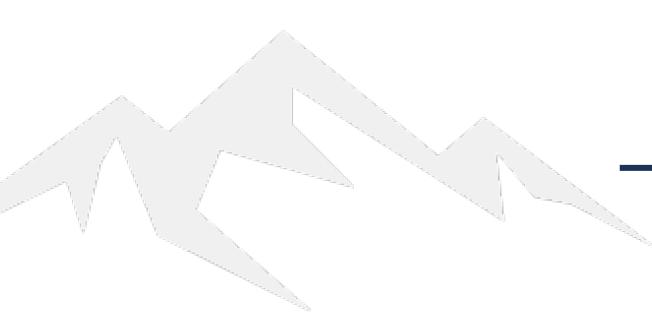




January 2026

# **Betrayed by the Law: How Colorado Fails Victims of Child Predators**



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## About the Authors



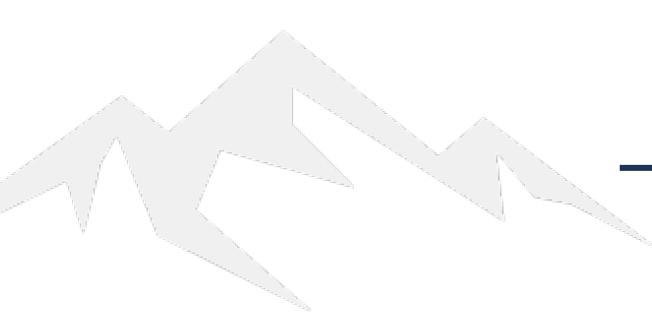
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Kristi is the Executive Vice President at the Advance Colorado Institute. She is also a member of the State Board of Education, representing Congressional District 4. Kristi is the former Chairwoman of the Colorado Republican Party – the first woman to be elected in 40 years and the youngest Chair in Colorado Republican history. Kristi is a constitutional attorney, focusing on First Amendment and Equal Protection issues and is admitted to the U.S. Supreme Court where she has submitted briefs in a number of landmark decisions, including *Loper v. Raimondo* (the case that overturned the Chevron Doctrine). She is a guest host for the Dan Caplis Show on 630 KHOW. Kristi lives with her family in Douglas County where she and her husband homeschool their children with a classical Christian education.



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## Introduction

Colorado law often fails to adequately punish criminals, especially those convicted of sex crimes, including rape and child solicitation. The Colorado Bureau of Investigation reports that, “as of Wednesday, January 28, 2026, there are 19,410 registered sex offenders in Colorado” with 569 sexually violent predators, 2,231 multiple offenders, 2,228 who failed to register or have a history of failure to register, and 15,251 with a felony conviction. (1)

On August 10, 2016, a Boulder judge sentenced Austin Wilkerson, a former University of Colorado student found guilty of felony sexual assault, to “20 years of probation and two years of work release, a decision that was met with outrage and led to calls for [the judge’s] resignation.” (2)

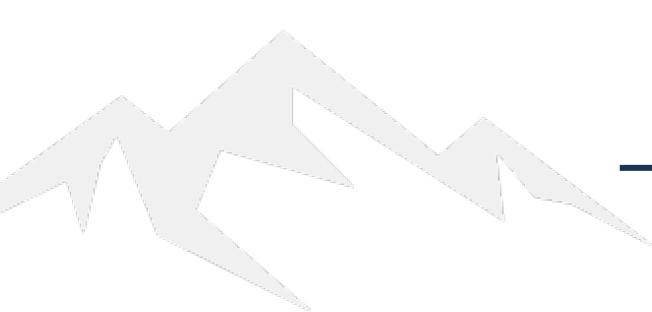
The charge carried a presumptive prison sentence of 4 to 12 years, but the lack of a mandatory minimum sentence allowed the judge to hand out only probation and a work release sentence. (2)

In 2025, former deputy district attorney David McConkie accepted a plea agreement after being originally charged with “sexual assault on a child by one in a position of trust.” KKTV reported: “The judge mentioned several times the deal was ‘tremendously favorable’ to McConkie given the circumstances of the case,” and “she delivered a sentence with no prison time.” (3)

