

DISTRICT COURT, WELD COUNTY, COLORADO 915 10th Street, Greeley, CO 80631 (970) 475-2400	
The People of the State of Colorado , Plaintiff, <i>v.</i> Daniel Eatinger , Defendant.	DATE FILED August 2, 2026 10:57 PM ▲ COURT USE ONLY ▲ Case No. 20CR498 Division 17
ORDER RE: DEFENDANT'S MOTION TO DISMISS FOR OUTRAGEOUS GOVERNMENT CONDUCT	

This matter comes before the Court on Defense Motion 41, moving to dismiss the charges in this matter for outrageous government conduct. Having reviewed the record and the arguments of the parties, the Court issues the following order.

The crux of the issue before the Court is the conduct of Yvonne “Missy” Woods, a former analyst with the Colorado Bureau of Investigation (“CBI”). The Woods scandal has been much publicized, but in sum, Ms. Woods, in her capacity as a DNA analyst for CBI, omitted material acts in official criminal justice records, tampered with DNA testing results, and in doing so violated multiple CBI Code of Conduct and laboratory testing policies.

The Court heard extensive testimony regarding the malfeasance of Ms. Woods, who tampered with testing results over a staggering lengthy period of time. The Court notes that Ms. Woods has since entered a plea of guilty in a criminal case arising from her conduct at CBI. *See* Jefferson County Case No. 25CR136. The general nature of her malfeasance is beyond dispute. However, for the purposes of this order, the Court notes the following: as early as 2014, CBI management were made aware by other lab employees that it appeared that Ms. Woods had deleted or manipulated data. Other employees witnessed and reported similar behavior to management at various times. CBI management initially took no significant action. Later, in 2018 in response to similar complaints, CBI removed Ms. Woods from casework for a few months, after which she was reassigned to a testing role. During this second period of testing, she conducted work on the Defendant’s case. A later investigation and audit found that Ms. Woods had manipulated or deleted data in approximately one thousand cases spanning several years.

In addition to testimony regarding Ms. Woods, the Court also heard extensive testimony about an inadequate and lax supervisory structure at the forensic lab at the center of the Woods scandal. Ms. Woods’ actions were brought to the attention of CBI management as early as 2014, yet CBI management appeared to initially take no action, either by way of reprimand, termination, or even increased oversight of Ms. Woods, until the brief period she was removed from casework. The management at CBI at best fostered a workplace culture where case

processing numbers were prioritized over rigorous technical oversight, and at worst actively sought to shield Ms. Woods, a favored employee, from having her deficient work product come to light. The Defendant's factual assertions describing CBI's conduct during this period made in their supplemental pleading D48 are an accurate representation of the evidence presented to this Court.

Ms. Woods' acts of malfeasance are appalling; the Colorado Bureau of Investigation's lack of a timely response to those acts is incomprehensible. Both acts taken together likely have shaken the confidence that the people of the State of Colorado should have in the rigorous use of science as a law enforcement tool to be used to hold the guilty accountable and to exonerate the unjustly accused. It is an issue that the Colorado General Assembly has determined required legislative attention. It is beyond dispute that the unprecedented scope and breadth of the Woods DNA scandal has left a dark mark on the history of Colorado justice. The question now becomes whether these acts rise to the level of a Constitutional claim for outrageous government conduct.

A Due Process claim regarding outrageous government conduct was recognized in *Bailey v. People*, 630 P.2d 1062 (Colo. 1981). The Court noted that the defendant's claim that police conduct in that case, which primarily involved a standard undercover drug investigation, were outrageous to be unsupported by the record. In *People in Interest of M.N.*, 761 P.2d 1124 (Colo. 1988), the Court again addressed the issue of outrageous government conduct in a case where law enforcement conducted an undercover drug operation targeting minors at a local high school. Noting that it is appropriate for law enforcement to use artifice and deception to uncover criminal activities, the Court found that the record did not support an outrageous government conduct claim. (For similar factual scenarios where no claim was supported in the context of undercover activities, see, *People v. Vega*, 870 p.2d 549 (Colo. App. 1993); *People v. Aponte*, 867 P.2d 183 (Colo. App. 1993)).

