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1 (case called at 10:58:15 a.m. FTR recording time; inaudibles due to
2 speakerphone quality)

3 THE COURT: Alright. Mr. Kenoyer is present. Good morning. We're
4 a little bit late. It's 11:00 but we have not been fooling around. Mr.
5 Mika's present for Mr. Kenoyer. Mr. Castain is representing the People
6 today.

7 MR. CASTAIN: Yes, Your Honor.

8 THE COURT: And then is - we will refer to her as KD is on WebEx.

9 MR. CASTAIN: That's correct.

10 THE COURT: Let me make sure I have everybody unmuted here. And
11 before we go farther, has everyone been able to review the PSI?

12 MR. MIKA: We have, Your Honor.

13 THE COURT: Alright and any corrections to the PSI?

14 MR. MIKA: Your Honor, just that we had provided the Court with
15 some supplemental information. That would be the only thing that was
16 not available to the PSI author.

17 THE COURT: Okay. Thank you. I have reviewed the PSI also, Mr.
18 Kenoyer through Mr. Mika submitted proof of two different classes that
19 were recommended by probation. Proof of useful public service, numerous
20 character letters or letters of support and also the letter of Ann
21 Freeman (phonetically) who I think had been providing some therapeutic
22 services to him and then you also filed some additional stuff. I think
23 an additional update from Ann Freeman. It all came in last week. I was
24 gone last week, but I was able to review it all.

25 MR. MIKA: Also, I think there was a transcript that was provided

1 and the PSI - PSIR should contain apology letters -

2 THE COURT: Correct.

3 MR. MIKA: - to the victim as well as the (inaudible due to loud
4 truck noise in background) -

5 THE COURT: Well we're in a construction zone so that's okay. Why
6 don't you pause for just one moment.

7 MR. MIKA: I believe there were two apology letters to the victim
8 as well as the Department and the community.

9 THE COURT: That's correct. Thank you. Alright. Mr. Kenoyer, if
10 you want to have a seat. Mr. Castain, how do you want to proceed? Does
11 KD want to be heard or -

12 MR. CASTAIN: She does, Your Honor. She wrote a statement. We were
13 notified that she wanted to read it to the Court directly. I have a
14 copy in case she is unable to move forward. So just so the Court knows
15 there may be some switching in and out. And then I know I have some
16 additional updates she wanted me to prine upon.

17 THE COURT: Ma'am, this is Judge Sells here in Cripple Creek. Can
18 you hear me okay?

19 KD: Yes, Judge.

20 THE COURT: Okay. So I'm going to refer to you by your initials if
21 that's okay, KD? I don't mean to sound informal, but typically due to
22 the nature of the charges and whatnot I don't refer to you by your full
23 name, but that's up to you. And so Mr. Castain indicated you would like
24 to read a statement or say something before sentencing. So if you're
25 ready to go, I'm all ears ma'am.

1 KD: Yes, Your Honor. Thank you for your consideration. May I
2 - I initially state that I was unaware of any apology letters. I have
3 not received anything from Mr. Kenoyer. When I initially met Mr.
4 Kenoyer at the Cripple Creek Police Department in October of 2021, I
5 was there to file a police report regarding stalking, fraud, abuse, and
6 sexual trafficking. I was in an extremely vulnerable state. I was
7 terrified, hurt, alienated. I believe that at that time Mr. Kenoyer did
8 not see me as a victim or even a witness. From the time he met me and
9 throughout the entirety of the time he was with me he saw me as a
10 target and a toy and nothing more than an easily influenced abandoned
11 member of society that had no protection, no family, and no one who
12 would help me. Mr. Kenoyer used the training and skills that he learned
13 during his time as a police officer and an investigator to gaslight me,
14 manipulate me, and take advantage of me for his own desires and sexual
15 perversions. Mr. Kenoyer convinced me that he cared for me and that he
16 would help me and protect me. He started messaging me the very next day
17 after my initial police report in October of 2021 and initially he was
18 asking me questions about his supposed investigation and the sex
19 trafficking and those questions turned into inquiries of whether or not
20 I liked it, initiated it, or wanted it. He sent me messages about the
21 screen shots and the discourses that I showed him and said that I
22 seemed to him that I welcomed such contact. I explained to him at the
23 time that these people had my children and that I would have done
24 anything to protect them. The same any mother would do to keep her son
25 and daughter safe. He told me he understood and he built a relationship