In 2023, Luis Son Gonon was one of nine men arrested in a joint undercover operation by the Larimer County Sheriff’s Office and the Johnstown Police Department. A jury found Son Gonon guilty of soliciting a child for sexual acts, but at the sentencing hearing, the “District Attorney and Defense Council requested Sex Offender Intensive Supervised Probation.” (4)(5)

In this case, the judge could have granted Son Gonon probation and treatment and allowed him back on the streets. Thankfully, he was sentenced to five years in prison. (5)

In March 2025, Richard Lancellotti, a 38-year-old from Parker, was “convicted of eight separate incidents of sexual assault on his three biological children, which prosecutors said occurred in 2021.” (6)



The court decided to run many of Lancellotti's sentences concurrently, allowing "[t]his monster [to] be parole eligible in only 26 years, while he sentenced his victims—his children—to a lifetime of trying to overcome trauma at the hands of their father..." (6)

Colorado has long dealt with loopholes in the justice system that result in dangerous offenders being let out on probation for crimes that deserve a mandatory minimum sentence. When child predators get released with probation only, they often go on to re-offend and commit additional acts of child rape and child solicitation.

In 2013, a ten-year-old girl was victimized by her mother's boyfriend, Jose Nael McCarthy-Dawson, who was on probation for a prior sex assault on a child and who was a registered sex offender. (7)

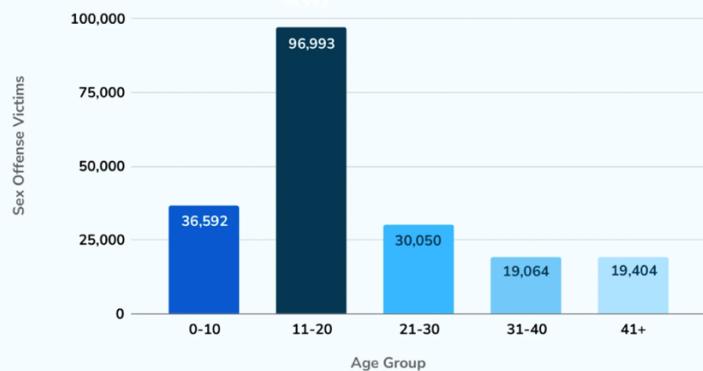
Colorado's tendency to choose offenders over victims betrays our children, as child predators are continually released back into homes and communities without serving appropriate jail time for their violent offenses.

## **Mandatory Minimum Sentences Close the Probation Eligibility Loophole for Child Predators**

Colorado law currently allows child predators, including some child rapists and those who solicit sex with children, to be eligible for a probation-only sentence. At a judge's discretion, these child predators can be kept out of jail and sent right back to the children whom they preyed upon.

According to a 2025 study by The Fitch Law Firm, Colorado is ranked 11th for the state with the most sex offenses in the country, with 6,526 total reported sex offenses and 112 sex offenses per 100K residents. (8)

## Sex Offense Victims by Age Group



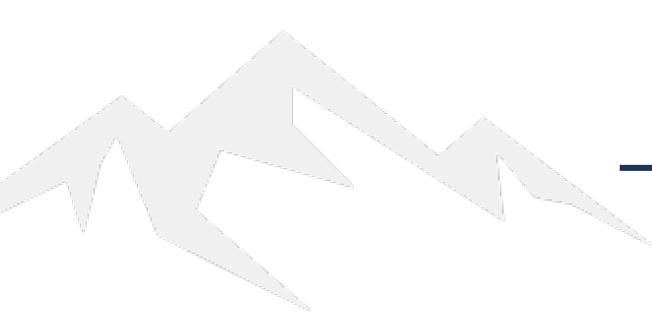
The study also found that across the country, nearly 65% of all sex offense victims are aged 0-20, with 47.53% of all sex offense victims being between the ages of 11 and 20. (8)

"Additionally, 17.93% (36,592) of victims are children aged 0-10, highlighting the significant vulnerability of both teenagers and young children to sexual offenses in America." (8)

Despite the prevalence of children being the victims of sex offenses in our country, Colorado law betrays them by keeping these probation eligibility loopholes in place. Instituting mandatory minimums for child predators and classifying sexual crimes against children as crimes of violence would allow Colorado to close the loophole and adequately punish these predators while providing some protection for vulnerable children.

