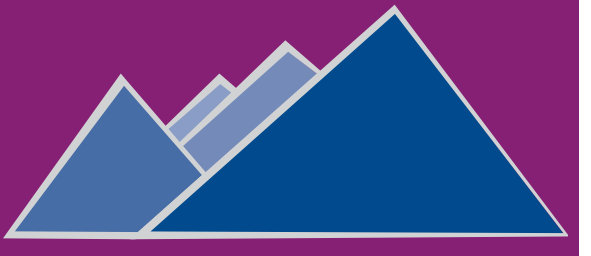


GLENDALE CHERRY CREEK CHRONICLE



From LoDo to the Dam

THE VOICE OF THE CHERRY CREEK VALLEY —

MAILED TO 83,865 HOMES AND BUSINESSES IN THE CHERRY CREEK VALLEY

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Windsor Gardens Avoids KO In October Face-Off With RTD

Hit Hard With Bus Service Reductions, Community Fights Back With Bus Club

by Glen Richardson

“It’s off the table!” With those words from RTD District Board Member Bill McMullen, residents of this 143-acre active adult community became conscious they had avoided a knockout blow to the public transportation so many depend on.

RTD’s proposal to cut service — buses make stops on a loop around *Windsor Gardens* for rides to the *Cherry Creek Shopping Center* and downtown Denver — would have been a tough pill to swallow for this community which is already reeling from the shutdown of its own shuttle service this month. Many living there in condos and homes don’t drive, although many still work full- or part-time.

Hit by its own financial woes, the Windsor Gardens Board voted in July to shut down its Shuttle Service, which began the transportation concerns. Then RTD announced it was considering service cuts aimed at saving \$12 million annually and service to Windsor Gardens was on the list with a hearing scheduled for Oct. 13. Word went out to residents to “pack the house” and the turnout was so big many were turned away.

Taking Hard Hit

In a community with more than 3,500 residents and 2,690 homes rife with amenities — indoor and outdoor pools, a fitness center, hobby rooms, aerobics studio, restaurant, library, plus a nine-hole golf course surrounded by walking and biking trails — many Windsor Gardens residents had simply put out of their mind that transportation has been its heart and soul. Shutting down the shuttle serv-



Resident Win: Due to intense public outcry, RTD has decided to limit but not terminate bus service going through the Windsor Gardens community.

ice and RTD’s plans reignited the realization that getting around the community or into town had been easy and taken for granted.

Despite avoiding elimination of bus service or reduction in weekday and midday service, Windsor Gardens will still get hit hard. “The Route 3 loop that goes through this community every 30 minutes will be reduced to hourly,” McMullen told the overflow crowd. On questioning from attendees, RTD Planner Jeff

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Here Comes The Sun: The only time death row inmates Nathan Dunlap, Sir Mario Owens and Robert Ray are ever permitted to see the light of day is in this exercise pen at Sterling Correctional Facility.

ACLU Claims ‘Cruel And Unusual’ Punishment For Death Row Inmates

by Laura Lieff

Colorado has not executed a prisoner since the lethal injection of killer rapist Gary Lee Davis in 1997, but it has three individuals — Nathan Dunlap, Sir Mario Owens and Robert Ray — who are currently on death row. Dunlap has been on death row for 15 years, Owens three years, and Ray two. What the death row inmates share in common is that they are all African Americans from Aurora, Colorado. Critics claim their race, combined by the fact that Arapahoe County prosecutors are willing to go for the death penalty, has landed them on death row.

What these three inmates also share in common is apparently unconstitutional abusive treatment by the Colorado Department of Corrections (DOC). The Eighth Amendment of the United States Constitution pro-

hibits “cruel and unusual treatment.” As a result, the courts have ruled that prisons must provide for basic human needs and have consistently required access to fresh air and sunshine for prisoners regardless of their sentence. Notwithstanding the rulings, the DOC for decades has placed all the death row inmates in “administrative segregation” (i.e. solitary confinement) for 23 hours a day and one hour a day in another enclosed cell with a pull-up bar to get exercise. In short, the death row inmates have had no access to the outdoors and little or no human contact.

The ACLU sued on behalf of Dunlap, the longest serving death row inmate, claiming the DOC’s policy constituted cruel and unusual treatment. In 1999 the U.S. Court of Appeals for the Tenth Circuit declared that

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Integral Selected As Glendale’s Master Developer For Riverwalk

The City of Glendale announced that *Integral Real Estate Development, LLC* has been selected as the Master Developer for its *Riverwalk* project.