1 with me supposedly based on trust and mutual attraction and I am
2 not proud of my actions, but Mr. Kenoyer had me in bed having sexual
3 intercourse with him at the Double Eagle Casino Hotel less than a week
4 after I filed that initial report. Danny Garcia (phonetically) of
5 Pueblo CBI has a friend who downloaded my cell phone cataloging all of
6 these messages to meet up at the hotel as well as the text messages
7 incurred that Mr. Kenoyer later voided out of those police reports from
8 the Cripple Creek Police Department system entirely, wiping out any
9 record of them. There are multiple offenses thar Mr. Kenoyer and those
10 that assisted him in manipulating me, gaslighting me, and exploiting me
11 will never be charged for. However, those offenses are forever
12 documented on the internet, and porn sites, and in my nightmares. I am
13 a cyber security student attending Colorado State University with
14 specializations in criminal forensics and homeland security and
15 intelligence. When Mr. Kenoyer met me, I was a 4.0 student and my dean
16 was allowing me to overload my classes so I could graduate earlier.
17 Since meeting with Mr. Kenoyer and dealing with the aftermath and
18 psychological and physical damage that Mr. Kenoyer caused me, I have
19 had to withdraw from three full terms of courses. The videos that Mr.
20 Kenoyer posted online of me without my consent as well as the
21 psychological damage that those have caused have crippled my education
22 and quite possibly destroyed my chances for a career in cyber security.
23 I don't know of anyone who will ever hire me when they do a background
24 check and find my naked pictures online advertising me as a prostitute
25 and a cop whore. The sexual acts that I did agree to with Mr. Kenoyer

1 as well as the pictures that I willingly took for him were agreed
2 to under the understanding that he cared for me and that the attraction
3 was mutual and that what I gave him was for his personal use and would
4 never be exploited or shared or used by anyone else ever. I have since
5 found videos of our sexual encounters that were taken without my
6 consent posted online and used to advertise me as a supposed
7 prostitute. I have found my pictures altered and misused. I have found
8 videos of sexual encounters I never agreed to on porn sites. The trust
9 I placed in Mr. Kenoyer during what were supposed to be private
10 encounters and acts that he and I alone shared together were exploited
11 and the heinous and sexual deviant and twisted versions of what I never
12 all imagined, understood, consented to, or agreed to. It caused me so
13 much psychological damage that a previous disability and diagnosis for
14 post-traumatic stress disorder was re - reevaluated and re-diagnosed to
15 complex post-traumatic stress disorder, specifically due to the events
16 that occurred with Mr. Kenoyer and his manipulations of my disability
17 and vulnerability. And after all of that Mr. Kenoyer called me one day
18 in the early fall of 2022 and once again used his psychological
19 training to con me and tell me that his job and career and home were in
20 danger if I did not lie and write his Chief a letter stating that no
21 encounter with him ever occurred. Mr. Kenoyer pleaded with me to
22 protect him and lie for him even though he never once protected me and
23 at the time I still cared for him so much that I agreed to write the
24 letter to Chief Bright. The letter that not only demeaned myself,
25 further damaged my mental health, and crippled what was left of my

1 self-esteem and self-worth. But I was also conned into perjuring
2 myself to the chief of police of the Cripple Creek Police Department.
3 This is only one of the acts that Mr. Kenoyer has pled guilty to an dis
4 being sentenced here for today. Mr. Kenoyer never cared for me as he
5 led me to believe as he used his psychological training as a police
6 officer and a detective to manipulate and take advantage of
7 vulnerabilities that were already present in me, for no other reason
8 than it was amusing and useful for him at the time and to satiate his
9 own sexual desires. He misled me, he gaslighted me, he coerced me and
10 he caused irreparable mental damage for no other reason than he could.
11 He could. He took my family, my church, my safety, my security, my
12 home, my dogs, my mental health, my savings, my investments, my
13 reputation, my future in cyber security, my business, and my faith in
14 an organization of individuals that I should have been safe with and
15 been able to trust above all other the police. It is for these reasons
16 that I respectfully speak here before you Your Honor and the Court
17 today and I respectfully request that you show Mr. Kenoyer no leniency
18 in his sentencing and his restitution. Irreparable damage has occurred
19 and what he's being sentenced for here today is but a drop in the ocean
20 compared to what he will never be investigated for, charged for, or
21 even be held accountable for. I have to rebuild my life and my
22 education and hopefully what is left in my future career. And this is a
23 mar in my reputation and my future that will never be removed or
24 completely erased. It will come up in every background investigation,
25 every job interview, every security clearance I ever apply for. I

