Filed
REDACTED
JUL 08 2014
CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

STATE OF COLORADO

cdhs

Colorado Department of Human Services
people who help people

OFFICE OF BEHAVIORAL HEALTH
Lisa M. Clements PhD, Director

COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO
Dr. Birgit M. Fisher, Interim Superintendent
1600 West 24th Street
Pueblo, Colorado 81003
Court Services Phone: 719-546-4834/546-4825
TDD 719-546-4012
Court Services Fax: 719-546-4845

www.cdhs.state.co.us

John W. Hickenlooper
Governor

Reggie Bicha
Executive Director

July 7, 2014

The Honorable Carlos A. Samour, Jr.
18th Judicial District
Arapahoe County District Court
Arapahoe County Courthouse
7325 South Potomac Street
Centennial, CO 80112

RE: Defendant: James Eagan Holmes
District Court of: Arapahoe County
Criminal Action No: 2012CR1522, Division 26

Dear Judge Samour:

[redacted] has initiated the process for conducting a second sanity examination of Mr. Holmes, as instructed by your March 11, 2014 Order Appointing Psychiatrist Selected by the Colorado Mental Health Institute at Pueblo to Conduct a New Court-Ordered Sanity Examination (C-84) and May 8, 2104 Order Forwarding to the New Examiner Order C-95 and Redacted Copy of Order P-68 (C-96).

To conduct the second sanity examination in the manner directed by Order P-68, [redacted] must review an even more voluminous amount of documentation than the first evaluation, conduct interviews, obtain certain psychological testing, and address the issues identified at the hearing on Motion P-68. Following completion of the examination itself, [redacted] must compile and interpret the information and write a complete and sufficient report. [redacted] has determined that it will not be feasible to complete the necessary review and interviews, and create an adequate report by the current August 15, 2014 deadline. Accordingly, [redacted] respectfully requests a deadline to, and including, October 15, 2014, to submit the report on the second sanity examination.

[redacted] has performed more than a dozen sanity examinations in death penalty cases. His regular practice includes videotaping such examinations. [redacted] basis for videotaping sanity examinations is grounded in his independent medical judgment of appropriateness and necessity. He has a standardized procedure for conducting such videotaping. Consistent with his regular practice, it is [redacted] intention to videotape his examination of Mr. Holmes.

[redacted] has provided notice to both the prosecution and defense that he will videotape the examination. The People do not object; Mr. Holmes' counsel does object. There is no court order prohibiting [redacted] from videotaping the examination, and Order D-201 states that [redacted] must decide how best to conduct the second sanity examination. [redacted] does not object to a protective order prohibiting the videotape from being distributed

to either party. This issue needs to be decided prior to scheduling the examination. [redacted] will proceed in his usual manner and videotape the examination, unless the Court instructs otherwise. The examination will be scheduled within the next month, so [redacted] requests direction from the Court as soon as possible.

Sincerely,

Birgit M. Fisher, PhD.

Dr. Birgit M. Fisher, Interim Superintendent
Colorado Mental Health Institute at Pueblo

cc: [redacted]
Daniel King, Chief Deputy Public Defender
Tamara Brady, Chief Deputy Public Defender
Karen Pearson, Chief Trial Deputy District Attorney
Rich Orman, Deputy District Attorney