

April 16, 2010

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For Immediate Release

## **District Attorney Statement Regarding the John Gardner Case**

With me here today are the families of Chelsea King (Brent and Kelly) and Amber Dubois (Mo and Carrie), Sheriff Bill Gore, Chief Jim Maher, Lt. Bob Benton, Deputy DA Kristin Spieler and Superior Court Division Chief Dave Greenberg. Thank you all for coming.

The murders of Chelsea King and Amber Dubois have shaken the collective soul of our community and beyond. San Diegans especially came together to wrap their arms and hearts around these families as they faced their darkest days. Today is an especially hard day as these families now face the reality of it all.

John Albert Gardner pled guilty today to the murder of Chelsea King, the murder of Amber Dubois and the assault, with the attempt to commit rape, of Candice M. He will be sentenced to two life terms in prison without the possibility of parole and he has waived all of his rights to appeal.

I want to thank Sheriff Bill Gore for his leadership and that of the Sheriff's Department members, in bringing to bear the resources necessary for the search and for ultimately finding Chelsea King. I especially want to thank the Sheriff's Homicide Team who handled the investigation. This was a collaborative effort including the FBI, other federal agencies, most of our local law enforcement, search and rescue teams and the community. Law enforcement has been working non-stop since this case began and we have them to thank for the quick resolution of this case.

And I also want to thank Escondido Police Chief Jim Maher for all the time, effort and hard work of the Escondido Police Department, especially Lt. Bob Benton who worked tirelessly on Amber's case. And, of course, a special thanks to the prosecutor in the case, Deputy District Attorney Kristen Spieler and her team. They have all been working overtime under intense scrutiny.

As you know, on March 3<sup>rd</sup>, the District Attorney's Office filed one count of murder with special circumstances against the defendant making him eligible for the death penalty for the murder of Chelsea King. We also filed one count of assault with the intent to commit rape on Candice M. Gardner was arraigned only on those charges and the preliminary hearing was set for August. At that time, law enforcement had no evidence linking the defendant to any other crime.

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However, two days later on March 5th, Gardner led authorities to the body of Amber Dubois. The only promise made to him in exchange for this information was that we could not use it against him in court. This was a somber decision. To end the anguish of the unknown for the Dubois family and to bring Amber home, we agreed we would not use this information against Gardner in court. However, any evidence obtained from the crime scene where Amber was found could have been used against him at trial if we could have found other ways to tie him to her murder.

Since the discovery of Amber, Escondido law enforcement, a multi-jurisdictional task force, and the crime labs worked day and night to connect Gardner to Amber's murder. But they couldn't. There was no DNA and there was no evidence obtained in the search warrants that connected him to her murder. We could not make a case. We kept the information about how we located Amber's body secret to protect the integrity of the case.

Unfortunately, we still do not have enough evidence to prove beyond a reasonable doubt, independent of the defendant's cooperation that would convict him in court. This means our office would not be able to pursue charges against Gardner for murdering Amber. In the case of Chelsea King, there were no agreements made. In her murder case, the death penalty was not taken off the table.

Recently, the defendant offered to plead guilty to all charges in the original complaint, and to plead guilty to an additional murder charge, with special circumstances, in the case of Amber Dubois. Before even considering such an offer, as in any case, we require the defense attorneys to submit a signed change of plea form. This was provided. On the change of plea form Gardner made a brief statement admitting what he did to Chelsea King, Amber Dubois and Candice M. A factual basis for the plea is required by law.

This offer was reviewed and discussed at length in the DA's Office. By accepting this guilty plea, we are obtaining a conviction for the murder of Amber that we otherwise would not have been able to obtain. Accepting this plea has been an extremely difficult decision. We have the evidence to pursue a murder charge against the defendant for Chelsea's murder, but not for Amber's murder.

While Chelsea's case was moving down the path of a death penalty decision – most of us realize a death sentence at this time, is a hollow promise in California. Even if death was imposed, Brent, Kelly and their family would have to endure a preliminary hearing, a trial, decades of appeals and the pain of reliving the murder over and over again. All of this was discussed with the King family. In addition, as parents they realized what Amber's parents were facing. Her case would have no legal closure.

Our office met with the Dubois family after discussions with the Kings. We explained the difficult situation we faced with their daughter's case. They too understood that in the end, this was the best possible outcome we could hope for everyone involved. As a result of this plea, we will not be seeking the death penalty. But we do know that a sentence of life without parole means this defendant will die in prison.

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As you now know, that amended complaint was filed today and the defendant entered a plea of guilty to all charges in Superior Court. Because of the protective order signed by the Judge today, we will have no further comment until after the sentencing. At that time, the families will finally be able to express their feelings in court and give a victim impact statement.

Nothing can replace the lives of Chelsea King and Amber Dubois, but today is another step as their families come to terms with their loss. Our hearts go out to them – and to our community deeply affected by these crimes. Unfortunately, today closes only the legal chapter of these horrible events. I am sure you all have many more questions, but I must remind you a protective order is still in place. Please respect the privacy of these families.

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