1 respectfully ask the Court for closure and restitution and that Mr.
2 Kenoyer be held fully accountable for the damage he has caused so that
3 when I am forced to look back on these incidents and traumatic events
4 in my future, I will have some closure and hopefully I will be able to
5 heal and move on. Thank you for your time, Your Honor and thank you for
6 allowing me to speak.

7 THE COURT: Thank you, Ms. KD. Mr. Castain?

8 MR. CASTAIN: Thank you, Your Honor. In speaking with the victim -

9 THE COURT: Make sure there's a microphone in front of you.

10 MR. CASTAIN: In speaking with the victim this morning she also
11 asked if the victim impact statement she had provided to our office had
12 been made available to the Court. In reviewing the PSI it appears that
13 the probation officer certainly never saw it. By and large as I've been
14 listening to the victim and the statement that she just provided the
15 Court, the same kind of information is contained within the victim
16 impact statement. I think that the Court more eloquently and more
17 pointedly is hearing it from the victim today, but I do want to let the
18 Court know that she did provide some additional information within this
19 victim impact statement. The reason I say that is we do not have a
20 restitution pay out order for the Court today. We would ask that the
21 Court order restitution and allow the District Attorney 42 days to
22 submit a finalized order. In part that's because the victim has
23 provided a list of requests for restitution to our office and the
24 victim's compensation. Some of those requests have been denied and she
25 is as is her right requesting that we reevaluate and that victim's comp

1 kind of work through their appellate process to see if they have
2 any of these items that would actually be requested and fined. And so
3 I'm asking for that time so that that process and procedure can be
4 followed. We have been working with her in the time between the plea
5 and today's date to try to get some of that done, but it is not done as
6 of today. In terms of the sentencing for the Court and the request for
7 specific additions today, I am asking that the Court impose the full
8 jail sentence available to Your Honor. In part that is because of the
9 nature of this offense. The defendant's position at the time that he
10 utilized his law enforcement status in order to, to take advantage of a
11 person who was in a vulnerable position. As an officer of the Court I
12 have to acknowledge to the Court that all of the information that Your
13 Honor became aware of during the preliminary hearing and that we have
14 within our investigation indicates that while the defendant used his
15 position as the kind of cover to start the conversation, the
16 conversation between the defendant and the victim never involved any
17 potential threats that the defendant would not investigate a case,
18 would initiate other cases against the victim, or would take some other
19 official action if she did not perform some kind of sexual thing. The
20 statute that the defendant was originally charged under criminalizes
21 any kind of sexual contact whether consensual or otherwise when the
22 defendant is in a position of authority over the other individual
23 whether they be a witness, victim, defendant - the statute doesn't
24 distinguish. It doesn't delineate between those. But I think it's
25 important for the Court to understand that we don't see those kinds of

1 intimidation or threats explicitly within the communications
2 between the defendant and the victim. And while I think the victim
3 statement today does make clear that she had a consensual relationship
4 at times with the defendant, the statements about these kind of other
5 things popping up online. I have no information to provide the Court
6 about any of those, where they are, or what they look like. I know the
7 victim's been in contact with CBI throughout this investigation, so to
8 the extent that they are working with her to identify websites or other
9 areas that need to be cleansed - I just don't have any of that
10 information at all. I think the reality though is that once something's
11 posted online it becomes available to a lot of people, not just the
12 individuals who post the image themselves. What is clear is that the
13 defendant and the victim engaged in sexual conduct that involved the
14 taking pictures or videos and the consensual posting of those videos to
15 specific websites. Those websites and the content that were created are
16 part of the discovery and we know who has access to that particular
17 account. But once something's online, hacks, data breaches, all kinds
18 of things can happen to change who has access to those and I don't have
19 any information for the Court that the defendant has been specifically
20 involved in moving to manipulating those images at this time. Obviously
21 if he has, that's opening the potential for other criminal charges and
22 other criminal conduct and may land him back in Court soon. What I do
23 think is important for the Court to know and to take into consideration
24 is this is not the defendant's first time being in this situation.
25 Having a sexual relationship with somebody that he's involved in in a

