District Court Jefferson County, Colorado Court Address: 100 Jefferson County Parkway Golden, CO 80401-1070	
PEOPLE OF THE STATE OF COLORADO v. **ZACHARIAH CLARK DOBLER** Defendant	**COURT USE ONLY**
Scott W. Storey, District Attorney Candace Cooledge, DDA 500 Jefferson County Parkway Golden, CO 80401-6020 Phone Number: (303)271-6800 FAX Number: (303)271-6888 E-mail: Attorney Reg. #33743	Case No. 11CR02082 08CR1501 Div: 5 Ctrm:

PEOPLE'S SENTENCING MEMORANDUM AND SUBMISSION OF PHOTOGRAPHS AND EVIDENCE

COMES NOW, SCOTT W. STOREY, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado, respectfully submits this memorandum regarding sentencing to the Court:

1. On March 29, 2012, the defendant entered a guilty plea to Vehicular Homicide (F3) and Leaving the Scene of an Accident Involving Death (F3), for the death of Alan Dilley. The parties agreed to a sentencing range of 24-48 years in the Department of Corrections. The Court previously approved of the disposition and the proposed sentencing range.

2. The sentencing in this case is scheduled for April 11, 2012, at 8:00 am.

3. The People are seeking a maximum sentence of 48 years in the Department of Corrections for the following reasons:

    a. The defendant in this case was restricted to an interlock device in his vehicle in order to drive at all, as a condition of his driver's license. The defendant knew of this condition, and purposely avoided using the interlock device in his car by stealing his parents' brand new 2011 Nissan Rogue, and driving while drunk.

b. The crash in this case occurred at approximately 1:37am. The defendant's felony blood draw results were as follows:

- 2:47am - .197
- 3:47am - .178
- 4:46am - .152

Further, an expert witness for the people, forensic toxicologist Cynthia Burbach, provided her opinion through an extrapolation of the defendant's blood test results, that at the time of driving, the defendant's blood alcohol content would have been **.223.**

c. The defendant had three prior alcohol-related driving offenses on his record when he chose to drive on the date of this offense (July 31, 2011). He was convicted of Driving While Ability Impaired in 2008, Driving While Ability Impaired in 2004, and Driving Wile Ability Impaired in 2002.

d. The defendant drove his parents stolen SUV through a cone pattern, barely missed crashing into three firefighters, and ultimately crashed into Mr. Alan Dilley, who was simply doing his job as a tow truck operator that night. The impact to both Mr. Dilley and the Nissan Rogue was significant. (*See* Exhibit 1 attached hereto). Mr. Dilley's body was seen by Arvada Police Officers Ronald Avila and Trenton Saathoff cartwheel through the air, as high as the traffic lights and travel a distance of 121 feet before coming to rest on the other side of the intersection. (*See* Exhibit 2 attached hereto). The defendant, despite having just hit and killed Mr. Dilley, did not stop to check on Mr. Dilley, and in fact **accelerated** and fled the scene.

e. The defense has previously argued that the defendant did finally "pull over." However, the defendant was approximately ¼ mile, or 4.5 blocks from the scene of the crash, with ample opportunity to pull over, and did not stop until his vehicle was essentially surrounded by police cars, with no choice, but to pull over.

f. The only items that were located in the defendant's parent's stolen car when the defendant was ultimately contacted were the car keys and a large knife.

g. When this incident occurred, the defendant was on felony probation in case number 2008CR1501 for Burglary (F4). The disposition in this case does not include the defendant's burglary case, and the People

are seeking a maximum consecutive sentence for that case (6 years in the Department of Corrections).

h. When this incident occurred, the defendant was on bond for felony Trespass (F5) involving domestic violence in case number 2011CR581. Although the defendant was ultimately acquitted at trial, that doesn't change the fact that he was on bond when he committed this offense.

i. The defendant knew when he consumed alcohol that he became, in his words: "irresponsible and I lose the voice inside my head that says, Zac this isn't right. When I drink I'm not responsible and can't make the right decisions. Therefore, I do not need to drink and will never have to worry about being in trouble again." (*See* Exhibit 3 attached hereto). With this knowledge about himself, he chose to disregard it and not only drink, but also drive, resulting in the death of Alan Dilley.

j. The Dilley family has been forever impacted by the actions of the defendant on July 31, 2011. No sentence the Court imposes will be equal to the loss sustained by the victim's family and friends.

k. Not only have the victim's family members and friends been forever impacted by this crime, but members of the Arvada Police Department and the Arvada Fire Protection District have also been significantly impacted by this crime. Arvada Police Officers Ronald Avila and Trenton Saathoff, and Firefighters Todd Gilgren, Matt Vanersvelde and David Long were all eye witnesses to the crime, and in seeing such a horrible tragic death occur right before their eyes, have been forever impacted by this crime. It is a memory that cannot be erased. You can hear the panic and urgency in the police radio traffic immediately after the crime occurred. (*See* Exhibit 4 attached hereto). Further, the occupants of the Volvo, who had just been the victims of a previous DUI crash, also witnessed the defendant hit and kill Mr. Dilley.

