

DISTRICT COURT
WELD COUNTY, COLORADO
901 9th Avenue
Greeley, CO 80631

THE PEOPLE OF THE STATE OF COLORADO

vs.

CHRISTOPHER LEE WATTS

Defendant.

FOR COURT USE ONLY

For the People:

CASE NO. 18CR2003

MICHAEL ROURKE, STEVE WRENN, PATRICK ROCHE

For the Defendant:

JOHN WALSH, KATHRYN HEROLD

NOVEMBER 6, 2018

STATUS CONFERENCE - CHANGE OF PLEA

The matter came on for Hearing before the
Honorable Marcello Kopcow, Judge of the District Court

THE DEFENDANT WAS PERSONALLY PRESENT.

1 THE COURT: Good afternoon. You're welcome to
2 be seated.

3 Okay. We are on the record. It is November 6,
4 2018. It's 2:00 p.m. We are in Division 17 of the Weld
5 County District Court. My name is Marcelo Kopcow. I'm a
6 District Court judge here in Weld County.

7 Last week, the parties requested that we set
8 this matter for a status conference. And before we get
9 involved in that discussion, if I can please have the
10 lawyers identify themselves for the record.

11 MR. WRENN: Steve Wrenn, Michael Rourke, and
12 Patrick Roche appearing on behalf of the People.

13 THE COURT: Thank you.

14 MR. WALSH: Your Honor, John Walsh and Kathryn
15 Herold on behalf of Mr. Watts.

16 THE COURT: Thank you.

17 Mr. Wrenn, would you like me to ask you
18 questions for the Prosecution?

19 MR. WRENN: Yes, Your Honor.

20 THE COURT: Did you want to make a record
21 regarding compliance with the Victims Rights Act?

22 MR. WRENN: Yes, Your Honor.

23 As I believe the Court is fully aware, we have
24 reached an agreement and we're prepared to present that
25 to the Court today. We are in compliance with the

1 Victims Rights Act. Specifically, we have present in the
2 courtroom the family of Shanann Watts and the children.
3 First row, we have Frank Rzucek, Sandy Rzucek, and Frank,
4 Jr., Rzucek. They are present from North Carolina.

5 And I can represent to the Court at this point
6 that they are in full agreement with the terms of the
7 agreement that we will be presenting to the Court
8 shortly.

9 THE COURT: Thank you.

10 And did you want to present that paperwork to
11 me?

12 MR. WRENN: If I have may approach?

13 THE COURT: Sure.

14 Let me make a general comment first. I
15 apologize for not having a big enough courtroom. This is
16 the only available courtroom that has this size. Others
17 are smaller. So I apologize for those of you who feel a
18 bit cramped. There is also a seating capacity in the
19 courtroom.

20 Let me also state that it's pretty obvious that
21 this case draws a lot of emotions with people. I expect
22 that everybody who's in the courtroom act accordingly.
23 If your demeanor is not consistent with that that's
24 required in the courtroom, you're going to be asked to
25 leave. So please be mindful of that.

1 Mr. Watts, it's my understanding that you have
2 reached an agreement with the Prosecution. Is that
3 correct?

4 MR. WATTS: Yes, sir.

5 THE COURT: Okay. Can you give me one second to
6 review the paperwork?

7 So, Mr. Watts, I'm going to be discussing this
8 paperwork with you. If at any time you have any
9 questions, comments, concerns, it's really important that
10 you let me know. Do you understand?

11 MR. WATTS: Yes, sir.

12 THE COURT: So it's my understanding that you
13 are going to plead guilty to all counts set forth in the
14 Complaint and Information; specifically, you're going to
15 plead guilty to count one, murder in the first degree, a
16 class one felony, as relates to Shanann Watts. You're
17 going to plead guilty to count two, murder of the first
18 degree after deliberation, a class one felony, as relates
19 to Bella Watts. You're going to plead guilty to count
20 three, to murder in the first degree after deliberation,
21 as relates to Celeste Watts, a class one felony. You're
22 going to plead guilty to count four, murder in the first
23 degree, with a child being under the age of 12, as
24 relates to Bella Watts, a class one felony. You're going
25 to plead guilty to count five, murder in the first

1 degree, the child being under 12, as relates to Celeste
2 Watts, a class one felony. You're going to plead guilty
3 to count number six, unlawful termination of a pregnancy
4 in the first degree, as it relates to Nico, class two
5 felony. And, you're going to plead guilty to counts
6 seven, eight, and nine, tampering with a deceased human
7 body, a class three felony. Is that right?