1 professional capacity. Because of that, the District Attorney's
2 Office believes that that the potential that this is a jail sentence
3 and permanent felony conviction with the change that the defendant will
4 hopefully never be involved in law enforcement again, makes it
5 appropriate for the Court to rule. The defendant has previously as
6 noted in the PSI and through some of the letters that had been
7 submitted to the Court worked for the Colorado Springs Police
8 Department. He was called to be a backup officer to respond to a
9 potential hit and run investigation. His only job was to stand there
10 and make sure that the other officer investigating this case had no
11 harm come to him. And he did that. A few hours later, after this
12 individual had been served and released with a summons, the defendant
13 was - responded to a call for service from that defendant at this point
14 saying that they could not locate their cell phone and the defendant
15 agreed to go back to this individual's apartment and help them. At that
16 point he struck up conversation and agreed to come back later during
17 his shift. The reason I say all of this was because that conversation
18 was not purely professional. It developed into personal conversations
19 about the defendant's 8 month old children, his marriage at that time,
20 and other personal interactions between the defendant and this now
21 defendant. The defendant did go back to this other individual's
22 apartment. He engaged in sexual contact with this other individual
23 while on duty and then left to go back to his shift. After his shift,
24 he then returned to this other individual's apartment and continued to
25 have more sexual activity. After this even occurred, the defendant

1 faced repercussions. In part, because of the nature of his
2 position, the abuse of power that that applies for an officer who is
3 involved tangentially admittedly with the investigation of an
4 individual for a crime and then receiving sexual favors from that
5 individual, but also because through the kind of conversations with
6 this other individual, that person agreed to essentially sign a
7 contract saying I will never bring this up with IA, I will never bring
8 this up with the DA's office, I will never bring it up in my other
9 case. As that situation developed -

10 MR. MIKA: Can I just interrupt? We have not had specifics of this
11 information provided to us in advance to this. What we have is we have
12 testimony from a prosecutor who is giving up - who is producing
13 information to the Court. And we're really at a loss not having
14 information related to this and I think that it's important that we -
15 that that is not at issue here in this Court room and I think it's not
16 appropriate for that to be presented at this time.

17 THE COURT: Mr. Castain, are you indicating that you have no
18 knowledge of -

19 MS. MIKA: I have knowledge of some previous investigation, but
20 the specifics of which we - I don't have any of that information.

21 MR. CASTAIN: So I am quoting directly from material that was
22 provided in the initial map of discovery to defense counsel and my
23 offer email to Mr. Mika specifically cited to this document.

24 MR. MIKA: Then we missed it because I don't have any recollection
25 of seeing any of that.

1 THE COURT: Then I'll overrule your objection, thank you. Go
2 ahead.

3 MR. CASTAIN: The reason that I specifically bring this up with
4 the Court is not just that this is something that seems to be
5 reoccurring behavior on part of the defendant, but in his previous
6 interactions with the Colorado Springs Police Department, what he
7 indicated was quote "you can't allow yourself to be put in situations
8 because you represent the department. You have to think about your
9 family. Which is stuff I should have always been thinking about. I
10 could have - I did embarrass the department. It could have a public
11 embarrassment depending on how it went. I definitely embarrassed my
12 family, embarrassed myself, and it's an abuse of the position I hold as
13 an officer. So I learned. I should have learned a lot because at the
14 academy they discuss the three things - the blue - you discussed it
15 with us, sir - that we could get in trouble and this one of the things
16 that was the most emphasized, this situation." People make mistakes.
17 This is not the first time the defendant has done this and the lessons
18 that he supposedly learned previously have not sunk in and we are now
19 back a second time. Now with a criminal statute that directly
20 criminalizes the behavior that the defendant engaged in previously.
21 We're now here before Court and Your Honor is deciding what sentence to
22 impose. I'm asking for the jail sentence because the defendant needs to
23 have this completely, completely drilled in. As a community I think
24 it's important that we hold law enforcement to a higher standard and
25 that we should when police officers make mistakes that they're held

