



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

I am here today to give a brief statement regarding the charges filed about an hour ago in the case of *People v. Dynel Lane* and the legal basis for those charges and will answer questions regarding those matters only. I will not discuss the specific facts or evidence in the case other than as necessary to explain the charges, nor will I discuss particulars regarding the victim, as she has expressed a request for privacy at this time.

The charges my office filed, which we believe are supported by the law and the admissible evidence and can be proved in a court of law beyond a reasonable doubt to a jury, are as follows: (list of charges)

First of all, it is important to remember that Dynel Lane has only been charged with crimes. She has not been convicted in a court of law. She is presumed innocent, unless and until she is found guilty beyond a reasonable doubt by a jury of her peers. As with anyone accused of a crime in our justice system, she deserves a fair and impartial trial.

Prior to filing formal charges in this case, I met several times with the Boulder County Coroner, Emma Hall, as well as the victim, Michelle Wilkins, her partner, Dan and Michelle's parents and family members, including this morning, when I explained the charges to them.

From the Coroner, I learned that the autopsy, conducted by expert pathologist, Dr. Leon Kelly, did not find any medical or physical evidence that the baby, Aurora, ever took a breath after being taken from her mother. In Dr. Kelly's opinion this was not a live birth. According to Dr. Kelly, the "autopsy and investigation failed to provide evidence that the child exhibited signs of life outside of the womb." I know it has been widely reported in the press, based on an initial police report, from a statement taken from a witness immediately after the events of March 18th, that the witness observed Aurora take a "gasp of breath". Upon a more thorough examination of this witness by the Longmont Police Department, the witness clarified that Aurora was still and her mouth was open, but she was not breathing, which is consistent with the medical evidence from the autopsy and Dr. Kelly's opinion.

We still do not know the exact cause of death, as there were no injuries or other medical issue to explain it, however test results are pending and a final autopsy report will likely take at least 6-8 weeks to issue.

Colorado criminal law defines "homicide" as "...the killing of a person by another." It defines "person" as "when referring to the victim of a homicide, means a human being *who had been born and was alive at the time of the homicidal act.*" (C.R.S. 18-3-101)(emphasis added). Colorado law, under the appellate case, *People v. Lage* further specifies that "'Person' does not include a fetus, even if the child is born following the injury which ultimately results in its death." On this point, Colorado law is absolutely unambiguous.

I understand that many people in the community would like me to have filed homicide charges. However that is not possible without proof of a live birth. A prosecutor, under Colorado law, cannot file murder charges when a baby who is killed has not lived outside the body of the mother. For similar reasons, I cannot bring charges of child abuse resulting in death.

As District Attorney, I have a sworn duty to uphold and enforce the law as it currently stands. District Attorneys do not decide what the law is, they enforce the law as written, which of course, is the essence of the Rule of Law, a fundamental principle upon which our nation and the State of Colorado were founded. I have a sworn ethical duty not to file criminal charges against anyone that are not supported by the law and admissible evidence, regardless of my personal opinion of the law.

As I said I cannot comment specifically on the evidence or facts of the case beyond what I've stated here, however I will answer what questions I can.