8 MR. WATTS: Yes, sir.

9 THE COURT: And it's my understanding, as it
10 relates -- is it solely to count one that this is a act
11 of domestic violence?

12 MR. WRENN: Yes. That's correct, Your Honor.

13 THE COURT: Thank you.

14 The plea paperwork furthermore states that all
15 sentencing options on all counts are open to the Court.
16 However, in exchange for your guilty pleas, the Office of
17 the District Attorney agrees that it will not seek the
18 death penalty.

19 Whether sentencing on separate counts run
20 consecutively or concurrently to each other is open to the
21 Court, with the exception that, at a minimum, the parties
22 stipulate that sentencing on count one, two, three, and
23 six shall run consecutively, as each charge references a
24 separate victim.

25 Do you understand that?

1 MR. WATTS: Yes, sir.

2 THE COURT: Do you understand what the word
3 consecutive means as opposed to the word concurrently
4 means?

5 MR. WATTS: Yes, sir.

6 THE COURT: Your lawyers explained that to you?

7 MR. WATTS: Yes, sir.

8 THE COURT: The plea paperwork continues to
9 state that you will not be permitted to waive a factual
10 basis for any charge. Do you understand that?

11 MR. WATTS: Yes, sir.

12 THE COURT: The plea agreement goes on to state
13 the parties further stipulate that the defendant will pay
14 restitution as determined by the courts, including but
15 not limited to the expenses for funeral and burial
16 expenses for Shanann Watts, Bella Watts, Celeste Watts,
17 and Nico Watts.

18 Furthermore, you are agreeing to pay restitution
19 covering the actual costs of specific future treatment
20 pursuant to 18.1.3-603(1)(c). Do you understand?

21 MR. WATTS: Yes, sir.

22 THE COURT: If you -- the plea agreement goes on
23 to say that the parties are stipulating that the
24 Prosecution may withdraw from this agreement if you
25 commit a new felony offense while awaiting sentencing,

1 which will not be today.

2 Do you understand that?

3 MR. WATTS: Yes, sir.

4 THE COURT: Do you have any questions about
5 anything I have said so far?

6 MR. WATTS: No, sir.

7 THE COURT: Mr. Watts, can you tell me your
8 highest level of education?

9 MR. WATTS: Technical college.

10 THE COURT: So you graduated from high school
11 then went to technical college?

12 MR. WATTS: Yes, sir.

13 THE COURT: Do you have any difficulty reading
14 and/or understanding the English language?

15 MR. WATTS: No, sir.

16 THE COURT: Did you have an opportunity to
17 review this written waiver and guilty plea?

18 MR. WATTS: Yes, sir.

19 THE COURT: The first page explains --

20 MR. WRENN: Your Honor, if I may, I would also
21 point out that on the bottom of the second page, we took
22 the unusual step of having the District Attorney sign the
23 plea agreement, given the nature of the plea, and
24 specifically the fact that we were removing the death
25 penalty from consideration.

1 THE COURT: Thank you.

2 So the first two pages explains all of the
3 rights that you have and the rights you are giving up.

4 Do you have any questions about these rights?

5 MR. WATTS: No, sir.

6 THE COURT: Any questions about the terms or
7 concepts or definitions of any of these words?

8 MR. WATTS: No, sir.

9 THE COURT: Did you have sufficient time to
10 discuss these very important rights with your lawyers?

11 MR. WATTS: Yes, sir.

12 THE COURT: And are you completely satisfied
13 with the assistance of your attorneys?

14 MR. WATTS: Yes, sir.

15 THE COURT: Do you believe that you've spent
16 sufficient time discussing these rights with them?

17 MR. WATTS: Yes, sir.

18 THE COURT: Do you believe that you've discussed
19 different strategies and defenses and gone over all of
20 the Discovery with them to your satisfaction?

21 MR. WATTS: Yes, sir.

22 THE COURT: Did they answer all of your
23 questions to your satisfaction?

24 MR. WATTS: Yes, sir.

25 THE COURT: To date, is there anything that you

1 believe that they should have done that they have not yet
2 done?

3 MR. WATTS: No, sir.

4 THE COURT: So, again, you are completely
5 satisfied with the assistance of your attorneys
6 representing you in this case?

7 MR. WATTS: Yes, sir.

8 THE COURT: Is this your signature that appears
9 in black ink on page 2 of my copy?

10 MR. WATTS: Yes, sir.

11 THE COURT: The next pages of paperwork explains
12 the legal definition -- actually, it's the next three
13 pages explains the legal definition of the crimes that
14 you're pleading guilty to. If these charges proceeded to
15 trial, it would be the Prosecutor's burden to prove each
16 of these charges to a jury of 12 unanimously beyond a
17 reasonable doubt before you can be convicted of these
18 crimes. Do you understand?