1 accountable. The first time, it was a very poor decision. And it
2 resulted in consequences. The second time it should be worse. So I'm
3 asking the Court to impose a jail sentence for those reasons. The terms
4 and the conditions of the probation itself, the PSI writes - suggests
5 several options, many of which the defendant has already completed and
6 the proof of which has been submitted to the Court. If the Court is not
7 inclined to impose a jail sentence, not inclined to impose the full 60
8 days, then I would ask that the Court impose additional community
9 service hours for the defendant and I would ask as the PSI recommends
10 that the Court impose supervised probation. I recognize that defense's
11 request may be for unsupervised because he has completed many if not
12 all of the recommendations of the PSI and the conditions that can be
13 imposed, but I do think it's important that when officers, now former
14 officers engage in criminal conduct, that they be held accountable and
15 they get put into a level where they need to be supervised. It's not
16 just the sexual conduct that is offense. It's the lies, the cover up,
17 the manipulation that creates the criminalized behavior through my
18 investigation. And I think an appropriately strong reaction sentence is
19 merited given those facts.

20 THE COURT: It may be unlikely that Mr. Kenoyer would be able to
21 secure a law enforcement position, but are you asking for a prohibition
22 from working in law enforcement for the next few years?

23 MR. CASTAIN: Yes. I have not thought of what the constitutional
24 implications of that are, but I would ask that the Court impose that as
25 a condition.

1 THE COURT: Alright. Thank you. Mr. Mika, how do you want to
2 proceed?

3 MR. MIKA: Your Honor, if I may I'll just speak to the Court. Your
4 Honor, sentencing for my client certainly that he finds himself in the
5 criminal justice system as well as the Court and any lawyer that's
6 involved in the case - it's one of the most difficult times that a
7 lawyer is defending somebody has an opportunity to try to convince the
8 Court that this gentleman is worthy of some sort of consideration and
9 leniency in determining how to treat him. When I walked in this Court
10 room as well as the prosecutor and the Court, we all had titles.
11 Obviously we are officers of the Court, you were of course a Judge,
12 prosecutor was a law enforcement official. We all have titles and the
13 one thing that never leaves us is our human framework. There are times
14 when in spite of our title and the expectations that people have of us,
15 they come with that title that we are human beings and elevating us to
16 some sort of super human consideration is oftentimes we fail in ways
17 that (parties pause due to construction noise).

18 THE COURT: I specifically asked Mr. Mika to stop as we're in a
19 construction zone.

20 MR. MIKA: But because we are humans that we make bad decisions. I
21 do it weekly. I do it at home in my personal life. I do it at work. I
22 make mistakes and I oftentimes repeat those mistakes. But I have the
23 desire and the will as well as Mr. Kenoyer to do better, to try to do
24 better and accomplish - live up to those expectations. He didn't do
25 that in this case. He breached the trust in the community and everybody

1 else that was expecting more from him and he acknowledged that,
2 Your Honor. But we do hold for - we hold ourselves up sometimes to a
3 standard that we can't reach and when I'm saying that we all should
4 strive to do better and we are all trying to live a perfect life and do
5 what we can to - but we do find ourselves making - falling off that
6 path sometimes and I think that's what's happened in this particular
7 case. When we approach a sentencing, the Court is looking at an
8 incident and in this case now an allegation of a second incident in
9 this man's entire life. It's isolated to those two particular events
10 that the Court looks at. The reality is is that he has created a volume
11 of good works and acts in his entire life that are not - that are more
12 typical and demonstrative of the kind of person he is and the human
13 being that he is. In five years - five years ago, he walked into a
14 motel that was on fire in Cripple Creek and drug two people out of that
15 hotel and saved their lives. He was airlifted as well as the other two
16 victims to a hospital in Denver to be treated for burns and smoke
17 inhalation. He has performed by most accounts his job professionally as
18 well - you can see that in some of the letters who were written by
19 people who had the privilege of actually working with him. (parties
20 pause due to construction noise). Your Honor, he took that
21 responsibility of his job very seriously and he demonstrated that in
22 the way he treated most everybody in this situation. Yes, he found
23 himself vulnerable to his own human desires and interests and he took
24 advantage of somebody. There's no question about that. We also know
25 that when we're evaluating whether somebody deserves to be

