



Timothy Masters

On February 11, 1987, the body of 37-year-old Peggy Hettrick was found in a field in Fort Collins, Colorado, less than 500 yards from the Prime Minister Pub and Grill where she was last seen leaving about 1:30 a.m.

Witnesses told police she left after spotting her boyfriend with another woman. She had been stabbed in the back and sexually mutilated.

Fifteen-year-old Timothy Masters, who lived with his father in a trailer near the field, saw the body on his walk to school that morning, but did not report it. When his father mentioned that his son had seen what he thought was a mannequin in the field, they pulled Masters from school for questioning. The boy told police that his mother had died four years earlier, so he assumed someone had placed a mannequin there as a prank. The body was found about 100 feet from the trailer.

He allowed police to search his room and they found several thousand pages of violently misogynistic writings and drawings in his closet as well as a collection of knives.

As the investigation continued, police focused on Masters for several reasons. The date of the killing was close to the date of his mother's death, news clipping about Hettrick's murder was on his desk and he owned a flashlight and collection of knives.

No physical evidence could be found linking him to the crime, although police found a considerable amount of blood—a blood trail stretching more than 100 feet from the woman's body was found, caused by excessive internal bleeding. None of the victim's blood was found on any of Masters' knives.

The investigation continued for years without an arrest, but with numerous suspects, all of whom were rejected. In 1992, police learned that Masters told a friend that a nipple had been cut off of Hettrick's body—a detail that was not believed to be public.

Investigators questioned Masters in Philadelphia where he was stationed in the U.S. Navy. He said he had learned the detail from a girl in his school art class whose Girl Scout troop had been to the field shortly after the crime. The girl corroborated Masters' story.

In 1997, police enlisted the help of J. Reid Meloy, a psychologist specializing in sexual homicide. Meloy concluded that Masters' artwork implicated him in the crime. He called the crime "displaced sexual matricide," arising from Masters' feeling of abandonment by his mother's death.

Armed with Meloy's report, Masters was charged with murder on August 10, 1998.

He went on trial in Larimer County Court in February, 1999. The prosecution relied heavily on Meloy's testimony, as well as Masters' drawings and knives. On March 26, 1999, Masters was found guilty by a jury and sentenced to life

State: Colorado

County: Larimer

Most Serious Crime: Murder

Additional Convictions:

Reported Crime Date: 1987

Convicted: 1999

Exonerated: 2008

Sentence: Life

Race: Caucasian

Sex: Male

Age: 15

Contributing Factors: Perjury or False Accusation, Official Misconduct

Did DNA evidence contribute to the exoneration? Yes*
:

in prison.

In 2007, after Masters' appeals had been denied, his lawyers petitioned for a new trial and asked for access to evidence for DNA testing. The lawyers asserted that prosecutors had failed to inform the defense of a possible suspect, local surgeon Richard Hammond, who was arrested in 1995 for voyeurism.

Hammond was arrested for surreptitiously filming the genitals of female guests and family members with video equipment positioned behind fake ventilation grates. He had an extensive pornography collection that allegedly showed an obsession with female genitalia. Hammond, whose home was 100 yards from the murder scene, had committed suicide two days after his arrest.

On January 2, 2008, prosecutors admitted that certain evidence had been withheld from Masters' defense lawyers. The evidence included reports from two experts contacted by police prior to the trial that disagreed with Meloy's opinion of Masters' guilt as well as information about the arrest of Hammond.

On January 18, 2008, prosecutors announced that DNA tests pointed to a different suspect in the Hettrick murder and said that Masters should be released from prison.

On January 22, 2008, the charges were dismissed and Masters was released.

On February 16, 2010, Larimer County agreed to pay \$4.1 million to settle a wrongful conviction suit brought by Masters. On June 8, 2010, the city of Fort Collins agreed to pay \$5.9 million to settle the lawsuit.

Meloy later said he was "appalled and stunned" at some of the evidence withheld from him as he developed his profile of Hettrick's killer and claimed he was intentionally manipulated into targeting Masters. He said that he knew nothing about Hammond and that, had he known, Hammond would have been the leading suspect.

After Masters' release, the two prosecutors who presented the original case against him, Terry Gilmore and Jolene Blair, were censured by the Colorado Supreme Court for failing to turn over evidence to Masters' defense. The lead detective in the case, Jim Broderick, was indicted for perjury for allegedly lying about evidence to the grand jury to obtain Masters' indictment. In December 2011, a judge dismissed three of nine counts and the case was put on hold while the prosecution appealed the judge's order.

– *Maurice Possley*

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<http://freetimmastersbecause.blogspot.com/>

Unsung Hero: Linda Wheeler Holloway



(A while back, the local newspaper asked for reader submission on the subject of Unsung Heroes. This is what I sent in.
---Pat Hartman)

It was a long and difficult struggle to get wrongfully convicted Tim Masters out of prison. The victory was due to the combined efforts of many people, none more dedicated than Linda Wheeler-Holloway. Back in the early 1990s, as a member of the Fort Collins Police Department, Linda inherited the Peggy Hettrick homicide case and re-opened it as lead investigator. By declining to carry out an arrest warrant against Masters, she reaped the disapproval of supervisors and colleagues. With a "Masters or nobody" attitude, they refused to let her make a fresh start that would include other suspects. Consequently, the case was shelved for the second time.

Masters was arrested in 1998. Linda, retired by then from FCPD and working for the Colorado Bureau of Investigation, again expressed her doubts to the prosecutors as they prepared for trial, but to no avail. After the conviction, she worked tirelessly and against great opposition to right the wrong, always keeping in mind that the real murderer of Peggy Hettrick is still at large and unpunished. As an activist in the "Free Tim Masters" cause, she repeatedly risked her career and reputation.

Over the years and through many discouraging setbacks, she persisted, alienating the local law enforcement community of which she had been a respected member, losing friends, even setting aside personal needs and family concerns in order to fight the battle. It was Linda who found the Dutch scientists of the Independent Forensic Services and introduced them to Masters' post-conviction defense team. As we know, the absence of Masters' DNA on the victim's clothing, and the presence of someone else's, ultimately won his freedom.

Linda Wheeler-Holloway is a true hero, and a shining example not only for all women, but for all law enforcement professionals.



[Looking Back on Broderick](#)



Looking Back on Broderick by Pat Hartman

Here's a 1999 article from the *Fort Collins Coloradoan*, titled "[Fort Collins investigator's diligence helped solve 1987 case.](#)" Jenn Farrell reports on the awards given by the Fort Collins Police Department, to Jim Broderick, Terry Gilmore, and Jolene Blair. The awards are for putting Tim Masters away.

Of course, the glory was somewhat dimmed, at award time, because Tim Masters, convicted four months before, was definitely filing an appeal. The prosecutors were worried that the conviction might not hold. The story ended with the line, "And if the case goes back to square one, that's where prosecutors and Broderick will pick it up."

Pretty funny, in a grotesque kind of way. The whole trouble with the case was that Broderick never was willing to start at Square One. He decided immediately that Tim Masters killed Peggy Hettrick, and never wavered, and used all his influence to drag the rest of the police department, and the DA's office, along into his delusion.

Farrell says,

For two months, he pored over thousands of gruesome narratives and sketches seeking evidence, piecing together a case from psychological and circumstantial evidence.

Exactly. Broderick spent googobs of time, not just when he was officially on the case fulltime, but his spare time for years, constructing a story to specifically condemn Tim Masters. The Chief of Police, Dennis Harrison, even said so. "He devoted countless hours of personal time to this investigation in addition to his normal duties..."

There is nothing wrong with a cop being obsessed by a case. Unless he starts out with the wrong suspect, and adamantly refuses to listen to anyone who suggests a different theory. Then it is no longer healthy professional determination, but mania.

"Building a case" is one of this story's subheads, and that is exactly what Broderick did. Starting with the ideas suggested by FBI agents during the first days after the murder, and adding what he read in books written by profiler Roy Hazelwood, Broderick concocted the interlocking cluster of stories about the supposed psychological motivations of Tim Masters.

When he eventually found a compliant forensic psychologist in Reid Meloy, Broderick just handed over to him the whole fairy tale he had invented, and paid Meloy thousands and thousands of dollars to put a stamp of approval on it, because an "expert" was needed for the courtroom.

Here is a very important quotation, regarding Blair and Gilmore. Broderick told the reporter,

For another 2 months, he was holed away in a room, working with prosecutors, and scoured that evidence, looking for ways to tear it down, then at how to defend it when he took it into the courtroom.

It says here that Broderick could never have done it without the help of the prosecutors, who put a lot of time and effort into the case. Translation: a whole team of people were dedicated not to finding the killer of Peggy Hettrick, but to nailing Tim Masters, above all else. Isn't that kind of like a conspiracy? Sure sounds like one.

In more recent days, when questioned by Special Prosecutors and the like, Blair and Gilmore have consistently testified that they never knew this, that, or the other thing, about the case. They would like us to believe that the police withheld information from them, or lied to them. This is not plausible deniability. With two intense months of working together fulltime, as well as all the other collaboration between Broderick and the prosecutors, how could there possibly have been a single thing about the case that Blair and Gilmore did NOT know? What were they doing all that time, holed up in the war room? Playing strip poker?

Broderick told the reporter that the older a case gets, the harder it is to solve, because witnesses move out of town, or die. Yeah, well, the moving away and dying worked out in Broderick's favor, didn't it? Especially when it came to Clyde Masters. Tim's father would have testified that Tim never left his trailer home, the night of the murder. He died in April of 1996. By July, Broderick was pestering Roy Hazelwood to be his expert witness. By October, the investigation was reopened, starring Tim Masters as the one and only suspect.

Broderick also lamented that old cases are difficult because you can't go back and collect new evidence. But as we have learned since then, Broderick didn't let that get in his way. He just manufactured it. Like William Butler Yeats said of poetry, he "made it out of a mouthful of air." Broderick is quoted as saying the team "made the decision that there wasn't likely to be anything else that was going to come forward." Decoded, that sounds like it means something like, "We'll never get any more physical evidence, so let's just make up some complicated, fantastical theory."

Which they proceeded to do. The theory about how Tim Masters must have killed Peggy Hettrick, because she had red hair and his mother had red hair, and his mother died and he was mad at her for dying, so he had to kill a red-haired woman to punish his mother for dying. Or something. And all the convoluted, wacky stuff he invented out of Tim's drawings and writings. Which, truth be told, were pretty unexceptional for that age group. All the stuff about rehearsal fantasy and displaced matricide and how a shy kid was actually a dangerous "loner," and on and on ad nauseum.

It says here that when Broderick's job was changed from supervisor of Crimes Against Persons, and he took over the Drug Task Force, he "took the Hettrick case - and all the work he'd done - with him to see it to the end." Sounds like maybe he wasn't giving his job his full attention, still mooning over this old case. "Developing ownership," as it says here. Not a very good example for the troops.

An interesting detail is that other officers, who at various times expressed ideas about the Hettrick homicide, were told to mind their own business, because they were in Crimes Against Property or out on patrol or whatever. But nobody chastised Jim Broderick for clinging to the case when he was supposedly assigned in a different field.

The reporter duly notes that Broderick "shied away from taking credit." What? He went and made a Cold Case Files TV show about the case, full of disinformation. That statement is just as memorable as the one in Jolene Blair's closing argument, where she said nobody else in the world could have done the murder.



Labels: Broderick, Cold Case Files, displaced matricide, drawings, evidence, expert witness, Fort Collins, history, Jim Broderick, Jolene Blair, Peggy Hettrick, Reid Meloy, Roy Hazelwood, Terry Gilmore

Peggy Hettrick remembered by a friend

Carol Davy writes of the [Peggy Hettrick page](#), and her memories of Peggy.

You gave light and love to her life, and stated that it could very well have been you or me... that is so true.

and goes on to say,

There in one of the photos was the American Indian, corn-silk raku vase that she just had to have from the store that I managed while she worked at Fashion Bar. We saw each other almost every day.

Peggy put this particular vase on lay-away... she was always short on cash! I had a 90-day program for purchase, however, after 6 months Peggy still hadn't paid for the vase in its entirety. I told her, "don't worry about it, whenever you can is fine. No big deal."

After about 9 months, Peggy came in to pay the remainder off, and she picked up this vase which she adored! I'll tell you, seeing this same vase in the photo stirred memories that were held deep within me. I noticed that she had placed two feathers in the vase. Peggy loved American Indian Art, and she was always in my store looking at the collection that we offered for sale to the public. I was a buyer/manager and had an affinity for American Indian Art as well, so we hit it off right away.

It gave me goose bumps to see this very vase sitting on her shelf! Thank you for that photo and for writing so eloquently about her and her dreams, aspirations, and of her life in general. She was a gem. She is still missed and thought of every day by those who knew her and loved her. I made a protest poster with her photo on it with her in that blue dress.



Timeline

These dates are from many different sources, and there's always room for error, so if something inaccurate is listed here, please send in better information.

TIMELINE

This is more for the seriously curious reader, who already has some grasp of the events, and wants to pinpoint when a certain thing happened. If you're new to this case, don't try to understand it by reading through the timeline.

Almost all entries refer to events in the life of Tim Masters, before and after

the murder of Peggy Hettrick by an unknown person. Some entries are about Donald Long or Richard Hammond, who also come into the story. Please see other posts to understand how. If the item concerns one of those two, it's clearly marked. Otherwise, it's about Tim Masters.

1961

Clyde Masters buys an acre of land in south Fort Collins

1978

Clyde Masters family moves to Fort Collins

1982

Nov 30

Clyde Masters retires from the Navy

Lloyd Masters family moves in next door to the Clyde Masters family

1983

Feb 12, 1983

Margaret Masters, wife of Clyde and mother of Tim, is rushed to the hospital

Feb 13, 1983

Margaret Masters dies

Feb 15, 1983

Margaret Masters is buried

1986

Christmas season – Peggy Hettrick's purse stolen

1987

Feb 2, 1987

Matt Zoellner stated he last spent the evening/night with Peggy

Feb 10, 1987 Tuesday

Peggy Hettrick reports in to work at the Fashion Bar at noon. She checks out for a break around 5, and goes to Banana's to meet with her temporary roommate.

6:30 – Clyde Masters leaves for tech school class

Around 9 Peggy Hettrick leaves work at the Fashion Bar and starts an evening of wandering.

10 – 10:30 - Clyde Masters gets back from school. He and Tim watch a couple of TV shows before turning in.

Feb 11, 1987 Wednesday

Around 1 a.m. Peggy leaves the Prime Minister by unknown means of

transportation.

1:45 – Next door to where Tim lives, his aunt, Bridgette Masters, gets home. Lloyd Masters has been home all evening.

1:00 – 3 a.m. Time span in which Dr. Allen first estimates Peggy died.

Somewhere around 7 a.m., a driver passing by on Landings sees something in the field, but only later becomes aware that it was Peggy's body.

6:59 – Tim Masters leaves home on foot, for the bus stop.

A few minutes after 7 a.m., Peggy's body is sighted, and reported a few minutes later, by a bicycle rider.

The location of the homicide is 3800 Landings.

8:30 Lab Tech Ruth Shanahan starts shooting video and still photos

Somewhere between 9:00 and 9:30 Clyde Masters is interviewed by police,

At school, Tim Masters is questioned by Det. Gonzales; his locker and backpack are searched. Throughout the day and evening, he is questioned for a total of 7 hours.

FCPD Lead investigators: Jack Taylor and Sherri Wagner. Jim Broderick also involved in the initial stages.

(Richard Hammond) Among the neighbors interviewed by police are the Hammonds of 401 Skysail, who say they were home all night, and neither saw nor heard anything unusual.

3:30 - 3:40 Russell takes Matt Zoellner to Poudre Valley Hospital for rape kit

4:30 Peggy's body is autopsied

5:00 Russell and Zoellner leave hospital

5:35 Russell drops Zoellner at Foothills Chrysler Plymouth

Feb 12, 1987 Thursday

8:00 FCPD organizational meeting Russell assigned "to conduct a background investigation concerning a person named Timothy Lee Masters."

Wagner and Taylor met with two detectives from Denver PD and then two FBI Behavioral Sciences agents

Morning: Broderick makes sightline measurements

8:40 a.m. McKibben, Vincent, Broderick, Tellez on hand ready to search

10:00 One of the FBI agents was given a copy of the videotape of Zoellner's apartment.

10:15 am Broderick and Dean to see Clyde at home. 11:07 got Voluntary Consent to Search signed for 328 Boardwalk and all outbuildings and motor vehicles.

In class, Tim doodles the "drag" drawing.

12:20 pm. Clyde Masters leaves home with Det. Dean to collect Tim from school about 1:00 is his recollection of what time he was brought to the police station

At the police station, Tim Masters is interviewed for 6 or 7 hours and given a polygraph test. A conversation between Tim and his father Clyde is secretly recorded. Their home is searched and many items seized including, from Tim's

room six survival knives (one with a scalpel in the handle), some adult magazines, and many notebooks full of Tim's writings and drawings. No evidence linking to the crime is found on the knives, or in the sinks or laundry drains.

6:30 Broderick gets the Consent to Search for TM's lockers at Fort Collins High.

(Richard Hammond) Terry Safris receives first of a series of threatening phone calls.

Feb 13, 1987 Friday

Explorer Scouts assist in searching the field

Tim Masters is interviewed again.

According to news report, by now 100 people have been questioned with no witness found to anything. Local news makes first mention of the "boyfriend"

News report: the FBI behavioral science unit will become involved, to help develop a "profile" of the killer.

Officer Jim Broderick is now the FBI liaison, consults ViCap FBI man Jim Wright, who tells him to look for a burglar/voyeur. But Broderick has already fixated on Tim Masters, and describes him, asking for a prediction of his behavior. Wright advises watching him next year on the anniversary of his mother's death and Peggy Hettrick's murder

Police issue a "Confidential Update" memo to the City Council.

Feb 14, 1987 Saturday

By now, 200 people have been questioned. Volunteers have been searching the field where Peggy's body was found.

Feb. 16, 1987

7:00 pm rosary at Kibbey-Fisher Mortuary

Feb 17, 1987

Peggy Hettrick's obituary in local newspaper.

9:30am Peggy Hettrick's funeral, attendees photographed by Shanahan.

Obituary appears in local newspaper.

Feb 18, 1987

Lt. Bud Reed tells reporter there are "no suspects in custody" for the Peggy Hettrick murder.

Feb 21, 1987

Local paper publishes article by Jim Hawkins, Crime Prevention Coordinator for the police dept., on how to avoid becoming a victim. In another article, a spokesperson repeats that police "did not have any suspects in custody" and the FBI is still helping to develop a psychological profile.

Feb 24, 1987

(Richard Hammond) "Icicle man" menaces Terry Safris at the Prime Minister.

March 10, 1987

Officer Ray Martinez talks to manager of Prime Minister, then learns from Terry Safris of series of threatening phone calls that started the day after Peggy Hettrick was killed.

March 18, 1987

(Donald Long) Linda Holt disappears after work. Police publicly declare there is no connection with Peggy Hettrick's murder.

March 19, 1987

(Donald Long) Linda Holt's van found 5 miles away, near Long's place. Fingerprints taken from van, and semen stains which produced a blood type.

March 24, 1987

(Donald Long) Linda Holt's body found, through information provided by Donald Long's girlfriend

April 3, 1987

Police department interoffice memorandum says Tim Masters is not a prime suspect in the Peggy Hettrick murder. Also, a progress report is made by Chief Glasscock to the mayor and city manager and city council. Local newspaper publishes an article of advice from the police on how to be safe.

April 17, 1987 (approximate)

Two months and 6 days after Peggy Hettrick's murder, police take an indecent exposure report. On Landings Drive, one block from where Hettrick's body was found, a woman reports a man walking with one leg of his shorts pulled up to expose his erection. The woman turned around to look at him again, "because he might have something to do with the Hettrick murder," as she said when making the police report.

April 30, 1987

Jim Broderick writes letter to Joelle Kohout of FBI's Behavioral Sciences Unit, and Roy Hazelwood

May 1987

Jim Broderick promoted to sergeant, leaves investigations division, goes to patrol.

(District Attorney Ken Buck's report puts it this way:

"June 15, 1987 – Det. Broderick was promoted to Sergeant and shortly thereafter was reassigned to the patrol division.")

May 87 or after

Jim Broderick talks to Clyde and Tim Masters about an incident in their

neighborhood that was called in.

May 11, 1987

Peggy Hettrick's cousin commits suicide in Arvada, Colorado

May 13, 1987

The "Kohout Memo" Det. Taylor's notes on conversation with Joelle Kohout of Behavioral Sciences. (Seems to be input from Roy Hazelwood, too. Relayed through Kohout, or did they talk separately?)

July 15, 1987

(Donald Long) Fort Collins police interview Donald Long for the first time. He talks extensively about another man, who police ultimately question then release in Holt's killing. Long gives blood, hair, saliva and fingerprints that day.

Several months after the Hettrick murder – date unknown:

In another Colorado city, Linda Wheeler Holloway and other law enforcement personnel attempt to interview a man recently released from prison, who had mutilated a woman. He barricades himself in, opens fire on the police, and fatally shoots himself.

Aug 31, 1987

In Tim Masters's neighborhood, a survival knife is found in a ditch – reportedly with a broken-off tip. (In 2007, David Wymore says it wasn't broken off but bent back)

Nov 7, 1987

(Donald Long) Mona Hughes disappears after leaving work in Greeley.

Nov. 8, 1987

(Donald Long) Mona Hughes's car is found near

Nov 11, 1987

"Rampant rumors spread that the same person who killed Hettrick also killed Holt. Police say no relation exists between the two murders." News clip

Nov 11, 1987

Local paper reports that a juvenile male has been interviewed about the Peggy Hettrick murder, and released without charges.

Nov 15, 1987

(Donald Long) Long is arrested for killing Linda Holt

Nov 24, 1987

(Donald Long) Newspaper says, according to local woman, Donald Long's CB radio handle was "Panty Snatcher."

Dec 1, 1987

Body of Mona Hughes is found with 14 stab wounds

Late 1987

Troy Krenning returns to Fort Collins

1988**Jan 8, 1988**

Police hold a work session – on the topic of outstanding Hettrick leads.

