

Colorado District Attorneys' Investigators Association



CDAIA Monthly Newsletter



June 2020

Volume 1/Issue 4

MESSAGE FROM YOUR BOARD

Welcome to the fourth issue of your CDAIA Monthly Newsletter. We appreciated all the positive feedback on the first three issues and always remain open to any suggestions for improvement.

Words from the Board Members

Elizabeth -

Your President, Elizabeth Robinson, has been working on trainings for the CDAC conference in September. If you have suggestions for the fall conference, please send Elizabeth an email soon so she can have your suggestions considered. Additionally, Elizabeth is actively working on getting us up and running on the CDAC website so we can post our monthly newsletter and other material directly to the site. And of course, Elizabeth conducts the final edit and approval of your monthly newsletter.

Joe -

I very much appreciate the ongoing positive feedback on the newsletter. As you can imagine, many hours go into preparing the newsletter each month for our community. That said, suggestions for improvements are not only welcomed, but would be appreciated.

Unfortunately, Mr. Olson, who had volunteered to be our primary writer for the Colorado law enforcement history section, due to personal reasons, was only able to provide the single article in the second edition. As such, you are stuck with me again. Any Colorado law enforcement history article suggestions would certainly be appreciated. On the upside, we have landed some great talent for this and future editions for the monthly academic/informational articles.

Additional Items -

The Board is still recruiting for any CDAIA members to join the newsletter editorial staff. Joining the team can be a great experience into a new sub-discipline and more importantly, you can contribute to our community of investigators. If interested, please send an email to: cdaia@cdac.state.co.us, with the subject line *Newsletter Team*. Provide a brief explanation of your background and why you want to join the team.



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Also, please send us any information about your JD investigative staff that you want to share. The Colorado DA/AG community is too big for us to reach out individually. Send information to cdaia@cdac.state.co.us.

Remember, this is a CDAIA community wide effort. We look forward to hearing from you and appreciate your participation.

Respectfully,

Elizabeth Robinson (President)
Joe DeAngelo (Vice President)
John Incampo (Secretary)

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1. Colorado Law History's Corner – Joseph Corbett and the Murder of Adolph Coors II
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INVESTIGATOR
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COLORADO LAW ENFORCEMENT HISTORY'S CORNER

Every month we will deliver a brief story about one of Colorado's famous law officers, prosecutors or criminals. For our fourth edition, we bring you the story of one of Colorado's most notorious cases - Joseph Corbett, Jr., and the murder of Adolph Coors III.



One of the more infamous murder cases in not only Colorado, but U.S. history, was the murder of Adolph "Ad" Coors III in 1960. The grandson of the Coors' founder and chairman of the Golden, Colorado, brewery was shot to death in a botched kidnapping outside of Ad's residence near Morrison, Colorado. The murder launched one of the largest manhunts in U.S. history: the search for Joseph Corbett, Jr., the man who killed Ad Coors ("Coors brewery heir," 2009).

In 1951 Corbett was a Fulbright scholar, and was probably headed to medical school, when he got into a fight with an Air Force sergeant in California. During the struggle Corbett shot the sergeant, which resulted in a second-degree murder conviction. Initially Corbett was sent to San Quentin Prison before he was relocated to a minimum-security facility. Shortly after his relocation Corbett escaped and took the alias *Walter Osborne* (“Coors brewery heir, 2009).

After escaping from prison, and pulling a few low dollar armed hold-ups, Corbett ended up in Denver and landed a job on the night shift as a paint cooker at Benjamin Moore. Corbett, now completely estranged from his family, lived in a 400 square foot studio apartment in downtown Denver with almost no furnishings (Jett, 2017).

In Corbett’s work and living environments he was surrounded by men who had little interest in the arts and sciences; whereas Corbett had a Denver Library card and routinely checked out books on all manner and variety of complex topics that ranged from chemical engineering to foreign languages. Albeit generally a friendly person when in the company of others, Corbett’s intellectual disconnect from his peers was probably one of the factors that led him to his self-imposed social isolation and a proclivity for solo sportsman type activities such as target practicing and hunting (Jett, 2017).

