



1 MONDAY, MARCH 14, 2016, AFTERNOON SESSION

2 THE COURT: Court calls Tiffany Sawyer, 15 CR  
3 2329.

4 MR. DOMINGUES: Brian Domingues for the  
5 People.

6 MR. GEMAN: Nicholas Geman with Ms. Sawyer,  
7 who's present.

8 THE COURT: Good afternoon. We are set for  
9 sentencing. The Court did review the presentence  
10 report and the special report.

11 Any additions or corrections?

12 MR. DOMINGUES: No additions or corrections,  
13 Judge.

14 MR. GEMAN: None, Your Honor.

15 THE COURT: Mr. Domingues, I'll hear from you  
16 first.

17 MR. DOMINGUES: Judge, I know the victim,  
18 Brandon Revels is present today. He's prepared to make  
19 a statement.

20 THE COURT: Certainly.

21 MR. REVELS: My name is Brandon Revels. I  
22 appreciate the Court's time and the opportunity to  
23 speak here today. First, I would like to give a little  
24 bit of information about my background. I am married  
25 with a son, and we have a second one on the way, so's

1 that good news.

2           We are relatively new to Colorado. Prior to  
3 this, we lived in Wisconsin. When we lived in  
4 Wisconsin, I was a police officer for about 7 years.  
5 So I have a little bit, I guess, of a different  
6 perspective than some other people might have in a  
7 situation like this, so I would appreciate a little bit  
8 of latitude to give my remarks today, to draw on some  
9 of my experience.

10           THE COURT: Okay.

11           MR. REVELS: I'll start by giving you a  
12 little bit of a description of the day, from my  
13 perspective. I had -- we also lived in Florida for a  
14 short while. That's where it was I started to get into  
15 cycling.

16           And in Florida they don't have the bike  
17 trails that they have here and that sort of thing. So  
18 riding in the street certainly wasn't something that  
19 appeared to be a dangerous situation, and we have every  
20 right to use the roadway, so I guess that's that.

21           It was one of my first rides in the area  
22 here. I kept to the shoulder of the road. I had a  
23 rear-facing red light flashing on my bike. Took all  
24 the safety precautions that I could. And I went out  
25 for a short ride.

1           I went down Wadsworth, south of C-470, came  
2 back up on Kipling. I was actually feeling pretty good  
3 about myself that day, so I decided to keep going, tack  
4 on a couple extra miles. And then about two-tenths or  
5 so of a mile, according to the police report, after I  
6 made that decision, I was struck from behind by a  
7 motorist.

8           So, then, I don't really remember anything  
9 about the crash itself. The first memories I have are  
10 after I arrived at the hospital. I had a variety of  
11 physical injuries.

12           Starting at the top and working down, I had a  
13 concussion. I had a significant cut on my forehead  
14 that required stitches, and then some of the, I guess,  
15 nerve damage from that that led to the top of my head.  
16 I had tingling for several weeks afterward.

17           A broken shoulder blade on my left side, a  
18 broken rib on my right side. Bruised lungs. Something  
19 called an acute kidney injury which results from  
20 physical trauma. Kind of messed up my kidney enzyme  
21 for a period. Fortunately, that problem solved itself.

22           And then, you know, just the normal road  
23 rash. Significant lacerations to my left knee that  
24 resulted in infection. And then something called a  
25 skier's -- my thumb on my right hand that required a

1 cast for about two months.

2 All told, we incurred approximately \$76,000  
3 worth of medical bills and several thousand dollars  
4 worth of property damage. Fortunately, there is  
5 insurance in the matter, and we have our own health  
6 insurance, so we only had to pay a small portion of  
7 that thus far.

8 And as you can see, I have recovered  
9 relatively, you know, relatively normal from my  
10 injuries. That, in my opinion, is -- you know, is a  
11 result of good luck.

12 I guess some sort of higher authority, if you  
13 believe in that sort of thing. Certainly, none of the  
14 positive outcome of this can be attributed to the  
15 actions of the defendant, though.