4. This case is extremely aggravated and based on the factors set forth above, the People request a maximum sentence of 48 years in the Department of Corrections in case number 2011CR2082, followed by a consecutive maximum sentence of 6 years in case number 2008CR1501.

case # 09CR1501

Dear Judge, DIV. 5

I'm writing you to reconsider my D.O.C. sentences.

09 JUL 14 AM 7:52
COMBINED COURTS
COUNTY, CO.

I know the plan is for me to attend boot camp and then be reconsider. I just have not been able to attend because of the writs I've been on so that I could attend boot camp. I'm still planning on going to boot camp.

JUL 1 3 2009

I have been away from Buena vista stuck in Boulder for more than two months, thats why I have to hand write this letter and not do it in a more professional way by useing the resources at the law library. So if this is not done in a Proper manner I apologize. I understand why you've chosen the maximum Sentence in my case and I want to thank you for sending me to D.O.C. I've been able to work on my self and find the answers to why I was acting out and have found the tools to my self. I was suffering from mak stress syndrome.

DOCKETED

Male stress Syndrome, is when you have to much stressfull thing happen to you at once and you do not know howe to deal with it and you have a mental break down, you start to act out breaking the law, going on spending sprees, drinking or druging to get your self a way from the stress and depresson. when it gets too bad. People even try to take their own life, witch I tryed to do and thank God I failed. I did seek a medical Drs. help, but the pills he gave me made thing worse.
I took the next step and made an appointment to talk to a Therapist. I never made it to the appointment because I was in Jail.
If you look back at my Criminal history other then last year my record was not too bad, just some traffic violations. then alot of things went wrong and Ive become depressed.

I didn't break into the house to harm anyone, or to take anything. Shean and I where room mates at one time with one of his other cousins

While we lived together, alot of my things came up missing, and sheans cousin moved out. I started working out of state so I was only in town once a month. I asked shean to have one of his friends move in to help with rent. It never happen so I moved out. I left a table and patio furniture. I was down the street at a friends place and on my way home I wanted to see if my things where there still. Then I thought maybe the stuff I had go missing was out. so I whent into the house. I saw some one was in my old room and I wanted to see who it was and if I know the person. I looked in her bag for I.D. I did not see any of my things that went missing so I left. just the Patio furniture was in the back. I was sick of people hurting me and wanted answers. To add to it I was drinking that night and if I did not drink I know I wouldn't have acted the way I did. when I drink I become irresponsible and I lose the voice

inside my head that says, Zac this isn't right. Obviously, when I drink I'm not responsible and can't make the right decissions. There fore I do not need to drink and will never have to worry about being in trouble again. By no mean does this excuse me for my actions that night or the way Iv been acting since. I wish there was a way to go back and fix my wrongs But there isn't. all I can do is learn from them and never make the same mistake again. Sending me to prison was like giving me a second chance, It has open my eye. This time around I will do it right. I fill better now then I ever have. I fill so alive. I'm happy with my self. I'm not depress anymore.

My Plan for when I do get out is to move to South Dakota to take care of my grandma. In Oct. my grandpa past away, so she is lonly and she is not doing well, I guess she is very thin now and broke her hand. She needs someone to look after her.

I'm the only one that is able to move there to help her out. I already have jobs lined up for me there, working at a feed lot, or rock quarry. They are going to start building a coal power plant. I would like to get on that project and hopefully work there fulltime after its up and running. I also plan on going to college. There is a family friend that is a teacher and she works with kids with learning disorders. She has offered to help me with my dyslexia. If I can't get a inner-state compact to move, I also have things going for me here. I have two jobs to pick from. A for man at a machine shop, or a plumber for a family friends plumbing company. I will have rides to and from work so drive will not be an issue.

When I have free time, I want to start a group at my church for people that suffer from depression and are seeking help.

Thank you for taking the time to read this letter and know that I'm sincere. Im sorry for my actions and apologize. I pray that you

(5)

would consider giving me an second chance, so that I may prove my self. I am a better person then what I appeared to be at one time.

Sincerely,

Zachariah Dobler

D.O.C. # 145161