The Riverwalk project is located along East Virginia Avenue on the one-half mile of Cherry Creek that runs through Glendale. The city envisions the Riverwalk as an entertainment and retail district that is a world-class, multi-use, year-round corridor attracting local, national and international visitors, along with conference attendees and rugby fans.

The company was picked after a six month process whereby Glendale interviewed and talked with a dozen leading local and national developers.

Integral was formed in 2007 by Brian J. Levitt, a former Vice President of Develop-

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Hard Hatted People: Attendees in hard hats at the public announcement of the selection of INTEGRAL Real Estate Development Team as the Master Developer for Glendale’s Riverwalk.

Photo by Steve Creclius

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ACLU Claims 'Cruel And Unusual' Punishment

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"even a convicted murderer who had murdered another inmate and represented a major security risk was entitled to outdoor exercise." (Perkins v. Kansas Department of Corrections, 165 F.3d 803, 810 10th Cir. 1999).

ACLU Wins Their Case

Seeing that it was going to lose the lawsuit, the DOC folded. The terms of the settlement provided that the DOC would remove all three death row inmates from the Colorado State Penitentiary in Canon City, and send them to the Sterling Correctional Facility.

"Depriving Mr. Dunlap of fresh air, sunshine and outdoor exercise for 15 years is cruel and unusual punishment," said ACLU Legal Director Mark Silverstein.

However, according to DOC representative Katherine Sanguinetti, the three death row inmates were moved to the administrative segregation unit of Sterling. "The only difference at Sterling is the exercise cells are outside in an enclosed concrete courtyard," Sanguinetti said.

But apparently that one difference makes all the difference in the world to Dunlap and the ACLU, as all three death row inmates will be allowed to exercise regularly in an area that is open to the sky and the elements. The other 23 hours a day they will remain in solitary confinement.

"Mr. Dunlap is glad to finally have the opportunity once again to breathe fresh air and feel the sun on his skin during his limited out-of-cell exercise time," said ACLU attorney Gail Johnson.

Added Silverstein, "While this settlement resolves Mr. Dunlap's legal claims, it also underscores a continuing and unresolved issue: hundreds and hundreds of prisoners at Colorado State Penitentiary continue to endure 23-hour-a-day lockdown year in and year out."

He continued, "Long-term deprivation



Nathan Dunlap



Sir Mario Owens



Robert Ray

of outdoor exercise violates the Constitution...Many have been warehoused in solitary confinement since CSP opened in the early 1990s."

Because They Can?

The question arises, why does the DOC fight all efforts to treat death row inmates and certain other prisoners humanely? The answer appears to be the very nature of being a gaoler brings out the very worst in some human beings.

In a famous 1971 study at Stanford University, students were divided up into jailors and prisoners. Some of the students who were designated prison guards began to torture those who were designated prisoners and the study had to be stopped after only six days.

In the infamous Abu Ghraib prison abuse scandal, the jailors were not trying to get information from the Iraqi prisoners; they instead were torturing them for the pure sport of it. Absent a free press and constant lawsuits, critics claim that they would hate to see how the DOC might treat prisoners.

Response To Lack Of Death Penalty Enforcement

Another reason for the unconstitutional abuse may be frustration over the refusal of the courts to implement the death penalty except in extraordinary circumstances.

lap to have food, clothing, shelter, safety and medical care. The ACLU has also spent their time and money fighting for him to have an hour of fresh air five days a week when some say that for all intents and purposes he should no longer be alive.

"The real underlying problem with the death penalty in Colorado is simply that the existing political climate does not support the concept of capital punishment," said Glendale Chief of Police Victor Ross. "This is not something unique to our state either. There is a substantial movement throughout the entire country that is opposed to the death penalty for humanitarian reasons or fears that an innocent person may be wrongly convicted and subsequently executed. Until those concerns are reconciled, there is not likely to be any change in the way these inmates are handled. There are deeply held beliefs and emotions on both sides of this issue."

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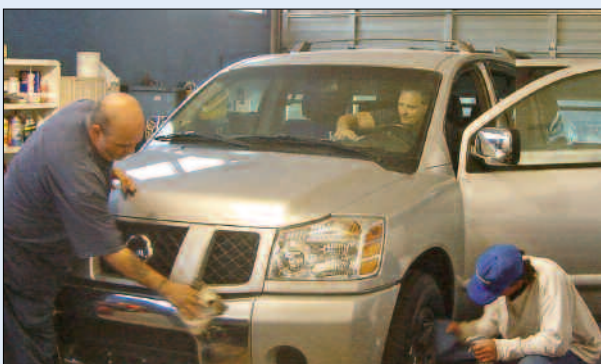
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