "withholding relevant and possibly exculpatory evidence."](#) Chambers is appealing that ruling.

The Owens-Ray prosecution was, by contrast, a stunning success, resulting in two death-penalty convictions. Largely because Marshall-Fields and Wolfe (his fiancée) were slain shortly before Marshall-Fields was [slated to testify against the two men](#) in another homicide, the case was conducted under high-security conditions, with jury selection closed to the public and witness names blacked out of court filings; defense attorneys weren't even allowed to interview some witnesses prior to trial.

But defense attorneys now contend that prosecutors used the broad "witness protection" mandate of the trial to conceal exculpatory or damaging evidence, including information about concessions made to witnesses facing other criminal charges. Chambers responds that her office's dealings with witnesses were properly disclosed. But the timing of those disclosures is in dispute, as well as the extent to which the prosecution provided benefits to witnesses under the rubric of "protection."

In the case of the witness who got the Taurus, the defense claims that the district attorney arranged for delivery of the car and title to her residence, paid auto fees and taxes and insurance, and even filled the gas tank. Chambers says the total value of the donation was less than \$5,500, including the value of the car.

"We assisted this witness in relocating to another state for her protection," she explains. "The witness did not have adequate means of transportation and had young children. We were advised at the time that she may have been receiving threats that may have been connected to the Owens-Ray murder cases."

Chambers points out that the car was delivered *after* Owens received the death penalty. But the defense insists that discussions about providing the witness with a vehicle and meeting other financial needs began *before* the trial and should have been disclosed earlier to the defense.

Other wrangles over when and in what detail information about witnesses was shared with defense attorneys promises to be a long-running theme in the Owens and Ray appeals. "We know of nothing we have misrepresented to the defense," Chambers insists.

Ray attorney David Lane, a vocal critic of Chambers, says the car issue suggests otherwise: "Any compensation to a witness must be disclosed to the defense. That's basic law. You can't hint to a witness that you're going to provide something and then not disclose it to the defense. And witness protection is one form of compensation."

As both Lane and Chambers know well, the journey from trial to the lethal injection room at the Colorado State Penitentiary is a long one, with many hurdles and possible wrong turns. If the courts end up finding some merit to the defense's claims, it wouldn't be the first time that a zealous prosecution ended up handing a defendant a way out of the death chamber.

Read [\*"The Punisher," Alan Prendergast's award-winning profile\*](#) of the District Attorney's Office under Carol Chambers, [here](#).