District Attorney George Brauchler, who has extensively written on this issue, said this about this probation loophole:

"In Colorado, a man who rapes a child — as long as it is just once — can get probation. As in, walk right out of the courtroom after conviction.



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But it is much worse than that. If that same man goes on to rape nine other children, as long as he only rapes them each once, that child rapist is also eligible for probation. That statement remains true even if the child rapist is a teacher, member of clergy, sports coach or any other person in a position of trust in relation to those children... Colorado law permits those who seek to use our children for sex to be probation-eligible when convicted. Parents see schools, playgrounds, churches, and athletic teams as safe places for their children to learn and grow. Some see them as places to become aroused and live out their sexual fantasies on those same kids." (9)

Colorado House Minority Leader Jarvis Caldwell, who has been vocal on the issue at the State Capitol, echoed the probation loophole on the Advance Colorado Rundown podcast, saying that "one of the scarier statistics is... if you rape 10 children, as long as each of those children is only raped one time each, you still qualify for a felony [four] charge, which is probation eligible." (10)

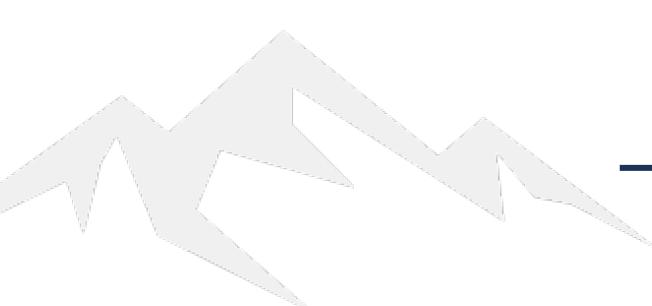
Legislators at the Capitol are aware of this loophole for child predators and solicitors. In fact, there have been multiple attempts to fix this issue in the Colorado justice system, but so far, all have failed.

House Bill 24-1092, titled "Minimum Sentence Crimes Against Prostituted Children," would have required a minimum sentence for soliciting a child who is being sold. (9) This bill was killed on a party-line vote of 8-3 in the House State, Civic, Military, & Veterans Affairs Committee. (11)

House Bill 25-1073, titled "Protections Against Child Rape," would have required minimum sentences for those convicted of child rape and closed the probation-eligibility loophole for those offenses. (12)

According to the bill summary, "Current law permits the court to sentence a sex offender to probation for an indeterminate period that can range from 10 years for a class 4 felony and 20 years for a class 3 felony to a maximum of the sex offender's natural life." (12) This bill was also killed in committee on a 6-5 vote and therefore not allowed to be read on the House floor. (12)

According to Former Representative Mark Green (R-WI), "Mandatory minimum penalties are favored overwhelmingly by the American public



because they, like many of us, are not willing to entrust...judges to act in a consistent manner when sentencing sexual predators for sexual abuse and exploitation of our children." (13)