Lt. Deryle O'Dell. writes a memo regarding the anniversary surveillance plan and psychological warfare plan against Tim Masters. It needs to be okayed by chief Bruce Glasscock

Jan 28, 1988

Richard H. Butler, VP of American Federal Savings, writes to the police dept. and fully okayes their plan to park a construction trailer on the bank's property from Feb 1 – Feb 21

Late Jan or Feb 1988

Lt. Broderick has some kind of contact with Tim Masters, its date and nature unknown, mentioned in notes on Feb. 4 organizational meeting as an event that happened "last week".

Feb 4, 1988

Investigators from FCPD hold a briefing for all officers involved in the surveillance plan.

Feb 8, 1988

Police document says if the surveillance of Tim Masters has no result, they will close books on case.

Feb 8-14, 1988

Surveillance of Tim Masters, the empty field, and Peggy Hettrick's grave

Feb 11, 1988

Police officer Dean delivers copy of the Coloradoan to the Masters home. It contains a planted story designed to rattle Tim. Channel 14 news is filming in the area.

Feb 16, 1988

Final report on the week-long surveillance is issued.

May 2, 1988

Officers Wagner and Taylor interview Donnegan or Dunnegan

May 1988

(Donald Long) Long confesses to both Linda Holt and Mona Hughes murders.
May 4 Long agrees to guilty plea for both Holt and Hughes. Sentenced to life plus 50 years.

May 1988

(Donald Long) Husband of Mona Hughes sues FCPD, claiming that if they had secured Long after the death of Linda Holt, his wife wouldn't have been killed.

July 1988

Tim Masters signs up for the Navy

1989**Feb 2 – 11, 1989**

Surveillance of Tim Masters, described in Schneeberger memo

Feb 10, 1989

Police officer calls the Masters home, pretending to be Tim's classmate. Clyde Masters says his son is at the Navy recruiting office.

July 9, 1989

Tim Masters starts boot camp

1990

Lloyd Masters family moves out from residence next door

1991**June 1991**

Linda Wheeler-Holloway assigned as lead investigator, to reopen the Peggy Hettrick murder case.

Sept 1991

Tim's pants and knife sent to California for DNA analysis of blood

December of 1991

Results come back, the blood on Tim's pants is his own; blood on the knife totally consumed by testing process.

1992

Some time in this year, Linda Wheeler-Holloway organizes files, put them into Records

Some time in this year – Strategies on how to conduct the upcoming interview

with Tim Masters, are suggested by Roy Hazelwood
Some time in this year, spurred by FCPD inquiries, Navy intelligence studies Tim Masters's record and interviews his co-workers and supervisors.

Jul 28, 1992

Warrant to arrest Tim Masters is reviewed by Assistant DA Terry Gilmore and signed by District Judge William Dressel. It includes matter from the nonexistent "profile."

July 31 and Aug. 1

Jim Broderick, Linda Wheeler-Holloway and Hal Dean go to Philadelphia, question Tim Masters for 14 hours, and leave without making an arrest.

Aug 5, 1992

Linda Wheeler-Holloway tells Commander Feldman, Sgt. Vagge, Terry Gilmore and Jolene Blair what happened in Philadelphia.

Oct 11, 1992

At the instigation of Clyde Masters, the local paper prints a story about how his son is being harassed by the police department.

1993

March 15, 1993

letter from Wheeler to Hickson of NCIS about her plan to start from scratch, and Hazelwood agreed to do profile, and she has no plan to contact any member of Masters family ever again.

April 23, 1993

Linda Wheeler-Holloway returns Peggy Hettrick murder to cold case status

April 29, 1993

LWH meets with Hickson, gives latest information on TM, learns that the Navy would probably keep the case active.

August 14, 1993

murder of Michael Gienger

1995

January 1995

Jim Broderick assigned as supervisor, Crimes Against Persons

Some time in this year: the detective bureau of the FCPD is restructured, and the investigators have more time to work on unsolved cases.

Mar 19, 1995 Sunday

(Richard Hammond) In the early morning, police are called by woman house-sitter to the home of Dr. and Mrs. Hammond, where an elaborate setup is found in place to film users of the restroom.

Mar 20, 1995 Monday

(Richard Hammond) Hammond turns himself in, released on bail. Checks in to Mountain View Hospital. Tony Sanchez and other officers notice the view from Hammond's bedroom window at home is the body dump site.

Mar 21, 1995

Remarks of Jim Broderick regarding the arrest of Richard Hammond are published in the *Fort Collins Coloradoan*.

Date uncertain

Officer Tony Sanchez writes the "look into Hettrick" note.

Mar 23, 1995 Thursday

(Richard Hammond) Hammond in court to be advised of rights. Scheduled to return April 6

Mar 24, 1995 Friday

(Richard Hammond) After being given immunity, Becky Hammond is interviewed by Tony Sanchez and Marsha Reed. Hammond is discharged from Mountain View Hospital. Hammond checks into a La Quinta motel in Denver and injects sodium cyanide into a vein leaving a suicide note saying "My death should satisfy the media's thirst for blood"

Mar 25, 1995 Saturday

(Richard Hammond) Shortly before noon, Hammond's body is found by member of motel cleaning staff.

Mar 27(Richard Hammond) District Attorney's office receives Hammond's suicide letter

May 17, 1995

(Richard Hammond) Officers Broderick and Sanchez meet with assistant city attorney John Duval to discuss how to destroy Hammond evidence.

Date unknown

Becky Hammond interviewed by Marsha Reed and Tony Sanchez and granted immunity.

Aug. 15, 1995

(Richard Hammond) Motion for warrant to destroy personal property. Signed by Assistant City Attorney Duval, executed by Judge Dressel

August 1995

Less than 5 months after Hammond's death, and with only a small fraction of it having been examined, all the evidence from Hammond's home and storage lockers is burned in a fire that reportedly requires over 8 hours to consume it all.

Nov 30, 1995

Det. Linda Wheeler-Holloway retires from Fort Collins Police Department

1996

Sometime in this year, attorney Erik Fischer moves to Fort Collins

Apr 15, 1996

Clyde Masters dies at age 60, while visiting in California

July 1996

Broderick talks to FBI agent Ron Walker about possibility of getting Hazelwood as expert witness

Oct 1996

FPCPD begins to re-investigate the Peggy Hettrick murder,

Oct 24 and 25, 1996

seminar "Behavioral Analysis of Sexually Related Deaths" taught by Hazelwood....Broderick goes over case with Hazelwood

Oct 25, 1996

"Thousands of pages" of Tim Masters's writings and drawings are conveyed to Roy Hazelwood, now an expert in sexual violence in private consultancy practice.

Nov 22, 1996

Marsha Reed watches "Cipher in the Snow".

Dec 18, 1996

Broderick sends progress report to Hazelwood, discusses with Asst. DA Terry Gilmore what they hope Hazelwood will do.

1997**Feb 14, 1997**

Two- page "hinge" letter from Broderick to Hazelwood

Feb 20, 1997

Fax from Broderick to Hazelwood

April 2, 1997

Broderick sends map a more detailed map to Hazelwood

June 6, 1997

Tim Masters leaves military service

June 19, 1997

Fax from Academy Group (Roy Hazelwood) to Broderick, replying to questions that had been put to him about how far he was willing to get involved in the case. Broderick talks to Hazelwood, who suggests lists of psychologists including Reid Meloy

Oct 21, 1997 Jim Broderick begins reviewing case material and making a plan of action, expecting Det. Marsha Reed back from sick leave.

Nov 3 1997

Jim Broderick promoted from sergeant to lieutenant

Nov. 9, 1997

Dr. Reid Meloy retained

Nov. 14, 1997

Letter agrees to pay Meloy \$300/hr. every 30 days

Dec 6, 1997

Meloy calls to say he has received everything from Hazelwood (Tim Masters's "productions" – writings and drawings, maps, and whatever else they had sent.)

Dec 29, 1997

Holiday Inn meeting of Meloy, Marsha Reed, Terry Gilmore, Jim Broderick, they went to police dept. to view evidence, and visited the scene where Peggy Hettrick's body was found.

Dec 31, 1997

Det. Marsha Reed writes to plastic surgeon Dr. Christopher Tsoi, sending autopsy report, 7 photos of the surgical wounds inflicted on Peggy Hettrick after her death, and a list of questions.

1998

Jan 1998

Assignments are shifted within FCPD's Crimes Against Persons unit, so Broderick and Reed can go full time on pursuing Tim Masters

Jan 2, 1998

Broderick sends letter to Meloy – enclosing transcript of secret recording made of Feb 12 1987, of a conversation between Tim and his father. All Hettrick evidence

is moved to a separate room, with only Broderick and Reed knowing the lock's combination.

Jan 7, 1998

letter from Meloy to Broderick, thanking for visit and enclosing a copy of his notes

Jan 9, 1998

Det. Marsha Reed meets with Dr. Tsoi, but her daily report is blank, and the report she remembers writing about the meeting is never seen again.

Jan 24, 1998 Blood spatter expert Dr. Tom Bevel's report is submitted

January 27, 1998 Marsha Reed, another police officer, and a Sheriff's department detective meet to re-enact dragging scenarios.

Feb 3, 1998 Broderick and Reed examine items from Tim Masters' room

Feb 23, 1998 Marsha Reed requests a crime analyst to make a flow chart detailing the actions of Hettrick, Masters, and Zoellner in the hours surrounding Peggy Hettrick's death

Feb 27, 1998 Broderick theorizes about the note to Matt Zoellner that Peggy had written

March 2, 1998

Broderick sends letter to Meloy about the autobiography that Tim wrote for a class assignment, and how the death certificate of Margaret Masters was lying out in the open.

March 20, 1998

Broderick meets with Chief Deputy District Attorney Terry Gilmore most of the morning, to keep him updated on this case.

April 2, 1998

Broderick and Reed watch horror movies Tim Masters has mentioned, trying to link the plots and characters to the Hettrick homicide

April 9, 1998

Broderick, Gilmore and Blair meet to discuss and plan.

April 14, 1998

Broderick meets with Dr. Allen, who did the autopsy on Peggy Hettrick

May 5 1998

FCPD receives confirmation that Tim Masters still lives in Witchita

May 14, 1998

Peggy Hettrick's body is exhumed to look for knife tip, which wasn't missing in the first place. No knife tip found.

June 18, 1998 Meloy names the so-called "vagina" drawing and the drag drawing as the two most incriminating, in conversation with Broderick.

June 20, 1998

Meloy submits 12-page draft report summarization

June 22, 1998

Meloy sends preliminary finding report to Broderick, having revised it after receiving input from police and prosecutors. Also letter "please note that my entire document extraction has now been sent to you." This is not the same as the report, but a different set of papers.

June 23, 1998

Conference call between Dr. Reid Meloy, Asst. DA Terry Gilmore, Asst. DA Jolene Blair, Officer Marsha Reed

June 29, 1998

Meeting to review affidavit

June 23

Meloy leaves the country till 7/11

June 29, 1998 Broderick, M. Reed, Terry Gilmore, Jolene Blair meet to look at drawings, theorize plan, and review affidavit.

July 2, 1998

Jim Broderick meets with Terry Gilmore and Jolene Blair

July 9, 1998

4-page report from Hazelwood to Broderick, as at this point the prosecutors still contemplate having him testify

July 10, 1998

Broderick's notes say he conferred with Hazelwood about the arrest warrant. In this conversation, Hazelwood recommended removing all references to the "profile"

July 16, 1998

Conference call between Broderick, Hazelwood and Meloy

July 24, 1998

Broderick send letter to prosecutors stating that Dr. Meloy had been sent a draft of the warrant, and they were awaiting Meloy's "approval."

July 29, 1998

Fort Collins police report shows that Allen, the medical examiner, called the wounds surgical. The description came in a conversation with Broderick.

August 1998

Broderick sends Hazelwood draft copy of arrest warrant and copies of Meloy's "extractions."

August 5, 1998 Broderick interviews Wayne Lawson

Aug 6, 1998

Police obtain arrest warrant for Tim Masters, from District Judge William Dressel, charging first-degree murder

Aug 9, 1998

Dets. Broderick and Reed and other FCPD travel to Ridgecrest, CA to arrest Tim Masters, who is now 27 and out of the Navy.
FCPD learns that Tim Masters owns a trailer home in Loma, CO

Aug 10, 1998

Det. Broderick and other FCPD travel to Ridgecrest, CA to arrest Tim Masters, who is now 27 and out of the Navy.
Lloyd and Bridget Masters are interviewed at length about Tim

Aug 11, 1998

Masters's home searched again, "purse" is found (camera bag.)
Broderick and Reed return to Colorado

Aug 12, 1998

FCPD search property in Loma, Colorado, where the old trailer home is stored, and Tim rarely visits.

Aug 15, 1998

Invoice from Meloy for 1 hour 15 minutes worth of review and analysis of something, and $\frac{3}{4}$ hour phone conference on same date

Aug 17, 1998

Police technician Hurst (aka Shanahan) to Loma

Aug 20, 1998

Tim Masters is charged

Aug 25, 1998

Det. Reed inventories the Ridgecrest videotapes.

Aug 27 1998

Abrahamson, Van Meveren file to have Masters tried as an adult

Sept 16, 1998

Preliminary hearing, Broderick testifies

Nov 3, 1998

Erik Fischer reviews evidence from an envelope. Later in the 2007 hearings, the contents and chain of custody of this envelope turn out to be a major point of contention.

Nov 9, 1998

Photos in the evidence envelope returned to FCPD by the FBI lab – so they would not have been included in what Fischer reviewed six days earlier, and weren't turned over in discovery.

Dec 5, 1998

Meloy sent remaining extractions to Broderick Meloy submits another report

1999

Jan 4, 1999 Judge Dressel rules on some defense motions

January 28 – 8 hours at \$300 per hour – prepping Dr. Meloy for motions hearing.

Early in this year

"Suspects in Hettrick homicide" aka "List of 94" created by Officer Marsha Reed, building on list originally compiled by Linda Wheeler-Holloway.

Jan 29, 1999

Dr. Reid Meloy testifies in pretrial motions hearing.

Feb 4, 1999

Meloy sends what was characterized by Wymore as the "hopes and dreams" letter to Stu VanMeveren, Larimer County DA, expressing hope that his work "will result in a successful prosecution" and touting Blair and Gilmore as "superb professionals."

Feb 12, 1999

Re: the evidence envelope (see Nov. 3, 1998) today's date is the first date on the log. It's the same day Broderick jotted in his notebook in red that one photo, "#105 is messed up, tread pattern looks like Thom McAn shoe"

March 18, 1999

Tim Masters's murder trial begins Case # 98CR1149

March 26, 1999

Tim Masters convicted of first degree murder and sentenced to life in prison, after jury deliberation of ten hours over two days.

1999 ?

Somewhere in this time frame, the *Cold Case Files* TV show is made.

Nov 8, 1999

Opening Brief of Defendant-Appellant to Court of Appeals. Attorney Erik Fischer

2000**March 27, 2000**

Linda Wheeler-Holloway brings a polygrapher to the Buena Vista correctional facility. The result indicates deception. This changes her whole outlook on the science of polygraphy.

Apr 13, 2000

Attorney Erik Fischer in Fort Collins Coloradoan calls the conviction "character assassination as proof of a crime" and says Tim Masters should get a new trial

Oct 17, 2000

Oral arguments before Colorado Court of Appeals

2001**Feb 15**

Appeals Court confirms the conviction. Petition for Writ of Certiorari granted

August 2001

Jolene Blair becomes District Court Judge for 8th Judicial District

2002**Jun 10, 2002**

Heard by the Colorado Supreme Court. 99CA896
For the petitioner: Nathan D. Chambers

Jul 12, 2002

Publication on Moving Target blog – "Use a Pencil, Go to Jail, part 1"

Aug 3, 2002

Publication on Moving Target blog – "Use a Pencil, Go to Jail part 2"

Oct 15 16, 2002

Judgment affirmed by Colorado Supreme Court (with three justices dissenting)

Dec 16, 2002

Petition for rehearing denied (although the same 3 Justices would grant it).

2003

May 1 or possibly 5th, 2003

Tim Masters files 35c Motion for Relief because of ineffective counsel

May 14, 2003

Maria Liu appointed to serve as Tim Masters's post-conviction attorney

Nov 2003

Linda Wheeler-Holloway retires from Colorado Bureau of Investigation, goes to work in private sector

2004

Apr 5, 2004

The "angel"s first letter to Tim

Nov 2004

"Free Tim Masters" website holds about 1500 pages, mostly trial transcript. Tim Masters Defense fund is set up.

Nov 12, 2004

Defense attorneys try to get the District Attorney to agree to DNA testing.

2005

Jun 17, 2005

Motion is filed to recuse District Court Judges Jolene Blair and Terence Gilmore.

June 30, 2005

David Wymore joins the defense team

Jul 25, 2005

Tim Masters in Larimer County Court with about 20 friends, relatives and supporters. His motion was to recuse District Court Judges Jolene Blair and Terence Gilmore as well as Judge Daniel Kaup, who had worked in the DA's office at the time of the investigation. Recusal was granted, clearing the way for his 35c Ineffective Counsel Motion to be heard. Defense attorneys are contacted by major media.

Appointment of visiting judge Joseph Weatherby

Jul 26, 2005

"Former Cop Favors New Trial" in Rocky Mountain News report re: Tim Masters, about Linda Wheeler-Holloway

Oct 2005

Linda Wheeler-Holloway visits the Netherlands and learns about new DNA harvesting technique

Nov 2, 2005

Post-conviction hearing with Judge Weatherby. David Wymore and Maria Liu appear for Tim. Issues are costs and access to evidence.

Some time in 2005

15 fingerprints from inside Peggy Hettrick's purse are removed from the FBI lab files and never returned.

2006

April 2006

Attorney David Wymore catalogs all evidence. His list doesn't include the evidence envelope (see Nov. 3, 1998)

Oct 20, 2006

Post-conviction hearing. Issues are access to evidence, DNA testing.

Nov 6, 2006

Post-conviction hearing. Richard Eikelenboom describes his credentials and methods. Judge Weatherby approves testing in the Netherlands of the clothing, and specifies that there should be a written protocol before either side does any testing.

Nov 17, 2006

Broderick is subpoenaed for any profile in any form, and any communications with the FBI, Hazelwood, Behavioral Sciences Unit

Nov 2006

Thanksgiving week Larimer County DA's office and FCPD remove Peggy's clothing put into evidence during the 1999 trial and take it (without any protocol) to the CBI laboratory. Armed with the knowledge of which segments of fabric the defense wants to lift epithelial cells from, they swab half those areas with their old-fashioned and potentially destructive method.

Nov 27, 2006

Post-conviction hearing. David Wymore denounces the "Oklahoma Land Grab," the removal of the clothing evidence for testing before a protocol had been established. Other issues are the missing 11 fingerprints, and insistence on resolution of the question of whether an FBI profile ever existed.

2007

Jan 21, 2007

Barie Goetz takes evidence to Netherlands

Feb 13, 2007

Court orders Roy Hazelwood to answer questions sent to him and identify materials he was sent and conveyed on to Meloy. No answer.

Mar 20, 2007

Post-conviction hearing where more details are exposed of how the "Oklahoma Land Grab" was engineered; and the woman who found Dr. Hammond's camera describes that occasion; and former Fort Collins police officer Dave Mickelson tells how he never believed Masters was the killer, and his efforts to convince others.

Mar 21, 2007

Post-conviction hearing. Former Fort Collins police officer Troy Krenning testifies that he never believed Masters was the killer, and that he was very vocal about his objections.

Apr 18 2007

Riedel and Lammons of DA's office file "MOTION TO APPOINTING A SPECIAL PROSECUTOR AND VACATE HEARING" which denies wrongdoing on their part.

Apr 20, 2007

The prosecution quits the case recusing themselves because of a conflict Judge Weatherby signs order appointing Special Prosecutor Don Quick

April 21 2007

District Attorney's Office for the 8th Judicial District hands over Masters case to prosecutors from Adams County.

May 7, 2007

Special Prosecutor needs more time to review the case

July 31, 2007

Don Quick, Special Prosecutor, sends letter asking for "reports, photos, documents, etc." in other words all discoverable material, to Chief Harrison of FCPD, Sheriff Jim Alderden, the Colorado Bureau of Investigation, DA Larry Abrahamson of the 8th Judicial District, and DA Ken Buck of the 19th Judicial District.

August 9 2007

Asst. Chief Investigator interviews Terry Gilmore on behalf of the Special Prosecutor

August ??? 2007

Asst. Chief Investigator interviews Jolene Blair on behalf of the Special Prosecutor

August 23, 2007

Post-conviction hearing. Former Fort Collins police officer Tony Sanchez testifies.

Aug 31, 2007

Greg Campbell interviews Tim Masters at Larimer County Detention Center.

Sept 24, 2007

Post-conviction hearing. Tony Sanchez testifies about what was found at Dr. Richard Hammond's house.

Sept 25, 2007

Post-conviction hearing, Nathan Chambers testifies.

Sept 26, 2007

Post-conviction hearing, Nathan Chambers testifies.

Sept 27, 2007

Post-conviction hearing, Nathan Chambers testifies.

Sept 27, 2007

Interview with retired FCPD officer Marsha Reed where she states she prepared a report on her interview with Dr. Tsoi (See Dec. 31, 1997)

Oct 4, 2007

Defense learns of Officer Tony Sanchez's "Look into Hettrick" note. Marsha Reed says Tony Sanchez told her that Hammond was a suspect in Hettrick murder

Early Oct, 2007

The "angel" of the case dies.

Oct 15, 2007

Defense team gets most but not all of the "McClellan Binders."

Nov 6, 2007

revelations about surveillance, sting operation, planted news story

Nov 8, 2007

Post-conviction hearing, testimony from defense attorney Erik Fischer and former FCPD officer Jack Taylor

Nov 9, 2007

Post-conviction hearing, testimony from former FCPD officers Jack Taylor and Ray Martinez

Nov 16, 2007

Broderick's notebooks of working notes turned over to special prosecutors

Nov 21, 2007

Informal discovery viewing of what prosecutors have. Half a day spent trying to understand the origin of the "Kohout memo"

Dec 1, 2007

Defense files motion asking court to order Broderick, Neimann, and several other police dept. personnel to answer questions about the discovery process, regarding the items held by the Records Dept.

