

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: 202
<p style="text-align: center;">ORDER REGARDING DEFENDANT’S NOTICE OF DISCLOSURES PURSUANT TO CRIM. P. 32.1(d)(7)(B) (D-244)</p>	

This matter is before the Court on the notice by the defendant regarding “Crim. P. 32.1(7)(B)” [sic]. *See generally* Notice. Under Rule 32.1(d)(7)(B), today, October 20, 2014, was the deadline for the defense to submit to the Court under seal any material subject to subsection (d)(7) that the defendant believes contains self-incriminating information that is privileged from disclosure to the prosecution prior to the sentencing hearing. *Id.* at p. 1. The Court did not receive any disclosures from the defendant. Nor did the defendant move to extend the deadline. To the contrary, the defendant expressly states in the notice that it is “not a motion.” *Id.* On this record, the Court finds that the defense has concluded that there is no material subject to Rule 32.1(d)(7) to submit to the Court under seal for its review to determine whether it is in fact privileged.

During a hearing on July 22, 2014, while objecting to the December 8, 2014 trial date, defense counsel informed the Court that they would not be able to comply with a different deadline under Rule 32.1. 7/22/14 Tr. at p. 197. The Court overruled the defense's objection and made it clear that deadlines are meaningful and that it "expect[s] counsel to meet" them. *Id.*

Dated this 20th day of October of 2014.

BY THE COURT:



Carlos A. Samour, Jr.
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2014, a true and correct copy of the Court's **Order Regarding Defendant's Notice of Disclosures Pursuant to Crim. P. 32.1(d)(7)(B) (D-244)** was served upon the following parties of record:

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