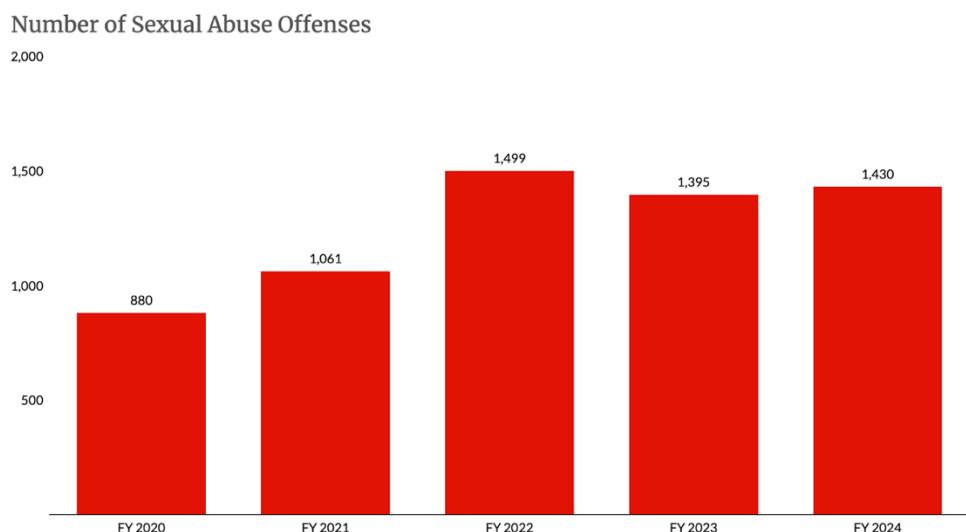
By failing to close these loopholes, Colorado legislators betray the victims of these crimes—children—by allowing their perpetrators back on the streets or in the homes where they were recently assaulted.

Mandatory minimum sentences for child predators – for a variety of crimes they commit against children – is a commonsense policy solution, along with elevating several of these crimes to a “crime of violence” in Colorado law.

## **National Data Shows a Difference in Time Served with Mandatory Minimum Sentences**

The United States Sentencing Commission provides federal crime data on sexual abuse offenses, showing that “Sexual abuse offenses [a broad category] have increased by 62.5% since fiscal year 2020.” (14)

### Individual and Offense Characteristics



At the federal level, “99.2% of individuals sentenced for sexual abuse were sentenced to prison,” and those convicted of a crime under this category that



had a mandatory minimum sentence were put away for a considerably longer period of time, providing victims with justice and the removal of their predator. (14)

For example, “The average sentence for individuals convicted of travel to engage in prohibited sexual conduct with a minor was 163 months: 79.8% of these individuals were convicted of an offense carrying a mandatory minimum penalty; their average sentence was 185 months. The average sentence without a mandatory minimum was 77 months.” (14) This is a sentencing difference of nine years.

Another example is the averaging sentencing for criminal sexual abuse (rape). Those sentence under a mandatory minimum were placed in prison for an average of 379 months, compared to 175 months for attackers sentenced under charges that did not carry a mandatory minimum. (14) This is a sentencing difference of 17 years.

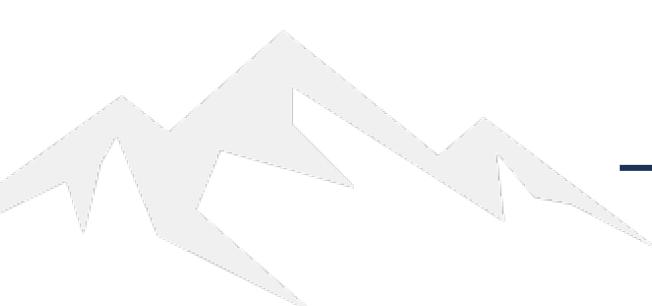
## **Betrayed By the Law: The Victims**

### ***Alleged Sexual Assault on a Child By a Person in a Position of Trust***

Diego Marroquin, a 38-year-old former music teacher at St. John’s Church and School in southeast Denver, was charged in 2022 “with sex assault on a child by a person in a position of trust. He allegedly raped a 13-year-old female student from the school in a balcony overlooking the church.” (15)

“The girl told Denver police, ‘My mind went black. I couldn’t believe this was happening to me.’” (15)

In January 2025, prosecutors announced that “they were dropping the sex assault charge and Marroquin would plead guilty to a felony of contributing to the delinquency of a minor with a sexual basis. If he completes four years of probation and sex offender treatment, the charge will be dismissed in a deferred judgement. He also will plead guilty to a misdemeanor count of third degree assault, but prosecutors have agreed not to seek jail time for the former music teacher and he will receive four years probation for the assault conviction.” (15)



If it were not for the probation eligibility loophole, prosecutors would not have been able to strike a deal with Marroquin, allowing him to be back in the community where he allegedly raped a 13-year-old female student.