16 So after several months of recovery -- and  
17 just to give you an idea of how that has affected the  
18 family afterwards, I'm certainly more leery about  
19 riding my bike on the roadway and definitely more  
20 cognizant of vehicles coming up behind me. Even when  
21 I'm just walking on the sidewalk, it's something I pay  
22 more attention to, more than I used to.

23 One of first rides that I took in September,  
24 after I was able to obtain a new bike, I went out -- I  
25 was an idiot, kind of my personality, I went out for,

1 like, a 20-mile ride. On my way home, I couldn't make  
2 it. I was going up the hill, and with the new terrain,  
3 altitude, whatever excuse you want to give, I decided I  
4 just wasn't going to make it.

5           So I stopped at the top of the hill. I  
6 called my wife at home, to bring the truck and come  
7 pick me up the last mile or so. And I heard my son,  
8 who is 4 years old, in the background. And the first  
9 thing he said when my wife told him that they were  
10 going to have to come pick me, he said, Oh, did Daddy  
11 get hit by a car again.

12           Which, well, two things. One, I feel bad  
13 that that's, you know, his response to a situation like  
14 that. And, two, I guess, it motivated me to finish so  
15 that I could at least show him that I'm okay out there.

16           Let's see. Also, my bike was -- it actually  
17 just snapped in half, which seemed odd to me. And then  
18 as I mentioned, there was the result in property damage  
19 there.

20           So I have had an opportunity to review the  
21 presentencing screening report, and some of the other  
22 police reports and stuff with regard to the incident.  
23 And I also heard, too, at the plea hearing that the  
24 defendant's blood level concentration, subsequent test  
25 in the incident, put it in the area of .3.

1           Also -- and based on my experiences and what  
2 everyone else says, the defendant indicated that they  
3 had a couple of drinks earlier in the day, which is  
4 kind of the standard response. But, ultimately, a  
5 person doesn't reach .3 or .29 or .25, or wherever it  
6 may have at the time, in a couple of drinks.

7           That's either about a dozen drinks over the  
8 course of an hour, or dozens of drinks over the course  
9 of several hours, but that's not a blood alcohol level  
10 that you arrive at in a short period of time.

11           And according to the presentencing report, I  
12 learned just a brief while ago, that after hitting me,  
13 the defendant pulled her vehicle off at a storage  
14 facility and then fled home to avoid apprehension. And  
15 she when arrived at home, she indicated that she had a  
16 couple of drinks, and that was apparently corroborated  
17 by the other witness.

18           But that leads me to believe that -- and,  
19 sorry, let me back up for second. As I said, I was a  
20 police officer for a number of years. My friends, my  
21 family work in law enforcement as police officers,  
22 state trooper, dispatchers.

23           And when I talk about this incident with them  
24 and mention that the defendant had gone home to start  
25 drinking, every of them, to a person, said, well, of

1 course, she did, because that's how you go home and  
2 start drinking and then you can claim that your blood  
3 alcohol test was corrupt later.

4           And I have arrested people myself who have  
5 gone home and made the same claims. And in my  
6 experience, it turns out that is not the case, that  
7 someone was broken up about what had happened. It is  
8 that they are going home, to try to then claim that the  
9 blood alcohol level was corrupted.

10           And so it leads me to believe that we have  
11 arrived at this moment now. And it's, since the  
12 beginning, been a calculated decision by the defendant,  
13 who struck me with her vehicle, while I was doing  
14 nothing wrong, pulled off the side of the road, and  
15 decided she was going to go head home, start drinking,  
16 try to flee the scene so no one saw her.

17           And were it not for the efforts of another  
18 passerby, the defendant would not have been  
19 apprehended. She would have gone home and nothing  
20 would have happened. We would have been on the hook, I  
21 guess, for all the property damage, all of the medical  
22 bills, and that's sort of where we are at.

23           I also noted in some of the reports that the  
24 defendant really is still minimizing her role in the  
25 incident, with regard to how much she had drank, or why

1 she fled home. Even at the plea hearing that I  
2 attended, she still claimed that she hadn't been  
3 drinking that day. And to me, that just indicates that  
4 she has really not accepted responsibility for what  
5 she's done.

