

Larimer County, Colorado, District Court 201 La Porte Avenue Fort Collins, CO 80521 (970) 498-6100	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
THE PEOPLE OF THE STATE OF COLORADO, vs. TIMOTHY LEE MASTERS, Defendant.	
Case No: 98 CR 1149 Courtroom 5C	
SPECIAL PROSECUTOR'S OFFERED STIPULATIONS	

Comes Now Don Quick, Court Appointed Special Prosecutor. Given the current posture of the case and the evidence that has been presented to date in the above captioned case the Special Prosecutor would hereby offer the following stipulations in regard to the above case:

- 1) It is the Special Prosecutor's goal to assist the Court - given the complexity of the issues - and ultimately to expedite the resolution of these hearings. In our independent role it has become clear that certain discoverable documents in the possession of law enforcement were not discovered to trial defense in violation of Crim. P. Rule 16. The following is a list of documents compiled *to date* that the Special Prosecutor will stipulate were not discovered to the trial defense:

- a) **Dr. Reid Meloy's Extractions-** The extractions are a 274 page document containing opinions and summaries of forensic psychologist and expert witness, Dr. Reid Meloy. The extractions were referenced twelve times in the opinion letters of Dr. Meloy provided to the original trial defense in this case. However, neither the trial prosecutors nor the trial defense attorneys ever received or obtained the actual extractions. Furthermore, none of the sources of discovery (1) the original Eighth Judicial District Attorney's office file; 2) the original case file from the Fort Collins Police Department (FCPD) Records Department, aka the "Neiman files;" 3) the "McClelland Binders"; 4) the microfilms of the case file from FCPD Records Department; and 5) and Fort Collins Police Lt. Jim Broderick's working file) have yielded the extractions. The extractions were ultimately secured by post-conviction defense counsel who requested them directly from Dr. Meloy.
- b) **1988 surveillance-** In February of 1988, on the first anniversary week of Peggy Hettrick's murder an extensive law enforcement surveillance of the defendant, the crime scene and the Ms. Hettrick's grave site occurred. As part of the surveillance, and acting on advice of the FBI, the FCPD used enhanced surveillance techniques. There appear to have been two aspects to the enhanced surveillance. Notwithstanding these techniques, the defendant did not react adversely to the enhanced surveillance. The fact that the defendant did not react adversely on the anniversary week was discovered to the original trial defense. However, information regarding the enhanced surveillance was not included in the discovery provided to the trial prosecutors and, thus, was not provided to the defense.

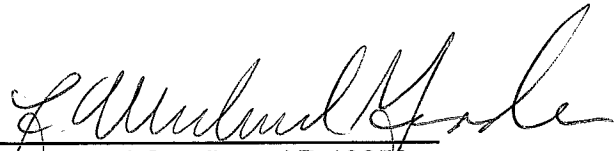
c) **Det. Reed's conversation with Dr. Tsoi**- Dr. Christopher Tsoi, a local plastic surgeon was contacted by Det. Marsha Reed of the FCPD in December of 1997. Dr. Tsoi was provided a letter listing several questions regarding the mutilations suffered by the Ms. Hettrick along with the autopsy report and several autopsy photographs of the mutilation of Ms. Hettrick's breast and vagina. The letter, autopsy report and photos were disclosed to the defense. A copy of Det. Reed's police report describing the setting up of the meeting with Dr. Tsoi was also disclosed to the trial prosecutors and defense. After the letter, report and photos were sent to Dr. Tsoi, a follow-up conversation occurred between Det. Reed and Dr. Tsoi. None of the information from that conversation appears to have been memorialized by Det. Reed and, thus, was not known to the trial prosecutors nor provided to the original trial defense.

d) **Hazelwood communications with Broderick**- Roy Hazelwood was a retired FBI agent that Lt. Jim Broderick consulted with during the investigation. Hazelwood was paid a retainer by the FCPD. In June of 1997, Lt. Jim Broderick conferred with Hazelwood regarding the investigation of this case, as well as the affidavit supporting a warrant for the defendant's arrest. Lt. Broderick's notes regarding those conversations, as well as faxed memos from Hazelwood were not provided to the trial prosecutors or the defense.

WHEREFORE, the Special Prosecutor offer the aforementioned stipulations for the Court's consideration.

DON QUICK

COURT APPOINTED SPECIAL PROSECUTOR



F. Michael Goodbee, AR 19053
Assistant District Attorney