

The Judge that Sentenced My Daughter's Killer

In my opinion, Judge Benjamin Leutwyler should not be retained by the 18th Judicial district. My experience in Judge Leutwyler's courtroom during the plea agreement and sentencing hearing of the serial criminal that brutally killed my beloved daughter and left her to die, was both revealing and disturbing.

We have endured over three deeply sorrowful years since our beautiful 37-year-old daughter, Stacy Pepper, was killed in the most brutal way. In broad daylight, Evan Michael Joslin set out in a stolen truck filled with drug paraphernalia, despite being under continuous restraint since 2016 for DUI and other charges. He drove across the median and several lanes of oncoming traffic at high speed and hit Stacy's car head-on, flipping and crushing it beyond recognition. The violence of the crash shocked veteran police and fire rescue teams from three different districts, taking more than 3 hours to extract Stacy's broken body from the wreckage. Stacy was only minutes from home. After leaving Stacy trapped inside, her killer heartlessly ran unharmed from the scene after grabbing evidence in the stolen truck, leaving her to die while he hid. We were forced to bury Stacy while her killer was still at large. This crash was not an accident. Stacy's catastrophic death was the result of the decisions of a serial criminal who showed time and time again that he was a danger to our community.

In the year and a half that followed Stacy's horrific death we were in and out of courtrooms advocating with all our might to protect our community so that other families would not have to suffer as we have, and to get some sense of justice for Stacy. Stacy's killer has a pattern of behavior that proves that warnings, limits, and public safety precautions are meaningless interventions, and the only way to mitigate his risk to the community is incarceration. Judge Benjamin Leutwyler was well informed regarding the defendant's decades long criminal history and extreme danger to our community and we were hopeful we would get justice. Instead, we only felt further victimized in his courtroom.

Judge Leutwyler failed to "hear" the victim impact statements presented; cited "evidence" that did not exist; ignored criminal statute and awarded Stacy's killer with more days of pre-sentence confinement credit than allowed by law; insulted our dead daughter's legacy as well as our integrity by dismissing and mischaracterizing our family's law-based sentencing requests as simple emotion; and claiming for his role "there is no intellectual process going on" and "nothing that I can do".

Judge Leutwyler revealed his biases by misstating that our wish was for the defendant to be administered "Old Testament Justice," when we never ever used that term nor suggested any sentence above the penalties established by law.

Judge Leutwyler insulted our dead daughter's legacy as well as our integrity by dismissing and mischaracterizing our family's law-based sentencing requests as simple emotion. Judge Leutwyler knew we were asking for a previously agreed to plea bargain in his own courtroom only weeks prior to be honored instead of rewarding the defendant with a significantly reduced plea deal for underestimating the consequences of his actions in an unrelated case. By accepting the plea deal, Judge Leutwyler effectively invalidated another Judge's ruling for the perpetrator's

other crimes. Yet, it was easier to dismiss our valid law-based request as simply emotional and falsely state “there is nothing I can do” that will help.

Judge Leutwyler unnecessarily and inappropriately cited “some evidence” related to the defendant’s condition at the moment he killed our daughter. No such “evidence” exists, and his inclusion of this factually erroneous statement is irresponsible at best and incompetent and reprehensible at its worst. Judge Leutwyler chose to highlight non-existent “evidence” with the expressed purpose of mitigating the defendant’s heinous actions and sentencing considerations.

Judge Leutwyler failed to protect our community. He had a responsibility to accurately award Presentence Confinement Credit but ignored criminal statute and awarded Stacy’s killer with more days of pre-sentence confinement credit than allowed by law, benefitting a violent recidivist at the expense of justice for Stacy and the safety of the community. Every second matters. If Stacy had left the house 1 minute later, she would still be alive right now. Joslin earned every minute of the sentences he accumulated in different jurisdictions, and because of Judge Leutwyler’s cavalier actions, he will now be eligible for parole earlier than he earned.

Judge Leutwyler spent most of his sentencing summation opining on his judicial limitations rather than focusing on his judicial options. His remarks were directed in total towards us, the victim’s family. This was a sentencing hearing for a violent career criminal pleading guilty for killing our daughter with many additional aggravating circumstances, and yet Judge Leutwyler did not direct a single syllable of condemnation, admonishment, or castigation towards the defendant’s criminal history or his horrific actions that resulted in the entirely preventable death of our precious daughter.

In my opinion, Judge Leutwyler’s irresponsible practices in addition to his lack of judicial empathy, his insulting behavior towards victims and their families, as well as his being an apologist for criminal behaviors, makes him unqualified to be retained as a judge. These professional flaws place the general public at great risk and heighten the threats to community safety.

Elections have consequences up and down the ballot, and, in Colorado, voters have a right to decide whether a Judge should keep his job. Colorado deserves justice for violent crimes, not a Judge that causes further suffering.

If your child was killed, would you want Judge Leutwyler responsible for the sentencing?

Neil V. Pepper
Father of the killed victim, Stacy Pepper

(The preceding is entirely the personal opinion of the family of Stacy Pepper)