Dec 3, 2007

Post-conviction hearing, testimony by defense attorney Erik Fischer. Broderick's notebooks given by Quick to the defense. Broderick's notebooks transferred from Special Prosecutors to defense team

Dec 4, 2007

Post-conviction hearing, testimony by defense attorney Erik Fischer

Dec 6, 2007

Colorado Bureau of Investigation report submitted to Special Prosecutors. Findings: Three partial DNA profiles from Peggy's clothing, none consistent with Tim Masters.

Dec 7, 2007

Post-conviction hearing. Revealed: Hazelwood disagreed with large parts of Meloy/Broderick theory. Testimony by defense attorney Erik Fischer: "I am so pissed off." Also revealed: some documents may have been destroyed when changing computer records system.

Dec 11, 2007

CBI report turned over to defense team

Dec 16, 2007

Eikelenbooms report that the DNA on Peggy's underpants is a complete match to Matt Zoellner.

Dec 18, 2007

Post-conviction defense team files a Motion for Special Prosecutor to Investigate Possible Criminal Activity by the Fort Collins Police Department and a Motion for Special Prosecutor to Investigate Perjury at the Trial of Tim Masters by Fort Collins Police Lt. James Broderick

Dec 20, 2007

Post-conviction hearing, testimony by defense attorney Erik Fischer

2008

Jan 4, 2008

Larry Abrahamson files motion for Order Appointing Special Prosecutor, granted the same day

Jan 15, 2008

Defense shares its DNA test results with Special Prosecutor

Jan 18, 2008

CBI confirms that DNA is consistent with alternate suspect "the boyfriend", and inconsistent with Tim Masters.

Friday afternoon press conference announces that the conviction of Tim Masters will be vacated and he will be released.

Broderick is out of state on family medical matter

Jan 22, 2008

Happy Freeday, Tim Masters!

Special Prosecutors file Motion to Vacate Judgment of Conviction and Sentence for Tim Masters.

Jan 25, 2008

All charges against Tim Masters dismissed by DA Larry Abrahamson

Jan 29, 2008: Colorado Attorney General John Suthers launches a fresh investigation of Peggy Hettrick's murder.

Feb 15 2008

Adams County District Attorney Don Quick files Special Prosecutor's Report



The Hartman Report on the District Attorney's Report

by Pat Hartman

The official document:

District Attorney Kenneth T. Buck's letter to Chief Judge James H. Hiatt

The reaction:

In January of 2008, after the conviction of Tim Masters for the murder of Peggy Hettrick had been vacated, District Attorney Ken Buck of Weld County was assigned as special prosecutor to determine if any criminal laws were violated by Lt. James Broderick of the Fort Collins Police Department. A mere six months later, to the utter astonishment of absolutely no-one, Buck's report concludes that Broderick won't have any criminal charges filed against him. Which is not quite the same as not doing anything wrong. On July 8, 2008, DA Buck's report was released in the form of an 11-page letter, and on the 9th he held a press conference to further elucidate.

Buck notes that his mandate was limited to finding out if Broderick broke any laws, and uses the word again to say, "During my limited investigation several flaws were uncovered...." One might almost think he's implying that, if he'd been able to investigate more fully, and not been limited, his findings might have been more substantial. But that's probably wishful thinking on my part.

The Not Fully Informative Timeline

The letter/report includes an abbreviated timeline of the case. Of course, not every little detail of the excruciatingly long history of the case could be included here, but there are a few things it would have been useful to remind us of. For instance, the timeline notes that on February 12, 1987, the day after Peggy Hettrick's body was found, Tim Masters was interviewed for 6 hours. This was also the day when a conversation between Tim and his father Clyde Masters was recorded, and also the day Tim was given a lie-detector test with inconclusive results, though that isn't mentioned here.

It also doesn't mention how, on the very next day, Broderick tells the FBI all about his favorite suspect, Tim Masters. Unfortunately, the Fort Collins Police Department doesn't have a damn thing on the kid in the way of physical evidence, eyewitness testimony, confession, or any other thing that would make an arrest stick. Supposedly, the 15-year-old boy is so clever and sly, he's managed to totally outwit the FCPD, despite the fact that they've been working on the case for two entire days.

The FBI advises patience: and here, two days after Peggy Hettrick's murder, the

anniversary surveillance is born. This is not a guess, it's according to testimony in the recent hearings. In this and subsequent conversations with the FBI, Broderick is instructed in how to set up, conduct, and interpret any results of this fantastic, costly, and counterproductive plan. Already, instead of trying to catch the murderer immediately, he is focused on how to catch Tim Masters a year in the future. This alone should be enough to send Broderick to prison. That's as far as we'll go right now with the conspiracy theory. It's a whole separate, and huge, topic.

But wait – it gets better. Broderick asks the FBI to do a profile. Here's the problem. With them, the whole concept of making a "profile" centers around the fact that there is *no suspect*. They start with a blank slate, and just make it up as they go along, predicting what kind of person will turn out to have done the crime. Well, Broderick has already provided to them all of the particulars of Tim Masters, which shows a baffling ignorance of FBI procedure, to say the least. And there's nothing at all in Buck's report about how, years later, when Tim was finally arrested, the warrant was partially based on the profile that never existed.

The timeline skips ahead to June 15, 1987 when Broderick, having been promoted, was reassigned to patrol and presumably, was off the Masters case. Then, it says in late 1987 the FCPD received suggestions for the anniversary surveillance. This is very oversimplified, as we've just seen, because the anniversary surveillance plan had actually been around since Day 3 of the investigation.

And of course in the meantime there had been the whole Donald Long saga. Long was and still is a viable suspect for the Peggy Hettrick murder, but that's a whole separate subject also, and one not mentioned in the DA's report.

Buck's timeline mentions the February 11, 1988 anniversary surveillance, also in an oversimplified fashion, since that surveillance actually lasted a week and covered several locations. The report also neglects to mention that the "surveillance" included a deliberate psychological warfare-type provocation, designed to mess with the head of this teenager by capitalizing on the fact that it was also the anniversary of his mother's death. Yes, they planted a copy of her obituary where Tim would find it. Also, the report makes no mention of a news story fabricated by the police and foisted on an unsuspecting journalism intern. It also neglects to mention a police document written on February 8, 1988, stating that if the anniversary surveillance had no result, they would close the books on this case. But they didn't. Some obsessed mind or minds were intent on nailing Tim Masters with this one.

The Changing of the Guard

One of DA Buck's conclusions is that the multiple errors in the Masters case were compounded by multiple changes in case leadership. Let's take a look at

this. It started out with Sheri Wagner and Jack Taylor as co-lead investigators, which they presumably still were through June of 1991 when Linda Wheeler-Holloway took over. That wasn't such an abrupt departure. Wheeler-Holloway had been the first officer on the scene at Peggy Hettrick's murder site, and then was assigned to deal with the victim's family. She knew all about the case. After the 1992 Philadelphia excursion, during which Wheeler-Holloway refused to arrest Masters because he was the wrong man, the Hettrick murder went to cold case status in 1993.

In 1995 and '96, Officer Marsha Reed got busy pulling together elements of the Masters case, but there doesn't seem to be any mention of her, ever, as lead. She apparently forgot to file a report from a doctor, that would have been exculpatory for Tim, but that was just as one of the officers on the case, and Buck doesn't mention her part in it at all. After that, the next lead investigator was Jim Broderick, who was also familiar with the case from the beginning, and indeed knew more than too much about it, since he invented most of it.

This doesn't really add up to a whole lot of leadership change, when you consider the many years the case stretched over. The various leaders were all familiar with the case. In fact, nobody in the entire FCPD was unfamiliar with it, and certainly, none of the lead investigators came into it a virgin. Besides, there was plenty of continuity in the leadership. At any rate, it should not matter if there had been even more changes in leadership. That's what records and briefings are for. In a hospital, a patient's chart is a detailed record of everything that happens, readable by each subsequent nurse who cares for the patient. When new nurses come on duty, a verbal report is given by the off-going shift to the oncoming shift. Would it be acceptable for a hospital to claim that nursing changes of shift were responsible for a patient's death? Geez, let's hope not.

More weird stuff

So in July of 1992, an arrest warrant was obtained. This report doesn't mention that the warrant was based on a story from an informant about how Tim supposedly had special knowledge about the crime that, actually, everybody in town knew. Anyhow, Linda Wheeler-Holloway had the good sense not to arrest him at that time.

Then, in 1995, the Richard Hammond mess happened. He was the eye doctor who should have been the prime suspect in the Peggy Hettrick murder. Broderick was instrumental in destroying the massive amount of evidence gathered on Hammond, and Reed granted immunity to Hammond's wife, who in some circles is considered a pretty good accomplice suspect.

On April 20, 2007, Buck's timeline says, "The 17th Judicial District Attorney was appointed by the court as special prosecutor." This, as we will recall, happened because the prosecution had to recuse itself on account of a conflict of interest –

only one of the messy details in this entirely SNAFU'd case.

The allegations against Broderick

One of the most shameful things about this is that there were only three allegations against Broderick which DA Buck's office was tasked with investigating. And, for symmetry, there are three things that office had to decide: Was a crime committed? Did the suspect (in this case, Broderick) commit the crime, if indeed there was one? And – here's the most important part – is there a "reasonable likelihood of conviction at trial."?

At his press conference after the 11-page letter was issued, Buck was asked if the standard is different with civilians and police. Buck says, yes, it is. "Our standard," he said, is "reasonable probability of conviction." Which isn't quite the same as answering the question. Doesn't that hold true with any prosecutor, in deciding whether to bring charges against anyone, civilian or police? Because if they know they can't get a conviction, it's a waste of taxpayers' money and everybody's time, to charge the person.

The tape and transcript

So, the first allegation is that Broderick recorded the conversation between Tim and his father, the day after Peggy Hettrick's murder, in violation of the anti-eavesdropping rules. Well, the first thing Buck points out is that the statute of limitations runs out in three years, so in order to stick, a charge would need to have been made before February 1990. So, obviously, there would be no probability of conviction. When it's a citizen, they call this "getting off on a technicality," and it's quite lame. For cops, there shouldn't even *be* a statute of limitations. They have so much latitude and so much power, and get away with so much, there ought to be a counterbalance – like, for instance, a requirement to adhere to higher ethical standards than your average mug on the street. Yes, it's only wishful thinking.

But Buck goes on to say he doesn't believe that Broderick, personally, engaged in eavesdropping, as defined by law. Because, supposedly, Broderick wasn't involved in the decision to record the supposedly private conversation between father and son, and didn't know whether Clyde Masters verbally consented or not. He says he had nothing to do with it, except that his own interrogation of Masters was pre-empted to accommodate the father-son talk.

This recording is problematic for several reasons, the foremost being consent. In 1996, Clyde Masters died, removing from the equation not only Tim's sole alibi witness, but the only one who could say whether verbal permission was given to record his conversation with his son in the police station back in 1987. Co-lead investigator Wagner says Sgt. Martinez informed Clyde Masters that the conversation would be recorded. Sgt. Martinez says not. It's a classic he-said-

she-said standoff. And, as Buck tells us, there is no written record that Clyde Masters consented on behalf of himself or his son. The DA gives the police a bit of a scolding for this.

Another problem, and here's where it gets real complicated, is that when Tim went on trial, the father/son portion of the immediate post-murder questioning was left out of the transcript provided to Tim's defense attorneys. Apparently, they either were given a copy of the tape, or were told they could have a copy if they wanted it. FCPD was betting that the original defense lawyers would not listen to the tape, even if it were possible for them to do so. If the lawyers were doing their job right, they should have listened to it, if indeed it was turned over to them or made available upon request.

On the other hand, ought we to blame the lawyers, who are officers of the court, for trusting the honesty of government officials? Shouldn't defense attorneys be naturally entitled to assume that the transcript of an interview turned over by the police, will be accurate and complete, and match up with the tape? I mean, shouldn't they?

Buck says, "...Defense Counsel received notice of the recorded conversation, and Lt. Broderick has a plausible explanation for creating a second transcript." This seems to mean that a complete transcript already existed, and Broderick himself generated a second, censored and redacted version of the transcript – one that omitted the father/son conversation. And what, pray tell, was his plausible explanation for doing that? It's not here. Unless this is supposed to be it:

According to Buck's report, Broderick was listening to the tape and reading along in the transcript, and when he heard the father/son segment, had doubts as to whether it had been recorded with permission. So he called prosecutor Terry Gilmore. "After that conversation Lt. Broderick believed that any information that was of questionable admissibility should not be included..." See what he's saying? He knew this would be inadmissible because it was obtained illegally – the fruit of the poison tree – and thus the inclusion of that part of the tape in the written transcript would threaten the whole case! Not being a lawyer, I don't know if it would have been cause to declare a mistrial, or exactly how it would have happened; whether the worst thing would be that it was exculpatory evidence, or whether the worst thing would be that evidence was illegally obtained – either way, there's no doubt that Broderick was aware that knowledge of this bit of information could lose his case. A bit of information which, had it been known, could have gotten his police department convicted of eavesdropping, if not for that tricky little statute of limitations. If that's not concealing evidence, I don't know what is. "This evidence may have been relevant at trial..." Buck says. Yes, it most certainly would have been. And the question is still open – if not Broderick, what individual was responsible for leaving it out?

Buck's report says, "Lt. Broderick now knows that the transcript with the full conversation between Tim and Clyde Masters was not given to the defense and was stored "off site" from the police department." Where, exactly, was "off site"? Why? Why don't we get to know where? The report says, "A tape of Mr. Masters' interview, including the conversation with his father, was made available to defense attorneys as part of discovery before trial." What exactly does that mean? Does "made available" mean that the defense team could have had it, if they had known it was important to ask for it? For instance, if they had known that the tape didn't match the interview transcript?

Okay, the upshot is, according to this report, "Lt. Broderick did not invite Clyde Masters to talk to his son and Lt. Broderick was not responsible for receiving permission to record the conversation." But somebody did those things. Let's go after whoever was responsible. Just because one cop had the inspiration to do it, and another one suggested how to do it, and another one invited Clyde Masters into the room and another one opened the door and another one closed the door and another one forgot to turn off the tape recorder..... Spreading out the doing of it doesn't make it any less wrong. Somebody was responsible – but, thanks to that darn statute of limitations, it doesn't matter anyway.

The second allegation

Okay, moving on to Allegation #2, namely that Broderick committed perjury by "misstating his involvement in the Hettrick homicide investigation." The statute of limitations would of course apply again, *but* there are exceptions: the accused has to be prosecuted within three years of when the act of perjury is discovered, not committed. So, supposedly, Broderick could still be accused and convicted of this. Theoretically, he's still vulnerable on this front, until December 17, 2010. That's the good news.

The bad news is, it ain't gonna happen. What Broderick said in court was that he had nothing to do with the Masters case between interviewing Tim in 1987, and being asked to assist in 1992. However - Masters's post-conviction defense team says Broderick was involved at least three times between those dates.

First, there was a letter dated April 30, 1987, to FBI Behavioral Sciences agent Joe Kohout, and Roy Hazelwood, who was retired from the FBI. When Hazelwood was active duty FBI, Broderick had tried to involve him in the case, but he wasn't interested. This 1987 letter seems to have been Broderick's effort at trying once more to snag the prestigious profiler Hazelwood. Buck doesn't mention it, but that letter wasn't given to defense as discovery in the original trial. It was only exposed during the 2007-08 hearings, during which half a day was spent trying to figure out what the "Kohout memo" was (May 13, 1987) and what it concerned. This could have been easily known, if the April 30 letter had been on the table at the time.

But no. It was one of the documents Broderick held onto throughout most of the duration of the hearings, only giving it up at the last minute after having been issued a subpoena, and even then, not immediately. It was also *not* part of the paperwork forwarded to Dr. Reid Meloy, who later became Broderick's own expert witness, or to Roy Hazelwood, who he hoped would become his expert witness. What do you do with a guy who withholds stuff not only from the other team, but from his own side as well? Anyway, the "Kohout memo" seems to have concerned officer Jack Taylor's conversation with Kohout, who had been primed by Broderick's letter. There seems to have been some input from Hazelwood, too, though whether it was relayed through Kohout or whether Taylor talked with him separately is not clear. At any rate, Broderick's April 30, 1987 letter certainly negates any claim that he had nothing to do with the Masters case at that time. Being the FCPD liaison with the FBI constitutes involvement.

Second indication of Broderick's involvement during that time period: February 4, 1988, just four days before the beginning of the week-long anniversary surveillance there's an official note of "Broderick's contact with Tim last week." What was that all about? Supposedly, Broderick, on patrol, just happened to coincidentally be nearby when Clyde Masters called the police about some kind of harassment. So naturally, Broderick hurried right over. It was a total cosmic accident, had nothing to do with Broderick's determination to nail Tim Masters.

At of the time of the hearings, less that a year ago, no paperwork documentation of this incident had been located. How do we know that some member of the police department didn't do the harassment? Look at the other things they did in conjunction with the anniversary surveillance. They followed Tim around all week to video arcades and fast-food joints, and called up his guidance counselor at school to ask if he was acting strange. They baited Tim by leaving his mother's obituary on his friend's car. To make sure that Clyde and/or Tim would see their planted, lying, fraudulent newspaper story, the FCPD had been delivering the *Fort Collins Coloradoan* to their home even though they didn't subscribe. Maybe that was the harassment that Clyde Masters phoned in about. Maybe he complained about some overage paperboy sneaking around, leaving newspapers that he never asked for. It would not be one bit surprising if some kind of annoyance was set up, just to give Broderick an excuse to stop by.

Third: And then there's the traffic stop of a suspicious character that Broderick made, during the anniversary surveillance – again, just doing his job, no special connection to the whole Masters thing, of course. We don't have the exact date on which Broderick stopped and questioned Alfredo Denogean and wrote him a ticket for some kind of traffic violation. But on May 2, after the anniversary surveillance was over and the report on it had been submitted, Officers Wagner and Taylor interviewed a Donnegan or Dunnegan – or, quite possibly, Denogean. Why did they go back to him? What was that all about? Just another of dozens of unanswered questions.

The DA's office interviewed Lt. Hal Dean about whether Broderick had been involved in the anniversary surveillance. It says here, "Lt. Dean stated that if surveillance officers needed a suspicious person checked out, they would have called the patrol division to have a marked unit contact the person." Of course they would! The detectives in the surveillance trailer, when this guy knocked on the trailer door, presumably to find out if it was inhabited, so he could burglarize it – the surveillance guys aren't going to come leaping out and blow their cover. Getting a uniform to tackle the intruder is standard operating procedure. This testimony doesn't prove anything one way or the other.

We're losing sight of something very important here – that in Buck's words, "The vast majority of the anniversary surveillance material was not turned over to the defense in discovery." The negative results of the anniversary surveillance would have been exculpatory, so this was definitely incomplete discovery – but not, we are told, Broderick's doing. Whose decision was it, then? Never mind the traffic stop – was Broderick responsible for Tim's defense team not getting this material? Wouldn't you like to know? I sure would. Too bad, it's not one of the questions within the scope of this particular investigation.

Buck says "Lt. Broderick's involvement in the Hettrick homicide investigation between 1987 and 1992 is of little consequence..." *Au contraire!* It shows Broderick's continuing obsession, the vendetta, the single-minded devotion to nailing Tim Masters, that is very consequential indeed.

Third allegation

Was Broderick guilty of "testifying falsely at the Masters trial about shoe print evidence found at the Hettrick homicide scene"? There's way more to this shoe print mess than is suggested in this document. It's a whole separate subject. But this paragraph of Buck's report is precious:

"The crime-scene investigators failed to document the location of each individual shoe print, and failed to create a universal marker system for the crime scene. As a result, the casting impressions and shoe print photographs could not be linked to a particular location in the crime scene." It has been suggested that the state of technology in 1987 was responsible for the muddle with the shoeprints. This is the kind of thing that makes the onlooker want to groan "Oh, please, give me a freakin' break." Even Brother Cadfael, the fictitious 12th-century crime-solving monk, knew enough to take careful note of where footprints were found and in what direction they were oriented.

DA Buck does say, "In my opinion, Lt. Broderick should have known that his testimony was incomplete" in regard to the shoe prints. "He was incomplete in his testimony." Well, there you have it. Isn't "the whole truth" part of the oath a witness swears with his hand on the Bible? Seems like that should be enough for a perjury indictment, on its own. "Somebody else was there...that would have

been important evidence..." This is the kind of statement for which the response, "No shit, Sherlock!" was coined. Understatement of the decade.

Buck goes on to say, "I do not believe that there is a reasonable likelihood of convicting Lt. Broderick of Perjury at trial." In other words, he didn't do anything wrong, because we don't really have a good chance of convicting him. Wow. Is that how it works? It seems not to have worked that way in Masters's case. Broderick knew there wasn't a good chance of convicting Tim Masters. But rather than concluding that Masters didn't do anything wrong, he set out to invent enough bull, in the form of the fake profile and all his amateur forensic psychology suppositions, and by buying Reid Meloy's "professional" forensic psychology theories, to *create* the likelihood that Masters did the murder.

This wrapup of Broderick's involvement is inadequate and unsatisfactory. It's like watching an elephant be pregnant for months and then give birth to a mouse. Now there's supposed to be an internal FCPD investigation, which has been held in abeyance until the delivery of DA Buck's report. With this tepid whitewash as precedent, it's not difficult to foresee the results of that investigation.



Labels: anniversary surveillance, Jim Broderick, Ken Buck, Linda Wheeler-Holloway, Peggy Hettrick, perjury, profile, Reid Meloy, Roy Hazelwood, shoe prints, tape, Tim Masters, transcript

[The Hartman Report on the Special Prosecutor's Report](#)

The Hartman Report on the Special Prosecutor's Report

by Pat Hartman

Originally published at Earthblog.net

March 11, 2008

The still-unsolved murder of a beautiful red-haired woman 21 years ago. A wrongly convicted man, released after nearly a decade of incarceration. A trio of obvious suspects ignored. A cop with a bizarre and unstoppable fixation. A heroic cop who risked her career to do the right thing. A forensic psychologist whose word can lock someone up for life. Four separate investigations of official wrongdoing. The true crime enthusiast who hasn't encountered this case yet will find a story destined to become a classic, as complicated and fascinating as those of Nicole Brown Simpson, JonBenet, or the Black Dahlia. For a complete background on the case see [Free Tim Masters Because](#).

