

1 DISTRICT COURT, LARIMER COUNTY, COLORADO

2 Case No. 98-CR-1149, Courtroom 2

3

4 REPORTER'S TRANSCRIPT

VOLUME VII

5

6 THE PEOPLE OF THE STATE OF COLORADO,

7 Plaintiff,

8 vs.

9 TIMOTHY LEE MASTERS,

10 Defendant.

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13 The hearing in this matter commenced on
14 Friday, March 26, 1999, at 2:40 p.m., before the
15 HONORABLE WILLIAM F. DRESSEL, Judge of the District
16 Court, and a Jury of twelve.

17

A P P E A R A N C E S

18

FOR THE PEOPLE:

MR. TERENCE A. GILMORE
Reg. No. 1306

19

MS. JOLENE C. BLAIR
Reg. No. 15934

20

21

FOR THE DEFENDANT:

MR. NATHAN D. CHAMBERS
Reg. No. 14576

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MR. ERIK G. FISCHER
Reg. No. 16856

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Reported by Gina B. Zeigler, CSR, RPR

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P R O C E E D I N G S

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2 (The jury deliberated from 8:25 a.m. until
3 2:05 p.m.)

4 THE COURT: The jury has advised they've
5 reached a verdict.

6 Anything from the People prior to returning
7 the jury?

8 MR. GILMORE: No, your Honor.

9 THE COURT: From the defense?

10 MR. CHAMBERS: The record should reflect
11 there was a jury question earlier.

12 THE COURT: Jury request.

13 MR. CHAMBERS: And it was Mr. Fischer and
14 I's opinion that the answer was fairly obvious; and
15 for that, we waived Mr. Master's appearance for a
16 response with that.

17 THE COURT: Then you did discuss with
18 Mr. Masters the request and your response?

19 MR. CHAMBERS: Yes.

20 THE COURT: And you agree with it?

21 MR. CHAMBERS: Yes.

22 THE COURT: The record should reflect
23 defendant so indicates.

24 What the Court will be doing is having the
25 jury return to the courtroom in just a minute. I

1 will be asking them some questions, receiving the
2 verdict.

3 I don't need to repeat: This is a very
4 serious and solemn matter. Anybody in the audience
5 who does not believe they can behave, they should
6 leave at this point. If there are any outbursts,
7 verbal or otherwise, the proceedings will be stopped
8 and law enforcement will be ordered to remove you
9 from the courtroom.

10 I understand that the impact of the verdict,
11 one way or another, may have significance to you, but
12 it is not appropriate to address that verbally or
13 otherwise.

14 Please return the jury.

15 (The jury returned to the courtroom.)

16 THE COURT: Please be seated. The record
17 should reflect that all members of the jury are
18 present.

19 Ms. Bruen, may I assume you're the
20 foreperson of the jury?

21 MS. BRUEN: Yes.

22 THE COURT: Has the jury reached a verdict?

23 MS. BRUEN: Yes, we have.

24 THE COURT: If you please hand it to the
25 bailiff.

1 Okay. Members of the jury, defendant,
2 counsel, please listen to the reading of the verdict.

3 Jury Verdict Count 1 - First Degree Murder,
4 People versus Timothy Lee Masters. We, the jury,
5 find the defendant, Timothy Lee Masters, guilty of
6 first degree murder. Signed, Barbara Bruen,
7 foreperson.

8 Madam Foreperson, was this the verdict of
9 each and every member of the jury?

10 MS. BRUEN: Yes, it was.

11 THE COURT: Okay. And I'll briefly ask each
12 member of the jury if, indeed, this was their
13 verdict.

14 Miss Sampat, was this your verdict?

15 MS. SAMPAT: Yes, it was.

16 THE COURT: Mr. Jones, was this your
17 verdict?

18 MR. JONES: Yes, it was.

19 THE COURT: Miss Evens, was this your
20 verdict?

21 MS. EVENS: Yes, it was.

22 THE COURT: Mr. Keith, was this your
23 verdict?

24 MR. KEITH: Yes, it was.

25 THE COURT: Mr. Crary, was this your

1 verdict?

2 MR. CRARY: Yes, it was.

3 THE COURT: Mr. Campbell, was this your
4 verdict?

5 MR. CAMPBELL: Yes.

6 THE COURT: Mr. Stein, was this your
7 verdict?

8 MR. STEIN: Yes.

9 THE COURT: Mr. Turner, was this your
10 verdict?

11 MR. TURNER: Yes, it was.

12 THE COURT: Madam Foreperson, this was your
13 verdict?

14 MS. BRUEN: Yes, it was.

15 THE COURT: Okay. And Mr. Noller, this was
16 your verdict?

17 MR. NOLLER: Yes.

18 THE COURT: Mr. Chacon, was this your
19 verdict?

20 MR. CHACON: Yes, it was.

21 THE COURT: Miss Kaltenberger, was this your
22 verdict?

23 MS. KALTENBERGER: Yes, it was.

24 THE COURT: Ladies and gentlemen of the
25 jury, your verdict has hereby been received by the

1 Court. I'm going to have you step in the jury room
2 very briefly. I will come in and meet with you.

3 I wish to thank you for your service. I
4 realize probably because I make many decisions as
5 important as they are complex, sometimes not; but
6 making any kind of decision is difficult. The twelve
7 of you off the street, say this is what the law is
8 applicable, we now give you evidence, and we ask you
9 to make these decisions, it's not something you do in
10 your everyday life.

