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November 12, 2009

Re: **The Heene Case**

Guilty Pleas

On November 13, 2009, at 8:30 a.m., Richard and Mayumi Heene will enter pleas of guilty in Larimer County Court.

Mayumi Heene will plead guilty to False Reporting to Authorities, a class 3 misdemeanor (the lowest level misdemeanor in Colorado law) with a stipulated sentence of probation.

Richard Heene will plead guilty to Attempting to Influence a Public Servant, a class 4 felony. The prosecutor has stipulated to a sentence of probation.

The stipulations carry the possibility of up to 90 days in jail for Richard and 60 days for Mayumi along with the probation. After pleas are entered the sentencing will be continued for approximately one month for the preparation of pre-sentence reports.

Facts

Mayumi Heene is a citizen of Japan. As such, any felony conviction or certain misdemeanors would result in her deportation, even though her husband and children are Americans. Because Mayumi, while being questioned by law enforcement made certain statements which the prosecutor could use against her to possibly obtain a felony conviction and thus, her deportation by the federal government, she is avoiding that possibility with this plea. Unfortunately, the prosecutors insisted upon a package deal where Richard would have to fall on his sword and take a felony plea despite the fact that he made no incriminating statements to law enforcement and Mayumi's statements could not be used against him. Given the marital privilege it is doubtful Mayumi could have been called as a witness against Richard and the rules against hearsay would have prevented the showing of the videotaped statement she made against Richard. Upon reviewing the evidence, arguably, Mayumi could have possibly ended up being deported and Richard could have proceeded to trial and had a good chance at an acquittal. This, however, would have put the family at grave risk of seeing a loving, caring, compassionate wife and mother ripped from the family and deported. That was not an acceptable risk, thus these pleas.

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Conclusion

It is supremely ironic that law enforcement has expressed such grave concern over the welfare of the children, but it was ultimately the threat of taking the children's mother from the family and deporting her to Japan which fueled this deal. Threatening to stretch what is essentially a low level misdemeanor into a felony prosecution followed by deportation upon conviction simply to make a point shows a complete and utter disregard for the true best interests of these children.