### ***Attempted Sexual Assault on a Child Receives Only Probation***

Alonzo Guttierrez was sentenced to “four years of probation following a plea deal in connection with a sexual exploitation of a child case investigated by Pueblo County Sheriff’s detectives in 2024.” (16)

By agreeing to some restrictions, including registering as a sex offender and not having any electronic devices that can access the internet, Guttierrez received only probation for his attempted sexual assault on a child and was allowed to plead guilty to a lesser offense. (16)

If it were not for the probation eligibility loophole, Guttierrez would have served a mandatory minimum sentence behind bars.

### ***Man Convicted of Sexual Assault on a 4-Year-Old Girl Receives Only Probation***

In 2019, Hector Gonzales received a four-year probation sentence after facing “a total of 5 felony sexual assault charges and 1 misdemeanor unlawful sexual contact charge.” (17)

The 4<sup>th</sup> Judicial District Attorney’s Office offered Gonzalez a plea deal, and he “pledged guilty to one felony sexual assault charge and the misdemeanor unlawful sexual contact charge in exchange for all other charges being dropped.” (17)

Valerie Montoya, the grandmother of the young girl who was victimized by Gonzales, told local news: “I was in awe with the plea deal... Why should this man get to ride off into the sunset like he did nothing?” (17)

After the plea deal, two more sexual assault victims came forward with testimony of molestation again Gonzales. Records also showed that Gonzales was “arrested in 2009 on four counts of sexual assault on a child,” but the charges were dismissed in 2011. (17)



Gonzales could have been serving a mandatory minimum prison sentence as early as 2009, which would not have allowed him the opportunity to prey on young girls for over a decade.

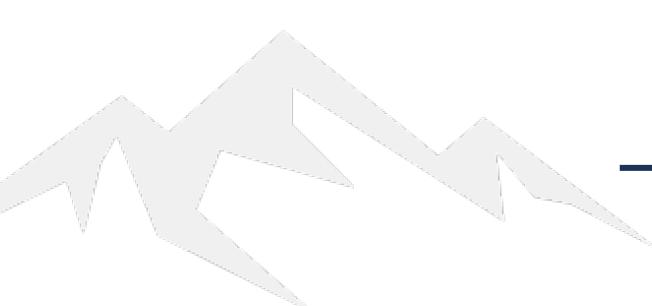
## **Jessica's Law: Colorado Remains a Holdout**

According to the National Conference of State Legislatures, “In February 2005, a nine-year-old Florida girl named Jessica Lunsford was raped and murdered. The accused offender lived across the street from Jessica and had a history of crimes against children. He was required to register as a sex offender under Florida law but failed to keep his registration information current, as required. This case prompted Florida House Bill 1877 later that year, which increased punishment and monitoring of child sex offenders. Two major components of the bill include a mandatory 25 years to life prison sentence for first time offenders convicted of sex crimes against children and the use of global positioning satellites (GPS) or electronic devices to track the location of sex offenders following release.” (18)

Unfortunately, Colorado has rejected the passage of Jessica’s Law three times: in 2009, 2013, and 2014. (19)(20)(21) According to CBS, in 2013, “Forty-five other states have passed Jessica’s Law,” (21) showing that Colorado remains completely out of touch with the rest of the country as the legislature continues to reject the mandatory minimum sentencing structure that Jessica’s Law and similar proposals support.

Mandatory minimum sentence convictions for sex offenders, even at the federal level, increased substantially in a 12-year period from 21.4% in fiscal year 2004 to 63.2% in fiscal year 2016. (22)

Despite this surge of accountability for sex crimes, especially against children, Colorado lacks a sufficient justice system for victims of sexual predators, as evidenced by far too being released on parole, given plea deals, or granted lenient sentencing by judges.



## **Colorado Fails to Adequately Punish Crimes Against Children**

In addition to the obvious crimes against children like sexual assault, sexual assault by a person in a position of trust, incest, and aggravated incest – all of which are currently probation eligible, there are a host of other predatory crimes against children that can be committed in Colorado without mandatory jail time.

