

District Court, Larimer County, Colorado 201 LaPorte Avenue Fort Collins, Colorado 80521	
<b>IN THE MATTER OF THE PETITION OF:</b>  <b>TIMOTHY MASTERS</b>	<b>▲ COURT USE ONLY ▲</b>
David A. Lane, # 16422 Qusair Mohamedbhai, # 35390 KILLMER, LANE & NEWMAN, L.L.P. 1543 Champa Street, Suite 400 The Odd Fellows' Hall Denver, CO 80202 Phone Number: (303) 571-1000 Fax Number: (303) 571-1001 E-mail: dlane@kln-law.com  Maria Liu #29575 Collins, Liu & Lyons, L.L.P. 812 8 <sup>th</sup> Street Greeley, CO 80631 Phone: (970) 336-6499 Fax: (970) 353-0214 maria@cotriallaw.com  David Wymore #7482 David D. Wymore, P.C. 3855 N. 26 <sup>th</sup> Street Boulder, CO 80304 Phone & Fax (303) 447-0340	Case No:  Division:  Courtroom:
<b>PETITION TO SEAL ARREST AND CRIMINAL RECORDS          PURSUANT TO C.R.S. § 24-72-308</b>	

Mr. Masters, through counsel, respectfully requests any and all records pertaining to this matter be sealed. As ground, Petitioner states as follows:

1. On March 26, 1999, Mr. Masters was wrongfully convicted of First Degree Murder. On January 25, 2008, the Larimer County District Attorney's office dismissed the matter in its entirety.

2. Pursuant to §24-72-308(1)(a)(I), C.R.S. (2008), Mr. Masters petitions this Court to issue an Order sealing any and all arrest and criminal records pertaining to him in this matter as the case was completely dismissed.

3. The arrest information is as follows:

Date of Offense: February 11, 1987  
Date of Arrest: August 20, 1998  
Ft. Collins Police Dept Case No: 87-2241  
Larimer County Sheriff's Office Booking No: 98-B-010870  
Colorado Bureau of Investigation Case No: 88-0928  
Federal Bureau of Investigation Case No: 95-276937  
Larimer County District Court Case No: 98CR1149

4. Mr. Masters's personal information is as follows:

Date of Birth: 6/25/1971  
Mailing Address: Collins, Liu & Lyons, L.L.P., 812 8<sup>th</sup> Street, Greeley, CO  
80631 Telephone: (970) 302-2801

5. On February 11, 1987, the sexually mutilated body of Peggy Hettrick was found in a field in Fort Collins, Colorado. At the time, Tim Masters was a fifteen-year-old boy who lived in a trailer nearby. During the days and months that followed, the Fort Collins Police Department had no suspect to charge with this heinous, violent, sexual crime that shocked and frightened the City of Fort Collins. Intense community pressure existed to find the culprit. Mr. Masters became the focal point of the police investigation after he admitted that he had seen the body in the field on his way to school in the morning and had thought that it was a mannequin.

Ultimately, experts in sexual homicides concluded that the Ms. Hettrick murder was a calculated, organized, meticulous, genitalia-obsessed crime. Ms. Hettrick's nipple had been excised, as had a portion of her vagina, with surgical precision. It was difficult to understand how a fifteen year-old boy who had no criminal record, nor any worldly experience with women could have cultivated and mastered the criminal talent and vision to commit the Hettrick homicide. As a result, several members of law enforcement, including a lead investigator on the homicide, persistently expressed their disbelief that Mr. Masters could have possibly committed the crime and urged that the investigation expand its scope to other, more viable, suspects. The government case refused to acknowledge the complete lack of physical evidence linking Mr. Masters to this sophisticated sexual homicide and became obsessed with securing his conviction at all costs and in spite of the great weight of evidence supporting his innocence.

Even as Mr. Masters and his post-conviction defense counsel began to uncover the conspiracy that led to his conviction, the Fort Collins Police Department and the Eighth Judicial District took great pains to protect their reputations and one-sided investigation. Preserving Mr. Masters' wrongful conviction was the shared goal, plan and scheme of the government from the moment that the murder investigation began until just before Mr. Masters was released from prison almost twenty years later.

Mr. Masters requests the sealing of his records after government officials' two-decade long conspiracy to arrest, prosecute, convict, and incarcerate him for the murder of Peggy Hettrick, a crime government officials knew he did not commit. Mr. Masters files this petition to seal arrest and criminal records on the charge of Murder in the First Degree for reasons including but not limited to notions of fundamental fairness, future career opportunities, and the small alleviation of the ongoing psychological harm resulting from twenty years of wrongful persecution and prosecution for a crime he did not commit. There is no public interest in these arrest records remaining accessible to public as all charges were dismissed. In addition, the harm to the privacy of Mr. Masters or dangers of unwarranted adverse consequences to him outweighs the public interest in retaining these records.

6. The prosecutors in this matter are being sued civilly in the United States District Court for the District of Colorado. Pursuant to C.R.C.P. 121, Section 1-15(8), the Larimer County District Attorney's Office has indicated they *oppose* the relief sought by this motion.

7. Said Order, if granted by this Court, shall be served by Mr. Masters via certified mail upon the following custodians of record for each agency:

- a. Fort Collins Police Department, 2221 Timberline Road, Fort Collins, CO 80525
- b. City Attorney Steve Roy, P.O. Box 580, Fort Collins, CO 80522
- c. Larimer County District Attorney, 201 La Porte Avenue, Suite 200, Fort Collins, CO 80521
- d. Larimer County Sheriff's Office, 2501 Midpoint Drive, Fort Collins, CO 80525
- e. Colorado Bureau of Investigation, 690 Kipling St, Suite 3000, Denver, CO 80215
- f. Federal Bureau of Investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW, Washington, D.C. 20535-0001
- g. Don Quick, Adam's County District Attorney's Office, 1000 Judicial Center Drive, Suite 100, Brighton, Colorado 80601
- h. Kenneth R. Buck, Weld County District Attorney's Office, P.O. Box 1167, Greeley, CO 80632
- i. Background Information Services, 1800 30<sup>th</sup> St. Ste 213, Boulder CO 80301
- j. Loffert Background Services, P.O. Box 745715, Arvada, CO 80006-5715
- k. Backgrounds International, 1075 S. Yukon St. #300, Lakewood CO 80226

8. Mr. Masters requests the Court set a date for hearing on this Petition and to enter an order sealing arrest and criminal records pertaining to the arrest record stated herein, pursuant to C.R.S. § 24-72-308 (1)(b)(II) and to seal this action.

Respectfully submitted this 22<sup>nd</sup> day of September 2009.

KILLMER, LANE & NEWMAN LLP

S/ David A. Lane

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S/ Maria Liu

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S/ David Wymore

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