11 And I hope you realize, however, the
12 importance of having citizens involved in this,
13 rather than just a hired government entity or agency.
14 It's the openness of the Court and bringing people in
15 and allowing them to make decisions which really, I
16 think, defines our society, and it is very, very
17 important.

18 So I wish to express my sincere appreciation
19 for your service here. If you please return to the
20 jury room.

21 Please rise as the jury leaves.

22 (The jury left the courtroom.)

23 THE COURT: Any further requests from the
24 People?

25 MR. GILMORE: Your Honor, I believe there

1 would be a matter of the Court ruling on bond or
2 bail.

3 THE COURT: Okay. Anything further from the
4 defendants at this time?

5 MR. CHAMBERS: No, sir.

6 THE COURT: Okay. Timothy Lee Masters,
7 based upon the verdict as rendered by the jury in
8 this matter, this Court hereby finds and adjudges you
9 guilty of murder in the first degree as set forth in
10 the information of this matter.

11 Please be seated.

12 The Court will order, pending sentencing,
13 defendant to be held without bond.

14 What is the request of People in regards
15 to -- or defense in regards to sentencing?

16 MR. CHAMBERS: One moment, please. I
17 believe that the sentence is mandatory, your Honor.
18 We request immediate sentencing. If I could have one
19 minute.

20 THE COURT: Sure.

21 (Brief pause.)

22 MR. CHAMBERS: Yes, sir.

23 THE COURT: Request immediate sentencing?

24 MR. CHAMBERS: Yes, sir.

25 THE COURT: Okay. I guess it's somewhat up

1 to debate as far as right to a presentence report.

2 Are the People requesting one?

3 MR. GILMORE: Your Honor, we have no
4 objection to proceeding to sentencing.

5 THE COURT: Mr. Masters, you may or may not
6 have a right to a presentence report, but if you wish
7 to waive any so right, you may.

8 THE DEFENDANT: Yes.

9 THE COURT: Statement or evidence before
10 sentencing?

11 MR. CHAMBERS: No, sir.

12 THE COURT: People?

13 MR. GILMORE: No, your Honor.

14 THE COURT: Sentence is a mandatory one. It
15 is a life sentence, and the Court hereby does
16 sentence the defendant to the Department of
17 Corrections for the term of his natural life.

18 Defendant is remanded to the custody of the
19 Larimer County Sheriff to be taken to the Department
20 of Corrections. He will be taken to the diagnostic
21 unit, evaluated, and then placed in the facility.

22 Obviously, the facility that you will be
23 placed in will be one for individuals serving
24 long-term sentences. Your counsel can discuss that
25 with you further at that time.

1 Mr. Chambers.

2 MR. CHAMBERS: Your Honor, I'm not sure what
3 the status of representation on appeal will be. I
4 think at this point the prudent thing to do is hereby
5 request that the Court appoint the Office of the
6 Public Defender to represent Mr. Masters on appeal;
7 and if we desire some change of that status, we'll
8 notify the Court.

9 THE COURT: We'll need to have a financial
10 affidavit prepared. So we'll have them -- we will
11 call their office this afternoon and hereby go out
12 before he is taken to the Department of Corrections
13 to have that taken care of, but it's your belief that
14 he would be eligible?

15 MR. CHAMBERS: Well, he's in custody, so I
16 think he would be.

17 THE COURT: I don't know what his assets or
18 other matters are.

19 MR. CHAMBERS: I have no doubt that he would
20 qualify.

21 THE COURT: Subject to financial
22 confirmation, the Court will contact them, have the
23 Office of Public Defender meet with the defendant,
24 determine his eligibility, and then would appoint
25 them subject to that.

1 MR. CHAMBERS: I will contact the appellate
2 division of that office.

3 THE COURT: Okay. Anything further, then,
4 on behalf of the defendant?

5 MR. CHAMBERS: No, sir.

6 THE COURT: On behalf of the People?

7 MR. GILMORE: No, your Honor.

8 THE COURT: Okay. We'll be in recess.

9 (The trial was adjourned at 2:45 p.m., on
10 Friday, March 26, 1999.)

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