19 MR. WATTS: Yes, sir.

20 THE COURT: Any questions about the legal
21 definition of the crimes that you are pleading guilty to?

22 MR. WATTS: No, sir.

23 THE COURT: One second just to review this
24 paperwork.

25 Mr. Wrenn, maybe I'm missing it, where is the

1 definition of domestic violence and intimate relationship
2 in the paperwork?

3 MR. WRENN: It's not in there, Your Honor.

4 THE COURT: Mr. Walsh, would you like me to
5 advise your client of the legal definition of the
6 crime -- excuse me, of the definition of domestic
7 violence and intimate relationship?

8 MR. WALSH: Your Honor, we've been over that.
9 But I'd leave it in the discretion of the Court.

10 THE COURT: So, Mr. Watts, one of the
11 allegations in the Complaint is that count number one is
12 an act of domestic violence. There is a legal definition
13 to domestic violence, as well as intimate relationship.
14 Did your lawyers explain to you the legal definition of
15 domestic violence and intimate relationship?

16 MR. WATTS: Yes, sir.

17 THE COURT: Do you have any questions about the
18 legal definition of domestic violence and intimate
19 relationship?

20 MR. WATTS: No, sir.

21 THE COURT: Would you like me to again advise
22 you of the legal definition of domestic violence and
23 intimate relationship?

24 MR. WATTS: No, sir. My lawyer went over that
25 with me.

1 THE COURT: I didn't understand what you just
2 said.

3 MR. WATTS: No, sir.

4 THE COURT: The next page explains the possible
5 and to some extent the mandatory sentence for the crimes
6 that you're pleading guilty to. So let's just go over
7 that together. Okay?

8 MR. WATTS: Okay. Yes, sir.

9 THE COURT: So with regard to counts one, two,
10 three, four, and five, murder in the first degree, the
11 minimum mandatory sentence that the Court would be
12 required to impose is life in prison without the
13 possibility of parole. Do you understand that?

14 MR. WATTS: Yes, sir.

15 THE COURT: With regard to the unlawful
16 termination of a pregnancy in the first degree, a class
17 two felony, that carries a prison sentence of 16 to 48
18 years confinement in the Colorado Department of
19 Corrections, followed by an additional mandatory parole
20 period of three years. Do you understand that?

21 MR. WATTS: Yes, sir.

22 THE COURT: And there is a potential fine
23 between 5,000 and 1 million dollars. Do you understand
24 that?

25 MR. WATTS: Yes, sir.

1 THE COURT: With regard to count number seven,
2 eight, and nine, those are each class three felonies that
3 carry 4 to 12 years in the Colorado Department of
4 Corrections.

5 If there were sufficient mitigating
6 circumstances, the Court may reduce the minimum sentence
7 to 2 years. If there were sufficient aggravating
8 circumstances, that prison sentence maybe increased to as
9 many as 24 years. And any prison sentence would be
10 followed by an additional mandatory parole period of 3
11 years.

12 Do you understand that?

13 MR. WATTS: Yes, sir.

14 THE COURT: That also carries a potential fine
15 between 3,000 and 750,000 dollars per crime. Do you
16 understand that?

17 MR. WATTS: Yes, sir.

18 THE COURT: Any questions about the possible
19 penalties?

20 MR. WATTS: No, sir.

21 THE COURT: This afternoon, are you under the
22 influence of alcohol or drugs or any other medications or
23 substances, legal or illegal, that affect your ability to
24 think clearly?

25 MR. WATTS: No, sir.

1 THE COURT: Has anybody put any pressure on you
2 or forced you or threatened you to do this?

3 MR. WATTS: No, sir.

4 THE COURT: Are you doing this of your own free
5 will?

6 MR. WATTS: Yes, sir.

7 THE COURT: Do you have any questions that the
8 Court can answer for you with regard to the rights you
9 have, the rights you're giving up, the possible
10 penalties, and what the plea agreement is in this case?

11 MR. WATTS: No, sir.

12 THE COURT: Knowing everything that we have
13 discussed, I'm going to now individually ask you how you
14 wish to plead to each count, and I'm going to read from
15 the charging document.

16 Count number one, again, alleges murder in the
17 first degree, a class one felony. And it alleges that as
18 an act of domestic violence, on or about August 13th,
19 2018, Christopher Lee Watts unlawfully, feloniously,
20 after deliberation, and with the intent to cause the
21 death of a person other than himself caused the death of
22 Shanann Watts, in violation of 18-3-102 subsection one
23 subsection A . How do you wish to plead to that count?