The hearings are over, Tim Masters is free, and the [Special Prosecutor's Report](#) (released February 15, 2008) seeks to ease our minds and reset our bullshit detectors to zero. Not so fast, boys.

The report is attributed to Don Quick, undoubtedly with input from team members Mike Goodbee, Thomas Quammen, Frank Spottke and Dan Michals. Perhaps because it is only a quasi-official document, it's written clearly and even with some narrative grace.

Quick's team was assigned in early 2007, after the defense accused the Larimer County bunch of prosecutorial misconduct. The Special Prosecutors were expected to deal only with post-conviction issues having to do with the 35c motion filed by Tim Masters (the one that said he had inadequate lawyering at his trial.) As Quick points out, in this case, the Special Prosecutors played a role different from their usual one. They set out to determine whether Tim got a fair trial. Also, they were called upon to "weigh the merits of his claim of actual innocence."

How many defense lawyers does it take to convict a client?

The report lists the grounds on which Tim Masters filed his 35c motion, a roster of the things he claimed his original trial counsel did wrong or failed to do. This is, after all, the subject matter for which the hearings were created. There's been a lot of talk about what a lousy job Fischer and Chambers did, ranging from not taking certain legal steps before testimony even started, to letting a juror sleep through part of the trial. No doubt, they could have done better. But no matter how much blame anyone feels inclined to place on those two lawyers, they were hobbled and handicapped by the absence of all the things that weren't surrendered as discovery. There's still plenty of blame remaining, to dish out to the prosecution and the police.

The report says, "The defense was not denied access to the evidence section of the police department and, in fact, accessed evidence there during the pendency of the case." About that, there are only two words to say: Thom McAn. Anyone who cares to do a little research will find a close scrutiny of the shoeprint evidence to be rewarding - especially in conjunction with a certain evidence envelope.

When discussing Tim Masters, anyone who says, "Yeah, but the jury convicted him" needs a reality check. No jury can do a good job when they are shown only a fraction of the meaningful evidence, and snowed under with an avalanche of non-evidence, and especially when they are outright lied to.

The Report

At the start, the Special Prosecutors promised to go wherever the evidence took them, which wasn't far enough. We saw tantalizing glimpses of a justice system gone Kafkaesque, but the termination of the hearings left a lot of unslaked curiosity. When the DNA evidence showed up, and Masters was abruptly released, someone was saved by the bell. It's great that Tim got out when he did, absolutely - but it also meant the planned additional hearings were vacated. No doubt this is in line with the law as written. But one thing about the law is, an exception can almost always be found if the motivation is there. Given the revelatory momentum the hearings had gathered, a person can't help wishing they had continued, and wondering if there could have been some way for that to

happen.

Reading between the lines, it seems like the Special Prosecutors were disappointed, too. They had planned on "presenting testimony and having a public hearing on several issues." We are told that Jolene Blair and Terry Gilmore, the judges who were deputy DAs back in 1999 when they prosecuted Masters, *wanted* to testify.

What a coincidence - Tim Masters, wearing civvies for the first time in nearly a decade, walks out the front door on the very day when the two judges were to start answering questions. We'd had every reason to believe they would be heard from, along with Jim Broderick and Becky Hammond. One of the Special Prosecutors said he wanted to bring in Marsha Reed. And we were dying to hear from that quack Reid Meloy. Even Judge Weatherby became impatient with procedural details. After days of testimony from the original trial defense team, Erik Fischer and Nathan Chambers, it was proposed that the judge take charge of some boxes of documents. But he was eager to move forward. "Let's get on with some witnesses," he said, "... the people who know the answers...there is one person in my mind I want to know if is going to testify..."

One of the declared purposes of the report is to give the public some insight into the issues left unaddressed. Which is a nice gesture, though it would have been more edifying to see defense attorney David Wymore dismantle a few witnesses. The other stated reason for the report is to correct media inaccuracies. At the moment, only one inaccuracy is apparent. Some news reports seem to imply that only four problems were found. Actually, there were many. But we'll get to that.

This is incidental, but interesting: If the Special Prosecutor's office had wanted to, it apparently could have avoided ever opening the whole can of worms. A news report in August 2007 said that Quick at that point had the option "to submit a joint request with the defense team for a new trial - or to petition the court to exonerate Masters." It seems that taking one of those courses would have effectively left a lot of things covered up.

Incomplete explanations

In 1992, several years after the murder of Peggy Hettrick, an effort was made to arrest Tim Masters. Quick says the arrest warrant was then withdrawn because of "certain questions." In reality, there was only one question, and it was about the severed nipple, which the police had regarded as holdback information, naively believing that, even after 5 years, it was a confidential detail known only by members of their department. How did Tim know about? Three FCPD officers flew out to Philadelphia to ask him. The answer: he heard it from an Explorer Scout. In the days immediately following the murder, the police had those high school kids out there combing the field looking for - you guessed it: a severed nipple. There probably wasn't a student in the school who didn't know.

Quick goes on to say how in 1997, Dr. Reid Meloy was hired as an "expert witness," and how a new arrest warrant was created, "bolstered" by the expert opinions of the forensic psychologist. In reality, here's how it worked: Officer Broderick fed Meloy information about Tim Masters. Meloy combined Broderick's theories with those of Roy Hazelwood, plus a heaping helping of his own bizarre observations, and came up with the damndest Rube Goldberg contraption of half-baked notions you ever saw.

One of the things we missed out on was an exploration of the role of an expert witness. Is the expert witness supposed to examine the evidence independently, or be spoon-fed by a cop who does all the homework, marks the (according to him) relevant parts of the evidence, and indicates to the expert exactly what he will be paid to say? Yes, witness preparation is valid, but where does preparation end, and coaching begin? Where does coaching end, and the whole performance become outright theater?

The mood in the courtroom reached absurdity more than once, as documents were unearthed from here, there and everywhere, to defense team exclamations of, "We never saw this stuff!" and Special Prosecutorial cries of "Well, don't blame us, we never saw it either!" Eventually, Judge Weatherby told the two sides to conduct an "omnibus" meeting, and figure out once and for all which documents had not been correctly shared. Of course, this only made matters worse, as another ton of brand-new-to-the-defense documents were disclosed. Although happy to have them, Wymore expressed dismay about the need to recall witnesses he thought he was done with, to question them about these new things.

The Four Stipulated Items

As the Special Prosecutors tell us, "certain police reports and witness statements were not given to the original trial prosecutors" - or, it naturally follows, to the original trial defense attorneys. Consequently, Quick's team filed a paper called "SPECIAL PROSECUTOR'S OFFERED STIPULATIONS" describing a few of the many items that had been withheld from discovery at the 1999 trial. Anyone who sat through those hearing knows we're talking about a multitude of withheld items, not just the four named here.

The Meloy "Extractions"- 274 pages of psychobabble fabricated by the old windbag. Not even the original prosecutors got this, and nobody thought to ask for it, although Meloy's reports referred to his "extractions." Actually, it's possible to see why this was overlooked. It's a weird way of referring to a set of opinions, and sounds more like it would be excerpts from Tim's writings and drawings, used to back up the opinions. One assumes that an "extraction" is extracted *from* some larger body of work. So the confusion is almost understandable. Another funny thing about these extractions: Broderick gave this material to Roy Hazelwood, but not to his own prosecutorial team.

The Anniversary Surveillance - Information on the week-long, tri-locational, dozens-of-officers-involving, much-overtime-pay-accruing stakeout of Tim Masters. This operation was staged a year after Peggy Hettrick's murder, and featured a psychological experiment where various stimuli were used to try and goad the 16-year-old into a violent response. This was done "at the suggestion of the Federal Bureau of Investigation." Too bad they didn't take some other FBI suggestions, such as (translated from officialese), "Forget that stupid idea. We're not watching your back on this one."

Dr. Tsoi's statement to Officer Reed - A plastic surgeon was asked for his opinion of the wounds to Peggy Hettrick's body. Officer Marsha Reed says she wrote a report, which nobody has seen to this day. Too bad it got lost. The doctor's opinion, not surprisingly, would have been exculpatory of Tim Masters - in other words, indicative that he didn't do it. They got a different guy to testify instead. Further on, the report talks about Dr. Allen, the forensic pathologist who testified at Tim's trial. He said the cuts looked "like a mutilation" not a medical procedure. Dr. Tsoi would have said the cuts were surgical, and made by somebody like a doctor. And Linda Wheeler-Holloway, experienced investigator of both sex crimes and homicide, has said that she wouldn't even class what was done to Peggy as "mutilation," because of the control and deliberation exercised by the wielder of the instrument.

Statements of Roy Hazelwood - The former FBI crime scene expert and "profiler" gave Broderick \$2000 worth of good advice that was ignored, and told him some of his theories were bunk. Once Hazelwood understood what a madman he was dealing with, he politely extricated himself from the case.

But there were many more

The report says, "As to the four items described, we found no evidence that the trial prosecutors ever had these items in their possession to turn over to the defense...There was, therefore, no evidence that the trial prosecutors hid or destroyed any of this evidence."

So the Special Prosecutors officially admitted that trial attorneys Fischer and Chambers were not given these four items to work with. Out of the many possibilities, how were the four items picked? The criterion seems to have been that these items were not revealed to Terry Gilmore and Jolene Blair, either. So don't blame them. The purpose seems to be to minimize the wrongness of withholding things from the defense. If the police refuse to honor the discovery requirement, if they don't let the defense have stuff, yeah, sure, that's naughty. But the real message seems to be: refusing to give information to your own side, the guys who are on the same team, that's really messed up. And it is, and somebody needs to be blamed for it.

The legal point of these "discovery" issues is that it matters when evidence isn't shown to the defense, if it could have changed the outcome of the trial. The law also recognizes the cumulative effect. Maybe a little piece of evidence here or

there wouldn't have cleared the defendant, but the weight of all of them together adds up to significance. If ever there was a case that illustrates the meaning of "cumulative," we see it here.

This is how a good part of the hearings went: David Wymore would familiarize original defense counsel Fischer or Chambers with a document. He'd ask if they'd ever seen it before. No! He'd ask if knowledge of the thing would have been useful at the 1999 trial. Yes! He'd ask if the thing should have been turned over to them in discovery. Yes! He'd ask if the police and DA were blameworthy for not turning it over. Yes! Then on to the next piece of evidence. For a while there, the ambiance was not courtroom, but factory. Document after lost document just kept coming along the conveyor belt.

More than four: let's look at a few of them

*Notes and letters showing that Dr. Reid Meloy did not function as an independent expert, but as a full-fledged member of the prosecution team. His analyses and opinions were constantly adjusted and shaped to fit the needs expressed by Gilmore, Blair and Broderick, whose input to the process of Meloy's cogitations was more than generous. As one hand washes the other, Meloy's input to their processes was also extravagant - for instance, he practically wrote the arrest warrant, and definitely approved it. Legally, this wasn't in his job description.

*A notation that tipped off the defense to the existence of the "McClellan Binders" - a series of notebooks full of information about this snafu'd case that were used (please don't laugh, because this really is not funny) for teaching purposes. We're talking about hundreds of separate documents. Even when this set of ring binders was finally turned over to the defense in the autumn of 2007, several volumes were missing.

*The "Niemann box," a treasure trove of goodies from the FCPD records department which somehow never found their way to the original defense team.

* A scholarly article about mutilation, whose conclusions contradicted the prosecution's theories, and would have pointed more toward Dr. Hammond than toward Tim Masters. This would probably come under the heading of exculpatory evidence.

* A police report, from shortly after the murder, and very close to the crime scene, of a willie-wagger who looked like Richard Hammond.

*Jim Broderick's special cache of notes. Tell you what, when they set that box up on the bench for Judge Weatherby to examine, it was impossible not to think of a kid on Christmas morning.

*A letter from Broderick to the FBI mentioning how a part of Tim Masters's interrogation the day after the murder was accidentally taped over. This may refer to the same incident in which a supposedly private conversation between the 15-year old and his father Clyde Masters was illegally taped. When the transcription of that talk was given to Dr. Meloy, Clyde's lines were removed. One of the FCPD trademarks in this case was to deprive even their own experts of necessary information.

* The "to-do" list of officer Tony Sanchez, who, when working the Richard Hammond case, wrote himself a note that said "Look into Hettrick." Other officers also testified that Hammond was discussed as a potential Hettrick murder suspect. This contradicts the state's position, which is that Hammond was never considered, and never should have been considered.

The List of 94

One important document was turned over to the defense before the original trial - a roster of people who were looked at with varying degrees of attention, whose suspect potential ranged from impossible (for instance, known sex offenders who happened to be locked up when Hettrick was murdered) to improbable. This is good news because, well, it was turned over, making it something of a rarity. Bad news because it was next to useless. Three of the most stellar potential suspects are treated thusly:

*Donald Long is noted with three words. At the time, he was suspected of the murder of Linda Holt. He later confessed to, and was convicted of, killing Holt and another local woman. To this day, no one has explained why Long was not considered in the Peggy Hettrick murder.

*Matt Zoellner: The "List of 94" says he allowed his house to be searched, and he took a lie detector test. It doesn't say whether his results came out as "inconclusive" as those of Tim Masters. It says Zoellner was ruled out by investigators. It doesn't mention that his knife collection, shoes, and car were not tested for Peggy's blood. It doesn't mention how his whereabouts at the time of the murder were verified by a woman who said she spent the night with him. As alibis go, this one rates somewhere between ridiculous and pathetic. The report doesn't explain something a lot of us still puzzle over: Why was Zoellner's candidacy for the position of murderer so readily dismissed? It's well known that most murdered women are killed by husbands or boyfriends. Occam's Razor, the principle of accepting the simplest explanation as the most likely one, should have suggested that this murder was a "domestic." A guy might dispose of a woman who was becoming tedious, and slice off a couple of souvenirs, the parts he liked best, to remember her by. That seems much more feasible than some intricately convoluted scenario involving a stranger whose actions can only be explained by a pricey expert. How did the "boyfriend" slide so effortlessly out of the picture?

And this blindness was not in effect only in 1987, after Peggy was killed. Just a few months ago, when defense team investigator Barie Goetz obtained the DNA "standards" from the Fort Collins Police Department, he was carelessly given the entire DNA sample that had been collected from Zoellner. As Greg Campbell reported, "They had no interest in keeping any standards from another suspect, telling Goetz he could have all of the DNA collected from another person who was investigated for the crime... That DNA belonged to Hettrick's former boyfriend, Matt Zoellner." What's up with that?

* Richard Hammond is not mentioned at all.

The important things to know about Hammond

* In 1987, when Peggy was killed, Dr. Richard Hammond should have been considered, because according to the police department's own theories, he was at least as good a suspect as the 15-year-old boy across the street. Hammond may not have yet entered his body-builder phase, but he was bigger and stronger than the skinny adolescent. Hammond lived no farther from the body dump site than Masters did, and had surgical skills that Masters did not have. Hammond did not have a criminal record, but neither did Masters. Becky Hammond said her husband was home in bed all night. Clyde Masters said his son was home in bed all night.

* In 1995, it became public knowledge that Hammond had been filming women and girls who used the toilet in his downstairs bathroom, and couples who used the spare bed. The scandal brought a week of notoriety for Hammond, followed by his suicide. At that time, he should definitely have been regarded as a suspect in the cold-case Hettrick murder.

* In 1996-1999, the murder case was reinvestigated preparatory to nailing Tim Masters. Knowing what they knew then about Dr. Hammond, with his crimes a very recent memory, there's no way in hell the cops can be forgiven for not making him a suspect. It doesn't matter that he was dead: Hammond should have been promoted to the top of their list. He even matched their bogus "profile" better than Tim did. The thing to remember about Hammond is, even if it turns out that he wasn't the killer, he very well could have been, *based on what was known at the time*. He should have been a prime suspect, and the very facts of his existence, proclivities, and proximity, had they been known at Tim's trial, would undoubtedly have changed the outcome. The failure to consider him as a Hettrick murder suspect at that point is incomprehensible, and it looks very much like a deliberate crusade to pin it on Masters and nobody but Masters.

Why this matters

The report says, "The People would assert that because Hammond cannot be proven by the defense to qualify as an alternate suspect, as a matter of law, that

the failure to disclose information relating to his matters does not warrant the relief sought by the defendant." Some of us People, however, feel that the authorities made it impossible for anything to be proven by anybody.

Here's what it boils down to. If Hammond had officially been named a suspect, then the state would have had to give information about him to the original defense lawyers before Tim's trial, as "discovery." At that time, knowledge of Hammond's dual careers - professional surgeon and DIY pornographer - would have thrown a ton of reasonable doubt on the guilt of Tim Masters - enough doubt to acquit him, probably. Remember, the trial was nearly ten years ago. Hold that thought and...

Fast-forward to 2007, when we all became well-informed Hammondologists, once Tim's post-conviction lawyers and some wide-awake journalists called attention to the doctor. Many people considered him a beaut of an alternative suspect, right up until late 2007, when the DNA revelations were made. Since then, some people have stopped believing that Hammond killed Hettrick. Others are still not convinced. Either way, this is according to what we know, or think we know, *now*.

Okay, rewind back to the 1999 trial. At that time, knowing what was known then, the twist doctor should have been in the equation. But the defense was not informed about any possible Hammond relevance, because he wasn't a quote, suspect, unquote. No, he was a "person of interest." It's a matter of semantics. The police were meticulously careful never to deem him a suspect, and because of that fine distinction in terminology, our present-day Special Prosecutor cannot decree that information on Hammond was wrongly withheld. Slick move!

Who was thinking what in '95?

The report says, "Terry Gilmore, Jolene Blair and Investigator Linda Wheeler-Holloway all indicate that they had never, during the course of the pre-trial investigation, considered Dr. Hammond as a suspect in the Hettrick homicide" And we'll get to them. But first, let's consider the people who *did* see Hammond as a suspect back in 1995 (8 years after the murder) when his filming activities were revealed; when he was taken into custody, released, and then died by his own hand, all within a week.

One of the big breakthroughs for Tim's post-conviction defense team was finding a notebook where FCPD officer Tony Sanchez, lead investigator in the Hammond matter, had written "Look into Hettrick." This is solid proof that the idea had, at the very least, entered Sanchez's mind, whether or not he endorsed it. He might have written the note to oblige another officer, Dave Mickelson, who had watched some portion of Hammond's collection of home-brewed porn videos. Mickelson made the connection between Hammond's obsession with female sex organs, the nearness of the Hammond house to where Hettrick's

body was found, and the fact that she had been known to house-sit (which is how Hammond recruited women to secretly film.)

Mickelson suggested that the doctor should be looked at for the murder. He was in Crimes Against Property at the time, and didn't have the standing to influence the Hammond investigation or do much of anything, really, except express his opinion. One of his opinions was that the planned destruction of all the videotapes, both the viewed and the unviewed ones, should not be carried out, because film of Peggy Hettrick might be found among them. Mickelson's concerns were ignored by Sanchez and by the next person up the chain of command, the supervisor of Crimes Against Persons who, not surprisingly, was Jim Broderick. Mickelson was told that the tapes had to be burned for legal reasons. He testified that at one point he was threatened with the loss of his job.

Sanchez also viewed some of the videos and checked Hammond's background, finding only parking violations. After these feeble gestures, it was decided that Hammond couldn't have killed Hettrick because he had no previous criminal record, and besides, no violent acts were seen in his hundreds of home-made videotapes. To know this was an startling feat of clairvoyance, since only a small fraction of the tapes were viewed before being burned.

Amazingly, Sanchez has said that he was working without a complete set of tools. The partial vulvectomy that had been performed on Hettrick's body was "holdback" information, kept even from some police officers, supposedly to prevent leaks to the press, so Sanchez didn't know about it. This is problematic for two reasons. First, the excision of the nipple was known by all, and that alone should have been enough to raise a red flag, regarding the medical man/amateur porn king. Second, a biker who had been questioned soon after Peggy's murder came to police attention because an informant overheard him wondering how anybody could call what was done a mutilation, since it was "just a slice to the chest and a stick to the pussy." (This man, incidentally, also knew Donald Long, and took a polygraph test passing every question except "Do you know who killed Peggy Hettrick?") As with the nipple, it's very difficult to believe that any member of the FCPD, not to mention the DA's office and everybody else in town, didn't know about the other cutting. This kind of information just does not remain secret.

Sanchez testified that Hammond picked up women in bars, but said he didn't know at the time that Hettrick was sometimes picked up by men, especially well-dressed ones, in bars. And Sanchez, nominally the lead investigator, hadn't read the psychological profile of Hammond generated during his evaluation between the arrest and the suicide.

Troy Krenning, another officer involved in the Hammond case, also saw some of the videotapes. He later testified to knowing Mickelson's views about Hammond's possible guilt in the Hettrick murder, and said it wasn't difficult to imagine that

Mickelson's theory was known throughout the department. Krenning had also associated Hammond's proximity and pornography with the Hettrick murder. (On the other hand, in January 2008, a comment in response to an online news report said, "Troy... certainly did not feel that way during some of the Masters investigation...he told me face-to-face that Masters was guilty and with a surprising amount of vehemence." But maybe that was early on, before the Hammond thing broke.)

Ray Martinez, who was also an officer in '95, testified that he "knew the geography of where the homicide occurred and where [Hammond] lived." He thought, at least in retrospect, that Hammond "certainly should have been investigated in reference to the Peggy Hettrick homicide." And he was clear that the idea was brought up or suggested at the time. "The thought apparently crossed our mind."

So, as we've seen, at least four FCPD officers did make the Hammond/Hettrick connection and believe it was meaningful, back in 1995, and many more were aware of the connection. Despite all this, Hammond was cleared of any involvement. Whoever let this happen wasn't doing their job, and neither was their boss or their boss's boss.

