

[denverpost.com](https://www.denverpost.com)

# Two judges censured over Masters trial

*Miles Moffeit*

4 minutes

---

The state Supreme Court's regulatory office on Tuesday publicly censured Larimer County District Judges Terry Gilmore and Jolene Blair for ethical misconduct while prosecuting the case leading to the since-vacated murder conviction of Tim Masters.

The public admonishment sanctioned the former prosecutors' failure to turn over evidence that would have benefited Masters' defense during a trial that led to his conviction for Peggy Hettrick's 1987 murder in Fort Collins. Masters was freed from prison earlier this year when advanced DNA analysis found no trace of him on Hettrick's clothes.

The two censures are believed to be the first time sitting Colorado judges have been disciplined for actions committed before they took the bench. Gilmore had been previously censured in 1994 for negligence in not revealing, during a drug-possession trial, that a prosecution witness was under investigation for a drug sale.

The Supreme Court's attorney regulation office could have sought harsher sanctions, including suspension or revocation of the judges' ability to practice law. The censures were the result of

discussions between representatives of the judges and regulators.

By striking a settlement deal, the former prosecutors agreed to forgo a hearing on the issues.

“The public censure of the two former prosecutors will underscore the important message to all prosecutors that it is the obligation of the prosecutors, not the police, to ensure that all material obtained by the police in the course of an investigation is provided to the defense as required by the criminal rules,” said a statement from John Gleason, who heads the court’s attorney regulation office.

Craig Truman, an attorney for Gilmore and Blair, declined Tuesday to discuss the censures, citing an unrelated investigation by the state attorney general’s office into the Hettrick murder.

The censures criticized the pair for withholding documents and other material from Masters’ original defense team — in violation of state discovery rules.

The information showed the following: that a former FBI profiler disagreed with the trial theory that Masters’ drawings constituted a fantasy motive to kill Hettrick; that a plastic surgeon believed Hettrick’s wounds involved highly technical skill; and that Masters did not react unusually to a surveillance operation designed to see whether he would lash out violently on the anniversary of Hettrick’s murder.

According to the censure document, the attorney regulation office found that the prosecution team did not intentionally hide the material because it did not know about the material, relying “entirely” on Fort Collins detective Jim Broderick as the gatekeeper of evidence.

“This is a slap on the wrist,” said David Wymore, Masters’ lead appeals counsel. “This is a form of punishment, but it doesn’t go far enough. The fact that they’re saying they didn’t know about this evidence in their own investigation is mind-numbing. This man spent 10 years in prison, and the prosecutors who put him there aren’t even being sentenced to an ethics class?”

Masters, who had waited eight months for action and read Tuesday’s report via e-mail, said he was disappointed that the discipline didn’t go further.

“I guess they’ll be back on the bench tomorrow,” he said.

*Miles Moffeit: 303-954-1415 or [mmoffeit@denverpost.com](mailto:mmoffeit@denverpost.com)*