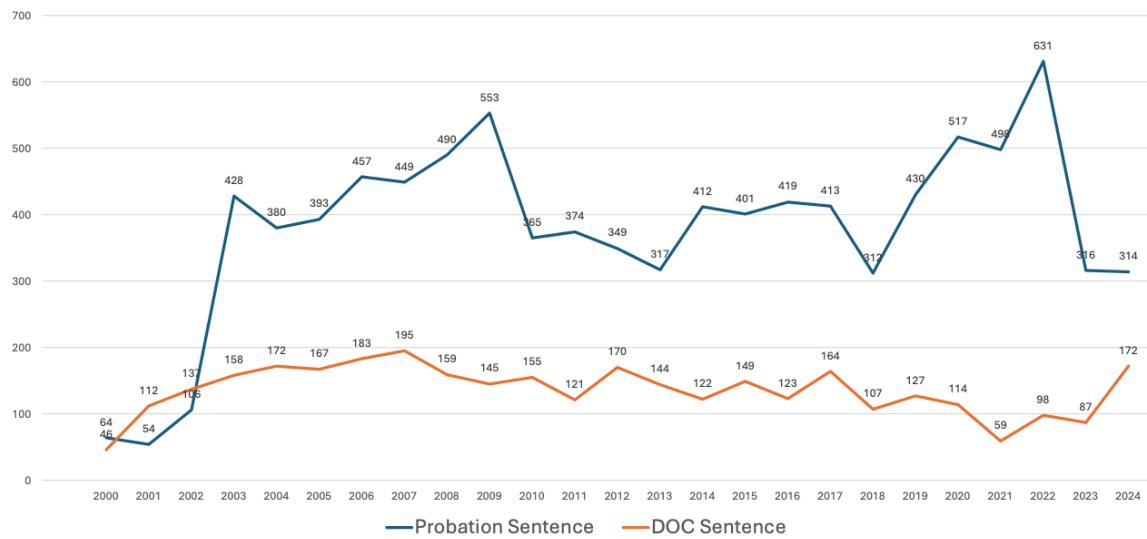
These include luring of a child, class 4 felony internet luring of a child, enticement of a child, distribution of child pornography, pimping of a child, pandering of a child, internet sexual exploitation of a child, and patronizing a prostituted child. Relevant statutes include C.R.S. S. 18-3-306(1) and (3), 18-3-305, 18-6-403(3) and (5)(a), 18-7-405, 18-7-403, 18-3-405.4, and 18-7-406. Every one of these crimes is probation eligible in Colorado right now.

The graph below, sourced from annual reports made by Colorado state agencies, demonstrates the prevalence of probation-only sentences for sex offenders in Colorado – a trend which started in 2002 and continues today.

The graph pictures sentences for crimes under the 1998 Lifetime Supervision Act, which, in addition to the crimes against children named above, also includes sexual assault, felony unlawful sexual contact, aggravated sexual assault on a client by a psychotherapist, unlawful sexual conduct by a peace officer, and attempt, conspiracy, or solicitation of these acts at the level of a class 2, 3, or 4 felony. The numbers indicate the tendency of Colorado statutes and courts to side with sexual predators over victims – both in cases involving children and in cases involving women.



### Community v. Prison Sentences for Sex Offenders Sentenced per the 1998 Lifetime Supervision Act

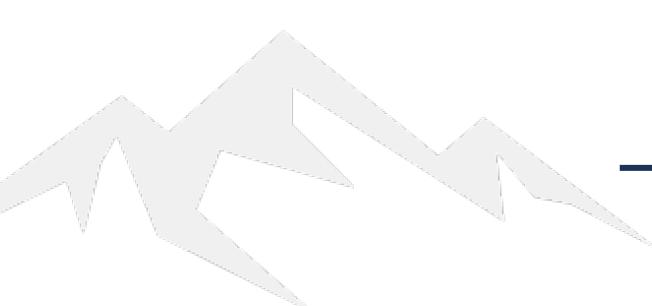


Data source: Colorado Department of Corrections, Colorado Department of Public Safety, State Judicial Department, *Annual Reports on the Lifetime Supervision of Sex Offenders*, 2000-2024.

