REDACTED

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: **26**

ORDER REGARDING DEFENDANT'S NOTICE OF INTENT TO TENDER PLEA OF NOT GUILTY BY REASON OF INSANITY (D-37)

The Court is in receipt of the defendant's notice that he intends to tender a plea of not guilty by reason of insanity at the May 13, 2013 status hearing. Under Colorado law, the defense of insanity "may only be raised by a specific plea entered at the time of arraignment." *See* § 16-8-103(1.5)(a) C.R.S. (2012); *see also* Crim. P. 11(e)(1) (same). However, the Court, "for good cause shown, may permit the plea to be entered at any time prior to trial." *See* § 16-8-103(1.5)(a); *see also* Crim. P. 11(e)(1) (same). The plea must be made "orally, either by the defendant or by the defendant's counsel," and the form of the plea shall be: "Not guilty by reason of insanity." *See* § 16-8-103(1.5)(a); *see also* Crim. P. 11(e)(1) (same).

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The arraignment hearing in this case was held on March 12, 2013. At that time, the Court entered a plea of not guilty on the defendant's behalf over his objection.

The Court will give the defendant an opportunity during the May 13 hearing to establish "good cause" to permit a not guilty by reason of insanity plea to be entered after the arraignment. The Court will then give the People an opportunity to respond. After the Court determines whether "good cause" exists, it will decide how to proceed.

Dated this 7th day of May of 2013.

BY THE COURT:

Carlos A. Samour, Jr.
District Court Judge

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CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2013, a true and correct copy of Order regarding defendant's notice of intent to tender plea of not guilty by reason of insanity (D-37) was served upon the following parties of record.

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