24 MR. WATTS: Guilty.

25 THE COURT: Excuse me?

1 MR. WATTS: Guilty.

2 THE COURT: Count two alleges murder in the
3 first degree, a class one felony. And it reads: Between
4 and including August 12th, 2018, and August 13th, 2018,
5 Christopher Lee Watts unlawfully, feloniously, after
6 deliberation, and with the intent to cause the death of a
7 person other than himself caused the death of Bella
8 Watts, in violation of section 18-3-102 subsection 1
9 subsection A of the Colorado Revised Statutes. How do
10 you wish to plead to count number two?

11 MR. WATTS: Guilty.

12 THE COURT: Count three alleges murder in the
13 first degree, a class one felony. And it reads: Between
14 and including August 12th, 2018, and August 13th, 2018,
15 Christopher Lee Watts unlawfully, feloniously, after
16 deliberation, and with the intent to cause the death of a
17 person other than himself caused the death of Celeste
18 Watts, in violation of section 18-3-102, subsection 1
19 subsection A of the Colorado Revised Statutes. How do
20 you wish to plead to count three?

21 MR. WATTS: Guilty.

22 THE COURT: Count four alleges murder in the
23 first degree, a class one felony. And it reads: Between
24 and including August 12th, 2018, and August 13th, 2018,
25 Christopher Lee Watts unlawfully, feloniously, and

1 knowingly caused the death of Bella Watts, a child who
2 had not yet attained 12 years of age, and the defendant
3 was in a position of trust with respect to the victim, in
4 violation of section 18-3-102, subsection 1 subsection F.
5 How do you wish to plead to count number four?

6 MR. WATTS: Guilty.

7 THE COURT: Count number five alleges murder in
8 the first degree, a class one felony, and alleges between
9 including August 12th, 2018, and August 13th, 2018,
10 Christopher Lee Watts unlawfully, feloniously, and
11 knowingly caused the death of Celeste Watts, a child who
12 had not yet attained 12 years of age, and the defendant
13 was in a position of trust with respect to the victim, in
14 violation of 18-3-102, subsection 1 subsection F, of the
15 Colorado Revised Statutes. How do you wish to plead to
16 count number five?

17 MR. WATTS: Guilty.

18 THE COURT: Count number six, unlawful
19 termination of pregnancy in the first degree, a class two
20 felony. The charge reads: On or about August 13th,
21 2018, Christopher Lee Watts, with the intent to terminate
22 unlawfully the pregnancy of a woman, namely Shanann
23 Watts, feloniously and unlawfully terminated the
24 pregnancy of the woman; further, the woman died as a
25 result of the unlawful termination of the pregnancy, in

1 violation of 18-3.5-103 subsection 1 subsection 2 of the
2 Colorado Revised Statutes.

3 How do you wish to plead to count number six?

4 MR. WATTS: Guilty.

5 THE COURT: Count seven alleges tampering with a
6 deceased human body, a class three felony. And it reads:
7 On or about August 13th, 2018, Christopher Lee Watts,
8 believing that an official proceeding was pending, in
9 progress, or about to be instituted, and acting without
10 legal right or authority, unlawfully and feloniously
11 willfully destroyed, mutilated, concealed, removed, or
12 altered a human body, part of a human body, or human
13 remains, with the intent to impair its or their
14 appearance or availability in official proceedings, in
15 violation of section 18-8-610.5 of the Colorado Revised
16 Statutes.

17 How do you wish to plead to count seven?

18 MR. WATTS: Guilty.

19 THE COURT: Count eight alleges that on or about
20 August 13th, 2018, Christopher Lee Watts, believing that
21 an official proceeding was pending, in progress, or about
22 to be instituted, and acting without legal right or
23 authority, unlawfully and feloniously willfully
24 destroyed, mutilated, concealed, removed, or altered a
25 human body, part of a human body, or human remains, with

1 the intent to impair its or their appearance or
2 availability in the official proceedings, in violation of
3 section 18-8-610.5 of the Colorado Revised Statutes.

4 How do you wish to plead to count number eight?

5 MR. WATTS: Guilty.

6 THE COURT: Count number nine alleges tampering
7 with a deceased human body, a class three felony. And it
8 reads that on or about August 13th, 2018, Christopher Lee
9 Watts, believing that an official proceeding was pending,
10 in progress, or about to be instituted, and acting
11 without legal right or authority, unlawfully and
12 feloniously willfully destroyed, mutilated, concealed,
13 removed, or altered a human body, part of a human body,
14 or human remains, with the intent to impair its or their
15 appearance or availability in the official proceeding, in
16 violation of section 18-8-610.5.

