

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112	▲COURT USE ONLY▲
PEOPLE OF THE STATE OF COLORADO v. JAMES EAGAN HOLMES, Defendant	Case No. 12CR1522 Division: 201
<p style="text-align: center;">ORDER REGARDING DEFENDANT’S MOTION TO STRIKE THE DEATH PENALTY, OR FOR OTHER ALTERNATIVE RELIEF—THE UNITED STATES SUPREME COURT’S JURISPRUDENCE ON JURY SELECTION IN CAPITAL CASES IS IN IRRECONCILABLE CONFLICT WITH THE EIGHTH AMENDMENT AND EVOLVING STANDARDS OF DECENCY/PROPORTIONALITY IN CAPITAL CASES (D-155)</p>	

In Motion D-155, the defendant moves “to strike the death penalty as a possible punishment in this case, or for other alternative relief, because the United States Supreme Court jurisprudence on jury selection in capital cases is in irreconcilable conflict with the Eighth Amendment, article II, section 20 of the Colorado Constitution, and evolving standards of decency/proportionality in capital cases.” Motion at p. 1. The prosecution opposes the motion. *See generally* Response.

The defendant “acknowledges that the Supreme Court’s case law is contrary to his argument.” Reply at pp. 1-2. According to the defendant, “[t]he Court’s logic is inconsistent on [the] issues” raised in his motion. *Id.* at p. 2. Because this Court lacks the authority to disregard Supreme Court precedent, much less to find that its rationale in Eighth Amendment capital cases is “inconsistent” with its rationale in Sixth Amendment and jury selection capital cases, the motion is completely meritless.

In any case, the defendant presents no authority in support of his inconsistency argument. None exists. The Court discerns no inconsistency in the cases in question.

As the defendant is aware, this Court is bound by all Supreme Court precedent, including that related to the Sixth Amendment and jury selection in capital cases. Because Motion D-155 urges the Court to ignore such precedent, it fails. Accordingly, the motion is denied without a hearing.

Dated this 22nd day of April of 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Carlos A. Samour, Jr.', written over a horizontal line.

Carlos A. Samour, Jr.
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2014, a true and correct copy of the Court's **Order Regarding Defendant's Motion To Strike The Death Penalty, Or For Other Alternative Relief—The United States Supreme Court's Jurisprudence On Jury Selection In Capital Cases Is In Irreconcilable Conflict With The Eighth Amendment And Evolving Standards Of Decency/Proportionality In Capital Cases (D-155)** was served upon the following parties of record:

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