

DISTRICT COURT; LARIMER COUNTY, COLORADO 201 La Porte Avenue Fort Collins, CO 80521-2761 (970) 498-6100	
PEOPLE OF THE STATE OF COLORADO, vs. Defendant: TIMOTHY LEE MASTERS	▲ COURT USE ONLY ▲
LARRY R. ABRAHAMSON, #2427 District Attorney; Eighth Judicial District of Colorado 201 La Porte Avenue, Suite 200 Fort Collins, CO 80521-2763 Phone: (970) 498-7200; Fax: (970) 498-7250	Case No: 98CR1149 Courtroom: 4C
MOTION TO DISMISS	

COMES NOW LARRY R. ABRAHAMSON, District Attorney in and for the Eighth Judicial District of the State of Colorado and moves this court to dismiss the charge in the above-captioned case, and as grounds therefore states as follows:

1. That on January 22, 2008, at the request of the Special Prosecutors from the 17th Judicial District appointed to handle the defendant's pro se 35 (c) motion, this Court vacated the defendant's conviction and sentence and ordered that the defendant be granted a new trial.
2. The basis for postconviction relief pursuant to Crim.P. 35(c) was newly discovered DNA evidence which was obtained by the Colorado Bureau of Investigation at the request of the People. This testing was conducted in January of 2008. The DNA testing done by the Colorado Bureau of Investigation was not possible in 1987 when Peggy Hettrick was murdered, nor in 1999 when the defendant was tried and convicted by a jury.
3. While the newly discovered DNA evidence does not exonerate Timothy Masters, it clearly warrants a complete re-examination of all the evidence related to the murder of Peggy Hettrick.
4. At the present time, the interests of justice would be best served by the dismissal of the present charge.

WHEREFORE, the People respectfully request that the above-captioned case be dismissed. The People further request that the defendant's bond be released and the hearing date of February 5, 2008, be vacated.

Dated this 25th day of January, 2008.

Respectfully submitted,


LARRY R. ABRAHAMSON, #2427
District Attorney

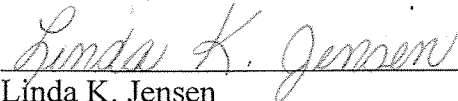
STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing MOTION TO DISMISS via facsimile and by depositing the same in the United States mail this 25th day of January, 2008, to counsel of record as follows:

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The Honorable District Court Judge	Case No: 98CR1149 Courtroom: 4C
ORDER	

THIS COURT, being duly advised pursuant to the People's Motion to Dismiss, hereby grants the dismissal of the above-captioned case.

DATED: _____

BY THE COURT:

 DISTRICT JUDGE