It was, at best, a major error and, at worst, a deliberate refusal to make a genuine effort to solve the murder. Someone with a suspicious mind could think Hammond was so thoroughly ignored because Peggy Hettrick's real killer was already known to be neither Hammond nor Masters. Perhaps the real killer was someone who needed to be protected at any cost - a valuable drug snitch, for instance. Maybe it wasn't incompetence or "professional courtesy" to a doctor that caused Hammond to go unscrutinized. Maybe, since it had already been decided that the murder would be pinned on Masters, Hammond was truly irrelevant. Hey, why not? We've seen, over and over again, that nothing is too bizarre for this case.

An unexpected exception

Among the FCPD personnel who in 1995 mentally associated Hammond with the murder eight years previous, there was one surprising omission: Linda Wheeler-Holloway. Why surprising? Because back in 1992 she was, as lead investigator on the Hettrick murder, one of the three who flew to Philadelphia. On that trip she not only realized there were no grounds for serving the arrest warrant, but became filled with doubt about Tim as *the* designated suspect. "I wasn't sure he didn't do it, but I sure wasn't sure he did do it." On returning, she irritated her bosses by wanting start from scratch, with the suspect field wide open. Her position was very well known around the cop shop, and very unpopular.

When the Hammond affair came to light, Wheeler-Holloway was on the scene. She was then a patrol officer, having rotated to that service in accordance with

department policy. Assigned to search the Hammonds' bedroom, she was in a position to observe the view from the window - a view that included the spot where Peggy Hettrick's body had been abandoned. It might seem that, as the only known proponent of the Maybe-It-Wasn't-Tim revolution, she'd be the one to go on the alert. But it was not so.

"People are too Monday-Night-quarterbacking this Hammond thing," she says. "If I didn't make the connection, it wasn't obvious." She wasn't thinking it, and wasn't aware of anyone else thinking it. And if she had thought it, there would have been complications. In the back of her mind, Wheeler-Holloway harbored a conviction that if the Hettrick case were ever reopened, even with such a promising suspect as Hammond now in their sights, the rest of the department would veer unswervingly back to Tim Masters, and it would be *deja vu* all over again. Better to let sleeping dogs lie.

It was only later, when a colleague she ran into at a conference proposed a connection between Hammond and Hettrick, that the penny dropped. "It's like I got hit right between the eyes. That's the first time I really thought, "Duh," about Dr. Hammond, because it just really hadn't crossed my mind." After many years of effort, Linda Wheeler-Holloway became the one person, aside from his defense lawyers, most responsible for Tim Masters attaining freedom in January of 2008. One of the questions she now asks is, "If they really had concerns, why didn't other people stand up and say something louder? It's one thing to tell your buddies or say it over a beer, but it's something else to go do something about it."

The prosecution in '95: what were they thinking?

Appended to Quick's report are the transcripts of interviews conducted in August, 2007, one with Jolene Blair (Exhibit B) and the other with Terry Gilmore (Exhibit C). Sadly, reading them does not lead to an understanding of how the Special Prosecutors reached their conclusions. Based on the same material, other conclusions are possible.

Here's what the team came up with. According to the Special Prosecutor's Report, "The requisite evidence or facts establishing a link of Dr. Hammond to the Hettrick murder that would designate him as an alternate suspect under the law did not and do not exist." The operative phrase here is "under the law." The reason he's not a suspect is because nobody labeled him as such - but they did treat him as such, if only in a very limited way and for a very short time. "There is no evidence of an act directly connecting Dr. Hammond to the stabbing death of Peggy Hettrick," the report goes on to say.

So, let's talk about evidence and facts and acts.

They say "There is no blood or blood spatter evidence connecting Hammond in

any way to Peggy's death." and "There is no fingerprint, hairs, fiber or other trace evidence connecting Hammond in any way to Peggy's death." Well of course there isn't, because nobody ever looked for it. If Hammond's car, garage, basement, office, and clothing had been inspected on the day when Peggy's body was found, who knows what might have turned up? But at the time of the murder, he was totally off their radar. He was just that nice doctor across the street from the body dump site, who was in bed with his wife all night.

There were, incidentally, none of these kinds of evidence to connect Tim, either.

They say, "There is no DNA evidence connecting Hammond in any way to Peggy's death." At the time when the Special Prosecutor's Report was written, nobody seems to have been in possession of an indisputable Hammond DNA sample. What they had was a highly questionable envelope the doctor supposedly licked. How could any lab make a match with anything?

There was no DNA evidence to connect Tim, either.

They say, "No person has ever come forward to claim that Hammond admitted any relation to or involvement in Peggy's death." Oh, this is how we solve crimes? We sit around and wait for a snitch put the finger on someone? Because nobody blew him in, he didn't do it? This is so lame. Especially when the one person who could have most effectively snitched him out was given instant immunity. You heard right. Becky Hammond got a lawyer, not the same one her husband had, and, quoting Terry Gilmore, this lawyer "would not allow the police to talk with her unless she was granted some kind of immunity from prosecution." Gilmore says he talked to his superiors and "then if we all agreed that that was appropriate, okayed it."

Wow, it's that easy to avoid prosecution? Who knew? How come everybody's not doing it? The police, by the way, gained nothing from the Hammond Immunity (doesn't that sound like a Robert Ludlum thriller?). If you look up "stonewall" in the dictionary, Becky's picture is there.

Nobody ever claimed that Tim admitted involvement in Peggy's death, either. Except for the police and Dr. Meloy and the DA's office, that is. When it comes to evidence in the form of possessions or productions, Hammond had at least as much, and would have had way more, if it hadn't been destroyed. The effort put forth was very unequal. The police watched every movie that Tim possessed - *Nightmare on Elm Street*, *Halloween II*, stuff like that - looking for clues. Of the pornographic films Dr. Hammond actually made, they watched a few and burned the rest.

Hammond had a clean record, they say. So what? Everybody starts out with one of those. Hammond's record was clean - until it wasn't. In 1987, the murder year, his record was no cleaner than Tim's. And later, at the time of Tim's trial, it's only

in the most technical sense that Hammond had a clean record. True, he escaped having an official record, because he took himself out before they had a chance to charge and convict him. This is not a very impressive argument.

They say, "In sum, there is no act directly connecting Richard Hammond to the stabbing death of Peggy Hettrick." Well, guess what. There was no act directly connecting Tim Masters to it either - yet he served nine and a half years in prison.

Special treatment equals special relationship

The report contains quite a lot of discussion about Hammond, and finds, of course, no evidence of any non-disclosure problem, or of any special relationships. The party line is, Hammond had nothing to do with any of this, and therefore, nobody could have possibly done anything improper on account of him. Terry Gilmore first said he had never been at the Hammonds' house, then after consulting with his wife, said that he had been. His wife knew Becky Hammond from church. But it really doesn't matter if the Gilmores and the Hammonds, or the Blairs and the Hammonds, were bosom buddies, golfing partners, or barely knew each other. All three families were from the upper stratum of society. Admit it or not, we have a class system in America, and the members of the ruling class protect each other.

Gilmore was the screening deputy when Dr. Hammond was arrested and immediately sent off to a hospital for evaluation of his mental health. Charges hadn't even been filed yet, the police didn't even know what they had, at that point. For all they knew, Hammond's *oeuvre* might have included snuff movies. Concerning his criminal history, Gilmore told the Special Prosecutors, "I don't recall reading any reports prior to signing or okaying the bond." He was let go, because as Gilmore said, "...the concern everybody had was his mental stability." Isn't that all warm and fuzzy! What about his actions? This guy was caught doing some serious pervert stuff, with victims numbering in the hundreds, and the scope of his activities was as yet unknown. But there was no special relationship, no sirree.

Before killing himself, Hammond wrote a nice bread-and-butter letter to Gilmore thanking him for the leniency and expressing how, as Gilmore says, "He was upset about all the publicity and was angry at the police department..." Awwwww. "I berated myself for letting him out on bond," Gilmore says, "because maybe he'd of still been alive." Yeah, and maybe he'd have been held accountable for his wrongdoings, but nobody gives much of a shit about that. And Gilmore's vagueness about the whys and wherefores of Becky Hammond's immunity amounts to willful ignorance.

Here's a question: Why didn't the suicide of Richard Hammond suggest, to at least some law-enforcement minds, that he needed to avoid the consequences of

something even more sordid than potty pictures, something much worse, that the police might have been on the verge of learning? After all, everyone used plenty of imagination when conjuring up guilt scenarios for Tim Masters. Why not apply a bit of that creativity to Hammond's situation? What was so desperate to avoid, that he killed himself to escape it?

First there is a mountain, then there is no mountain

A mountain of evidence, is what the police had on their hands after Hammond's death. Over 300 self-produced videotapes and a couple of storage sheds full of assorted porn, which flames took over eight hours to consume. Why was it burned? As Gilmore said, "You got a police department that's in possession of all this stuff that they obviously don't want to make public or have disseminated...." Well, if the police can't keep something locked up and undisseminated, who the hell can? That's why they have secure evidence storage facilities. Are we to infer that even if the police locked it up, they couldn't be trusted? Was there a danger that some cops would be selling the dirty movies, or what?

Meanwhile, the case had been "specialized out" - turned over to another jurisdiction. Why? The Jolene Blair interview says, "...people that were on the video tapes might have some relationship to employees of the district attorney's office. I don't know who...." The Terry Gilmore interview says, "I don't think I ever was aware of who they were...." Then who the hell does know? Surely, some living person must still work there now, who worked there then. Why is there a deep, dark mystery about the reason for the removal of the local DA's office from that situation? Aren't these things supposed to be documented? This is the government, right? Gilmore says, "I don't know that I've ever seen that motion." How could he not have seen the paperwork that took away his authority over the case? What was the connection between Dr. Hammond and the DA's office, to cause that office's withdrawal from the case? Why don't we know?

So. The local authorities no longer were officially in charge of Hammond's evidentiary legacy. Yet someone here ordered its destruction. Who? Blair says, "...the City Attorney requested that the District Attorney file a motion for the destruction of those tapes...and I think our office did file a motion to destroy the evidence..." Gilmore says he doesn't remember participating in the decision or signing the request, although he read in the newspaper that he did both. And he acknowledges that involvement by the city attorney's office "wouldn't have happened on a normal basis."

So Quick's report says, in regard to the Hettrick murder, "The defense cannot prove that Richard Hammond 'committed some act directly connecting' him with the crime charged. In fact the weight of the evidence concludes otherwise." The weight of *what* evidence? Those people *destroyed* all the evidence. This is, like, so *Catch-22*. Destruction of evidence in a murder case - isn't that obstruction of justice? Isn't that, like, a crime? What they did here was destroy stuff that *should*

have been evidence in a murder case.

Who was thinking what in '99?

In the four years between March 1995 (Hammond's week of infamy) and March 1999 (Tim's trial), what went on in the minds of the police? In late 1996, the Hettrick case was retrieved from cold storage and reopened in a big way, but still with only one name on the suspect list. Most of the department was deeply engaged in trying, yet again, to build a case against Masters. He was arrested in August of 1998.

After Tim's arrest, Krenning, Mickelson, Sanchez, and Martinez, whatever opinions they might have held, didn't talk to the defense attorneys. Dave Mickelson says he attempted to break the code of silence once, with a passing remark to the Public Defender, tipping him off to look at Hammond. But because Tim wasn't being represented by the Public Defender, the hint fell on sterile ground.

At the recent hearings, Troy Krenning testified that he assumed the defense attorneys knew about Hammond, and knew about Krenning's thoughts about Hammond, and he assumed that they would call if they wanted his take on it.

At the trial, Linda Wheeler-Holloway was a prosecution witness. Only a recognized expert is allowed to give an opinion, but she anticipated that Tim's lawyer might ask her for one anyway, and told the prosecutor "if the defense asked me for my opinion about Master's guilt, that I would tell the truth, which was that I had serious doubts that they were trying the right person. I told Blair that if I was asked the question, that she had better be ready to object to me being asked for an opinion, because I would tell the truth." Although she hadn't yet made the connection between Hammond and Hettrick, frustration with the inadequate investigation of the whole Hammond matter still rankled. There had been more to it than ever got into the papers, and with a little digging, who knows what might have been unearthed?

The point here is: we now know that at least four officers made the connection as far back as 1995. That means the Hammond information should have been part of the discovery material when the trial took place. It's difficult to see how this could be disputed.

Jim Broderick, of course, was still monomaniacally focused on Tim Masters. The report describes him as "meticulous and detailed in his work. He wrote voluminously..." They got that shit right. He wrote so voluminously because he was doing the work we paid Meloy tens of thousands of dollars to supposedly do. One of the documents newly excavated during the hearings is Broderick's chore list from the summer of 1998. The category "For Gilmore - exculpatory covered?" included the item "Take out Meloy ref to doc extractions." This is interpretable as

a clear intention to deliberately withhold mention of the Meloy Extractions - one of the four items the Special Prosecutor's office has named in its stipulation list.

Although Lt. Jim Broderick was obviously thinking about how to conceal things, this report emphasizes that there is no evidence of non-disclosure by him, and we are not for a moment to believe that the officer intentionally hid anything, from either the prosecutors or the defense attorneys at trial time. "Our stipulation makes no such finding of intentional hiding," it says. Oh, puh-leeze! (See previous paragraph.) Even if we suspend our disbelief far enough to grant that the trial prosecutors, Gilmore and Blair, were pure as the driven snow, *somebody* hid and held back stuff. If it was not hid and held back, then where was it, all that time? The Special Prosecutors say, "We found evidence that certain reports and statements were not provided to the trial prosecutors or to the trial defense attorneys..." Well then, who exactly was it that did the "not providing"? If not Broderick, then who? And one issue that no one has even addressed yet is the astonishing number of physical evidence items that have gone missing over the years. That should be a whole separate investigation - which would make, what? Five?

The Special Prosecutors did many things, "including reviewing all of the documents." This is disingenuous. For some time, they were not able to review all the documents, because some documents were kept from them - yes, kept from the Special Prosecutors - until late 2007, when the hearings had already been in progress for weeks. Ever the cowboy, Broderick held on to a plethora of material right up until the very last second and beyond. Not even a subpoena pried the stuff loose until he was darned good and ready to give it up. Even so, we can't know how much relevant paperwork will never see the light of day. He had a lot of years in which to bury it.

The prosecution in '99: What were they thinking?

In his interview, attached to the report, Terry Gilmore is asked about what he was up to during the long re-investigation of the Hettrick murder. He remembers being called and asked questions, chiefly relating to the 1992 Philadelphia trip. Otherwise, he doesn't remember much. No "major events," certainly.

Documents read out during the recent hearings reveal a more active role for the deputy DA. In late 1996, Broderick noted a meeting with Gilmore to discuss what they hoped Roy Hazelwood would do for them. In late 1997, Broderick's notes speak of telling Gilmore to expect a tape from Dr. Meloy. (He had only been retained days before, so this might have been, what, a sample of previous work?) The following month, Broderick, Gilmore, and Marsha Reed got together at the Holiday Inn to welcome Reid Meloy to town (apparently not a memorable "major event" in the life of Terry Gilmore. Sorry, Dr. Meloy.) They visited the scene where Peggy Hettrick's body was found, and the police evidence room. In June '98, there was a conference call between the same four participants, perhaps one

of many.

But even all this hobnobbing with world-class experts on sexual homicide didn't ring any bells for Terry Gilmore, who never for a moment thought about Dr. Hammond. "I had absolutely no reason to believe he was involved in any way with Peggy Hettrick's murder," he says. "We had no inkling that [Hammond] was a possible suspect....it just never even occurred to us...."

And Jolene Blair says, "Dr. Hammond....wasn't even a blip on the screen. No one thought of him, no one talked about him." Maybe not around her, but Jack Taylor, another officer, testified at the hearings that in 1999, Hammond was pretty much common knowledge.

But Blair says, "...the crimes that he apparently perpetrated are so different than the Peggy Hettrick homicide..." Is she kidding with this? It's all about crotches, lady. This is the guy who had a camera zeroed in on the pubic area, who had a rating system for various individual components of the female genitalia, who painstakingly edited his productions. Dr. Hammond's hobby is way closer to the Peggy Hettrick homicide than anything Tim ever did. But they say there was no "pairing of sex and violence" in Hammond's productions. You know, the videotapes of which only a small percentage were watched before they were burned. Meanwhile, Tim's trial included such "pairings of sex and violence" as a sketch of a knife on the same school notebook page as a sketch of the cover of a men's magazine.

Alternate suspects? What alternate suspects?

Before charges were filed against Tim, there was a meeting in the DA's large conference room that included, Jolene Blair says, "all of the police officers that had been involved" in the Hettrick case - even some who had since retired from the force. She says, "Nobody voiced any reticence or reluctance or hesitancy or maybe we ought to look at this alternate suspect..." Gilmore was asked, "Did anybody indicate to you that they felt someone else may have done it or we should look into someone else before we file charges?" He said, "Not that I recall. I think we went around to everyone and I just asked them all and, everybody was comfortable...." How nice for them.

In another part of her interview, Blair says, "I think the PD tried very hard to consider all possibilities..." Here's something to wonder about: If nobody ever told this prosecutor anything, how could she measure their dedication to considering all possibilities? Especially when, according to everybody, there were no other possibilities? The most ridiculous thing we are asked to believe is: at the time of Tim's trial, absolutely no word of a possible Hammond-Hettrick connection had trickled through the grapevine to the ears of the prosecutors. Not a hint, not a smidgen of a clue.

Gilmore was specifically asked whether Hammond was mentioned at this meeting. He had "No recollection of any conversations where anyone proposed that he was a suspect in the Hettrick murder case." Blair says "...that investigation of Tim Masters was void of anything related to Dr. Hammond" If we must believe it, then we must. She goes on to say that because the video scandal had happened three or four years earlier, "Dr. Hammond wasn't fresh in our minds."

Hold onto that thought, and fast-forward to late 2007, during the hearings, when this conversation took place between original trial lawyer Erik Fischer and Jolene Blair. These are her words: "We talked about the fact that the defense now was trying to raise Richard Hammond as an alternate suspect. And I told him how ridiculous that was...And I said, 'and the allegation that we somehow kept him a secret is also preposterous.'" She goes on to say the Hammond affair was "all over the media. I mean, everybody knew...what happened with Richard Hammond and his circumstances was no secret." She was scolding Fischer for not being aware of Hammond when preparing for the trial back in 1999. He was supposed to have known all about Hammond, and been equipped to offer him as an alternate suspect. Yet, at the same time, Blair and Gilmore maintain that in 1999, Hammond was a non-factor, such a total non-issue, he was totally off the prosecution's radar. But Judge Blair! Didn't you say the Hammond affair was all over the media? Everybody knew? Everybody, that is, except the prosecutors, who obstinately, mulishly refused to even let him onto their screen.

And what alternate suspect list?

There seems to be some confusion about this. Erik Fischer testified that he asked Terry Gilmore for whatever alternate suspects they might have, and was given a "weak list", which would have been the "List of 94." This is something the prosecution should have turned over, and did turn over; yet for some reason felt compelled to deny having done.

Tom Quammen asks: "Did you give to the defense alternate suspect evidence or information?" Gilmore's answer: "Not that I recall. You mean like a list or anything? No I don't recall ever being any request and I don't recall us ever having any such thing as an alternate suspect list or anything like that." Michael Goodbee asks if there was a specific request made by one the defense trial counsel for information relating to alternate suspects considered in this case. Gilmore's answer: "I have no recollection of that ever occurring." Frank Spottke asks: "You were never asked by the defense lawyers for any alternate suspects or if you had any alternate suspects?" Gilmore's answer: "No. Not that I remember."

If they truly didn't know certain things, why was that?

Who knew what, and when did they know it? That's the gist of all high-profile

inquiries. But awareness is one of the most difficult things to prove. There are several different ways of not knowing. One is by causing it to be understood that there are things you don't want to know. By whatever means, you get the idea across to your support staff that plausible deniability will be maintained. "Don't ask, don't tell" is a time-honored and widely-used strategy for the maintenance of blissful ignorance, and there may have been some of that going on. Linda Wheeler-Holloway says not. But that could be because people of very high integrity often don't even realize the evil that goes on around them. They're just not tuned in to the wavelength.

Here's a troubling contradiction: Troy Krenning testified in the hearings that, before the Masters trial, he stated many times that they were going after the wrong guy. "I had plenty of conversations with Jolene Blair about it...It was the beginning of the end of a friendly relationship."

Let's revisit the four areas of non-discovered evidence that were stipulated: the Meloy extractions, the anniversary surveillance, the Tsoi statement, and the Roy Hazelwood material. It seems that out of the many things that weren't given to either side in discovery, it was particularly important for the prosecution to claim ignorance about these.

But surely, the prosecution did know about the overwhelmingly pervasive role played by Meloy. What about all those phone conferences and meetings? The prosecution knew that Meloy practically wrote the arrest warrant, and that he approved it in a later form. His deep involvement at that stage was inappropriate, and the prosecutors were well aware of it.

The prosecutors knew Tim had been under some kind of surveillance in 1988, although they may not have been aware of the scale of the operation. But somebody was. It had been a whole year in the planning. Scores of police officers knew about it, as did Lt. Deryle O'Dell, police chief Bruce Glasscock, a vice president at American Federal Savings, and the FBI. If the surveillance/psychological experiment didn't produce results, the police had planned to close the books on the case. It's hard to believe the DA's office didn't know.

Another way to avoid knowing things, is to not ask the right questions. For instance, "What ever happened with that big surveillance?" Apparently neither of the prosecutors asked that one. "What about that Tsoi fellow, the plastic surgeon? Where's the damn report?" Nobody asked that one, either. Back in '92, the failed arrest warrant contained references to the "profile" that never existed. Gilmore reviewed that document. Why didn't he ask for the FBI profile which supposedly backed it up? Because if there never was a profile, it was really much better not to know. Gilmore had been in on the negotiations with Hazelwood. "Where's the Hazelwood report that we paid \$2000 for?" he might have asked, but apparently didn't.

As the Bible tells us, those who have ears will hear, and those who have eyes will see. Conversely, those who don't have ears or eyes will neither hear nor see.

