



## NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

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FOR IMMEDIATE RELEASE  
April 12, 2011

Shelly LaGrill  
Public Information Officer  
4<sup>th</sup> Judicial District  
(719)520-6084

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### **COURT OF APPEALS REVERSES JUDGE GROHS FOUR TIMES IN SIX MONTHS**

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Today the Colorado Supreme Court reversed an order suppressing evidence obtained from telephone wiretaps in five criminal cases filed in El Paso County. The five defendants, Ignacio Gallegos, Fernando Lopez, Josiah Gallegos, Demetrius Santistevan, and Jorge Perez are charged with drug-related charges as part of a conspiracy to sell illegal narcotics. The defendants joined in a motion to suppress wiretap evidence based on their claim that the wiretaps were invalid because Chief Judge Kirk Samelson issued the orders authorizing them while his son worked as a prosecutor for the District Attorney. District court judge Deborah J. Grohs granted the defendants' motion, and the prosecution appealed.

In reversing the suppression order, the Supreme Court concluded that Judge Grohs erred in determining that Judge Samelson failed to act in a neutral and detached manner when he authorized the wiretaps. In support of its conclusion, the Court stated that the warrant application included sufficient information to establish the probable cause necessary to issue the warrants. The Court also noted that there was no evidence that Judge Samelson had received any personal benefit by issuing the orders or that he was acting in a law enforcement capacity. Judge Samelson's son had no involvement in any of the defendants' cases and was not present when the wiretap order was issued. There were other wiretap cases in front of two other local judges, those judges rulings were consistent with the finding of the Court of Appeals. Finally, the Court rejected Judge Grohs' conclusion that suppression was required based on what she viewed as substantial violations of the statute authorizing wiretaps.

As a result of the Supreme Court's decision the District Attorney will be able to use the wiretap evidence against the defendants when their cases go to trial.

This is the fourth Supreme Court decision in the last six months to reverse an order by Judge Grohs. All four decisions have been unanimous.