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DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	DATE FILED: February 3, 2023 4:21 PM DATE FILED: February 3, 2023 1:47 PM
People of the State of Colorado vs. Defendant: Anderson Lee Aldrich	▲ COURT USE ONLY ▲
District Attorney: Michael J. Allen, #42955 Chief Deputy District Attorney: Reginald Short #35656 Chief Deputy District Attorney: Jennifer Viehman, #33163 105 E. Vermijo Colorado Springs, CO 80903 Phone Number: 719-520-6000	Case #: 2022CR6008 Division #: 21 Courtroom #: W450
<p style="text-align: center;">[D-22]</p> <p style="text-align: center;">PEOPLE'S RESPONSE TO DEFENDANT'S MOTION FOR COURT ORDER REQUIRING THE DISTRICT ATTORNEYS' OFFICE, UNITED STATES ATTORNEYS, AND EVERY OTHER LAW ENFORCEMENT AGENT TO REMOVE ALL INVESTIGATION MATERIAL OF MEMBERS OF THE DEFENSE FROM THEIR POSSESSION AND ORDER THEM TO STOP INTERFERING WITH THE RIGHT TO COUNSEL</p>	

MICHAEL J. ALLEN, District Attorney in and for the Fourth Judicial District, County of El Paso, State of Colorado, by and through his duly appointed Chief Deputy District Attorney, respectfully submits the following, [D-22] People's Response to Defendant's Motion for Court Order Requiring the District Attorneys' Office, United States Attorneys, and Every Other Law Enforcement Agent to Remove All Investigation Material of Members of the Defense From Their Possession and Order Them to Stop Interfering With The Right To Counsel. In support thereof, the People state:

1. The Defendant is significantly misleading in the narrative of events provided to the Court. The People have attached a redacted copy of the actual investigative report to this pleading. (*See Attachment A*). In effect, on November 28, 2022, members of a covert FBI surveillance team were watching an understandably critical witness in the case, Laura Voepel (hence the simultaneous apparent attempt at contact by the defense). During the course of that surveillance, they documented and attempted to identify everyone that was in potential contact with this witness, and in the course of this process, they observed and documented three unidentified individuals enter the residence of Ms. Voepel. They then see these same individuals leave the residence and enter two vehicles. FBI personnel run the plates and commensurate with usual investigative practices, made efforts to identify the registered

owners through law enforcement databases. No contact was ever initiated with the individuals involved. The plain language target of the surveillance was Laura Voepel.

2. The case of Richardson v. District Court, 632 P.2d 595, (Colo. 1981) cited by the Defendant is easily distinguishable from this circumstance. The Richardson Court was confronted by a circumstance where a district court had authorized release of defense witness interviews following a motion from the prosecution. Richardson, 632 P.2d at 597. Here, no information was obtained related to the substance of the interviews, and as is obvious from the procedural posture of the motion, the parties involved were not even aware of the investigative efforts. The Defendant's sweeping statements of a chilling effect on their representation belie their obvious ability to have sifted through 5000 pages of FBI records in less time than the prosecution to identify their concern via this motion. It is of some note that the Defendant has made motions regarding allegations of discovery violations, yet here the Defendant impliedly asks for exactly the opposite – for law enforcement to somehow have destroyed records of investigative efforts once the identity of the parties was ascertained.
3. To the extent that the Defendant's Motion would seek to preclude any surveillance of any witness on the off chance that somehow they could identify a member of the defense team, that remedy would be beyond the scope of any known regulation of an investigative effort, and the People would ask this Court to deny that remedy.
4. From the perspective of technical limitations, once an investigative report is discovered as part of the Action system, there is not a way to remove it from the database. (*See Attachment B*).
5. The United States Attorneys' Office is not a party to this case and is the People's position is that this Court would not have jurisdiction over that agency.

The People do not object to the Court granting a protective order relating to the CLEAR reports on the individuals named in this motion precluding further dissemination, however, as these are investigative reports currently part of our ACTION computer system that have been discovered, the People would object to an order removing these materials.

Respectfully submitted this 3rd day of February 2023.

MICHAEL J. ALLEN, #42955
DISTRICT ATTORNEY

By: /s/ Michael J. Allen
Michael J. Allen, #42955
District Attorney

/s/ Reginald Short
Reginald Short, #35656
Chief Deputy District Attorney

/s/ Jennifer Viehman
Jennifer A. Viehman, # 33163
Chief Deputy District Attorney

CERTIFICATE OF SERVICE

I certify on the 3rd day of February 2023, a true and correct copy of [D-22] People's Response to Defendant's Motion for Court Order Requiring the District Attorneys' Office, United States Attorneys, and Every Other Law Enforcement Agent to Remove All Investigation Material of Members of the Defense From Their Possession and Order Them to Stop Interfering With The Right To Counsel, was served via Colorado Courts E-Filing on all parties who appear of record and have entered their appearances according to Colorado Court's E-Filing.

/s/
Kim Daniluk, Paralegal