Implications

Once again: The Special Prosecutor's Report tells us, "Neither Jolene Blair nor Terry Gilmore contemplated Hammond as a possible suspect in the Hettrick homicide during their time as prosecutors on the Hettrick case." Okay, suppose we take their word for it. For the sake of argument, let's say they never, ever had Hammond in mind. What does this tell us?

Maybe it tells us that Hammond is just one more of the things that should have been turned over to the lawyers on both sides. Another count of misbehavior against the police department. Fine, but just because, like all the other things that weren't turned over, this wasn't turned over, that doesn't mean it doesn't exist. It exists as much as those already-stipulated items exist.

Hammond should always have been a factor, *by their own standards*. Here's why. The first time around, when the brand-new murder was investigated in 1987, who was looked at? *All known sex offenders in south Fort Collins*. The "List of 94" started out with fewer than 94 names. The first version of it was a handwritten roster of known sex offenders in the geographical area, compiled by sex crimes investigator Linda Wheeler-Holloway from the information in her cabinet full of known sex offender files. Granted, Hammond was not then known as a member of that species.

But after he blossomed, when the scandal occurred in 1995, it is unconscionable that his artifacts were not examined for a connection with Peggy, and unforgivable that they were destroyed. That he didn't stick around to be tried and convicted is irrelevant. He was a *known sex offender in south Fort Collins*. Why, during that whole period of 1995 through 1999, didn't the police or prosecutors look at him? Not a man who doodled little drawings like Tim Masters, but one who had an elaborate studio setup, and who videotaped the genitals of hundreds of women? Why didn't anybody look at this pervert who lived right across the street from where Peggy's body was found - the most notorious sex offender ever to dwell in south Fort Collins? How could they not have? It adds up to more than willful ignorance. It looks very much like a decision was made and adhered to.

A day late and a dollar short, the buck stops here

There's an interesting line in the Special Prosecutor's Report. Even if the trial prosecutors actually never got the things they say they never got, they still "were responsible for discovery of this information because it was in the possession of the investigating agency." And that's as it should be. That means the District Attorney's office is in charge of keeping the cops honest, which it failed to do.

The DA is supposed to keep the police in a position where, whether through fear of consequences or respect for the law, they wouldn't dream of withholding evidence.

On learning that the prosecutors are responsible for knowing about all evidence, and for turning over everything to the defense in the discovery process, even if they themselves don't have it, some have cried "Unfair!" Is it right that the prosecutors should be held accountable for not revealing things they themselves didn't know? Let's take a closer look at this.

There's a well-established principle of citizens being held responsible for what they didn't know. If you give someone a ride, and are stopped at a checkpoint, and your passenger's backpack is found to be full of cocaine, you can bet that your car will be seized and you will be charged. People are currently serving time for less. If the principle of responsibility for things they didn't know can be used against citizens, it can damn well apply to the authorities too, who are being paid hefty salaries to know everything.

The principle of people being responsible for the subordinates they control, is well established. If a dog bites someone, the owner is responsible. If a minor commits vandalism, the parents are made to pay. The investigative agency is presumed to be under the control of the DA's office just as surely as your dog is presumed to be under your control. No way should the trial prosecutors be let off easy.

The Special Prosecutor's Report concludes thusly: "Our office has provided information to each of [the three other ongoing investigations.] It would be inappropriate for us to comment on our conclusions until each of these investigations have been completed." So, what was all that stuff in the report, if not commentary? It certainly set the tone. Don't be surprised when the other three investigations all fall into line. Watch for the trial prosecutors to not be disciplined for anything. Watch for Lt. Broderick to be completely let off. As for the investigation of Peggy Hettrick's murder, it's too little, too late. Watch for it to fizzle into oblivion.

http://blogs.westword.com/latestword/2010/02/timothy_masters_wins_41_millio.php

Timothy Masters wins \$4.1 million payment from Larimer County judicial district -- and there's probably more where that came from

By Michael Roberts

published: Tue., Feb. 16 2010 @ 1:38PM

Timothy Masters, as seen in a 2008 Channel 4 report, is finally getting paid for time served.

Timothy Masters, whose 1999 murder conviction was tossed following revelations about DNA-shaped holes in the case reported by the Denver Post and other news organizations, will receive \$4.1 million from the Eighth Judicial District of Larimer County and a handful of its district attorneys.

And that may be only the beginning of the money coming Masters's way. In a press release, attorney David Lane -- whose prominent clients have included Ward Churchill and Richard "Father of Balloon Boy" Heene --- makes it clear that the payment doesn't resolve a suit aimed at Fort Collins and defendants in the city's police force, which will likely be made to pony up in the future.

The dough doesn't make up for the years Masters lost -- but it's a belated step in the right direction. Read his comments and more below:

Tim Masters Settles Claims Against Larimer County and Former District Attorneys Terence Gilmore, Jolene C. Blair, and Stuart VanMeveren, and Prepares for Continued Prosecution of Ft. Collins and its Officials

The Larimer County Board of County Commissioners announced on Tuesday, February 16, 2009, that it had agreed to pay to Tim Masters \$4.1 million to settle claims made against the Eighth Judicial District of Larimer County and several of its former District Attorneys, including current sitting judges Terence Gilmore and Jolene Blair. Masters was fifteen years old in 1987, when he became the sole suspect for a horrific, sexual homicide in Fort Collins which he did not commit. The current settlement relates to his legal claims against the Judicial District and its officials arising out of the wrongful prosecution and conviction of him for the murder. Masters' post-conviction defense team, David Wymore and Maria Liu, had begun unraveling the prosecutorial and police misconduct that had led to Masters' wrongful conviction when he was exonerated by DNA evidence in 2008, after spending nearly a decade in prison. His federal lawsuit, filed in 2009, alleged that the District Attorneys conspired with the Ft. Collins Police Department to frame him by manufacturing evidence against him, destroying or hiding key evidence of his innocence, and presenting false testimony to ensure a wrongful conviction.

Tim Masters is gratified that the Eighth Judicial District of Larimer County and the District Attorney defendants in this case have settled this matter. The settlement allows Tim some degree of closure and financial security which has been sorely lacking since his release after ten years of wrongful imprisonment. Tim's civil case continues against the police defendants and the City of Ft. Collins, and no settlement has been reached as to those defendants, including with respect to Defendant Lieutenant Broderick, whom Masters alleges was the mastermind behind his wrongful conviction and imprisonment. Tim Masters says "I'm pleased with the settlement and look forward to resolving this case

completely." He also noted that "I would gladly pay ten million dollars, or whatever it took, if I could get those years of my life back. Unfortunately, that can never happen." One of Tim Masters' lawyers, David Lane of Killmer, Lane & Newman, LLP, noted, "This represents a good start toward fairly compensating Tim Masters, who spent ten years living as the only named suspect for this horrible homicide and almost a decade behind bars, having been framed for a crime he did not commit. I look forward to resolving this case with the police and City Defendants, either through a fair settlement or a trial." David Wymore, another of Mr. Masters' lawyers, said "Complete justice is impossible in a case like this, but this settlement represents a measure of accountability for those who stole Tim's innocence."

Until the entire matter is concluded, Tim Masters will not be addressing the press personally due to the ongoing nature of the litigation. Any press inquiries should be directed toward counsel.

http://www.denverpost.com/ci_8039377

tim masters case

Release likely today as missteps surface

Posted: 01/22/2008 01:00:00 AM MST

January 22, 2008 2:27 PM GMT Updated: 01/22/2008 07:27:21 AM MST By Miles
Moffeit

The Denver Postdenverpost.com

Betty Schneider, left, an aunt of Tim Masters', and his sister Serena, right, work on a table in preparation for a celebration in Fort Collins following his expected release from custody this morning. Masters doesn't know that his sister flew in from California. (Helen H. Richardson, The Denver Post)

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Fort Collins police missed investigative leads and inconsistencies in the alibi of murder victim Peggy Hettrick's ex-boyfriend, now an alternate suspect in the crime after a new DNA analysis pointed away from Tim Masters, who is set to be released from custody today.

Investigators initially cleared the boyfriend in the murder of the former fashion-store manager, whose body was found sexually mutilated in a south Fort Collins field on the morning of Feb. 11, 1987. They cited a passed polygraph test and no physical evidence tying him to the crime.

The former Fort Collins car salesman, who had previously dated Hettrick for three years, was among the last people to briefly talk to her at the Prime Minister bar just before she walked

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About the series

In the absence of governmental statistics on evidence destruction and loss nationwide, The Denver Post tallied cases from public documents, estimates of law enforcement officials, and data from DNA grant correspondence between states and the federal government. Also figuring into our totals is information from lawyers handling innocence claims and other legal actions across the country.

out the door after midnight Feb. 10.

But police records show the following:

- Two women, including a date the suspect met at the Prime Minister that night, described him wearing clothing different from what he described to police.
- "Truthfulness" was indicated, according to the polygraph report, when he was asked whether he "personally" murdered Hettrick. He had said no. "Deception" was indicated when he was asked, "Do you know for sure who murdered Peggy Hettrick?" He had said no. Polygraph results are not admissible as evidence.
- On Feb. 10, 1997 — 10 years to the day since Hettrick's last night alive — the suspect veered off a curve within 350 yards of where her body was found, crashing his car. After

crawling out of the wreckage, he told a police officer, "I was driving the car, put me under arrest. . . . I'm really drunk."

Says former Fort Collins police officer Linda Wheeler-Holloway, who over the years became convinced that Masters, who was convicted in 1999, was innocent: "These were red flags that should have been investigated very early on."

During police questioning, the man, who lives in Fort Collins, denied involvement. He has declined requests from The Denver Post for an interview.

But the suspect is back in the sights of authorities after DNA tests by a Holland laboratory and the Colorado Bureau of Investigation revealed his genetic profile, believed to be skin cells, clinging to the inner band of Hettrick's panties 20 years after her death. Other cells of his appear to line clothing areas such as her blouse cuffs.

Results were never pursued

The forensic results, sought by Masters' new defense team after the tests were never pursued by Fort Collins police during the late 1990s, led Adams County District Attorney Don Quick to request Masters' release today. Quick is the special prosecutor appointed to examine whether Masters received a fair trial.

Masters was convicted of Hettrick's murder even though no physical evidence tied him to the crime. In fact, no physical evidence has ever been found tying anyone, including the former boyfriend, directly to Hettrick's murder.

But Richard Eikelenboom, the scientist who harvested the full genetic profile from the waistband of Hettrick's panties, insists that only "force," not casual touching, can leave such an imprint.

"If you obtain it (the full profile), we only did it in cases where we pretty sure force was applied, where clothes were torn apart or pulled down roughly," said Eikelenboom, who targeted only those areas on her clothing where the killer was believed to have forcefully grabbed her to pull her into the field or to remove her garments.

Tim Masters prepares for an interview with 48 Hours at the Larimer County Detention Center on what should be his last night in detention. (Craig F. Walker, The Denver Post) If Hettrick had laundered her underwear, the DNA typically would have been washed off, he added.

The suspect told police that he and Hettrick were last together for a date about a week before she was killed. During police questioning, he never described touching her at the bar the night before she died.

Evidence logs from 1987 show that police confiscated some of the suspect's clothing, including a "gym bag" with wet clothes and shoes. The records also show that they were returned to him.

Wheeler-Holloway does not believe that his clothing was ever tested for DNA residues. The forensic analysis was in its infancy at the time.

Working with Masters' new defense team, Wheeler-Holloway recently interviewed the woman who met the suspect at the Prime Minister. The woman repeated her story, recounted in police records, that she remembered going to the police station to look at his clothing. "They showed her the wrong boots," Wheeler-Holloway recounted her as saying in the transcript. "The cops also showed her some clothing, and she stated that it was not the same clothing that he was wearing that night."

During questioning, the suspect told police he was wearing a tweed jacket. The woman and her roommate, however, told police he was wearing a leather jacket, documents

show.

David Wymore, Masters' new lead attorney, says the inconsistencies in the ex-boyfriend's story are another example of Fort Collins police letting intriguing leads that fit their theory of the crime slide by.

In fashioning a psychological theory that led to Masters' conviction, authorities emphasized that an anniversary date — his mother's death — triggered him to kill Hettrick.

The ex-boyfriend's car crash on the eve of the 10-year anniversary of Hettrick's death might have steered them onto his path, instead of Masters'.

"They spent 12 years trying to pick out any inconsistency in Tim Masters' story," Wymore said. "But they seemed to ignore other glaring ones involving other suspects."

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Tim Masters

Larimer County, Colorado

Date of Crime: February 11, 1987

Tim Masters was convicted in 1999 of the 1987 murder of Peggy Hettrick. Hettrick's body had been found in a south Fort Collins field just hours after she was last seen leaving a nearby restaurant. This location was 100 feet north of the mobile home of Tim Masters. Masters' father told police that his 15-year-old son had walked through the field as he did every day to take a bus to school.

When police contacted Masters, he admitted seeing the body. He thought it might be a mannequin or that someone might have played a prank on him. However, he did not report the body and police were skeptical of the reasons he gave. In the margins of Masters' notebooks, police found sketches of dinosaurs with arrows through them, gruesome war scenes described by his Vietnam veteran dad, and horror flicks such as *Nightmare on Elm Street*. Masters loved to write, and his goal was to be another Stephen King. Masters' special-ed teacher said she was not at all concerned about his drawings as most of her kids scrawled horrific images.

In 1995, a prominent eye surgeon, Dr. Richard Hammond, briefly became a suspect in the crime after he was caught with numerous voyeuristic videotapes. Hammond, however, soon committed suicide. Noticing that Hammond lived across the street from the crime scene and that his tapes focused on female genitalia, some investigators wanted to review all of Hammond's tapes to see if Hettrick appeared in any of the videos. However, the lead investigator in the Hettrick case and his supervisor had the tapes destroyed. They were focused on Masters.

In 1998, eleven years after the crime, Masters was arrested for Hettrick's murder and brought to trial in 1999. An "expert" interpreted Masters' drawings and what they said about his psychological motives. The prosecution presented footprint evidence that Masters detoured from his usual path to his bus stop to walk within 6 feet of the body. This detour allegedly satisfied a psychological need of Masters to revisit the scene of his crime. Masters' attorneys were convinced of their client's innocence, but they saw fear in the jury's eyes. Masters had grown into a muscular man and was no longer the 110 lb. adolescent who doodled in his notebook.

A later examination of evidence showed that Hettrick's murderer had performed a partial vulvectomy on her. This procedure required good lighting, so it moved the crime scene away the darkened field where her body was found. It also required a surgical instrument and a high degree of surgical skill. It is very doubtful that Masters could have performed this procedure as he had no surgical training. A plastic surgeon who reviewed the evidence noted that even he would have difficulty inflicting the wounds found on Hettrick.

In Jan. 2008, Masters' conviction was overturned after advanced DNA tests exonerated him. He was released on bond. [3/08]

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denver & the west

Sketchy evidence raises doubt

REVISITING A CONVICTION

Posted: 07/14/2007 01:00:00 AM MDT

January 21, 2008 7:51 PM GMT Updated: 01/21/2008 12:51:21 PM MST By Miles
Moffeit

Denver Post Staff Writerdenverpost.com

"Most of these writings and drawings have nothing to do with this grisly murder."
Colorado Supreme Court Justice Michael Bender, dissenting on a 4-3 ruling upholding
Masters conviction in the death of Hettrick, shown above on the day of the killing.

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Somewhere between the spot Peggy Hettrick was abducted and the Fort Collins field
where her partially clad body was dumped, her killer would have shed pieces of himself,
mothlike.

As he pulled her through the grass that dark morning on Feb. 11, 1987, his skin cells
could have sloughed off onto her black coat. A strand of his hair could have hooked onto
her shoes. A sneeze could have dampened her blouse.

This is the law of forensic science: When two people come into contact, they leave cells
on each other.

But in the Hettrick murder case, authorities strayed from this law by losing some of these
biological relics and destroying evidence linked to a prominent doctor they never
investigated for the crime.

Freedom

Read the Larimer County DA's motion to dismiss charges against Masters.

View the full multi-media special report on Masters' release, including exclusive photos.

Follow the courtroom action, minute-by-minute

Discuss freedom for Tim Masters, after more than nine years in prison. What should
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In doing so, they may have covered the killer's genetic tracks.

This happened in Fort Collins, where a detective clung to his belief that a 15-year-old boy committed the crime, despite no physical evidence. In a county where prosecutors opposed saving DNA, let alone testing it. In a state where the law doesn't create a duty to preserve forensic evidence.

The result, as believed by three former Fort Collins police detectives and a former Colorado Bureau of Investigation director: An innocent man goes to prison for life, and the real killer moves on.

"It eats me up," says Linda Wheeler, one of the officers. "I've put people in prison for murder. I make people accountable for crimes they've committed. But I've felt we have two victims here. One is in a jail cell in Buena Vista."

The story behind Hettrick's murder and Tim Masters' conviction is one of inferences blurring with facts, character issues blurring with guilt and theater blurring with truth. Twenty years after Hettrick's killing, Masters' legal team has launched one of the most ambitious and expensive bids ever in Colorado to prove a man's innocence - nearly \$500,000 provided by the state legal defense system. The

(CLICK TO ENLARGE)effort has led them to a small laboratory in the Netherlands, where a smudge of skin cells has been mined from Hettrick's clothing using the most-advanced DNA techniques available.

The skin was found where the killer's fingers would have roamed.

Tests show it wasn't Masters'.

The discovery

A bicyclist phoned in the news just after sunrise from a south Fort Collins neighborhood. At first, he thought he had seen a mannequin in a field along Landings Drive. She was so white.

She was a small woman, about 115 pounds, with flaming-red hair. Her bra, blouse and black coat had been pushed up above her breasts; her panties and bluejeans had been pulled down to her knees.

The covered body of Peggy Hettrick lies at the end of a trail of blood in a field in south Fort Collins on Feb. 11, 1987 - hours after she was last seen leaving a nearby restaurant. The body, which had been dragged from a nearby street, was found near the mobile home of Tim Masters. (Special to The Post)

Her eyes were open, her arms outstretched among the brown leaves, her purse looped above one elbow. Blood, presumably from a knife wound to her back, trailed 103 feet from her body to a small pool by the street curb. Tiny abrasions marked her right cheek. Among the oddest features: Her left nipple and areola had been carefully removed and the front of her body was wiped clean. No blood.

Police identified her as Peggy Hettrick, 37, college dropout, barhopper and aspiring writer who worked at The Fashion Bar, a nearby clothing store. She was last noticed abruptly leaving The Prime Minister, a restaurant only blocks from the field, about 1:30

a.m. Earlier, at the restaurant, she had seen her on-and-off boyfriend

Tim Masters in 1987. (Special to The Post)with another woman.

Her friends privately worried something horrible would happen to her, given her late-night impulses, her jealousies, her appetite for adventure. Sometimes she would head out into the night just to collect details for the book she was writing or to spy on her boyfriend. In a drawer at her home was a half-written, neatly typed novel about diamond smugglers and their obsessive search for jewels. The first chapter ends with murder; the last stops mid-sentence.

That day in the field, investigators wrapped paper bags around Hettrick's hands and feet to capture skin or hair she might have scratched off her killer and any specimens her footwear might have picked up. They found two hairs - not hers - on her

Click to enlarge map. (Post / Thomas McKay)footwear. In her purse, they lifted 13 fingerprints, also not hers.

Larimer County Medical Examiner Dr. Pat Allen later found the most puzzling wounds, unnoticed by officers. They were "neatly" executed cuts inside her genitalia that, like the one on her left breast, must have been made with an extremely sharp knife, an instrument different from the one used to stab her.

In 21 years of performing autopsies, Allen told colleagues, he had never seen wounds like these.

Son may have seen something

The police dragnet fanned across Landings Drive to the east, where new luxury housing sprawled, and to the southwest, where blue-collar folks still lived in trailers.

Officers knocked on dozens of doors to see what anyone saw, heard, suspected.

From a mobile home 100 feet south of Hettrick's now-covered body, Clyde Masters told Wheeler of the Fort Collins police that his 15-year-old boy had walked through the field to his bus stop, as he did every morning. Tim may have seen something, he told her.

After Wheeler relayed this to fellow officers, Masters, a sophomore at Fort Collins High School, was pulled out of class.

Yes, he had seen a body, he told police. No, he didn't report it. He first thought it was a mannequin, as the bicyclist did, but he didn't know for certain. On the bus, the image nagged at him. He wondered whether a prank had been played on him.

The police were skeptical. Why would anyone not report a body? Why did he seem so emotionless?

But Masters was usually quiet. The rail-thin boy with the long bangs was known to keep to himself. He was placed in a special-ed class after some of his artwork disturbed a teacher.

In the margins of his notebooks were sketches of dinosaurs with arrows through them, gruesome war scenes described by his Vietnam veteran dad and horror flicks such as "Nightmare on Elm Street" that father and son watched together. The younger Masters loved to write, and his goal was to be another Stephen King.

Judith Challes, the special-ed teacher who knew him best, told his reading teacher, "You know, I'm not at all concerned about them (his writings and drawings)." Most of her kids scrawled horrific images.

"You did it. ... You did it."

The police requested that he come to the police station the next day, Feb. 12, for further questioning. Sure, he told them. But he didn't know Hettrick, and he didn't see or hear

anything before her death, he said.

Just procedure, they said.

Without consulting an attorney, he and his dad did exactly what police asked. They allowed detectives to search their home and Tim's school locker, where they scooped up his horror writings and sketches, his survival-knife collection and Army flashlight with a red-tinted lens. His dad would stay outside the interrogation room, not understanding that juveniles are psychologically vulnerable to suggestive cues and coercion.

After reading him his rights, officers prodded Masters to talk about killing, to think like a killer, to talk about what weapons he might use and where he might put a body.

Interrogator No. 1: "We know that you did it, Tim."

Masters: "I didn't do it. ... I've seen people on TV sent to jail for things they didn't do."

Interrogator No. 2, at one point making stabbing motions in the air: "You did it. I'm not accusing you, I'm telling you. You did it."

Masters shakes his head and continues to deny involvement.

Interrogator No. 3, getting angry: "Tell the truth!"

