

STATE OF COLORADO

OFFICE OF THE GOVERNOR

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C 2018 113



EXECUTIVE ORDER

John W. Hickenlooper
Governor

Commutation of Sentence

Curtis A. Brooks

Pursuant to the authority vested in the Governor of the State of Colorado by Article IV, Section 7 of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order commuting the sentence of Curtis A. Brooks.

I. Background

In 1997, Curtis A. Brooks, DOC Reg. No. 93003, was sentenced to life without the possibility of parole in the Department of Corrections for first degree murder (F-1). He was sentenced to additional time in the Department of Corrections for other crimes, to run concurrently with his life sentence. Mr. Brooks was a juvenile at the time of the offense. Mr. Brooks currently has no parole eligibility date. The statute under which Mr. Brooks was sentenced is unconstitutional pursuant to *Miller v. Alabama*, 567 U.S. 460 (2012). The constitutional and statutory conditions for granting this clemency petition have been satisfied, and granting this commutation is in the interest of justice.

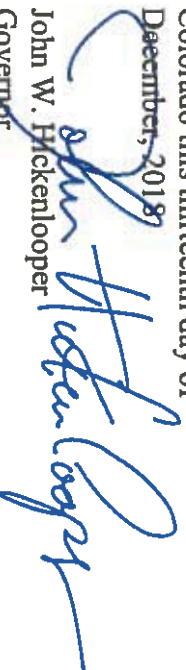
II. Grant of Clemency

- A. Curtis A. Brooks be and hereby is granted a limited commutation such that he is granted parole effective July 1, 2019. Mr. Brooks shall remain on parole for five years. The other terms and conditions of Mr. Brooks' parole shall be set by the Parole Board, although Mr. Brooks shall be permitted to serve his parole period in Maryland if approved under the Interstate Compact for Adult Offender Supervision. In this case, the Colorado Department of Corrections shall work with the Maryland Department of Public Safety and Correctional Services to manage the terms and conditions of Mr. Brooks' parole.

- B. This grant of clemency is limited to paroling Mr. Brooks for five years effective July 1, 2019, and shall not in any way affect the underlying criminal conviction.

GIVEN under my hand and the
Executive Seal of the State of
Colorado this thirteenth day of

December, 2018


John W. Hickenlooper
Governor



JOHN W. HICKENLOOPER
GOVERNOR

136 STATE CAPITOL
DENVER, COLORADO 80203
TEL 303-866-2471
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December 13, 2018



Curtis Brooks
c/o Hollynd Hoskins
Leventhal & Puga, P.C.
950 South Cherry Street, Suite 600
Denver, Colorado 80246

Mr. Brooks,

I am writing to inform you that I am granting your application for a commutation. After learning about your case and your character, I am commuting your sentence by granting you parole effective July 1, 2019. You shall remain on parole for five years. If approved under the Interstate Compact for Adult Offender Supervision, you shall be permitted to serve your parole period in Maryland.

As of the date of this letter, you have served approximately 21 years in prison. I decided to commute your sentence after a thorough evaluation of your clemency application, as well as a thorough understanding of the facts and circumstances surrounding your incarceration. The crimes committed are serious. Nonetheless, I believe you deserve parole for several reasons.

At the time of your crime, you were 15 years old. You were sentenced to life in prison without the possibility of parole. The statute under which you were sentenced has since been deemed unconstitutional by the United States Supreme Court in *Miller v. Alabama*, 567 U.S. 460 (2012). You were sentenced under a theory of felony murder: though you did not commit murder yourself, you received a sentence for first degree murder the same as if you had been the killer. In Colorado, we no longer give juveniles mandatory life sentences without the possibility of parole.

One important aspect of each clemency decision is an examination of who the applicant is now, compared with who the applicant was at the time of the crime. While you have been incarcerated, you have earned your GED and enrolled in college correspondence courses. You have completed numerous educational programs and received positive work evaluations in your role as a custodian. The warden at Arkansas Valley Correctional Facility has noted that you have been a model offender for the past decade. Significantly, you have a strong support network that is prepared to assist you, including a Maryland State Senator and a United States Senator.

You are a prime example of extraordinary rehabilitation and illustrate our hope for every offender who spends time in the Department of Corrections.

You have demonstrated that you will respect society's laws and productively contribute to our society. You have taken full accountability for your actions and recognize the mistakes you made in the past. You are remorseful, and ready to advance to a new phase of life. I believe you will be successful upon your release.

Clemency decisions are among the most difficult we have had to make in my time as Governor, weighing the values inherent in our justice system – retribution, deterrence, rehabilitation, and incapacitation. We have reflected deeply on these values and the principles of justice, and see no purpose in continuing your confinement.

This commutation will change your future. It is up to you to make the most of this opportunity. It will require hard work and dedication. Others who have experienced circumstances similar to yours will look to you for guidance and inspiration. I know you will be a positive example.

Good luck to you.

Sincerely,

A handwritten signature in blue ink, appearing to read "John W. Hickenlooper". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John W. Hickenlooper
Governor