Another policy change child advocates have called for over the last decade is to change the terms used in crimes against trafficked children and stop referring to children as “prostitutes,” as a minor child can never consent to these abusive acts or be a prostitute. (23)

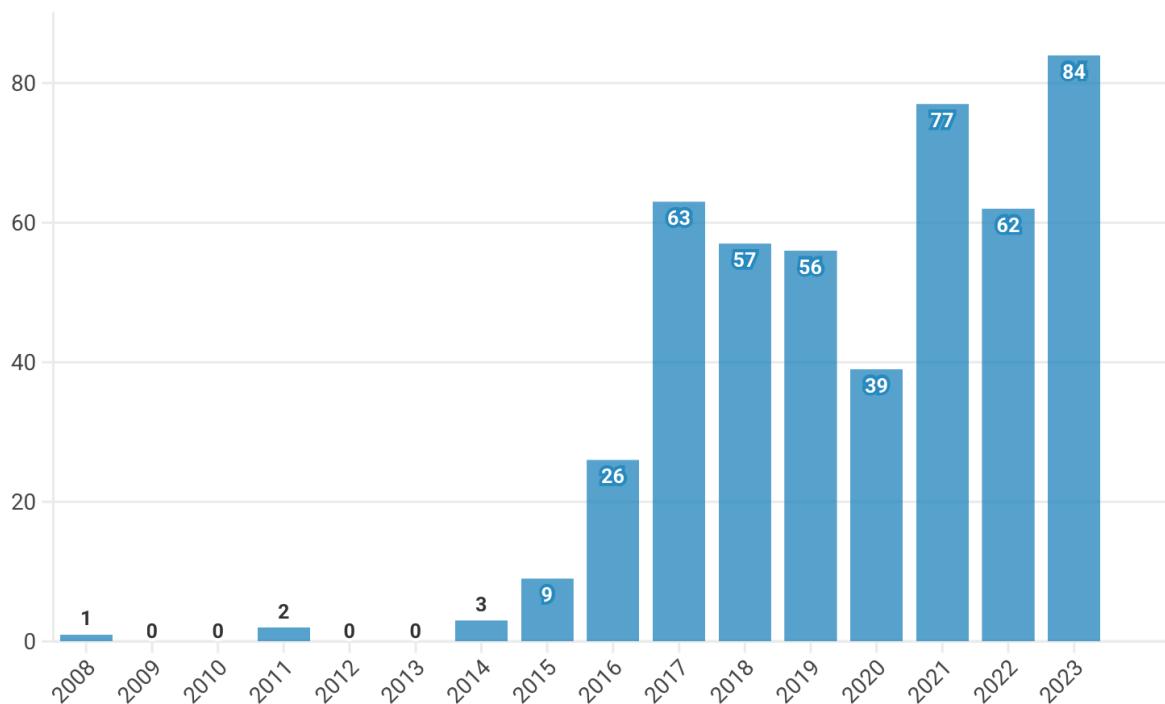
Jenelle Goodrich, Founder and Executive Director of From Silenced to Saved (FSTS), addresses the need to bring accountability to the buyer’s side of the human trafficking of children in Colorado. Right now, a predator can solicit sex with a child who is being trafficked without serving a day in jail. She told Advance Colorado, “As someone who has worked directly with victims and witnessed this violation firsthand, I hear time and time again that those purchasing sex — the johns — are rarely held accountable, while the [victims] bear the brunt of consequences. If we are serious about reducing Human Trafficking domestically, we must address the demand side of this crime.”