Masters: "I have told the truth."

By the sixth hour, Masters was sweating, nervously chewing a piece of gum.

It was investigator Jim Broderick's turn. Broderick, a deep-voiced, no-nonsense cop with zero tolerance for unsolved cases, had a reputation as a hardball interrogator, Wheeler said.

He started out friendly with Masters, offering food and drinks. Then he moved into what police found in the teen's bedroom, including the knife collection, which had been cobbled together in part from relatives' gifts.

Masters talked about how one could cut through trees, even the fuselage of an airplane.

Broderick mentioned that such a knife "does a lot of damage when you stab somebody."

"That'd be kind of hard, though, to pull it back," Masters responded, recalling a scene from a movie shown at school, "All Quiet on the Western Front." In it, a character chastises his soldiers for serrating their bayonets because such alteration makes removing the weapon from a body difficult.

The remark stuck with Broderick.

Within the next hour, the detective was in Masters' face, telling him to come clean about how he fulfilled a fantasy by killing Hettrick.

"Why can't you just say it? Why is it so hard for you to tell me?" Broderick said. "... You got to admit it when it's over. People get killed in battle, right? Their friends die! A piece in you just died just a minute ago. It's over. You're not free anymore!"

But they had no hard evidence against Masters.

They didn't do an in-depth interview with Challes, the teacher who said he was a normal kid with no violent tendencies.

They wouldn't find a trace of forensic evidence at his house or on his belongings - no blood or hairs from Hettrick.

They would discover that the two hairs found on Hettrick didn't match Masters. They would find that the fingerprints in her purse also didn't match him.

Wandering on foot

No one knows for certain how Hettrick ended up in the field along Landings Drive that early morning. She may simply have been strolling back to her apartment. Or she may have been abducted elsewhere, then dropped there.

She had spent most of the late hours Feb. 10 wandering on foot. From The Fashion Bar, where she got off work at 9 p.m., she walked to the Laughing Dog Saloon, then to her apartment, then to The Prime Minister, where she saw her boyfriend, Matt Zoellner, a local car salesman, drinking with another woman.

They exchanged only a few words, Zoellner recalled later. He remembers her walking out the door alone sometime between 1 and 1:30 a.m.

To some of her friends, Hettrick seemed stuck in adolescence. That could make her fun to be with, but it also worried them. She could just drift off with strangers. When men wouldn't leave her alone, she hoped Matt would intervene, and "I would fall into his arms, thankfully," she wrote in one letter.

Police ruled Zoellner out as a suspect. His date vouched for his whereabouts.

Eventually, police ruled out dozens of suspects, including known area sex offenders.

Even Brent Brents, years later exposed as Denver's most prolific serial rapist, made the list until they discovered he was locked up that night.

Then there were the suspects without names.

Like the man who showed up at The Prime Minister two weeks after the murder, making threatening gestures at a red-haired employee resembling Hettrick.

Teresa Safris was selling tickets in the front of the restaurant for an entertainment act inside when she heard a strange voice behind her.

A man with a "bodybuilder" physique, she said, was glaring at her. He pulled an icicle from behind his back and made several stabbing motions in the air.

Then, he was gone.

She described him as 30 years old, with green or blue eyes, sandy hair and a square jaw.

Police never identified him.

In search of a motive

They called it the "blitz attack."

Embraced by Broderick, the theory goes like this: Hettrick was ambushed and stabbed from behind as she walked down Landings Drive. Then she was dragged into the field, where the killer changed knives to sexually mutilate her.

The fact that Masters lived only 100 feet away fit nicely with his theory. It gave him the "opportunity," Broderick believed. He could have spotted her from his bedroom window, crawled out and jumped Hettrick. He also owned a red-tinted flashlight that, Broderick reasoned, he could have held between his teeth as he went about his mutilation.

Now, all Broderick needed was a motive.

The officer talked about the odd vibes he got from Masters, the strange coincidences surrounding him. Why would he have a collection of survival knives? Why, the day after the body was found, would he have a newspaper with a story about Hettrick's death on his dresser next to the knives? Why would Hettrick's body be found within a day of the fourth anniversary of the boy's mother's death?

To Broderick, these facts seemed too compelling to just be coincidences. But it was Masters' drawings that really spooked him. He and others came to believe that one doodle, featuring a blade tearing into a diamond shape, was a vagina mutilation. Masters says it was simply a knife tearing into an inanimate object, noting there are no anatomical details such as hair or body parts around it.

Police also read sinister motives into sketches Masters says he made after the interrogation, including one showing a person dragging someone, and another featuring a

map of the field.

As Masters and others tell it, word had spread around school that he had been pulled in to talk with the cops. Classmates such as Wayne Lawson nagged him with questions. What happened? What do you know about the crime?

So Masters drew sketches for them, such as a map showing where the body was in the field. Lawson later verified Masters' account.

Broderick didn't buy these explanations.

"He was fixated, just fixated on Masters," Wheeler says of Broderick. "He was fitting facts to a hypothesis. That's not how it's supposed to work."

Broderick says he was merely assembling circumstantial evidence, which he describes as a standard investigative approach.

Wheeler was adamant at the time that other suspects should be a major focus. She also believed an FBI profile of the killer should be developed, but her supervisors didn't allow it.

Detective Troy Krenning believed it improbable that a boy could have pulled off such a sophisticated, fetishistic killing.

On the first anniversary of Hettrick's death, Krenning was instructed to sit in a mobile home opposite Masters' house to perform surveillance of the crime scene in case the killer came back.

"My perspective was to get off Masters and let's take a look at maybe someone else," Krenning recalls. "There's 6.3 billion people in this world. We seem to be focused on one."

In 1992, after Fort Collins police solved one of the city's last cold cases, Broderick was lamenting the fact that the Hettrick case still languished on the cold-case list, Krenning recalls.

"Masters was involved," Broderick kept saying.

"Bullshit," Krenning kept replying, according to court testimony.

That same year, Wheeler had been appointed lead investigator into Hettrick's murder case. Broderick and others told her that Masters had been on the verge of cracking during the interrogations.

Wheeler replayed the seven hours of videotaped interrogations. She wasn't convinced. "I just didn't see any deceptive behavior," she says.

That year, a former high school student dropped a bombshell on the detectives: Shortly after the crime, Masters had apparently talked about Hettrick's body missing a nipple, information that had never been made public.

They drew up an arrest warrant and flew to Philadelphia, where Masters was serving in the Navy aboard the USS Constitution.

Once again, Masters agreed to be interviewed. Yes, he had known about the nipple. A girl in his art class had told him about it, he said.

Frantically, the detectives checked out the story. It was true. As it turns out, the girl was a member of a teenage Explorer Scouts group police enlisted to scour the field for Hettrick's body parts. "We don't do that anymore," Broderick says now.

But Broderick kept battering Masters with questions, at one point forcing him to break down in tears, Wheeler recalls. "I'm not comfortable with this," she remembers saying.

Today, Wheeler regrets not being able to derail Broderick's focus.

"This theory of Masters being the killer was going south in a big way," she says.

She told then-District Attorney Terry Gilmore about her concerns when she returned from Philadelphia, she said. Gilmore, now a district judge, declined to respond to an interview request.

In 1995, Wheeler became an agent with the CBI. Masters was sailing around the world, learning to become an aircraft mechanic, without any discipline problems or violent offenses.

"I think that's a camera lens"

That same year, 100 yards east of where Hettrick's body had been found, a college student who was house-sitting for a doctor and his family heard a strange noise in the basement bathroom.

"I'm like, what is that?" Lynn Burkhardt recalls thinking as she stood in front of the bathroom mirror. "So I followed it down to a vent by the toilet. I'm looking in there, and I'm thinking I see something and thought, 'I think that's a camera lens.'"

Using a paper clip, she and a friend broke into the adjacent room, a spare office used by Dr. Richard Hammond, a prominent eye surgeon in Fort Collins.

Inside, they found a secret, obsessive world - one of surreptitious cameras triggered by light switches, boxes of computer electronics and massive amounts of pornography, mainly close-up images shot through the vent, directly at women sitting on his toilet or standing in front of his mirrors.

The police soon raided 401 Skysail Lane, confiscating everything. When the 44-year-old Hammond returned from vacation with his family, he was arrested on sexual-exploitation charges. His wife, Rebecca, said she had no knowledge of the taping.

Friends described Hammond as the portrait of politeness and professionalism. So they were shocked to see the headlines in the local paper about his arrest. Up to that point, he led an idyllic life as father of two teenage children and the husband of a CSU architectural student.

Colleagues admired his specialized surgical skills. His partner, Dr. William Schachtman, remembered his deftness with the scalpel. Even Hammond's personal hobbies required precision handwork: woodworking, metalworking and jewelry making.

But some dimensions of Hammond's life were a mystery. He kept rigid daily schedules so he could fit in long hours at work and bodybuilding at the gym. He often left town on secretive trips or disappeared for hours.

His wife told police how he battled insomnia and how she would find him working out of his basement office in the middle of the night. Once, when his basement flooded, his wife watched him first rush some mysterious containers out of the house. Around the time of his arrest, according to one investigative report, his wife grew alarmed that he was collecting guns and knives.

At the police department, Detective David Mickelson and Krenning reviewed Hammond's videos to establish exactly what crimes the doctor had committed.

Both Krenning and Mickelson will never forget the images they witnessed over and over. "Video after video, there were these highly calibrated shots zooming into the vaginal areas of women on his toilet," Mickelson says. "These were extreme close-ups. They were almost microscopic."

Other hidden cameras captured women's breasts as they stood at the mirror.

After bonding out of jail, Hammond checked himself into the Mountain Crest Hospital in Fort Collins for counseling. He talked little but filled out reports disclosing an unhappy

life, lonely childhood and voyeuristic tendencies since his teen years. Within days, the hospital released him.

The DA's office, meanwhile, chose to call in an independent prosecutor from Weld County, citing a potential conflict in the case. The issue was never explained publicly, although it is believed that relatives of staffers in the DA's office were found on Hammond's videotapes.

Police kept discovering more secrets. They found a storage unit Hammond had rented containing thousands of pornographic materials and containers with sex toys and jewelry. He also had a secret bank account, secret apartment and a secret identity, according to police and records.

Within days of his arrest, however, they were called to a La Quinta Motor Inn in north Denver. There, they found Hammond dead, an IV needle containing cyanide residue sticking out of his thigh. "My death should satisfy the media's thirst for blood," he wrote in the March 1995 suicide note.

The autopsy report noted that Hammond had shaved his entire body, a strategy used by some predators to avoid leaving remnants of themselves at crime scenes and also used by some bodybuilders. A tool with foldout knives was looped around his belt.

After viewing several of the videotapes, Mickelson started making connections: the doctor's close proximity to the Hettrick crime scene, and his obsession with women's genitalia and breasts.

He told Tony Sanchez, the lead detective in the Hammond case, that Hammond should be investigated for Hettrick's murder.

But Sanchez brushed his remarks aside, he recalls. Mickelson never heard back from him or Sanchez's boss, who happened to be Jim Broderick, the supervisor for crimes-against-persons investigations.

In August 1995, investigators had slated for destruction every piece of evidence they seized from Hammond.

"Don't do it, save the evidence," Mickelson recalls telling Sanchez after he heard about the plan, knowing that they had reviewed only a small portion of the tapes.

Sanchez, without elaborating, said there were legal issues behind the destruction, Mickelson remembers.

"The seized evidence burned for approximately 8 1/2 hours," according to an Aug. 15, 1995, report by Sanchez.

Krenning, who remembers Mickelson "making noise" to superiors, can't believe they burned every piece. "I can't recall one other case where the evidence was taken to a landfill, mashed up with a grater, then burned - all within a six-month period."

Had Hammond been formally investigated and the evidence preserved, detectives might have been intrigued by parallels with the Hettrick case.

They might have run across Teresa Sfris' police report, in which she describes the square-jawed bodybuilder who fit Hammond's description. They might have searched Hammond's warehouse specifically for Hettrick's body parts. They might have tested his sex toys for DNA, as well as the knife on his belt. They might have matched his hairs with the two found on Hettrick.

Says Mickelson, who never believed Masters was Hettrick's killer: "I just wanted to see whether Hettrick's picture was in those videos somewhere."

He adds that he didn't know who ordered the destruction.

It was Jim Broderick.

Still locked on Masters

Nine weeks after Hammond's possessions went up in smoke, Broderick was still locked on Masters. He phoned a forensic psychologist in San Diego named Reid Meloy.

Broderick wanted him to study Masters' artwork.

Meloy had developed a reputation as an expert witness on sexual homicides. He even disclosed a deeply personal fascination with the subject, according to court testimony, saying he himself had sexually sadistic fantasies.

Some of his approaches have been considered controversial: He was a proponent of a theory many psychological experts consider fraught with danger - that artwork can be used to interpret a person's criminal motivations.

Meloy agreed to look at Masters' drawings.

The analysis turned out to be Masters' undoing.

"The killing of Ms. Hettrick translated Tim Masters' grandiose fantasy into reality," wrote Meloy, who drew this conclusion without even interviewing Masters.

Meloy had given Broderick a motive: This was a displaced sexual matricide, stemming from Masters' feelings of abandonment by his dead mother.

Meloy concluded from Masters' drawings and stories that he fit the profile of a killer because he's a loner, he comes from an isolated or deprived background, and he harbored hidden hostility toward authorities as well as violent fantasies.

By 1998, Masters was honorably discharged from the Navy and living in California.

"I'm basically kicking back, relaxing," Masters recalls. Then he heard a knock at the door.

"Jim Broderick walked into the house and says, 'Tim Masters, you're under arrest for the murder of Peggy Hettrick.'"

Focus on Masters' artwork

At the time, DNA analysis allowed scientists to zero in on smaller and smaller crime-scene specimens, even capturing skin particles that may have rubbed off the hands of killers.

By then and into 1999, police were regularly testing clothing and other items for the cells of culprits. In Fort Collins, they still had Hettrick's black coat, shoes, blouse, panties, socks and jeans.

Broderick, however, clung to the psychological analysis of the California psychologist.

"We're talking about fantasy that becomes obsessive," then-DA Terry Gilmore declared in his opening statement at Masters' trial in March 1999.

During the trial, prosecutors described how Masters' footprints showed that he had veered off his regular bus-stop route Feb. 11 to step within 6 feet of Hettrick's body. They said that was characteristic of killers who often return to the scene. They talked of his knives being "consistent" with her wounds. They described the detailed nature of the wounds and that Masters' knives contained a sharp-enough edge to perform such cuttings. The fact that he was an artist allowed him to cut in detail.

A blood-spatter expert, Tom Bevel, testified that the bloodstains were consistent with the police theory of the killing.

They bombarded jurors with blown-up images of Masters' doodles, projected onto the wall, one after another, and photos of Hettrick's mutilated body. They did not show the interrogation videotape.

Masters' attorneys, Eric Fischer and Nathan Chambers, assailed prosecutors' case as

rooted in junk science, presenting another doctor's testimony to bash Meloy's theory that his artwork exposed a killer.

They were convinced of their client's innocence. They believed he would be acquitted.

How, in the end, could jurors convict without any physical evidence?

But Fischer saw fear in their eyes. They were looking at a grown, muscular man in Masters, not an adolescent who doodled in his notebook.

"They convicted him because they were afraid to let him loose," Fischer says.

Masters was sent to Buena Vista prison - "beautiful view" in Spanish - perched 8,000 feet up in the Rocky Mountains.

All he could see outside his cell window was a wall.

Guilty verdict upheld, 4-3

By one vote, Masters' guilty verdict squeaked by the Colorado Supreme Court on appeal. Four justices said the proceedings followed the rules.

Three justices called the trial grossly unfair.

"Most of these writings and drawings have nothing to do with this grisly murder," wrote Justice Michael Bender in the dissent. "The sheer volume of the inadmissible evidence so overwhelmed the admissible evidence that the defendant could not have a fair trial. ... There exists a substantial risk that the defendant was convicted not for what he did, but for who he is."

Bender also said the DA's case improperly dressed itself as science, although little consensus existed in the psychology field about the reliability of such methods.

Exoneration bid builds

In 2004, Masters received a letter from a Denver accountant who had watched a television program on Broderick's skill in cracking the case.

"I just don't understand how you could have been convicted," wrote Taylor Marris.

Marris began looking into the case out of personal interest, calling various participants to talk about it. He became convinced an innocent man had been railroaded.

"I came to believe that this is a person with real feelings who has been ridiculed and humiliated and violated beyond anything that anyone could imagine," Marris says.

Marris persuaded Wheeler to become part of an exoneration bid.

By then, the state had appointed Greeley defense attorney Maria Liu to represent Masters. Masters, who had served five years at Buena Vista, was pursuing another appeal on grounds of ineffective counsel. The state appointed Liu, who embraced cases involving juvenile crimes because "they're the underdogs in the legal system."

After burrowing into the massive case file, Liu was astonished that Masters could be convicted on the basis of his doodles. Then she learned of Wheeler's doubts and of Mickelson's efforts to steer the probe to Hammond.

During a prison visit, she saw nothing but sincerity in Masters' demeanor.

"This guy is innocent," Liu said in a phone call to the state's former chief public defender, David Wymore. "We have to get him out."

Among the first steps they took: a motion to preserve all evidence in the case.

It was immediately opposed by the DA's office - the first of many motions from the DA's office to prevent the defense team's access to DNA testing.

"There is no statutory duty to preserve evidence," the prosecution stressed in one petition.

Liu was exasperated: "In the United States, in this day and age, you shouldn't have to fight to preserve evidence in a homicide case."

Later, the defense team would learn that the two hairs found in Hettrick's footwear were missing, as well as the photos of the fingerprints. Authorities also lost track of her bracelet, which may have been grabbed by the killer.

Fortunately, most of Hettrick's clothing was still in storage. Wymore stressed that they must "prosecute Master's innocence," which meant an aggressive attack on the conviction on every front, especially through advanced DNA testing that authorities had not exploited in 1999.

The team kept digging. And the magnitude of what Liu described as the miscarriage of justice against Masters hit home in a meeting with a Fort Collins obstetrician-gynecologist.

Liu showed Dr. Warren James the pictures of Hettrick's wounds. A look of recognition crossed James' face.

He knew these cuttings.

"Ms. Hettrick underwent a surgical procedure known as a partial vulvectomy," James told them. The procedure, he said, requires a "high degree of surgical skill and high-grade surgical instrument."

Moreover, it couldn't have been done without good lighting and placing Hettrick's legs in a frog position. "I find it highly unlikely that a 15-year-old could perform this precise surgical procedure," James says.

He told The Denver Post that even he would have difficulty making these cuttings under the circumstances spelled out by Masters' prosecutors.

The implications of James' remarks were huge.

His assessment not only excluded Masters as the killer, it relocated the crime scene to a room with bright lighting. Not only did Masters not have surgical training, he was too young to drive.

If known years ago, this information could have kept Masters out of prison. It also could have led police to other suspects, including Hammond.

The clues were there: a July 29, 1998, Fort Collins police report shows that Allen, the medical examiner, called the wounds surgical. The description came in a conversation with Broderick.

Then there was the strange fact that her body was so clean. An expert later told the legal team that a "sponge line" appeared to run down the side of her body.

Her body was washed, says Barie Goetz, a former CBI lab director and noted crime-scene expert who joined the legal team.

Also, after Goetz and others tried to drag Liu, the same size as Hettrick, through the field, he came to believe that two people were involved in Hettrick's murder.

"This person would have to be very strong to do it on his own, not the 110-pound weakling that Tim was," Goetz says.

Meticulous DNA testing

Meanwhile, Wheeler persuaded Masters' legal team to hire two forensic scientists in the Netherlands, Richard and Selma Eikelenboom, known for their meticulous crime-scene analyses.

Their goals: to show that Masters' DNA was never on Hettrick and to identify the cellular makeup of the real killer by targeting spots on her clothing where he would have grabbed her, leaving skin, such as the inner band of her panties.

By mid-2005, Liu and Wymore were filing a flurry of motions seeking access to evidence

for testing in Larimer County District Court and attacking Masters' conviction on multiple levels, including how the police never disclosed that Hammond, police records show, was considered a possible suspect.

The DA, now Larry Abrahamson, and his deputy chief, Cliff Reidel, kept fighting the moves, saying the Masters team wasn't following proper procedures.

Throughout two years of legal dueling, CPA Marris and up to 30 Masters family members filled seats in the courtroom directly behind Liu and Wymore. (Masters' dad died in the mid-1990s.) On the opposite side, Broderick usually sat alone behind the prosecutors, holding trial exhibits and Masters' doodles.

Masters' first victory came in November. Judge Joseph Weatherby sided with him, approving DNA testing in the Netherlands.

It came after Richard Eikelenboom took the stand to discuss the target points on Hettrick's clothing. He said he would primarily use tape to try to retrieve the killer's cells, a method he preferred to cotton-tip swabbing, the predominant U.S. method.

In the absence of any state law or guidelines to manage the DNA test process, Weatherby stressed that both sides agree on a protocol.

But Abrahamson and Reidel went over the judge's head to the state Supreme Court to block the testing. The high court refused to hear it.

In late November, excited about the prospect of finally sending Hettrick's clothing to the Netherlands, Wymore and Liu began focusing on other legal matters, including crafting a protocol for the DNA collection and testing.

"Like an Oklahoma land grab"

That same month, Liu opened an e-mail from Reidel, the deputy prosecutor, that she had missed days earlier.

In it, he mentioned that his office and the Fort Collins police were taking Hettrick's clothing to the CBI lab to attempt their own DNA collection.

The Masters team was incredulous. After a year of opposing DNA testing, after Eikelenboom had described his own delicate collection strategies, after the judge's insistence on a protocol, they just grabbed the evidence and hauled it to CBI?

Wymore exploded at the next hearing: "They took the evidence out of this case, took it down to CBI and conducted God only knows what? In my opinion, destruction of the sample, destruction of the evidence. As far as I'm concerned, it's sort of like an Oklahoma land grab on the evidence."

Behind him, Masters' relatives buried their faces in their hands.

