

District Court, El Paso County, Colorado Court Address: 270 S. Tejon, Colorado Springs, CO 80903 Division 17's Phone Number: (719)452-5259		
THE PEOPLE OF THE STATE OF COLORADO  v.  DETRA DIONE FARRIES, Defendant.		DATE FILED: December 7, 2017 5:05 PM CASE NUMBER: 2011CR683  <div style="text-align: center;">▲ COURT USE ONLY ▲</div> <hr/> Case Number: 11CR683  Division 17 Courtroom S380
<b>ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION OF SENTENCE</b>		

THIS MATTER COMES BEFORE THE COURT PURSUANT TO THE DEFENDANT'S MOTION FOR RECONSIDERATION OF SENTENCE FILED 9/18/17, THE PEOPLE'S OBJECTION FILED 10/25/17 AND DEFENDANT'S REPLY FILED 10/26/17. THE COURT HAS REVIEWED THE AFOREMENTIONED PLEADINGS TO INCLUDE THE RECITATION OF AUTHORITY SET FORTH THEREIN, THE FILE IN ITS ENTIRETY AND THE STATUTORY CRITERIA RELATIVE TO SENTENCING AND HEREBY ISSUES THE FOLLOWING FINDINGS AND ORDERS:

1. On 2/24/12, after a nineteen (19) day trial, the jury found the defendant guilty on all counts. Further, relative to the felony counts (Counts 1,2, and 3) the Jury found beyond a reasonable doubt that the "Defendant's actions caused a tortuous, cruel and painful death to the victim, Allen Rose, as he was drug for approximately 1.4 miles, treated on scene and died shortly thereafter." After receipt of the verdicts, the Court ordered a PSIR, and a COMCOR Screen and continued the case to 4/20/12 for sentencing.
2. On 4/20/12, upon consideration of the PSIR, the COMCOR Screen, statements from the decedent's family members and statements of the defendant, the Court entered the convictions in light of the jury's guilty verdicts and sentenced the defendant as follows: Count 1- Leaving the Scene of an Accident Involving Death(F-3)-- 20 years at the Department of Corrections along with 5 years mandatory parole and 121 days of presentence confinement credit; Count 2- Reckless Manslaughter (F-4) – 12 years at the Department of Corrections along with 3 years mandatory parole and 121 days presentence confinement credit concurrent with Count 1; Count 3- Vehicular Homicide- Reckless Driving (F-4)—12 years DOC along with 3 years mandatory parole and 121 days presentence confinement credit. (NOTE: Count 3 merged into Count 2 for purposes of sentencing.)

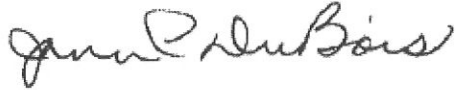
The Court also imposed sentences on the other Counts, however, for purposes of this Order, the Court is focusing on the sentences imposed on Counts 1, 2 and 3 as these are the felony convictions and sentences primarily at issue.

Relative to the Court's sentences for Counts 1,2 and 3, the Court sentenced the Defendant in the aggravated/ exceptional circumstances range in light of the Jury's express finding that the Defendant's actions caused a tortuous, cruel and painful death to the victim. Relative to Count 1, it should be noted that the Court could have sentenced the Defendant up to a 24 year sentence at DOC but instead imposed the 20 year sentence.

3. In sentencing the Defendant, the Court fully took into account all of the statutory criteria for sentencing enumerated in C.R.S. 18-1-102.5 to include the punishment being commensurate with the gravity of the offense; providing fair and consistent treatment; preventing crime, promoting respect for the law and serving as a deterrent to others and promoting rehabilitation through correctional program opportunities. This Court finds that in reviewing all relevant and material factors, the sentence imposed by the Court was and remains appropriate. **People v. Ellis**, 873 P.2d 22 (Colo. App. 1993). The Court further finds that this sentence also upholds society's interest in safety and deterrence. **People v. Watkins**, 613 P.2d 633 (Colo. 1980). In addition, the sentence the Court imposed was clearly within the presumptive sentencing range established by the Legislature for this class of offense given the aggravator or exceptional circumstances of the manner of the victim's death.

WHEREFORE, FOR THE AFOREMENTIONED REASONS, DEFENDANT'S MOTION FOR RECONSIDERATION IS HEREBY DENIED WITHOUT HEARING AS PROVIDED BY RULE 35(b) OF THE COLORADO RULES OF CRIMINAL PROCEDURE.

SO ORDERED THIS 7th DAY OF DECEMBER, 2017.

A handwritten signature in black ink, appearing to read "Jann P. Dubois". The signature is fluid and cursive, with the first name "Jann" and last name "Dubois" clearly distinguishable.

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JANN P. DUBOIS, DISTRICT COURT JUDGE