1 incarcerated, we have to look at what efforts that person puts in
2 place to try to make a change or difference in their life and to learn
3 from this - the particular experience that's happened. He has completed
4 the victim impact statement, Judge. He has gone to counseling. He's
5 been dealing with the humiliation that he's received in the community
6 that he's exposed himself and his family to. This has been a highly
7 publicized case. He has taken steps to educate himself so that he can
8 get out of law enforcement. He has enrolled in making better choices
9 courses which all relate specifically to this particular incident and
10 this particular conduct that he's been accused of and he's pled guilty
11 to. Mr. Kenoyer, Judge is one of those individuals that had a very
12 difficult and high pressure job. We find a lot of law enforcement
13 officers find themselves in this particular position. There are law
14 enforcement officers all over the country. When there were riots and
15 there were law enforcement officers making bad choices and bad
16 decisions at work, it's oftentimes related to the stress and the
17 pressures that they're under. I'm not making excuses for Mr. Kenoyer,
18 but I'm also (parties pause due to construction noise) - I also think
19 it's important to understand that that job and that walking out of your
20 house, not knowing whether you're going to return because you're going
21 to be faced with a life ending event, maybe has more to do with
22 distracting and some of the distractions of the human condition that we
23 who don't have that experience in our lives like Mr. Kenoyer and others
24 have faced bring this kind of situation to the attention of the Court.
25 I also think the Court should understand that Mr. Kenoyer has a family.

1 He has two children. He's trying to make repairs to all of the
2 damage that's been done to his family. He has engaged in a job that is
3 - it's hard work and menial labor. He does landscape contract work. He
4 drives an Uber. He's working two jobs, both day and night. He also has
5 been going to school so that he can - as you can see from his
6 transcripts, he's doing everything he can to excel with that manner.
7 He's going to live with for the remainder of his life a felony
8 conviction and that's something that's going to prohibit him and
9 prevent him from ever - from obtaining the kind of high level job
10 that's necessary to fully and financially care for his family. But he's
11 - if it means working two jobs and doing that, that's what he's going
12 to do and that's what his plan is is to try to do that. If the Court
13 imposes jail in this case, I would ask that the Court consider work
14 release and I think there was a discussion in - at the time of the plea
15 that we have, that we be allowed to do work, that we be allowed to have
16 work release although El Paso County doesn't have a work release
17 program. We're also concerned about the safety of him in jail because
18 of his position as a law enforcement officer at the time. So we have
19 contacted Judge, Park County and Park County has indicated that they
20 have a work release program and that he would be acceptable to come and
21 go to Park County and serve his jail sentence there if the Court is
22 inclined to impose jail. I think the PSIR Judge reflects that and I
23 think a lot of time was put into this by the probation officer and the
24 supervisor, indicating that he follow the recommendations many of which
25 have already been done. There is no request in this PSIR that he go to

1 jail. He has on his own done 100 hours of community service to pay
2 back (Mr. Mika pauses for construction noise) - to pay back this
3 community, that which he took from them, and to try to restore some
4 trust in law enforcement. I think if you read his letters, Judge
5 they're heartfelt and they represent the kind of man that really is the
6 one standing here in this Court room today, not judged by those two
7 individual instances in his past. I would ask the Court to consider if
8 the Court is inclined to give him jail to allow him to have work
9 release and I would ask that the Court adopt the recommendations by the
10 presentence investigation report.

11 THE COURT: Mr. Kenoyer, will you step on up to the podium and if
12 you want to be heard, now would be the time for you to make a
13 statement. You don't have to make a statement, but -

14 MR. KENOYER: Yes, Your Honor. I would like to make a statement. I
15 want to express my - how sorry I am for the decisions I made and the
16 hurt that I've caused with my actions in this case. I take full
17 responsibility for my actions and that is why I tried to get those
18 classes done and make extensive efforts to change the flaws in myself
19 and to make myself a better person to prevent this from happening in
20 the future. I want the Court to know that I'm committed to changing
21 those behaviors and being a better person for my family, my wife, my
22 kids. This situation has really shown me where my values need to lie
23 and being home with my kids has really shown me that with how much I
24 used to work and the things that I used to do, I was missing out on a
25 lot and I think that - I think my job and my time away from them really

