

February 15, 2022

The Honorable Jared Polis
Governor of Colorado
136 State Capitol
Denver, CO 80203

Dear Governor Polis,

I am grateful to DAs Dougherty and Rubinstein for communicating to you their objections to the commutation of the sentence of Rogel Aguilera-Mederos. First, I feel vindicated that someone is advocating for the victims in this case. (I.e., the surviving family members and injured parties. The victim is not Aguilera-Mederos, in spite of how the media would like to portray him.) Second, they have laid the framework for the thoughts I would like to express in this letter. It is important to remember the FACTS of this case, rather than the “sympathy” spin put forth in social media. Also important is the timeline, from the trial to the preliminary sentencing to your ill-conceived decision to interfere with what the DAs stress is “a pending case.”

As I say, since I do not need to review the facts or objections that have been addressed, I can go directly to my main issue which is your complete disrespect for the true victims of the April 25 crash, and your inability to answer any of our questions during the December 30 zoom call in advance of the release of the commutation order. As you know, I am the widow of Bill Bailey, one of the fatalities of the crash. As a victim of this traumatic event, according to the Victim Rights Act, I am entitled to “be treated with fairness, respect, and dignity.” I believe that we received none of those courtesies during that meeting. I have seldom witnessed, much less been on the receiving end, of such a complete lack of compassion or empathy that you displayed that day. Knowing that this is the person who governs our state simply gives me chills. Not only was the lack of empathy and connection something that was felt by all of us, it was displayed concretely in your so-called “answers” to our questions. When we asked you why you could not wait for the resentencing hearing which was due to be held in less than 2 weeks, you simply read a paragraph from the letter you wrote to Aguilera-Mederos, saying that “there is an urgency to remedy this unjust sentence.” We asked what the “urgency” was, and you pointed us to the same paragraph in the letter. We asked how this was justice, and your response was still to read from the letter. Finally, when I explained for the last time that the paragraph you were reading did not answer my question, you simply said, “That’s the best answer I can give you.” This is like someone asking, “Why do you love your mother?” and your responding, “I love my mother.” The questioner would explain that you did not answer the question, and repeat, “Why do you love your mother?” If you again responded, “I love my mother,” you are not answering the question. Do you not see that this is how the conversation went with us? What it felt like to us was that you held more sympathy and respect for Aguilera-Mederos than for us, the actual victims of the crime. Can you not conceive of how hurtful that was to all us?

When I went back and read the letter in full, I was stunned by something else you included. You said you were “encouraged by his personal reflection” and mentioned that he had “begun the process of accountability and recognizing the mistakes that led to this tragic event.” I’m not sure where your information came from, but none of us victims have yet heard anything even close to

what you reference. So far, all we have heard from Aguilera-Mederos himself is “I have done nothing wrong.”

Finally, as regards the actual commutation order itself, I’m sure that it has been brought to your attention that there are a number of inconsistencies, if not violations, of the Colorado Revised Statutes 16-17–102. The application for commutation is to be accompanied by a corrections department affidavit “showing the conduct of the applicant during... confinement, together with such evidences of former good character.” The time between the preliminary sentencing on December 13 and the sentence commutation on December 30 was barely over two weeks. I submit that it would be difficult to ascertain in such a short time the “conduct of the applicant during confinement.” Additionally, regarding the evidence of “former good character”: this is a man who lied on employment applications and was terminated from his last job prior to Castellano 03 Trucking. Additionally, as trial evidence revealed, this driver deliberately disabled the Electronic Logging Device (ELD) in his truck so that he could manipulate his driving logs, a violation of federal law. All of this was before the long list of bad decisions he made on the day when those decisions resulted in the death of four (4) people. This is not a man of “good character” who should benefit from your hasty, political machinations.

Finally, the Colorado Statute requires the application to be shared with the district attorney, the sentencing judge, and the prosecuting attorney in “a reasonable time, not less than fourteen days”. From what I understand and what I have seen reported, neither the judge nor the prosecuting attorneys had gotten even an advance copy of the application, much less fourteen days. The first notification to the victims that you were considering an adjustment to the sentence came on December 23, only 7 days before the release of your order. Not only was this half of the required 14 days, but we had to spend the Christmas holidays worrying about what you might do, and why. The weeks of court testimony, the waiting for the verdict, and the surprise about the sentence, and worst of all, the online petition for pardon or commutation all still weighed heavy on our hearts. But we knew that soon there would be a re-sentencing hearing that would finally end the nightmare. Inserting yourself into the situation expanded the nightmare so that it overtook every aspect and waking moment of our lives! These lapses in protocol seem to me to be clear violations of Colorado law.

While there will be more for others to say about this situation and your behavior, I am writing to try to explain to you how it felt for all of us in that meeting with you on December 30. You mentioned at the beginning of the meeting that you hoped that your decision would give us “closure.” I have no idea why you thought that bypassing the justice system would do us any good at all! Quite to the contrary, both your actions and your demeanor served only to open a wound that might have begun to heal. My reason for writing is two-fold. I want my opinions to be included in the permanent record of this case. Also, by explaining to you that your actions caused all of us additional and unnecessary pain and suffering, I hope I can find - not closure - but maybe some peace.

Sincerely,

Gage Evans