Corbett grew tired of low wages and hard work and began to concoct a criminal plan in which to strike it rich and make a getaway to a foreign country. Over a four-year period, Corbett meticulously researched potential victims and decided on Ad. Ad was the perfect target because of his wealth and the opportunity to abduct and take him hostage near Ad’s home, which was a remote ranch outside of Morrison, Colorado (Jett, 2017).

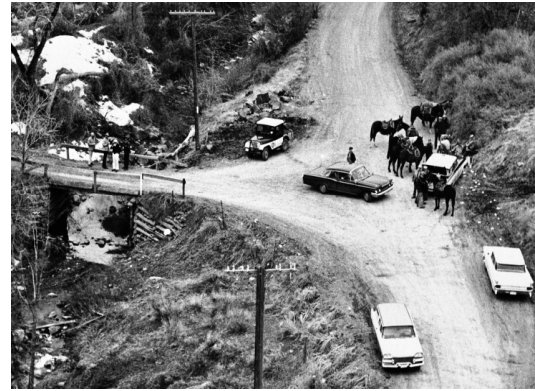
Corbett planned the kidnapping to appear as if he had broken down on a one-way bridge in which Ad travelled to work, and when Ad stopped to assist, take him hostage. Prior to the kidnapping attempt Corbett typed a meticulous ransom letter to Ad’s wife demanding \$500,000.00 for his safe return and mailed the letter prior to the attempted abduction (Forensic Files, 2007).



Very shortly into the operation, on an early cold February day, the events went terribly wrong for Corbett. Ad, a strong and active man himself who played softball, drove cattle and rode horses (Sanchez, 2009), physically resisted Corbett and was able to disarm Corbett. Ad ran back to his station wagon for cover while Corbett retrieved his pistol and shot Ad in the back twice, immediately killing him. Corbett, in a state of panic, loaded Ad into Corbett’s vehicle and drove off leaving Ad’s station wagon on the bridge with the radio running and blood spatter evidence of a physical assault. Corbett drove to Douglas

County and dumped Ad’s body in a field and then drove to New Jersey where he later torched the vehicle (Forensic Files, 2007).

Later the morning of the initial crime, a milkman came upon Ad's vehicle and notified Jefferson County Sheriff's Office. Jefferson County investigators quickly determined that the car belonged to Ad. Searchers soon spread out over the area looking for the missing 45-year-old father of four ("A look back," 2016). Due to the fact Coors Brewery was one of the largest breweries in the world, along with Ad's wealth and the Coors' family influence, the case received international attention and the FBI assisted in the investigation (Forensic Files, 2007).



The FBI and local investigators spent months meticulously piecing the crime scene together and tracking down leads from the model of typewriter Corbett used in which he typed the ransom letter to the books he checked out of the library. In fact, the FBI was able to determine, from soil recovered on Corbett's torched vehicle, the part of Colorado where Ad's body had most likely been dumped; which was one of the early cases where forensic geology played a role in solving a major crime. However, luck also played a part in solving the case, for it was a hunter who located Ad's body in Douglas County many months later (Forensic Files, 2007).

Nearly a year later, as a result of the world's attention on the case, Corbett, the 127th person to be listed on the FBI's 10 Most Wanted List, was reported to be living in a small flat in Alberta, Canada (Eddy, 2015). Corbett surrendered to authorities in Canada without a fight and told investigators he was the man they were looking for (Jett, 2017).



The case was ultimately prosecuted in Jefferson County, Colorado. Corbett did not testify, but in general, his defense claimed that the evidence was all circumstantial. Corbett's defense team explained that the reason Corbett fled Colorado, the very same day as the murder, was due to the fact he was already wanted in California for escape, and with the extra police presence in Colorado from the murder of Ad, Corbett felt he needed to flee the area to be on the safe side. The jury did not buy it and Corbett was convicted at trial and sentenced to life in prison (Jett, 2017).

As in California, Corbett was a model prisoner at Canon City. He became a licensed X-Ray technician and was credited with saving many prisoners lives (Sanchez, 2009). Corbett was paroled in 1980 and remained in Denver and lived an innocuous life until he committed suicide in 2007, after he received a cancer diagnosis. Corbett respectfully refused interviews leading up to his death and never admitted his guilt (Jett, 2017).