Reidel defended the move, saying the prosecution needed to retain some of the skin-cell evidence for its own testing. He also cited a previous remark by the judge that the police always maintained the option of doing their own testing.

The judge corrected him, saying he didn't authorize their move.

Moreover, a CBI analyst testified that she used cotton swabs - not tape - to try to collect skin cells from half of everything.

Aghast, the Masters team retreated to their offices to draft a series of motions for disqualifying the Larimer County DA's office from the case for "deliberately attempting to destroy exculpatory evidence in violation of court orders" and in violation of Masters' constitutional rights. They also cited two years' worth of "stonewalling, delaying and obstructing" in order to preserve a conviction.

A court ruling wouldn't be required. In May, Abrahamson and Reidel agreed to step off

the case, given the appearance of impropriety. They denied doing anything improper. Adams County DA Don Quick was assigned to take over.

About the same time, Masters' attorneys received a report back from Bevel, the prosecution's blood-spatter expert at trial. Goetz had presented him with additional crime-scene photos of the body and bloodstains Bevel had never seen.

"I have serious concerns and question why much of this information was not supplied to me for consideration," Bevel wrote, saying he believed, based on the additional information, that the crime took place at another location before the body was taken to the field.

High point in his career

Today, Broderick says he's 100 percent certain Masters is guilty.

He calls it a high point in his career, and he still talks about the things that gave him pause: Masters' statement about the difficulty of pulling a serrated knife from a body, the newspaper on his dresser next to his knife collection.

As for Hammond, there was no reason to investigate him for Hettrick's murder, Broderick says. He contends that Wheeler and the Masters team are doing just what he's accused of - fitting facts to a hypothesis.

"Where's the violence? Show me that pattern of violence," he says. "We searched (Hammond's) entire house, and there was nothing to link him to Hettrick's murder." He concedes he may have made a mistake by not pursuing DNA skin-cell testing. And he says he never talked to Allen about whether someone with surgical skill must have inflicted Hettrick's wounds.

"I can assure you if Dr. Allen's finding was that only a surgeon could have made those cuttings, that would have been forensic information he would have certainly told us," Broderick says.

Allen has declined to comment to The Post.

Who destroyed Hammond's evidence? And why?

"I had a lot to do with that," Broderick says. "It was an ethical decision. Should we re-victimize all these women by telling them they are victims? So it really was an effort to protect them, to preserve these victims' rights."

Overall, his investigation of Masters was "not a railroad job." It was simply a strong circumstantial case, he says.

A full genetic profile

Over the past five months, Richard Eikelenboom has tried to crack the DNA cryptogram that lines the surface of Hettrick's clothing, hoping that the CBI or the Fort Collins police didn't destroy all the biological remnants.

He meticulously cut and taped more than 50 points on her clothing.

Throughout the process, no DNA profile of Masters appeared, says Goetz, who witnessed part of the process.

But Eikelenboom found his quarry in the interior lining of Hettrick's panties: the skin of an unknown man - a full genetic profile.

It's exactly where he and the Masters team predicted the killer's fingers would have curled.

The profile could be submitted - as agreed to by the new DA team - to the FBI's national DNA database for matches with archived sex offenders, and tested against Hammond's DNA, if any still exists.

"God help us that we've put an innocent person in prison for a crime he didn't commit," says Krenning, who was told of the DNA results by The Post.

"Even compounding that, we've allowed a killer to go unscathed."

Staff writer Susan Greene and staff researcher Monnie Nilsson contributed to this report.

Staff writer Miles Moffeit can be reached at 303-954-1415 or

mmoffeit@denverpost.com.

About the story

The Denver Post reviewed thousands of records linked to Tim Masters' conviction and monitored the largely unnoticed months-long battle over DNA testing and evidence preservation unfolding in a Larimer County courtroom. Independent legal and scientific experts helped corroborate this story. See crime-scene photos, Masters' police interrogations and hear from detectives on the case Sunday at 9 p.m. on My 20 and at 10 p.m. on 9News.

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Tim Masters, pictured at the Buena Vista Correctional Facility last fall, is serving a life sentence for the 1987 Fort Collins murder of Peggy Hettrick. His legal team, however, has launched one of the most ambitious and expensive bids ever in Colorado to prove a man's innocence

Read more: Sketchy evidence raises doubt - The Denver Post

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An Open Letter to Larry Abrahamson re: Tim Masters

Dear Mr. Abrahamson,

We read a Denver Post piece called "DA blasts Masters' team for using press," and went on to study your press release which it referenced. In the case of Tim Masters, many questions have been asked, by journalists and the public, about the conduct of the office over which you preside. Being the District Attorney of Larimer County is a difficult job, and we appreciate that you recently addressed a few of these questions.

In it you say, "We take our responsibility very seriously and very personally." We are glad to hear that. Your promise is, "If a clear mistake has been made in convicting Timothy Masters, I can assure you, I will be the first to act." We're glad to hear that, too. We like it when public servants take their responsibilities seriously, and we applaud your determination to correct any mistakes. So far, we're all in agreement.

We are fascinated by what you said about how "alternative theories, although of interest, do not provide exoneration..." The word choice neatly sums up the problem. It says that Masters being guilty is The Theory, while any others are dismissed as alternative, a perfectly good word for "other" which has, since the Sixties, become corrupted to mean "crackpot." It's been that way from the start, when the guilt of Tim Masters was accepted with righteous fervor by those in positions to do the most harm, and anyone who didn't follow the party line was shunned. We wish that other theories had been of more interest to the authorities.

Alternative theories do not provide exoneration, you are so right about that. Particularly when those theories are ignored and tossed aside by the police. Especially when the jury never gets to hear about those other theories. It's obvious that when any theory is made to disappear, that theory is not able to provide exoneration. So, once more, we agree.

Where we part company is when you go on to say, "Every precaution available is taken to ensure that the cases we prosecute are handled justly and fairly and only the guilty are convicted." If that were so, this present discussion would not be taking place, because Tim Masters would never have been arrested, or charged with killing Peggy Hettrick. There's another thing in your statement that we agree with - but for different reasons. It's the part that goes, "...we felt it inappropriate to use the press to influence public opinion..." See, as long as we're talking about using the press, who was it that provided the Cold Case Files TV show with film and interviews and all kinds of cooperation, which they used to accomplish the character assassination of Tim Masters? Anybody you know? When the media say the police are doing a good job, does that constitute the manipulation of public opinion? Or is it only manipulation when the press says the police messed up?

If you mean by the word "influence" that the press can educate and illuminate, can show what wasn't shared with the public in open court or any other place - well, what's wrong with that? What's wrong with all the truth being exposed? It's not as if the defense needed

to call the media and say, "Pssst, we've got a story for you." It's been there all along, part of the public record. All it needed was to have attention called to it.

By the way, speaking as part of the press, we assure you that we have never, to this day, been contacted by any member of the defense team. Our June 12th exclusive article titled "Free Tim Masters Because" was inspired entirely by our own strong convictions, formed over a period of years, about this case which has been a blot on the face of justice since Day 1. We get the impression that you deplore the number of column inches and minutes of film that have captured the public attention recently. We kind of agree with you on that, too. We're happy, naturally, that so many other media outlets are taking an interest, and are doing such a thorough job of bringing the public up to speed on the many issues involved. But this attention from the press would have been more timely back in 1999 when Masters was convicted. If we'd had our way, national attention would have been glued to the case right then. If we'd had our way, millions of voices would have been raised against the absurd proposition that, here in America, someone could be sent to prison for life on the basis of his drawings.

Because that's what it all boils down to, and there's no point in denying it. Sure, the DNA issue and the evidence storage issue are important. Even the fact that a minor was interrogated without a parent or lawyer is important. But the bottom line is, Masters was arrested and convicted on the say-so of forensic psychologist Reid Meloy, whose alleged science is not much of an improvement over the ancient art of foretelling the future by reading chicken guts. The taxpayers shelled out many thousands of dollars for the "services" of this hired "expert" whose opinions the prosecution had the gall to define as evidence. It's a shame that those dollars were not instead spent on better facilities for the storage of physical evidence, a great deal of which seems to have been misplaced, misrepresented, misfiled, and misappropriated in the course of this two-decade-long fiasco.

The police and prosecution team acted unprofessionally, and had the media done a better job back then, maybe things wouldn't have gone the way they went. This case has some horrendous problems which the press should have shared with the public long ago. When you look at reports that were published at the time, there was plenty to scratch your head about. If the media had exerted pressure back in the beginning, maybe the police wouldn't have thrown evidence away, whether there was a law requiring them to keep it or not. Maybe they would have investigated other available suspects. Maybe they would have obtained a conviction that everybody could be comfortable with.

We have a few more questions. The press release said, "Little has been written or expressed from the viewpoint of the prosecution." You're kidding, right? Remember what Jolene Blair, then of the DA's office, said about Tim Masters? "Who else could it possibly be? Nobody else had a motive, nobody else had the opportunity, nobody else had the weapons." She said all that with a straight face, and without the slightest indication of irony, or any consciousness of the ridiculousness of her words. When the prosecution feels a need to express such viewpoints it is, quite frankly, better that the prosecution should just keep its lip zipped.

Let's talk about what you call "Timothy Masters' inability to pass a polygraph..." What we heard was that the results were "inconclusive," which isn't quite the same as "inability to pass." By the way, is it true that you guys can't locate the original documentation to back up your claims about the lie-detector test?

"My office agreed to have the DNA testing done in the Netherlands if the defense would agree that the DNA test results would be made known to both the defense and the prosecution. The attorneys for Mr. Masters refused our offer." That's a quote from your press release. Excuse us, we're not lawyers, but we're pretty sure the way it works is: the burden of proof is on the prosecution, and the job of the defense is to protect the rights of the accused. "The only reason my office had the Colorado Bureau of Investigation perform some limited DNA collection was so that the truth would be known, versus hidden by the defense." That's a bit disingenuous. Especially when we hear that your office defied the orders of a judge, took the evidence without permission, and acted without authorization. Not so?

You say "a jury found that evidence of guilt was overwhelming," and you go on to say, "A jury has spoken to the issue of truth by finding guilt beyond a reasonable doubt." Those words could fool someone unfamiliar with the details of the feeble case against Tim Masters. The members of the jury were treated like mushrooms: kept in the dark, and fed manure. That jury was so disgracefully manipulated and under-informed, it's a daunting task to even list the wrongs done to those jurors, which led to their convicting him. By the way, we hear that at least one juror, the blinders having been ripped from his eyes, showed up at a recent hearing to denounce Officer Broderick in person. "There was also a finding by the Court of Appeals," you say, "and the Supreme Court that the evidence was accurately and fairly presented." That's one way of putting it. But we recall that the three dissenting judges of the Colorado Supreme Court were quite eloquent in their disagreement. Justice Michael Bender, for instance, wrote, "The sheer volume of the inadmissible evidence so overwhelmed the admissible evidence that the defendant could not have a fair trial. ..."

You warn against "accusations and innuendo that sound dramatic in the media..." Speaking of things that sound dramatic in the media, do you mean, for instance, the drama of an innocent person whose case is damaged because so much evidence has mysteriously disappeared and been purposely destroyed? Or the drama of a group of dedicated supporters who have fought for years to correct this glaring miscarriage of justice? Or the drama of deciding whether the behavior of the police and prosecutors signifies monumental, unparalleled carelessness or...something else?

Often, there's a good reason why things sound dramatic: because they are important, meaningful, troubling, and too outrageously awful to be tolerated in a just society. You've been quoted as saying, "... we're interested in one thing in this case, and that is that the truth be known. Whether the truth be that Masters continued to spend the rest of his life in jail, as the jury had determined, or whether or not there was some error that needs to be corrected." Hold on a minute. That confusing statement is practically meaningless, with the way it mixes up cause and effect. In logic class, it would get a D-minus. If Masters spends the rest of his life in prison, that will be a result of the proceedings - but it will not be the truth about what happened that night so long ago. By the way, we've been wondering if it's true that the prosecution denied having ever thought of Richard Hammond in connection with the Hettrick murder. Is it true that the prosecution was caught red-handed in that lie by the defense? Because, you see, if the thought of Richard Hammond as a suspect had never crossed anyone's mind, down at the police station or in the DA's office, that would be one thing. It would only indicate that those agencies were not staffed by the brightest bulbs on the Christmas tree. But when the

Richard-Hammond-as-suspect concept actually was thought of, and suggested, and even insisted upon by some of the officers, and then when others on the force willfully and knowingly buried and destroyed all traces of Richard-Hammond-as-suspect - well, surely you can see that it's a whole different issue.

And all this talk about Hammond might tend to make us forget something basic and elementary. It's not the responsibility of the Masters defense team to prove who killed Peggy Hettrick. Their job is to show reasonable doubt that Tim Masters did it. If the jury had been allowed to know what it should have known at the trial, there would unquestionably have been an overabundance of reasonable doubt. If there's another trial, this time they will know it.

In the spirit of fairness, we offer you a chance to express yourself in your own words, which would be published as an article on Earthblog.net, as well as forwarded to all the media sources which we have distributed this open letter to. Your thoughts would be published unedited, uncensored, and in their entirety.

Sincerely,

Marc Madow, Content Producer

Earthblog.net

mm@earthblog.net

<http://www.9news.com/rss/story.aspx?storyid=73761>

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9Wants To Know

Local News

DENVER - Colorado Representative Cheri Jahn says she is outraged by the methods the Fort Collins police used to convict Tim Masters of murder in 1999. Masters, of Fort Collins, is the subject of an investigation by 9NEWS in partnership with the Denver Post.

Jahn wants a law added which protects vital evidence in major criminal cases. In Masters' case, some of the evidence used to convict him in 1999 is missing. Questions by Masters' new defense team ask whether an innocent man is serving life in prison.

Masters was convicted entirely on circumstantial evidence in 1999. There was no physical evidence linking him to the 1987 murder of Peggy Hettrick. Monday night on 9NEWS at 10 p.m. we'll have a sit-down interview with Masters from the state prison in Buena Vista.

On 9NEWS at 10 p.m. on Sunday, Investigative Report Paula Woodward explored the 1999 case and some of the discrepancies which have recently come to light.

Drawings Masters made as a 15-year-old boy are disturbing and graphic as are his writings are of murder. The knife collection is something you would think Rambo would use.

The psychological profile by a psychologist who never interviewed Masters, but testified against him in trial, makes a very compelling argument that Masters killed and mutilated 36-year-old Peggy Hettrick in February 1987. He was an initial suspect because he had seen her body on the way to school, thought it was a mannequin and did not report it to police.

The circumstantial evidence was compelling enough that a jury of 12 people convicted Masters and the State Supreme Court upheld the conviction. However, on a mandatory review as part of Masters' appeal, a young attorney, Maria Liu, who frankly admits she initially figured he was guilty, found a case where she thought Masters might be innocent.

"I thought he really might be innocent and I needed a team to help me figure out whether he was and if he was, what to do," Liu said.

She enlisted David Wymore, a veteran defense attorney, since retired.

Wymore also believes Masters is innocent.

"He would have been a bloody mess," said Wymore, "and they never found evidence of that."

There was no physical evidence. No DNA, no blood, no murder weapon, no hair - nothing that Masters left behind if he was the killer. There was nothing in the six hours between the murder and when he went to school the next morning that police found which indicated any physical evidence against Masters.

Masters lived with his father in a mobile home near the murder scene. His father was a former military man. Tim Masters was used to a 'yes sir, no sir' existence, so when the Fort Collins Police interviewed him that day, his father gave him permission to let him talk. His dad was not with him in the interrogation room, no attorney was present and Masters was questioned by several detectives for nearly seven hours the first day and several hours the next and still his answer was "I didn't do it."

For ten years, Fort Collins Police Detective Jim Broderick, now a Lieutenant, worked on the case. Eleven years after the crime, in 1998, Broderick arrested Masters. He was convicted in 1999.

Here is what physical evidence the defense believes supports Masters' innocence.

Most of it the jury did not see or hear.

* DNA evidence: The defense team sent Peggy Hettrick's clothing to a lab in Holland which specialized in skin cells. They tested 50 different parts found in Hettrick's clothing. They found foreign DNA evidence in the lining of her jeans. None of the samples tested

match Masters. The DNA information was just released.

* Two foreign hairs found on Hettrick's body: They do not match Masters. They are now missing.

* 13 fingerprints found in Hettrick's purse that don't match Masters: They are now missing.

* The consideration of Masters' physical size: He was about 115 pounds. His friends called him Toothpick. Would he have had the strength to drag Hettrick's body the 130 feet from the street curb to the body dump site?

* The coroner's conclusion that the sexual mutilation of Peggy Hettrick was "surgical."

* A defense team obstetrician/gynecologist's conclusion that the sexual mutilation was inconsistent with what a 15-year-old would have been able to do.

* Shoe prints found along the body drag path: They were of a business shoe. Masters was wearing tennis shoes. His footprints stopped near the body. The business shoes were next to the body and in a blood spatter.

The attorneys for Masters, Liu and Wymore, have assembled a team including three former Fort Collins detectives who believe Masters is innocent and a former CBI lab director, now a forensic consultant, who also believes Masters simply could not have done the crime. Former Fort Collins detectives Troy Krenning, Linda Wheeler-Holloway and David Mickelson are devastated that Masters is in prison. So is former CBI lab director Barie Goetz, who is a forensic consultant. They all say Masters is not the killer.

Liu and Wymore also believe the original prosecutors, now judges in Larimer County, did not tell Masters' 1999 defense team about another valid suspect, eye surgeon Dr. Richard Hammond, Hammond was arrested in 1995 on charges of secretly videotaping his daughters' friends going to the bathroom. In the following investigation, police found several hundred video tapes of Hammond involved in sexual liaisons. Hammond lived in the neighborhood next to the field where Hettrick's body was found. Hammond committed suicide shortly after his arrest. Lt. Jim Broderick of Fort Collins Police, who believes Masters is guilty, says investigators burned all of the video tape evidence against Hammond within months of his suicide, saying they wanted to protect the innocent. In doing so however, some believe they may have destroyed possible evidence linking Hettrick's murder to Hammond. Those in agreement include Masters new defense team and a former member of the Fort Collins Police Department.

Monday on 9NEWS at 10, see the original interrogation tapes of Masters and hear from detectives who believe Masters is innocent, one detective who still believes he's guilty, and Masters. Also, learn what happens now for Tim Masters.

DA's Office responds to 9Wants to Know investigation

6:59 PM, Jul 20, 2007 | [0 comments](#)

LARIMER COUNTY – On Friday, the District Attorney's Office responded to questions a 9Wants to Know and Denver Post investigation raised about a conviction in a 20-year-old murder. In 1999, Tim Masters was convicted on circumstantial evidence in the 1987 murder of 36-year-old Peggy Hettrick.

After discovering some evidence in the case had either been destroyed or lost, Masters' attorneys asked for a new trial.

On Friday, Larimer County District Attorney Larry Abrahamson e-mailed the following statement:

"Little has been written or expressed from the viewpoint of the prosecution. This is primarily because we felt it inappropriate to use the press to influence public opinion on a case undergoing post-conviction litigation. Citizens must realize that it is the criminal justice system's worst nightmare that an innocent person is convicted of a crime they did not commit. We take our responsibility very seriously and very personally. Every precaution available is taken to ensure that the cases we prosecute are handled justly and fairly and only the guilty are convicted.

The attorneys for Mr. Masters filed motions with the court seeking to have virtually all the physical evidence from this 1987 murder case released to them so that a series of tests could be conducted on those items of evidence. In particular, the defense wanted to take all of the victim's clothing and have it delivered to the Netherlands for DNA testing. Due to the advancements in DNA testing in the twenty years since the murder of Peggy Hettrick, the defense claimed that the killer's DNA could still be obtained from the victim's clothing and that having the testing done in the Netherlands offered the best chance of locating the killer's DNA. As a result, my office agreed to have the DNA testing done in the Netherlands if the defense would agree that the DNA test results would be made known to both the defense and the prosecution. The attorneys for Mr. Masters refused our offer. If the killer's DNA matched that of their client, Timothy Masters, they did not want that fact to be known to anybody but themselves. Clearly this does not indicate a search for the truth.

As a result of Mr. Masters' attorneys' refusal to have the DNA results made public, my office requested the Colorado Bureau of Investigations to perform some DNA collection on the victim's clothing prior to releasing that clothing to the defense. This collection

would preserve 25 percent of any potential DNA for the People to use in either confirming that Timothy Masters was the killer of Peggy Hettrick or in identifying an alternate suspect. The defense was provided the remaining 75 percent of any DNA present. No DNA evidence was destroyed by the People. The only reason my office had the Colorado Bureau of Investigation perform some limited DNA collection was so that the truth would be known, versus hidden by the defense.

Detectives from the Fort Collins Police Department used every tool they could come up with that may indicate guilty knowledge. Even though polygraphs are not admissible in a trial, they can be helpful in keeping police pointed in the right direction. Timothy Masters' inability to pass a polygraph as to his involvement in the homicide caused the police some obvious concern. Even after his conviction and sentence, the defendant took another polygraph with the defense's handpicked polygrapher. Mr. Masters failed every question relating to his involvement in the Hettrick killing.

On June 25, 2007, I wrote a letter to David Wymore, Timothy Masters' attorney, asking that he join our efforts to find the truth and give us anything that may exonerate Timothy Masters. Alternative theories, although of interest, do not provide exoneration when a jury found that evidence of guilt was overwhelming.

Again, let me reiterate: we are interested in one thing - the truth. A jury has spoken to the issue of truth by finding guilt beyond a reasonable doubt. There was also a finding by the Court of Appeals and the Supreme Court that the evidence was accurately and fairly presented. We must be very careful that accusations and innuendoes that sound dramatic in the media do not overshadow a very specific process of determining a just result.

If a clear mistake has been made in convicting Timothy Masters, I can assure you, I will be the first to act."

In response, David Wymore, one of Masters' attorneys, told 9Wants to Know the results of the first polygraph have been lost. He says the questions the county did supply did not line up. He says the polygrapher at first called it an "inconclusive result." Wymore says he has not seen the results of the second polygraph, which was taken right after Masters' conviction. Wymore called the second test "pointless" and "unreliable."

Polygraphs are not admissible in court.