

REDACTED

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	<b>Filed</b>  <b>APR 22 2014</b>  <small>CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO</small>  σ COURT USE ONLY σ
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff  v.  <b>JAMES HOLMES,</b> Defendant	
DOUGLAS K. WILSON, Colorado State Public Defender Daniel King (No. 26129) Tamara A. Brady (No. 20728) Chief Trial Deputy State Public Defenders 1300 Broadway, Suite 400 Denver, Colorado 80203 Phone (303) 764-1400 Fax (303) 764-1478 E-mail: <a href="mailto:state.pubdef@coloradodefenders.us">state.pubdef@coloradodefenders.us</a>	Case No. <b>12CR1522</b>    Division 201
<b>NOTICE TO COURT OF INTENT TO INITIATE ORIGINAL PROCEEDING PURSUANT TO C.A.R. 21 [D-211]</b>	

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**CERTIFICATE OF CONFERRAL**

Conferral is not appropriate for this pleading.

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1. In Order C-90-A, the Court indicated that it would extend the stay on Order P-68 until Monday, April 21, 2014 to allow the defense time to evaluate whether it intends to initiate an original proceeding pursuant to C.A.R. 21, and that if so, the Court will extend the stay on Order P-68 until the Supreme Court takes action on the defendant's petition. In Order D-209, the Court subsequently extended this deadline to April 22, 2014.

2. The defense hereby provides notice that it intends to initiate an original proceeding pursuant to C.A.R. 21 and requests that this Court extend the stay on Order P-68 until the Colorado Supreme Court takes action on the petition it intends to file.

3. For informational purposes, the defense anticipates that it will file its petition with the Supreme Court within 30 days of today's date at the latest.

4. The defense understands the need to act promptly on this matter in light of the stay, and intends to work as diligently as possible to file the anticipated petition with the high court. The defense hopes to file the petition with the Court sooner than 30 days from today, but requests that the Court continue to extend the stay on Order P-68 until May 22, 2014 in an abundance of caution to ensure that they have sufficient time to seek review of this important issue.

5. The defense could not fully evaluate whether or not to seek an appeal of the Court's ruling to the Colorado Supreme Court, and could not commence working on a petition, until it received rulings from this Court on Motions D-200, D-201, and D-202 and had sufficient time to fully review and digest the Court's lengthy rulings on those pleadings.

6. Furthermore, the defense could not anticipate the timing of this Court's ruling on those pleadings. The timing of the Court's rulings happened to coincide with several other obligations the defense had related to this case as well as an unrelated case that have taken away from the time the defense could devote to this issue last week and this week. As a result, the defense will only be able to begin working on this issue in earnest later this week. In addition, the defense will need to devote ample time over the next several weeks to preparing for the motions hearings scheduled for May 5<sup>th</sup> and 6<sup>th</sup> on the extremely important topic of jury selection.

7. In addition, the issues involved in this matter are complex and fact-intensive. Indeed, it took this Court approximately one month to issue its rulings on Motions D-200, D-201 and D-202.

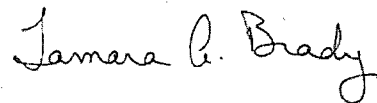
8. While again, the defense hopes to file the petition sooner than May 22, 2014, counsel thought it appropriate to inform the Court of the maximum amount of time it could potentially take for them to prepare the petition on this issue.

Mr. Holmes files this notice, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, Equal Protection, Confrontation, and Compulsory Process, the Rights to Remain Silent and to Appeal, and the Right to be Free from Cruel and Unusual Punishment, pursuant to the Federal and Colorado Constitutions generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25 and 28 of the Colorado Constitution.



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Daniel King (No. 26129)  
Chief Trial Deputy State Public Defender



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Tamara A. Brady (No. 20728)  
Chief Trial Deputy State Public Defender



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Kristen M. Nelson (No. 44247)  
Deputy State Public Defender

Dated: April 22, 2014

I hereby certify that on April 22, 2014, I

☐ mailed, via the United States Mail,  
☐ faxed, or  
☒ hand-delivered

a true and correct copy of the above and foregoing document to:

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Jacob Edson  
Rich Orman  
Karen Pearson  
Lisa Teesch-Maguire  
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Mona Whitton