Unfortunately, Ad's widow became estranged from the Coors family. The Coors family was stoic and to this day talks little of the murder. Whereas Ad's widow and children were far more outwardly devastated. Ad's son, Adolph IV, who became a born-again Christian, attempted many times to visit Corbett in prison, but Corbett refused each time. Adolph IV eventually wrote a letter to Corbett forgiving him for the murder of his father. However, Adolph IV never forgave his grandfather for the cold treatment following Ad's death. In fact, Adolph IV wrote his grandfather a letter in which he compared his grandfather to another Adolph - *Adolph Hitler* (Sanchez, 2009).

Corbett's case showed how local, state and federal investigators could work together. Although the FBI is often credited with the bulk of the work, the reality is that the many agencies combined efforts which led to a successful arrest and prosecution of Corbett by the Jefferson County District Attorney. A history that Colorado law enforcement can proudly boast about.

As an interesting side note, the Coors murder investigation was active at the time of the largest police corruption scandal in U.S. history, the Denver Police burglary scandal. However, that scandal is for another article.

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Joe DeAngelo

"Wisdom is knowing the right path to take. Integrity is taking it." M.H. McKee

MONTHLY BIOGRAPHY

Every issue we intend to highlight the career of one of our DA/AG investigators with a brief biography. For our fourth edition we are excited to bring you Investigator Cayley Chiodo with the 19th Judicial District. Cayley breaks the mold a bit from our previous investigators in that she is by far our youngest. However, due to the 19th JD's high caseload, Cayley was immediately forced to sink or swim, and according to all her colleagues, Cayley turned out to be a great swimmer.



Cayley was born and raised in Northern Colorado. She started her law enforcement journey as an explorer with the Fort Collins Police Department and where she later interned in an investigative role. The experience sparked Cayley's interest in criminal investigations as well as forensic psychology. Cayley graduated from CSU with a degree in psychology and is currently pursuing a master's degree in forensic psychology.

Cayley's first law enforcement position was with the Larimer County Sheriff's Office (LCSO) where she worked as a jail deputy before being hired with the Colorado State University Police Department (CSUPD) as a police

officer. From CSU Cayley moved her career to the Colorado Secretary of State's Office where she investigated non-profit organizations, notaries, and bingo establishments.

However, Cayley explained she found her home as an investigator with the 19th JD DA's Office. Cayley describes her current role with the 19th JD as her most enjoyable and rewarding. She continues to learn and train and recently became a Certified Fraud Examiner (CFE).

Cayley found her niche as a white-collar crime investigator, specifically contractor fraud. Cayley explained that these cases are often deemed civil by law enforcement, when in-fact, many are criminal in nature. Such investigations take a great deal of investigative time and resources, since many require numerous Court orders for Productions of Records/Search Warrants and often involve numerous victims. Although the victims rarely get full restitution, several of Cayley's cases have resulted in felony convictions, which have brought the criminal enterprises to a halt and helped prevent further victims. Cayley has become so knowledgeable on the topic her colleagues at the DA's Office and local law enforcement often call on her for advice and direction on contract fraud cases.

In addition to her white-collar expertise, Cayley has been developing strategies for "doxing," which she explained means keeping personal information (i.e. address, phone number, family, etc.) off the internet. Through many trainings, a lot of research, and countless hours of trial and error, Cayley has developed a program which can help to keep our information off the internet and out of the hands of those who may want to harm us. The training is especially critical for DAs and investigators who work high profile cases. Cayley offers her course free of charge to Colorado law enforcement.



And finally, on a personal level, Cayley is happily married to a Greeley police officer. The two share a love of the outdoors and animals. They currently have 7 chickens, 5 ducks, a turkey, a dog and cat. On top of all of that, both Cayley and her husband stay physically fit which includes a routine of running and weightlifting.

The CDAIA Board thanks Cayley for her service to the Colorado law enforcement community. Cayley can be reached at cchiodo@weldgov.com.