1 affected my relationship with them. (construction noise)

2 THE COURT: Just hang on a second. (parties pause due to
3 construction noise)

4 MR. KENOYER: Alright. So I am dedicated now for the rest of my
5 life to making sure that my kids and my family are taken care of and
6 that I can put the effort in to better myself so that I can do that.
7 Again, I want to express my regrets to the hurt I've caused to the
8 community and the people involved in this, my family, and the
9 embarrassment I've caused them. I am really putting an effort in to
10 changing myself through my education and those classes. And a big part
11 in meeting with Ms. Freeman and I want to ensure the Court that I have
12 no intent to ever become a police officer again. That's not - obviously
13 that can't happen and I'm dedicated to moving on to something else so I
14 can take care of my family and that I can guarantee the Court that I
15 will never be back in here again.

16 THE COURT: Alright. Thank you. Just stay there. Well a couple
17 things. I have reviewed the presentence investigation report, all the
18 documents that have been filed on your behalf, the extensive police
19 reports that were attached to the PSI and I did not go back and pull
20 all of the search warrants associated with this case, but I have a
21 memory of signing the vast majority of them or at least reviewing them
22 when they came in and they were a significant amount - a significant
23 amount of investigation was done both locally and by the Colorado
24 Bureau of Investigation. The Court's parameters are limited in this
25 case because there is a stipulation for two years of probation with a

1 cap of 60 days and Mr. Kenoyer entered a guilty plea to count
2 three, attempt to influence a public servant, a felony four in which
3 Charles "Bud" Bright who is the police chief next door is the named
4 victim in that case and also entered an offer plea to the public
5 indecency. Teller County is a small rural county. Cripple Creek is a
6 very small town. As we sit here in this Court room we can all look out
7 the window and probably 30 yards as the crow flies if that much is the
8 Cripple Creek Police Department front door where citizens enter on a
9 daily basis or people who have been victims of crime or just need the
10 services of the Cripple Creek Police Department go in that front door
11 on a daily basis and I will say Mr. Kenoyer that it is significant to
12 me that you have completed the 100 hours of useful public service, that
13 you have completed the victim empathy class, completed the behavior
14 modification class, and I will give you credit for enrolling and
15 seeking therapy because clearly you have a need for it and I suspect
16 that Mr. Mika had some impact on being proactive, but the bottom line
17 is you get credit for having done and that is something I will take
18 under consideration. And those are all factors that weigh in your
19 favor. Mr. Mika is correct; we are all imperfect beings. I certainly am
20 and we all make mistakes. Sometimes unfortunately we repeat those
21 mistakes, we hurt the people that we love and hurt the people that we
22 don't love, and we're just a people who make mistakes and I am
23 sentencing you for what you did in this case, not what you did or
24 allegedly did in El Paso County. But clearly in reviewing the discovery
25 in this case, the extensive communication between you and Ms. KD, and I

1 mean this respectfully, she called herself a vulnerable person and
2 she certainly was. And clearly as she came asking for help, you
3 recognized that she was a vulnerable person, you took advantage of her
4 vulnerability, you took advantage of the power and authority that you
5 as a Sargeant/Detective had in Teller County. People look up to - some
6 people look up to law enforcement. Some people look up to Judges,
7 lawyers, those types of things and that's a heavy handle that we have
8 to bear sometimes. And you absolutely took advantage of her and engaged
9 in a significant and prolonged sexual relationship with her and you're
10 not the first person to be brought down by the inability to control
11 his/her sexual urges, but you - you know you care about your kids, you
12 care about your family, but they obviously were not your concern at
13 that point. And I'm not minimizing the harm that you have done to your
14 family and whether that's repairable or not, I don't know. I hope that
15 it is for your sake and for your family's sake. But you made the
16 conscious decision to mislead the Chief of Police. You made a conscious
17 decision to mislead your coworkers and it's not lost on me that a
18 number of your former law enforcement coworkers have written letters of
19 support. But you knowingly undermined your own agency and you knowingly
20 in your action undermined any confidence that the vast majority of
21 people have in law enforcement. What's the next person going to wonder
22 when he or she goes up to the Cripple Creek Police Department, can I
23 trust the person I'm talking to. Is it a person in law enforcement
24 going to take advantage of me, sexually come visit me, come take
25 advantage of me, try to initiate a personal kind of relationship. And