17 How do you wish to plead to count number nine?

18 MR. WATTS: Guilty.

19 THE COURT: Mr. Watts -- excuse me.

20 Mr. Wrenn or Mr. Walsh, is there going to be a
21 factual basis that was going to be presented to the
22 Court?

23 MR. WRENN: We would leave that up to the
24 Court's discretion as to how to proceed with that.

25 THE COURT: Mr. Walsh?

1 MR. WALSH: We would stipulate to the factual
2 basis, Judge.

3 THE COURT: Thank you.

4 So the Court is going to accept your guilty
5 pleas to counts one through nine. The Court finds that
6 your guilty pleas are being entered knowingly,
7 intelligently, and voluntarily. And the Court is going
8 to continue to have Mr. Watts held without the ability to
9 post bond.

10 I believe that we are currently scheduled for a
11 court date on November 19th at 10:30. I am not sure how
12 much time the parties need for a sentencing hearing.

13 I don't have any intentions, given the nature of
14 the crimes that were pled to, there is no need for the
15 Court to have a presentence report.

16 So does November 19th still work for the
17 parties? If we need more than 90 minutes, I'm available
18 the entire morning. So you tell me how much time you
19 need, and I'll be glad to accommodate that.

20 MR. WRENN: Your Honor, our request with respect
21 to timing with sentencing hearing would be two hours. I
22 anticipate members of the family wishing to address the
23 Court, first of all.

24 Second of all, as to the issue of a PSI, the
25 People actually would request the Court order a PSI for

1 classification purposes. It's my understanding that the
2 Department of Corrections is benefitted by that type of
3 report.

4 THE COURT: I don't think I can have it by
5 November 19th.

6 MR. WRENN: It would be our preference, if we
7 are only -- if those are the two options, we'd rather
8 have the 19th sentencing date and not have a PSI. But if
9 we could have both, we'd rather.

10 THE COURT: I need about 30 days, or at least 30
11 days for a PSI, especially with a case of this magnitude.
12 And so, I'm sure DRDC will be able to gather information
13 that they need.

14 Is that okay with everybody?

15 MR. WALSH: Yes. I think that makes more sense,
16 Your Honor.

17 MR. WRENN: That's fine. If that's the position
18 of the probation department, that they don't think they
19 could have one ready by the 19th, we will live with that.

20 THE COURT: I haven't specifically asked them
21 about that. Would you like me to obviously make a
22 request?

23 MR. WRENN: I'll leave it up to the Court.

24 THE COURT: Mr. Walsh?

25 MR. WALSH: I think it makes the most sense to

1 do it at the RDC, considering the nature of the plea here
2 and the sentencing hearing.

3 THE COURT: Okay. So we're scheduled for 10:30
4 until noon. Would you like to get started earlier if you
5 need two hours?

6 MR. WRENN: Yes, please.

7 THE COURT: Okay. Do you want to start at 10:00
8 or a little bit -- a little bit more than two hours?

9 MR. WRENN: 10:00 is fine.

10 THE COURT: Is that okay with you, Mr. Walsh?

11 MR. WALSH: Yes, Your Honor.

12 THE COURT: Okay. So we are going to continue
13 this matter for a sentencing hearing on November 19th at
14 10:00 o'clock for two hours.

15 My understanding is that there is no other
16 courtrooms available that are bigger than this one. So
17 we'll try to accommodate members of the community if they
18 want to be here for sentencing, and I believe Division 16
19 may be available. We are going to try to have live
20 streaming in Division 16 for overflow traffic, since this
21 courtroom may not be big enough.

22 Okay. Are there any other issues, Mr. Rourke,
23 Mr. Wrenn, Mr. Roche, that you would like me to discuss
24 today?

25 MR. WRENN: Nothing from the People. Thank you.

1 THE COURT: Mr. Walsh?

2 MR. WALSH: No.

3 THE COURT: All right. We will be in recess.

4 We will see you November 19th at 10:00 o'clock in the
5 morning. We are in recess.

6 (Proceedings concluded.)

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1 REPORTER'S CERTIFICATE

2 The above and foregoing is a true and accurate
3 transcription of my stenographic notes taken in my
4 capacity as Official Reporter, Weld County District
5 Court, on the date above set forth.

6 Dated at Greeley, Colorado, this 19th day of
7 November, 2018.

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10 _____
11 Michael A. Bouley, RDR
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