"The wicked flee when no man pursueth; but the righteous are bold as a lion." Proverbs 28:1

MONTHLY ARTICLE – NO FACE, NO CASE? THINK AGAIN.

Each month we intend to bring you an article about a topic of interest to DA/AG investigators. One of the more difficult areas within criminal investigations/prosecutions are domestic violence cases with victims who chose not to participate in a prosecution. Boulder County Senior Deputy District Attorney Anne Kelly has a great deal of experience and expertise in prosecuting such cases. DDA Kelly has agreed to share her expertise with the CDAIA community.

No Face, No Case? Think Again.

“Looks like your victim is a no-show. My client would take a stip to probation.” I heard those words and looked at the guy sitting at the defendant’s table in an orange jumpsuit. Probation was not going to happen for this repeat domestic violence offender who had attempted to kill the victim by putting her in a choke hold and beating her. I knew the reasons why the victim did not show up. She was terrified of the man in the orange jumpsuit and his criminal family. Testifying was out of the question for her. But I, along with some incredible investigators, had prepared for this moment. I took a deep breath and announced that the People were ready to proceed. And we did. That man is now sitting in prison where he belongs. Months later, I received an unexpected phone call. The victim called to thank me for going forward without her. She told me I saved her life by putting him away. She apologized for being “difficult,” but wanted to tell me she felt safe and hopeful for the future. “You fought for me when I was too scared to fight for myself.”



In roughly 80% of domestic violence cases, a victim will recant an original report to law enforcement, minimize the crime or refuse to participate in the prosecution of an offender (Meier, 2006). While Colorado prosecutors are masters at navigating recanting or minimizing victims, we sometimes lack that commitment in cases where a victim decides to “ghost” us completely. Cases are obviously much more challenging without victims and acquittals more likely, but we cannot shirk our mandate to seek justice by giving up. If the data suggests that domestic violence victims are likely to decide not to

participate in a prosecution, we need to prepare to go to battle without them. Of course, there are some cases where a victim’s absence makes proceeding truly impossible. Investigators nevertheless have several tools in their tool belts to reduce the number of *impossible* cases. The key is to change our focus away from *testimony-based prosecution* to *evidence-based prosecution*. With some courage and creativity, we have a fighting chance against a *no face, no case* mentality.

How can we predict a victim will be a no show at trial? In my experience, we must assume that our ability to produce a victim at trial decreases exponentially the longer a case drags through the criminal justice system. There are fundamental factors at play here that you should be mindful of. First, a criminal case severely disrupts the victim’s life. There are, for example, protection orders to navigate, loss of a partner’s income and assistance with children, or pressure from an offender’s family. Victims may just want the case to go away so life can return to normal. More insidious is the idea that a victim is an expert at predicting an offender’s behavior. A victim often has a false belief that she knows how to keep herself safe, and that does not include testifying against her abuser. The longer a case languishes, the more opportunity an abuser has to manipulate a victim by planting hope for the future, promising a greater commitment to the relationship, and invoking a confusing mix of guilt and compassion in the victim. These are just a few of the dynamics that result in a victim’s decision to make sure she doesn’t end up on the witness stand.

When prosecutors and DA investigators suspect we will not be able to produce a victim at trial, we need to evaluate the entirety of the case: 1. What do our injuries look like? 2. What statements from the victim can we introduce and what statements haven’t we found yet? 3. What experts can

we employ to explain the gaps or give context to the injuries? and 4. What arguments can our district attorneys make so the jury understands why they are not hearing from the victim? This article will discuss some golden nugget evidence and techniques to secure convictions in the “no face, no case” arena.

Victim Statements

Prior to 2005, a prosecutor was able to admit the statements a victim made to law enforcement officers if those statements fell within a recognized exception the hearsay rule. For example, a victim’s statements to a police officer in the moments after an assault, while she is still experiencing the trauma of that assault, were admissible at trial under several hearsay exceptions even if the victim did not take the stand. In 2005, the Supreme Court put an abrupt end to that. In *Crawford v. Washington*, the Supreme Court held that statements made to law enforcement officers, regardless of whether they fell within a hearsay exception, were “testimonial” in nature. A defendant has the Constitutional right pursuant to the Confrontation Clause to confront, live and in-person, the witness who made the testimonial statements. *Crawford* delivered a very damaging blow to prosecutors’ ability to hold domestic violence offenders accountable, and injected new energy into offenders’ efforts to keep their victims away from the witness stand.