Colorado courts have found that singular instances of law enforcement misconduct are insufficient to invoke a claim of outrageous government conduct. For example, in *People v. Medina*, 51 P.3d 1006 (Colo. App. 2001), the Court found that law enforcement misconduct in obtaining statements from a defendant, although supporting the suppression of evidence, did not rise to a level of dismissal for outrageous government conduct. In *People v. Burlingame*, 434 P.3d 794 (Colo. App. 2019), the Court noted that conduct that may otherwise be considered poor judgement or legal error does not rise to the level of outrageous government conduct. In an unpublished case, *People v. Vigil*, July 30, 2020, the Court found even potential violations of the Rules of Professional Conduct by prosecutors would not rise to the level of outrageous government conduct. In *People v. Walker*, 2022 COA 15, the Court found that even assuming an improper intrusion into an attorney-client relationship by the State, dismissal was not warranted where the trial court suppressed the use of the evidence obtained by the intrusion, and thus the defendant suffered no prejudice.

As demonstrated above, many cases discuss what does not constitute outrageous government conduct; the Court next moves to what does constitute outrageous government conduct: that being conduct that violates fundamental fairness and is shocking to the universal

sense of justice. *Walker*. It has been described by the appellate courts that instances where such conduct has occurred as “vanishingly rare” and the threshold for such a finding to be exceedingly high. *Id.* To this Court’s knowledge, the only instance in which an appellate court has upheld a trial court’s finding of outrageous government conduct is *People v. Auld*, 815 P.2d 956 (Colo. App. 1991). The facts in *Auld* are quoted below:

In 1988, La Plata County law enforcement officials obtained a federal funding grant for the conduct of undercover activities aimed at drug trafficking, a project known by the acronym LEADS. The steering committee for LEADS included the sheriff of La Plata county, the district attorney for the Sixth Judicial District, and police chiefs of various police departments within the judicial district. Based on unsubstantiated information, the LEADS Committee initiated an undercover operation targeting the defendant, who was an attorney.

A fictitious complaint was filed against a “Colton Young” in the county court. “Colton Young” was in fact the alias of an undercover agent. The fictitious complaint was drafted by the district attorney, typed by his secretary, signed by a sheriff’s officer, and notarized by the wife of the district attorney.

“Colton Young” was “charged” with carrying a concealed weapon and possessing marijuana. He was brought before a county judge, advised of his rights, and questioned by the court about general information relating to his identity, status, and bond. The undercover agent made several false statements to the judge, who was unaware of his true identity, and posted a surety bond, which was sworn to under oath in front of a deputy clerk for the county court. “Colton Young” then retained the defendant to represent him in his defense. The defendant telephoned the court to determine the status of the charges against “Colton Young.”

After having paid the defendant his retainer in cash, the undercover agent asked if the remainder could be paid by giving something in trade. The defendant immediately replied that if cocaine was being suggested, he would not accept it; however, he stated that he might be interested in a gun at “a black market price.”

Under the terms of the LEADS grant, the scope of its activities was limited to drug enforcement activities; therefore, the program could no longer be used to justify further action after the defendant rejected the opportunity to take drugs in exchange for legal services. Nevertheless, the LEADS committee, through the undercover agent, presented the defendant with weapons, first as collateral for his fee, and eventually in payment of his fee. His acceptance of an Uzi semiautomatic rifle led to the charges against the defendant.

After the defendant's arrest, the district attorney and law enforcement officers discussed with him the possibility that the charges would "go away" if he provided information about a number of people, including present or former clients. The defendant refused.

Id.

The *Auld* Court noted that the government actors involved perpetrated a fraud on the trial court by filing false documents, making false statements to a judge, and creating a fictitious prosecution. The actors duped the trial court into playing a prosecutorial function by this deception. The *Auld* Court noted that no showing of prejudice to the defendant was required because the basis of the trial court's decision was not based on conduct impacting an individual defendant but rather conduct impacting the trial court. The *Auld* court concluded that "when the integrity of the court is compromised...dismissal of the case is an appropriate remedy."

