

NEWS

# Edward Montour's attorneys say new evidence proves wrongful conviction



Edward Montour was sentenced to death for killing Limon corrections officer Eric Autobee.



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Attorneys for Edward Montour say new evidence shows he was wrongly convicted of killing his infant daughter in 1997 and are asking a judge to toss out the death penalty as punishment for killing a corrections officer five years later.

Montour was sentenced to life in prison in 1998 after a jury convicted him of first-degree murder for killing his 11-week-old daughter, Taylor, in Colorado Springs. He said he accidentally dropped the infant when he stood up from a rocking chair, but the coroner's office ruled Taylor's death a homicide.

Defense attorneys filed a motion on Monday, asking Douglas County District Court Judge Richard Caschette to hear new evidence they say prove Taylor's death was the result of an accidental fall from her father's arms. They also argue Taylor had an undiagnosed bone disease.

"At this time, we are in the review process and cannot comment further on this matter," said Michelle Yi, spokeswoman for the 18th Judicial District Attorney's Office.

Montour was serving his sentence when he beat Eric Autobee, 23, to death at the Limon Correctional Facility in 2002. In 2003, he pleaded guilty to killing Autobee, and a judge sentenced him to death.

The Colorado Supreme Court reversed that ruling in 2007, and [Montour was allowed to withdraw his original plea](#) in April. Prosecutors announced they would [seek the death penalty](#) against Montour, who has since pleaded [not guilty by reason of insanity](#).

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During a recent hearing, Montour's attorneys asked to keep jurors from learning about his first conviction. The defense called two experts: Dr. Michael Arnall, a pathologist who performs autopsies in Adams County, and Dr. Leon Kelly, the chief deputy medical examiner at the El Paso County Coroner's Office.

Arnall testified that new research shows Taylor's head injuries from such a short fall could have been fatal. But Caschette denied the motion after Kelly and Arnall said the fall did not account for other broken bones the infant suffered.

But Kelly recently reversed his position after a specialist hired by the defense found that Taylor had an undiagnosed "bone disease which made her bones extraordinarily brittle," according to the defense motion. Kelly now says there is no longer sufficient evidence to rule Taylor's death a homicide.

Defense attorneys argue the wrongful conviction allowed Montour to be sent to prison, where several factors caused his mental illness to "flourish."

Jury selection began in January for the trial for Autobee's death. Opening statements are expected to start in March.

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