6 And then, lastly, sort of on a bigger picture  
7 sort of thing, I understand that cycling is really a  
8 major hobby for people in the area here. Thousands of  
9 people get out and go riding on a bike every day.

10 And as I understand from some of research  
11 I've done, approximately -- according to some surveys,  
12 approximately 30 percent of cycling-related crashes are  
13 the result of somebody who has the blood alcohol level  
14 of .08 or higher, hitting cyclists.

15 And nationwide about 7- to 800 people are  
16 killed a year in car-versus-cyclists crashes.  
17 Approximately 50,000 people a year are involved in  
18 crashes like this that don't result the death. And in  
19 Colorado alone, I believe, last year or 2014 or '13,  
20 there were 13 people killed by cyclists.

21 THE COURT: You mean cyclists killed.

22 MR. REVELS: What's that?

23 Oh, yeah, cyclists killed by motorists. I  
24 apologize. So there certainly is a larger picture  
25 going on here.

1           With regard to sentencing, I don't feel like  
2 we want to set some sort of precedent where someone  
3 can, you know, go out and drink a significant amount of  
4 alcohol during the day, to the point where they have no  
5 business on the roadway. Regardless of whether or not  
6 they intended to hit someone, that -- their actions  
7 display a significant disregard for the safety of  
8 everyone else on the roadway.

9           And that is the sort of conduct that I would  
10 not want to see and do not condone, but then she's  
11 afforded an opportunity to get away with it with a  
12 minor penalty. So as far as the sentencing goes, I  
13 understand the maximum allowed under your discretion is  
14 2 to 4 years incarceration with DOC. There are a  
15 number of other options below that.

16           To me, personally, I don't believe that any  
17 sort of a suspended sentence, probation, anything like  
18 that served is a significant enough sentence for  
19 somebody who does show that amount of disregard and  
20 calculated response to an incident that they have  
21 caused.

22           So I -- for me, personally, I think that, you  
23 know, I understand the value in the community  
24 corrections sentence, to afford the defendant an  
25 opportunity to, you know, maintain employment, be a

1 part of the community, and then when the sentence is  
2 over they have a better footing for themselves and all  
3 that. I understand all of that.

4 But I would personally prefer to see the  
5 sentence somewhere more in line with the higher end of  
6 what is allowable under your discretion, either a DOC  
7 incarceration or some sort of community sentence. To  
8 me, like I said, I just think any sort of noncustodial  
9 incarceration or 30 days in county, that kind of thing,  
10 I just -- I don't think that's appropriate given the  
11 facts of the case here.

12 So with that, I will stop taking the Court's  
13 time. I would also, though, remind you that, you know,  
14 the elements of the crime here. I'm going to recover.  
15 I am doing okay. But with regard to this offense, it's  
16 not necessary that the injuries be debilitating, just  
17 that they are serious at the time of the act committed,  
18 and I would just ask the Court to keep that in mind.  
19 Again, I thank you, and I will leave it at that.

20 THE COURT: Thank you. I'm glad you're doing  
21 all right. And the range is 2 to 6 years.

22 MR. REVELS: Oh, 2 to 6. I'm sorry.

23 THE COURT: That's all right.

24 MR. DOMINGUES: Judge, Mr. Revels and I met  
25 previously and spoke about the case. And I think that

1 he may have misunderstood.

2 THE COURT: Sure.

3 MR. DOMINGUES: Judge, a couple of things.

4 And I don't think I can really comment more eloquently  
5 than Mr. Revels already did, so I'll try to be brief.

6 One is, I think it's important to give the  
7 Court some perspective. And there is a disk of  
8 photographs that contain the discovery in this case.  
9 And I'll presented just a few of those photographs to  
10 get the Court some perspective.

11 This (indicating) is the location of the  
12 accident. And that's the defendant's car. And then --  
13 I noted the PSI did a good job of explaining the  
14 injuries Mr. Revels incurred as well. I also, just for  
15 the record, attached a copy of the serious bodily  
16 injuries. And that was, again, all provided in  
17 discovery in this case as well.