While *Crawford* is a significant hurdle, it is not insurmountable. I have used several categories of statements to convict offenders without victim testimony: 1. 911 calls, 2. statements to medical providers, and 3. outcry witnesses. You will have some of these statements from patrol officers, others you may need to dig around for.

Calls to 911

The Supreme Court threw prosecutors a bone after *Crawford*, albeit a small one, in *Davis v. Washington*. In that case, the Supreme Court analyzed whether all or part of a victim’s call to 911 contained “testimonial” statements requiring the victim to be present in court to introduce the 911 call at trial. The Supreme Court said not necessarily, which is good enough for me. The Supreme Court found that often the “primary purpose” of a 911 call, especially the first few statements on that call, is to “enable police assistance to meet an ongoing emergency” rather than to provide statements that would assist in a criminal prosecution. That distinction is important. If the 911 caller is requesting police assistance with an ongoing emergency (offender is still present, danger still exists), those statements are non-testimonial and can be introduced without the victim even if the victim is describing what happened to him. If the description of what happened is deemed necessary to give law enforcement assistance with an ongoing emergency, the words come in at trial.



The first minute or so of a 911 call in a strangulation case I tried in Weld County proved to be essential to a victimless conviction. The victim in that case said the following on the dispatch recording: “I need a cop to get here as soon as possible please.” She then told the dispatcher that the offender “just choked me out until I couldn’t breath and smacked me across the face.” The dispatcher then learned that the offender was still on the property, i.e., ongoing emergency. The trial judge ruled those statements were admissible, so the victim was able to tell her story without

being in court. You may not be able to introduce the entire recording under *Davis*, but it is critical that we fight for every word we can. Pull those dispatch calls!

Medical Professional Witnesses

If a victim required medical care, it is essential that we interview those medical providers right away. Statements that a victim made to medical providers in the course of obtaining medical treatment are admissible without the victim. First, the statements are not made to law enforcement and, therefore, not testimonial. Second, the statements are generally admissible under an exception to the hearsay rule. Statements to doctors and EMT professionals are gold. “But I’ve read medical records and EMT reports – they’re never very good”, you say. I concur. Medical professionals only write down enough to get the job done. This is where you come in. Interview them and interview them fast. If you wait until you are preparing for trial, it can be too late. Medical professionals see so much trauma that they may forget the details of your case and rely on their skimpy narratives. Because these statements are so valuable, re-interviewing medical professionals right away is key.

An example of how this plays out is helpful. On a recent case, I reviewed EMT/Paramedic reports where the author included just two sentences describing her communication with the victim. I requested that an investigator re-interview that provider within a couple weeks of the incident. As a result, the EMT was able to provide specific details from the victim about how each and every injury occurred including what the defendant was saying to her as he beat her. All of those statements come in as statements given to a medical provider during the course of treatment. All without the victim on the stand.



Outcry Witnesses

“She practically fell through the door and said, ‘please call the police, my boyfriend tried to kill me’.” That witness was painting an apartment next door to the assault and had the door open. The witness testified about the victim’s injuries, her state of mind, and, most importantly, what she said. Again, the victim could tell her story without taking the stand. These statements are non-testimonial because they are not made to police. They are

admissible as an exception to the hearsay rule because they are made when the speaker is still experiencing the effects of the traumatic incident. Outcry witnesses, if available, are as valuable as medical professionals. Often, however, patrol officers either miss these witnesses or do not interview them thoroughly.

It is almost always the case in my experience that the victims themselves are the source of investigative leads regarding outcry witnesses. It is also almost always the case in my experience that we have about 48 hours after an assault occurs in a domestic violence case to obtain these leads. After 48 hours, we must assume that a victim will decide not to play with us anymore. As such, investigators should make every attempt to quickly interview the victim for follow-up information.