1 then you took steps to attempt to erase or remove records that were
2 in the Police Department over there. And I am going to impose a jail
3 sentence because I think your actions absolutely cry out for it. For
4 me, there should be one system of justice that applies for everyone in
5 this country. That's not always the case. But as a law enforcement
6 officer, you took advantage of people, you tried to hide it, it was
7 repeated, and yes, you did take responsibility for your actions after
8 you were caught and you did enter a guilty plea. And no person is above
9 the law and certainly should not be in Teller County. I have considered
10 the statutory factors under 18-1-102.5 and accordingly am going to
11 sentence you to two years of supervised probation. I'm going to find
12 that you have done the victim empathy class, you have done the behavior
13 modification class, you have done 100 hours of community service and I
14 am not going to impose any more. I am going to give the People 30 days
15 to submit a request for restitution, 14 days to file objections to my
16 standard order since the week's decision to do 30 days in Teller
17 County. You are going to - I am going to impose the standard conditions
18 of probation. You are to maintain verifiable employment. I will impose
19 the standard victim's compensation, victim assistance fees, and Court
20 costs, plus the 75 hours of substance abuse assessment and am going to
21 enter an order that you not work as a post-certified officer in
22 Colorado during the time that your employed. I have given significant
23 consideration to a jail sentence, whether it's appropriate. I am going
24 to find that it is appropriate. And I'm going to impose a 58 day jail
25 sentence. I'm giving you 60 days, the maximum. I'm giving you credit

1 for the two days that you have served, as per the PSI and you are
2 to report to Teller County Jail on Thursday, August 17th at 3 p.m.
3 Thursday, August 17th at 3 p.m. I am not ordering work release. I am
4 going to leave it to the good graces of the Teller County Sheriff's
5 Office whether they want to make arrangements as they have in other
6 cases I'm aware of in Teller County to allow a law enforcement officer
7 to serve his or her sentence in Park County. It's been my experience
8 that that's been the case, but I am not bartering with police. I think
9 that you deserve - I'm finding that you deserve to do every day of
10 these 58 days and I do not have an objection to Sheriff Mikesell
11 (phonetically) requesting that you serve your sentence in the Park
12 County Jail and if counsel wants to work with Sheriff Mikesell and as
13 an officer of the Court that they report to you that he can report to
14 Park County then that's where he should report by 3:00. Other than that
15 it's 3:00 on Thursday and I would definitely setting this over and I'm
16 not manding you into custody because I - no one deserves to get
17 attacked in jail. We protect sex offenders and we protect anybody - law
18 enforcement is at a particular risk. I understand that so that's why
19 I've chosen the, basically the three day extension. Anything else, Mr.
20 Mika?

21 MR. MIKA: Judge, just a - if in fact from my understanding from
22 conversations that we've had with Park County, it may require an actual
23 order from the Court to have him sentenced to Park County.

24 THE COURT: I don't have an objection to going ahead and just
25 doing a - we always do what we call a CNR for someone to report and

1 saying that the Court has no objection to the sentence being served
2 in Park County if approved by the Teller County Sheriff's Office. And
3 do you have an objection to that?

4 MR. CASTAIN: No, Your Honor.

5 THE COURT: We'll put that in the CNR and also the minute order
6 will reflect that and if you feel like you need some other order, just
7 file an opposed motion. Alright.

8 MR. MIKA: Thank you, Judge.

9 THE COURT: Thank you, you're excused.

10 **(case ends at 11:45:00 a.m. FTR recording time)**

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TRANSCRIPTIONIST'S CERTIFICATE

The above and foregoing is a true transcript of the hearing in proceedings taken in the above-entitled case, which was audio recorded in the Teller County Court at the time and place set forth above, which was listened to and transcribed to the best of my ability.

Done this 10th day of February, 2024.

/s/ Leigh Parker
Leigh Parker, Transcriptionist

/s/ Cheryl Bassett
Charleigh Transcription, LLC
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