18 May I approach with that?

19 THE COURT: Uh-huh.

20 MR. DOMINGUES: Judge, I don't want to talk  
21 while the Court is reviewing that, so I will just be  
22 silent.

23 THE COURT: Thank you.

24 MR. DOMINGUES: Judge, there's a distinct  
25 difference between being remorseful and somebody that's

1 accepting responsibility, if you were to compare the  
2 two. I have no doubt in my mind that Ms. Sawyer is  
3 remorseful. I have no doubt in my mind that  
4 Ms. Sawyer didn't set out that day to intentionally  
5 harm anyone.

6 But we have these statutes in place to  
7 prevent this type of behavior for a very specific  
8 reason. And that's so people like Mr. Revels or his  
9 family don't have to go through the injuries and the  
10 process and the recovery that they are still actually  
11 going through.

12 And when you combine that with the fact that  
13 Ms. Sawyer has now given, to my count, three different  
14 accounts of what had occurred during the course of this  
15 incident, I can't sit here and tell the Court that she  
16 is truly accepting responsibility with the information  
17 that I have.

18 When she was initially contacted by officers  
19 on scene, she originally told them that she recalls  
20 striking a pothole. And the officers eventually  
21 tracked her down in her home roughly about an hour to  
22 an hour an half after this particular incident. So it  
23 was within somewhat of a short time period.

24 And as Mr. Revels actually noted a moment  
25 ago, but for a passerby, maybe law enforcement wouldn't

1 have caught her at all. That passerby actually got a  
2 partial plate, and that partial plate is what led the  
3 officers to that particular location.

4 But she started off with, I recall hitting a  
5 pothole. That changed into the cyclist hit me, the  
6 back of my car. And she still knowing that, an hour an  
7 a half after this particular accident, she chose to  
8 leave the scene and go home and put her car in the  
9 garage; although when officers came, she was  
10 cooperative with the officers and their investigation  
11 at that point in time.

12 And then you combine that with the statement  
13 that's located in the presentence investigation  
14 report -- which I can't characterize as anything other  
15 than being offensive -- that she now recalls reaching  
16 for an Arby's bag that may have fallen at the time of  
17 this, and she felt a bump and looked in her rearview  
18 mirror and saw some dust and then continued to go.

19 It's nothing other than offensive and shows a  
20 direct denial of this incident and accepting  
21 responsibility. And Mr. Revels was present for the  
22 plea.

23 And my recollection of her plea in this case  
24 was the way the defendant was hesitant in telling the  
25 Court that she was under the influence of alcohol at

1 the time. And Mr. Revels already put that into  
2 perspective.

3 And I would've had a toxicologist come in  
4 here and talk to the Court, if we'd proceeded to trial  
5 in this case, about the perspective of how somebody can  
6 get up to .317 in this close period of time.

7 I have no comments about whether or not she  
8 intentionally went home and started drinking or not,  
9 because that certainly would've been argued at trial.  
10 But I know the officers contacted her about an hour or  
11 an hour and a half later. And I know she was in  
12 custody or in contact with those officers for the next  
13 three hours or so until these blood alcohol tests were  
14 actually drawn.

15 And that was a series of three tests. And  
16 the first one at 10:00 p.m. was at 317, and another one  
17 at 11:00 o'clock and another one at midnight. And they  
18 continued to the fall from there down to 29-something,  
19 I believe down to 28-something.

20 But, again, Judge it just strikes me the  
21 difference between being remorseful and the difference  
22 between accepting responsibility in a case such as  
23 this. And it also shows me that Ms. Sawyer is, not  
24 only not accepting responsibility but she's also not  
25 recognizing the issues or the problems that are

1     apparent with her alcohol abuse that are going to be  
2     present in her life well after the case is over.

3             So it's the position of People that, based on  
4     all of the circumstance in this case, a sentence to the  
5     Department of Corrections is appropriate.

6             THE COURT:   Mr. Geman?

7             MR. GEMAN:   Thank you, Your Honor.

8             Ms. Sawyer's husband and sister are here and  
9     would like to address the Court, if the Court would  
10    hear them.