The published cases finding no claim of outrageous government conduct fall into two general categories: (1) acts which the legal system accepts as appropriate conduct, such as law enforcement's use of deception or artifice as an investigatory tool, and (2) acts which the legal system accepts as inappropriate but not unprecedented, such as Fourth and Fifth Amendment violations, ethical violations, or other violations which are not appropriate but do not rise to the level of violating fundamental fairness and shocking the universal sense of justice.

It is beyond dispute that this case does not involve acts which the legal system accepts as appropriate conduct. No one argues that Ms. Woods behavior was acceptable; in fact, she was charged with over one hundred felonies in the above-mentioned case for her conduct at CBI.

In this Court's view, this case also does not involve acts that are inappropriate but not unprecedented. This is not an officer pulling over a vehicle on dubious grounds or searching a home without probable cause; this is a thousand intentional manipulations of scientific data that prosecutors, defense attorneys, juries, and judges rely upon to ensure our system makes rational decisions that have direct impacts on the lives of victims, defendants, and any person who believes our system produces just, fair, and correct outcomes. The actions of Ms. Woods and CBI have impacted anyone who believes that we can use the tools of science to find truth in justice.

In *Auld*, the integrity of one court was compromised. Here, the integrity of one thousand cases in presumably multiple courts has been compromised. The integrity of the role of forensic evidence in our criminal justice system has been compromised. The manipulation of data in a thousand cases can be described no other way than violating principles of fundamental fairness, that forensic testing is reliable and will guide us to the truth because it has no opinion and cannot lie. Ms. Woods has taught us a hard lesson, that the integrity of a test relies on the integrity of a person.

When the Woods scandal was publicized, it shocked the Court by the action of one person. The evidence presented in this case shocked the Court by the inaction of an agency that had the power to prevent this. This Court must be very clear. This would be a much different

result if the Court was considering one bad act of one actor. The shocking nature of these acts come from the breadth and scope of one person's actions enabled by an agency with little taste for oversight. The State argues this case is about a lack of actual prejudice; However, this case is about a lack of scientific integrity in an agency the people of this State rely on for justice. It is not just this Court that is concerned with the integrity of our State's forensic testing system; our General Assembly, in the passage of House Bill 25-1275, the Forensic Science Integrity Act passed as a result of the Woods scandal, declared that "an effective criminal justice system requires that crime laboratory employees act with integrity, and that crime laboratories have controls to prevent and detect knowing misconduct and violations of procedures and properly investigate and report misconduct when it occurs." An obvious sentiment anyone would share but made necessary to be put into legislation by the abhorrent conduct that took place here.

If CBI had properly acted when made aware of Ms. Woods' conduct, this would not be outrageous government conduct; rather, it would be an agency acting in the way we expect a government agency to act: monitoring to ensure its employees are acting to professional standards and addressing the issue when they are not. If this was merely one rogue actor committing one bad act, our legal system has multiple standard ways to address that issue. Even if this was a situation affecting one individual defendant, our system can address that in a granularly targeted fashion. But the Woods scandal is not merely about one case, but the conduct of the government over a shockingly wide field. If the scope and breadth of the Woods' scandal does not constitute outrageous government conduct, this Court would struggle to imagine something that would. If this is not outrageous government conduct, then that doctrine may as well not exist.

The Court is mindful of the impact of this decision. It is right that such a decision is vanishingly rare because we hope that such actions necessitating this type of decision are vanishingly rare. But the fact of the matter is that Ms. Woods chose to become a cancer within the Colorado Bureau of Investigations, and that agency chose first to ignore, then place a bandage on the tumor until it could no longer be hidden from public view. When the integrity of our justice system is comprised as it was here, if we as the judiciary do not condemn such intolerable acts, we make a choice to tolerate them.

The Court grants the Defendant's motion to dismiss and vacates the currently scheduled dates. The Court's order is stayed for fourteen days from the date of this order so that the State may seek interlocutory review by the Supreme Court.

Dated: August 2, 2026

BY THE COURT:



A handwritten signature in blue ink, consisting of a stylized "V" followed by a cursive "igil".

Vincente Vigil
District Court Judge