

Exhibit A:

Declaration of Tina Rivera, March 17, 2008

DECLARATION OF TINA RIVERA

Jessica Gonzales v. United States of America and the State of Colorado
Inter-American Commission on Human Rights
Case No. 12.626

I, TINA RIVERA, under penalty of perjury, declare as follows:

1. I am the mother of Jessica Ruth Lenahan (formerly Gonzales), the petitioner in *Gonzales v. United States of America and the State of Colorado*. I am also the grandmother of Rebecca Lynne Gonzales, Katheryn Nicole Gonzales, and Leslie Olivia Gonzales, now deceased.
2. Before the night my granddaughters were killed, Jessica and I talked several times a week about our fear of her husband, Simon Gonzales. Our fears increased after Jessica and Simon began divorce proceedings. We sought help from mental health professionals. They advised us, based on descriptions of Simon's irrational and threatening behavior (including stalking Jessica), that he was extremely dangerous. We talked to my grandchildren and tried to prepare them in case of emergency. Several times, when Jessica was particularly afraid for her safety or scared by Simon's behavior, she brought the children to my house.
3. In the early morning hours of June 23, 1999, at approximately 4:00 a.m., I received a call from Jessica, telling me that my granddaughters had been shot. I was shocked and dazed. I later learned that my granddaughters had been missing since 5:30 p.m. the previous day (June 22, 1999) and that Jessica had repeatedly called the Castle Rock Police Department ("CRPD") on their non-emergency number and their emergency (911) lines, but the police did nothing to find my

granddaughters. However, she did not call me prior to that 4:00 a.m. call. She did not want me to worry.

4. After I received the call from Jessica at 4:00 a.m., I quickly went to Jessica's house but her friend Heather Edmundson (who was staying over to watch Jessica's son, Jessie Anthony Rivera) told me that she was at the Douglas County Justice Center ("Justice Center"). I went to the Justice Center and waited with my husband for hours without information. Eventually, officials told me that my granddaughters were dead. They said I should notify my family because the media had already begun to report the story.

5. At that time, the Justice Center Officials finally let us see Jessica. When Victims' Assistants heard us speak of our worry for Jessie (Jessica's son), they brought him and Heather Edmundson from Jessica's house to the Justice Center. Heather stayed with us, but Jessie, only thirteen at the time, was taken away to be interviewed and questioned and was treated in a harassing manner. The rest of my children and grandchildren, many of whom had seen the tragedy reported in the media, gathered at my home, anxiously waiting for further news. Later in the day, my son Mario Rivera and his wife Karen went to the CRPD. They were quickly removed from the scene of the shooting and taken to the Justice Center where they waited with my husband and me.

6. The officials at the Justice Center did not let my husband and I leave the Center until 4:00 p.m. that day. They held us there against our wishes, claiming that they would eventually need to interview us. They also held my daughter that whole time, but kept her apart from the rest of the family.

7. Despite our repeated requests for information and documentation about the circumstances of the deaths of Rebecca, Katheryn, and Leslie in the days following their shooting, the CRPD gave us nothing. Therefore, within a week after the deaths of my granddaughters, my daughter Jessica, my niece Rosalie Ochoa, and I felt compelled to begin our own search to find out what happened on the night of June 22-23, 1999.

8. For several weeks, Jessica, Rosalie Ochoa, and I attempted to obtain information from Castle Rock and Colorado officials. Jessica and Rosalie went to the Douglas County Court House several times to try to obtain the tapes of Jessica's 911 calls. They also made repeated in-person trips to the CRPD, requesting access to the police records from the night that my granddaughters were killed. They traveled to Denver General Hospital's mental health center and Simon Gonzales' employer to find more information about Simon Gonzales. I was the note taker and documenter of our efforts.

9. However, officials at the Douglas County Court House and CRPD were not cooperative and tried to dissuade us from our efforts. We were denied access to the files and documents we sought. While denying our requests, the Police and Court House officials treated us in a dismissive and harassing manner. We felt treated as criminals, not victims. We suspected that officials feared that we would use any information that we obtained in a lawsuit.

10. We also called the Colorado Bureau of Investigations ("CBI") requesting information and aid. The CBI refused to help us, saying they were not investigating the girls' deaths, that the investigation was the province of the CRPD.

However, we later learned that the CBI was involved in an investigation of the shooting.¹

11. When I received no response from state and local officials, I turned to the federal government. I wrote to Janet Reno, then Attorney General, on June 14, 2000 requesting a Department of Justice investigation and any appropriate federal action. The FBI responded to my letter on August 4th 2000. They merely suggested that I contact the Bureau of Alcohol, Tobacco, and Firearms, which has investigative jurisdiction in matters involving background checks in the purchase of firearms. I was disgusted by the response, as my request had little, if anything, to do with firearms. I was devastated by the federal government's refusal to take any responsibility for investigating my granddaughters' murder and the Colorado State failures that followed.

12. I am very close with my daughter and was very close with my granddaughters. We spent a lot of time together as a family. All my children and I celebrated every birthday and holiday together. My house was a second home to Rebecca, Katheryn, and Leslie. I loved their weekly sleepovers and looked forward to our family vacations – going camping or to amusement parks. I have never gotten used to having my granddaughters torn out of my life.

13. I have stood with Jessica throughout this tragedy. We are extremely close and have shared the loss of our beloved girls as well as the pain of lingering questions.

14. The loss of my granddaughters has been deeply traumatizing. The lack of information regarding the circumstances of their deaths and the failure of my

¹ See Exhibit B, Colorado Bureau of Investigation: Report of Investigation, Prepared by Agents J. Clayton, Jr. & D. Sollars, July 19, 1999.

repeated attempts to access information that might contain answers has had a severe impact on my life.

15. To this day, the girls' death certificates do not state a time or place of death. The lack of this information prevents me from healing and hinders my ability to move forward in my life.

16. I find it very difficult to return to a normal cycle of living because of my unanswered questions about the death of my granddaughters. It is hard for me to function and be productive; to find energy, motivation, and purpose.

17. It is difficult for me to live a normal life because of my fear and suspicion of authority figures, which stems from the failure of the CRPD, city, state, and federal officials to save to my granddaughters and to act responsibly in the aftermath of the tragedy.

18. I continue to suffer from sleeplessness and nightmares due to the unanswered questions concerning my granddaughters' deaths.

19. I continue to have terrifying flashbacks to that fateful night and visions of my granddaughters being shot.

20. The death of my granddaughters has strained Jessica's and my relationship with the rest of our family. Although we are still close, the painful loss of my granddaughters has made it difficult for me to communicate about important issues with the rest of my children and my brothers and sisters.

21. The tragedy affected my brother, who lived with me before he passed away last year. He had to undergo psychological counseling for many years because of the loss of Katheryn, Rebecca, and Leslie.

22. Our painful search for, and lack of, answers has also greatly impacted Jessica's relationship with her son. My grandson Jessie lost his sisters, his childhood, and sometimes feels that he has lost his mother.

23. I am seeking answers about the circumstances of my granddaughters' deaths to help my family and I heal and return to normal life.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

**Dated: March 17, 2008
Denver, Colorado**

Tina Rivera /s/

Tina Rivera