11            THE COURT:   Sure.

12            MR. SAWYER:   Hi.   My name is Shane Sawyer.  
13    I'm the defendant's husband.   I want to say that  
14    Tiffany is a good person.   She's a good person that  
15    made bad decisions that day, very uncharacter (sic)  
16    like for her.   She was a 911 police/fire dispatcher for  
17    a lot of years, even before I met her.

18            So she knows, she knows what this is like.  
19    She's a good friend.   She's a good person.   She's a  
20    good, productive member of society.   She's a great wife  
21    to me.

22            She's a great mom to both of our young kids.  
23    We have two small children together.   One of whom has a  
24    disability.   She actually had surgery a couple weeks  
25    ago and is very close to her mom.

1           I just ask the Court to remember that when  
2 making your decision today. Thank you for letting me  
3 speak.

4           THE COURT: Thank you.

5           MS. WESSEL: My name is Bethany Wessel  
6 (phonetic), and Tiffany Sawyer is my sister. And I  
7 don't know what to say right now because I am really  
8 angry at my sister right now.

9           And I am really sorry --

10          THE COURT: Ma'am, you just need to direct  
11 your comments to me.

12          MS. WESSEL: I'm sorry.

13          THE COURT: That's okay. Not everyone knows  
14 the rules. That's all right.

15          MS. WESSEL: I just know my sister is lost in  
16 all of this. And I -- I've tried really hard to direct  
17 her focus into accepting responsibility and making good  
18 choices. And I think she's on that path. I think she  
19 still has work to do.

20          I think the best thing for my sister would be  
21 to get some mental health help, because I do believe  
22 she has not addressed the reasons why she's made the  
23 decision she has. And so I ask that whatever her  
24 sentencing is helps hers address that, because I -- all  
25 I want is for her to get better.

1           And she does have good family around her to  
2 support her and keep her on the right path. And I just  
3 ask that whatever, whatever the sentence is, that she  
4 is required to get some mental health help. That's  
5 what I see. But I think she's on the right path to  
6 accepting and making better decisions. And that's all  
7 I have to say.

8           THE COURT: Thank you.

9           MR. GEMAN: Thank you, Your Honor. This is  
10 difficult.

11          THE COURT: Ms. Sawyer, I'm going to have you  
12 stand with your attorney.

13          MR. GEMAN: Thank you.

14          This case is unbelievably difficult. I can't  
15 imagine what it's like to have -- to feel like it's a  
16 penalty for feeling good about yourself on that day,  
17 resulting in the kind of injuries that were sustained.

18          I can't imagine what it's like to feel like  
19 you want to push yourself on a bicycle in the beautiful  
20 state of Colorado, where that's -- that's part of the  
21 benefit of living here, and have that decision, where  
22 you do nothing wrong, have a lasting impact on your  
23 4-year-old son. I can't imagine what that's like.

24          I don't know how you get to a point .31 BAC.  
25 I don't know how this case happens. I don't have a

1 good explanation for it. What I can tell you is, that  
2 regardless of what the explanation of how it happened,  
3 there are some things we do know about Tiffany Sawyer.

4 She's here today. And, first, she's  
5 absolutely accepting responsibility for what she did.  
6 I appreciate counsel's fervor, but I have to disagree  
7 that her statements in the PSI were insulting. I think  
8 that they are a remembrance of additional details that  
9 she hasn't been asked about by a formal law enforcement  
10 agency up until that point.

11 She admits that she had drank, not just a  
12 beer, not just two beers, but two beers and then some,  
13 and some mixed drinks before driving. When she came  
14 before the Court for her plea hearing, I think she was  
15 still struggling with the idea of that what is  
16 intoxicated to her and what is intoxicated legally are  
17 not the same thing.

18 And the one theme that I see here, over and  
19 over and over again, is that difference between when  
20 Ms. Sawyer talks and when her addiction talks, because  
21 they say different things. And I think it's easy to  
22 figure out which is talking at what point.