Demanding serious consequences and jail time for participation in human trafficking is especially vital in Colorado because, once again, the state ranks high on national lists for the prevalence of trafficking. In the fall of 2024, the Common Sense Institute reported that Colorado “had the nation’s 10th



highest number of human trafficking reports,” and that the state “reached a record amount of human trafficking in 2023.” (24)

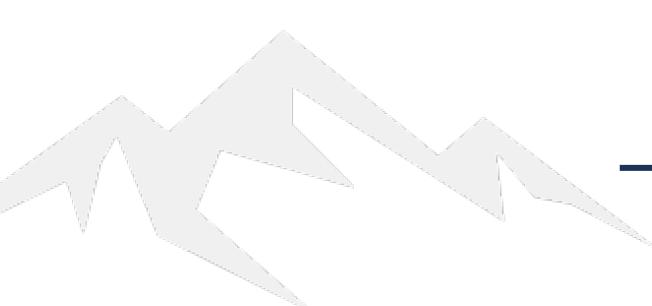
### Reported Human Trafficking In Colorado, Annual Totals



Source: [FBI Crime Data Explorer](#)



Finally, Collective Colorado reports that Colorado is once again in the minority of states, failing to protect children from known sex offenders. 30 states “prevent registered sex offenders from living near places where children congregate, like parks, playgrounds, and schools,” but Colorado is not one of them. Instead, the state has left these safety measures to local governments, failing to institute state-wide protection of children. (25)



## Conclusion

Closing the possibility of parole for child predators is common sense and a deeply popular idea among Colorado citizens, with only 6% opposing the idea in a recent poll. Several of the sexual offense crimes against children deserve to be classified as crimes of violence as well, increasing the sentencing possibilities.

Unfortunately, too many liberal legislators consistently vote in favor of lowering penalties for criminals and against mandatory minimums, even for sexual crimes against children.

In fact, House Bill 24-1101 illustrated the focus on criminals’ “well-being” over that of victims. This bill was a recent attempt by far-left sponsors House Judiciary Chairman Javier Mabrey and Senator Marc Snyder to lessen punishments for rapists by allowing them to contact their victims to fulfill a “restorative justice” session. (26)

The bill “mandates our Department of Corrections (DOC) notify the victim-survivor of the rapist’s ‘accountability’ letter, regardless of the nature of the offense or even the content of the letter. It could be a poem celebrating their crime, or a letter intended to blame and guilt the victim. DOC ‘shall’ make it available to the victim. And there appears to be no limit to the number of letters the rapist can send.” (27)

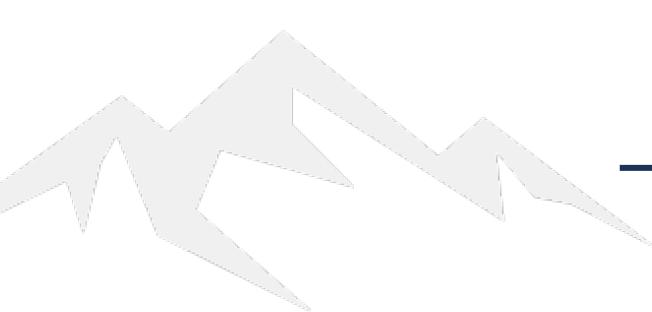
After completing this “restorative justice” session, convicted rapists can use its completion to lessen their sentence. The bill was thankfully postponed indefinitely (26), but the fact that it was sponsored by the Chairman of the House Judiciary Committee illustrates the dangerous ideology victims must combat in Colorado.

Most proposed criminal justice bills must make their way through the House Judiciary committee before getting to the floor where a full vote would be allowed. It comes as no surprise that most popular criminal justice reforms – including mandatory minimums for child predators – die in Committee, and the loopholes for child predators and solicitors to get out on probation are currently still in place.



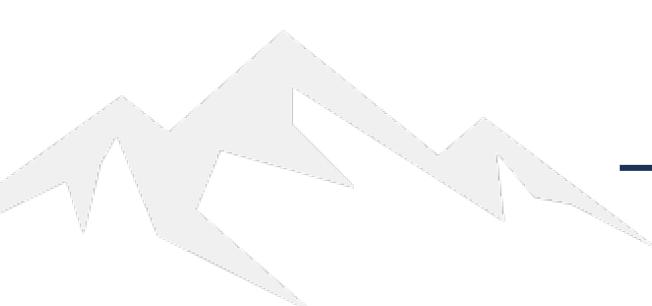
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