

U.S.

Political Questions Swirl Around Theater Shooting Prosecutor

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CENTENNIAL, Colo. — As a young man going through college on an ROTC scholarship, George Brauchler imagined he'd become Gen. George S. Patton, barking orders on the battlefield. But fellow officers urged him to consider law school, and he rose to become a district attorney who puts himself in the trenches.

Now, Brauchler is overseeing the closely-watched prosecution of Colorado theater shooter James Holmes, and his hands-on style and speculation about his political ambitions have only intensified the spotlight on his office.

Defense attorneys have accused Brauchler, 45, of rebuffing a plea deal that would have spared Holmes, whom they contend was mentally ill during the 2012 attack that killed 12 and injured 70, from the death penalty. Instead, what could become a costly 10-month trial is set to begin Tuesday as 9,000 prospective jurors begin to flood the criminal justice complex in this suburb.

Hanging over the case is Brauchler's future, as many Colorado Republicans hope he runs for senator next year or governor in 2018.

"That insistence upon the death penalty certainly seems politically motivated," said Dan Recht, a Denver defense lawyer who has been following Holmes' case. "(Brauchler) may well believe that his insistence on trying to execute Holmes would shore up his conservative base."

Many survivors of the attack argue Holmes deserves death. A gag order bars the normally outgoing Brauchler from discussing the case. In an interview, he said generally: "The decision to seek death is not insignificant to me. It is one that weighs on my conscience. It is one that keeps me up at night."

Colorado has been reluctant to use the death penalty, executing only one person in the past 40 years. But capital punishment is what made Brauchler a political celebrity.

After graduating from the University of Colorado-Boulder, Brauchler decided to forego his dream of joining the cavalry and instead attend law school. When he was done, he joined the Army Reserves and took a job in the neighboring Jefferson County district attorney's office, where he helped secure prison time for two men involved in selling weapons to the Columbine High School shooters.

Now a lieutenant colonel, the square-jawed prosecutor has had his career interrupted by two tours of active duty, including one that sent him to Iraq shortly after he prosecuted a Fort Carson soldier who shot a Taliban leader to death as he lay in an Afghan jail cell.

The married father of four unsuccessfully ran for Arapahoe County district attorney in 2008, when he was briefly a private defense attorney. He said he wanted the top prosecutor's job so badly that he ran again four years later, winning election four months after the theater attack.

But it was another big death penalty case that predated his election by years that thrust him into the political spotlight.

Colorado Gov. John Hickenlooper in May 2013 suspended the death sentence of a man Brauchler's predecessors prosecuted for killing four people at a restaurant in 1993. On the front steps of the state capitol, Brauchler laced into the Democratic governor's decision.

His phone began ringing with Republican powerbrokers begging him to challenge Hickenlooper in 2014.

"Everyone was just blown away by how well Brauchler did at being the voice of opposition," said Dick Wadhams, former chairman of the state Republican party. "That created a real buzz among Republicans."

Brauchler concluded it was impossible to challenge Hickenlooper with the Holmes case looming. Instead, he threw himself into his current office in characteristic style. He tries to personally prosecute cases in which law enforcement officers are attacked or killed.

He insisted on pursuing the death penalty against a convicted child killer who killed a prison guard with a kitchen ladle, even though the guard's family opposed capital punishment and picketed the courthouse during jury selection. Brauchler eventually agreed to a plea that spared the man's life.

However, Brauchler bristles at suggestions that he's a tough-on-crime caricature and points to other cases that show his focus is on justice, not punishment.

His office last year agreed that a mentally ill woman who killed her mother by stabbing her 151 times could plead not guilty by reason of insanity and be committed to a mental institution — the same outcome Holmes is seeking. And he has sought the pardon of a convicted robber who reformed his life.

"I truly believe justice is a spectrum," Brauchler said. "Sometimes that spectrum is dismissal. Sometimes that spectrum is death."

Brauchler shares the Holmes case with four other prosecutors, but every tactical decision has been his own.

"I take responsibility for this case," he said.

Dan Deasy, who worked with Brauchler in the Jefferson County district attorney's office and remains a friend, recalled him as thoughtful and sharp in the courtroom. When Brauchler ran for district attorney, Deasy asked him about the mammoth trial he would inherit.

"He had the exact right response and that was, 'This thing is so big I don't even know how to put my arms around it,'" Deasy said. "He's wrestled with how to handle this case for a long time because, how could he not?"

Brauchler loves being a prosecutor and doesn't obsess over future elected office, said his political strategist, Dustin Zvonek.

"He talks about everything but politics," Zvonek said. "At the end of this (Holmes case), if all goes very well for him, I wouldn't be surprised if he doesn't run for anything."