23 We're talking about her fleeing the scene,  
24 and there isn't a fleeing of the scene. If we read --  
25 I -- by no means do I believe this should be a

1 mini-trial or an argument about the facts. But what's  
2 in the police reports is that she pulled over, thought  
3 she was being followed and tried to get away from what  
4 she thought was someone following her.

5           Which is a different story from, you know, I  
6 hit someone, I need to get out of here because I'll be  
7 in trouble. Either way you look at it, she's here, and  
8 she admits she had way too much to drink. She admits  
9 she was driving, and she admits that she caused serious  
10 bodily injury.

11           I know that. I've seen the pictures. They  
12 are terrible. I've seen the bicycle. I have read the  
13 PSI report, as has Ms. Sawyer, and she's mortified that  
14 she could have done this. This is not who she is.  
15 And, honestly, what she needs is help.

16           When the police contacted her and she says  
17 the bicycle hit me, she's at .3 or .317, or higher or a  
18 little lower. I don't know that she knew what she was  
19 saying.

20           That she was able to speak at all with her  
21 BAC up that high, tells me that's the addiction  
22 talking. That's not Ms. Sawyer trying to evade  
23 responsibility or push it off on anybody else. It's a  
24 sign that she needs help.

25           And she's been going to meetings, Alcoholic

1 Anonymous. She has the support of her friends and  
2 family. I believe we sent -- I know the Court has had  
3 a chance to review the letters we sent in prior to  
4 sentencing. Her whole family is here today, minus her  
5 two young kids. And, honestly, they need help to.

6 Ms. Sawyer is absolutely remorseful. I don't  
7 think anybody in the courtroom disputes that. I do  
8 think she's taking responsibility by showing up here  
9 today, by entering a plea to the top charge, and  
10 standing here and saying, I did this and I will accept  
11 the consequences of my actions.

12 And in doing so, she's also standing here and  
13 saying, I will never do this again. Because one thing  
14 that this case has thrown into sharp focus for her is  
15 exactly what kind of jeopardy she has caused, not just  
16 to herself, but to the victim, to his family, to her  
17 children, who don't understand what's going on, and her  
18 family.

19 She prides herself on being a good person, a  
20 good mother, and a role model. And for her to see the  
21 understanding coming that this is the opposite of that,  
22 this is the literal opposite of everything she has set  
23 out to be, it doesn't come all at once.

24 It comes in waves, as does deep  
25 understanding, a true understanding of what's going on.

1 It can't just hit you all at once. We are only human.  
2 But what she's done is taken steps to try and rectify  
3 this situation, to make sure it never happens again.

4 As far as, you know, deterring this kind  
5 conduct, I can assure you, she is terrified. Her  
6 family is -- you've heard her sister saying, I think  
7 she needs mental health counseling.

8 And her family is furious with her, but  
9 everybody is here because they recognize that she needs  
10 more guidance in her life and more helping hands. And  
11 everybody is here because they are willing to provide  
12 that to her.

13 And with her own understanding, she is too  
14 afraid that -- that -- to allow herself to be put -- to  
15 put herself, really, in this kind of position again.  
16 Because her priorities, for the real Tiffany Sawyer,  
17 are starting to speak louder than her addiction.

18 And I understand the request for, you know, a  
19 DOC sentence. I don't think probation is appropriate.  
20 I don't think home detention is. I don't think 30 days  
21 in county is right. I understand where that comes  
22 from.

23 I don't understand what it's like, but I  
24 understand where that comes from. That is the  
25 retributive need, the need to see punishment imposed

1 that isn't trivial; that isn't a slap on the wrist;  
2 that doesn't send a message that you can do this and  
3 get away with it; that it's okay that the victim should  
4 suffer more than the accused. None of that is  
5 appropriate.

6           But on the other hand, I don't know that the  
7 Department of Corrections is appropriate either, when  
8 we have an intermediate option. Because my concern is,  
9 one, that the Department of Corrections, while it is  
10 the most punitive sanction that the Court has available  
11 and it absolutely does punish Ms. Sawyer, it does  
12 punish more than Ms. Sawyer. It punishes her family,  
13 and it punishes her kids.