When interviewing outcry witnesses with an eye towards victimless prosecution, there are a few key things to grab. First, make sure you are clear on the timing of the outcry. The closer to the assault, the better our chances of introducing the statement under a hearsay exception. Second, get as much detail as you can about the victim's emotional state and demeanor during the outcry. We have to demonstrate that the victim is still experiencing the effects of the trauma in order to fit that hearsay exception. Third, statements a victim makes even days after an assault to an outcry witness (not law enforcement) about how that victim is feeling either emotionally or physically are admissible under another hearsay exception. Statements like "I'm scared of him" or "My neck still hurts" are valuable if we can find them.

Physical Evidence

That "redness on her face" that patrol observed will look a lot worse two days later. Subconjunctival hemorrhaging in the eye (when a blood vessel in eye bursts as a result of strangulation) may have spread the next day. A second look at the bedroom where the assault occurred might turn up some blood spatter patrol missed. A recorded phone call to a strangulation victim the next day might reveal that her voice is still scratchy and hoarse. These are examples of follow up I have done on my cases with great results. Why do this extra work? If a victim is on the stand, a photo of some faint redness may be enough to corroborate the victim's testimony. When you are tasked with corroborating a single statement on a 911 call – "he just choked me out" – some faint redness is not going to cut it. I have been able to weave a story of strangulation without the victim by showing the jury worsening eye hemorrhaging, darker bruising around the neck in the several days after an attack, and a continued hoarseness of a victim's voice the next morning.

Evidence to Explain No Face

Your jury is going to want to know why a victim is not there. While a judge may not allow the jury to hear about all the attempts your process server has made to serve a subpoena, there are other ways to give the jury the full picture. In a case I recently tried, I was able to collect letters the defendant sent to the victim from jail. While the defendant did not make any direct admissions, the context of the letters was critical in allowing the jury to evaluate the absence of the victim in proper context. Specifically, this was not the first time the defendant assaulted the victim, and the victim continued her relationship with the offender. In the letters the defendant sent to the victim from jail, he showered her with affection, commitment and hope for their future. In addition, he spent an obnoxious amount of paper describing how awful his life was in jail and how devastating it would be if he was convicted. With the knowledge that this man was a repeat offender, and the awareness that he was effectively appealing once again to the victim's basic human need for love, security and hope, the jury was not overly concerned with the victim's absence. In fact, the victim's absence may have made the jury more resolute and confident in their guilty verdict. When you predict a victim's



absence, it is essential to monitor correspondence from the jail, reach out to a victim's close associates ("yeah, the defendant calls her all the time"), and monitor social media. A good prosecutor should be able to use those communications to turn *no face* into the most compelling aspect of their case.

Evidence for Experts

Additionally, I want to emphasize the importance of experts in these *no face* cases. In cases I have tried without the victim, experts have been critical to explain mechanism of injury and victim dynamics. For example, I have used Dr. Leon Kelly, from the El Paso County Coroner's Office, to tie together evidence of a victim's scratchy, hoarse voice and subjunctive hemorrhaging to a strangulation event. I have used emergency room physicians to opine on the severity of an injury and possible mechanism. I always employ an expert in victim dynamics and trauma, for example, to explain the impact a defendant's promises of roses and honey may have on a victim's decision to participate in a prosecution. Experts are useless, however, if you do not have the extra evidence we have discussed in this article.

Final Thought

Our mandate is to hold offenders accountable. This mandate is even more critical when we speak for victims who, for whatever reason, are unable to speak themselves. Offenders who bank on *no face, no case* are a serious impediment to a prosecution, but can be overcome through a team effort in which the DA investigator plays a major role. It is imperative that we dedicate our passion and resources to winning the manipulation game these offenders play.

Reference

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Anne E. Kelly



Anne is a Senior Deputy District Attorney in Boulder County specializing in domestic violence prosecutions. Prior to joining Boulder County, Anne worked as a Deputy District Attorney in Weld and Arapahoe Counties. She has presented to several law enforcement, victim advocate and district attorney trainings on domestic violence prosecution. Anne graduated in 2003 from Fordham University School of Law in New York City.

"A man deserves a second chance but keep an eye on him." – John Wayne