14           And she has no criminal history. She used to  
15 work for law enforcement. This is so far off her  
16 beaten track. And she's asking the Court to confine  
17 the punishment to her. And we believe that ICCS in  
18 Comm. Corr. is the correct solution for whatever amount  
19 of time the Court thinks is necessary because she does  
20 need that help.

21           They have the programs there where they can  
22 help her handle her addiction and her relationship, not  
23 just with alcohol, but with her family, her friends,  
24 with her children. It allows her to continue to work,  
25 and she has a job.

1           She has a job in which she -- before -- as  
2 she was literally applying for the job, she went to the  
3 people she was applying with and said, this is  
4 happening; this is my life right now; I want to make  
5 sure that we're all on the same page; I want to come  
6 clean and be honest with you.

7           And they thought so much of her, they offered  
8 her a full-time job that day. That helps contribute to  
9 her family, to her kids. That takes some of the burden  
10 off her husband and the rest of her family. Those are  
11 her priorities.

12           And she's here today because she believes  
13 that this is the right thing to do. If you're going to  
14 set an example for your family and your children about  
15 what you do when you do wrong, then this is it; you  
16 show up, you say, I did wrong; I'm sorry; I'll never do  
17 it; and I accept the consequences of my actions.

18           I believe Ms. Sawyer would like to address  
19 the Court.

20           THE COURT: Ms. Sawyer, what would you like  
21 to say?

22           THE DEFENDANT: Your Honor, thank you for  
23 allowing me the opportunity to speak today. I've  
24 always felt the need to help people, and so I cannot  
25 express how ashamed I am to be standing where I am

1 today.

2           In my personal life, I've always tried to do  
3 special things to let people know how I appreciate and  
4 care about them. I look for chances to show strangers  
5 small gestures of kindness that may help them during  
6 difficult times.

7           So strong is my desire to help others that I  
8 chose a longterm career as police and fire dispatcher;  
9 a job I lost as a result of this and will never be able  
10 to do again. On June 9, 2015, I put myself on the  
11 other side of the law. I wanted nothing more than to  
12 live a heroic life, instead I made myself a villan.

13           I cannot count how many times I've tried to  
14 place myself in Mr. Revels' position. How would I feel  
15 if someone hurt me or someone in my family? I would be  
16 very angry.

17           An apology isn't enough at all, but it is  
18 still necessary, and I want to say I'm sorry. I'm so  
19 sorry for everyone I've hurt.

20           One thing I've tried to teach my children --  
21 Colin is 7 and Brooklyn is 4 -- is that people make bad  
22 decisions. And the right thing to do is admit you did  
23 the wrong thing, accept responsibility, and do your  
24 best to learn from what you did.

25           Part of taking responsibility is being open

1 to accepting consequences, and I'm here to do so. I  
2 cannot change what happened. I hurt Mr. Revels, his  
3 family, and many people who care about me, and that  
4 hurts my heart every single day.

5           Today is the next step in the legal process.  
6 You will tell me what I must do to try to make things  
7 right, and I will do them. I know your decision will  
8 be fair. And I can only hope that you consider  
9 allowing me to continue working and to keep my husband  
10 and small children in mind.

11           Please don't punish them for my wrongdoing.  
12 I know that I have to prove myself, and I'm a hundred  
13 percent committed to doing exactly that. I thank you  
14 all for your time.

15           THE COURT: Thank you. Well, the Court is  
16 certainly not here to judge whether Ms. Sawyer is a  
17 good person or a bad person. I'm here to impose an  
18 appropriate sentence based upon the statutory factors  
19 and the totality of circumstances presented.

20           I wish all you could have been here on Friday  
21 so you could see the heartbreak that comes when an  
22 8-year-old boy -- who's left without his father because  
23 someone chooses to drive drunk and then kill him --  
24 when he's crying.

25           In determining the appropriate sentence, the

1 legislature has instructed me to consider the  
2 following: The nature and character of the offense;  
3 the character and record of the offender; the  
4 offender's employment history; the potential  
5 rehabilitative value of the available sentencing  
6 alternatives; and the impact on the safety of the  
7 victim's family, the victim, and the general public;  
8 the offender's ability to pay restitution.

9           And the legislature has defined the purposes  
10 of sentencing as follows: To punish a convicted  
11 offender by assuring the imposition of a sentence she  
12 deserves in relation to the seriousness of the offense;  
13 to ensure the fair and consistent treatment of all  
14 convicted offenders; to prevent crime and to promote  
15 respect for the law by providing a deterrent to others  
16 likely to commit similar offenses; to promote  
17 rehabilitation; and to select the sentence, sentence  
18 length, and level of supervision that addresses the  
19 offender's individual characteristics and reduces the  
20 potential that the offender will engage in further  
21 criminal conduct.

22           As I mentioned on Friday, as I was driving to  
23 work last Wednesday, I read on one of the Department of  
24 Transportation electronic signs over the highway that  
25 48 people have been killed in DUI crashes this year.

1 That's more than one every other day. And I don't know  
2 how many of those were passengers, or pedestrians, or  
3 cyclists, but frankly -- or drivers, but it doesn't  
4 matter. None of them should have died. This is just  
5 not acceptable.

6 I don't know anyone who hasn't been touched  
7 by the loss of someone to a drunk driver, and so my  
8 sentence will include consideration of general  
9 deterrence, in the hopes that someone else will think  
10 twice before getting behind the wheel after they've  
11 been drinking and driving, and maybe even save a life.

12 Were people not punished sufficiently for  
13 this offense, I cannot imagine that the frequency of  
14 such incidents would not increase. As mentioned,  
15 cyclist have the right to ride on our roads without  
16 fear of intoxicated, distracted, or aggressive drivers,  
17 and they have a corresponding obligation to follow  
18 traffic laws.

19 In this case, thankfully, the victim survived  
20 and will be there for his son and his expected child.  
21 However, the defendant fled home -- fled, went home and  
22 drank shots of peppermint Schnapps. And why do you  
23 that, other than to avoid detection of alcohol content  
24 at the time of the accident.

25 As a dispatcher, certainly, Ms. Sawyer would

1 know that by drinking when she arrived home, she would  
2 taint any alcohol tests. Frankly, it's just not  
3 believable to the Court that she didn't know she hit  
4 somebody.

5 I mean, why would you go home and start doing  
6 shooters of peppermint Schnapps? That makes absolutely  
7 no sense, unless you know that you struck something and  
8 you need to do something about.

9 It's certainly a shame that Ms. Sawyer put  
10 her family in this position. But the Court believes  
11 that anything less than a Department of Corrections  
12 sentence would unduly diminish the seriousness of this  
13 offense. As a community, we just can't tolerate it.

14 The defendant's sentenced to 6 years in the  
15 Department of Corrections. She can earn her way into  
16 community corrections. This Court anticipates she will  
17 not serve that entire sentence.

18 She can get earned time, good time, and she  
19 can apply for community corrections on the back end.  
20 If she can convince them that's she's an appropriate  
21 candidate, they will take her.

22 Ms. Sawyer, I certainly hope that you take  
23 this time to participate in the treatment, engage in  
24 self-reflection, and prepare to make a positive  
25 contribution to the society once you are released. She

1 is entitled to 2 day presentence confinement credit.

2 Have a seat in the jury box.

3 MR. GEMAN: Judge, if I may ask for a stay?

4 THE COURT: Denied.

5 (Whereupon the proceeding was concluded.)

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## 1 REPORTER'S CERTIFICATE

2 I, Cecilia Spies, Registered Professional  
3 Reporter in and for the State of Colorado, duly  
4 appointed to take the within proceeding, certify that  
5 the proceedings were reported by me at the time and  
6 place hereinabove set forth and were thereafter reduced  
7 to typewritten form by the use of computer-aided  
8 transcription under my direct supervision; that the  
9 same is a full, true, and correct transcription of my  
10 shorthand notes then and there taken.

11 DATED this 1st day of June, 2016.

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Cecilia Spies, RPR

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