

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	DATE FILED: November 28, 2022 November 28, 2022 4:18 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-2]</p> <p style="text-align: center;">PEOPLE'S RESPONSE TO DEFENSE NOTICE OF INVOCATION OF ALL STATUTORY, CASE LAW, AND CONSTITUTIONAL PRIVILEGES, CONFIDENTIALITY AND PRIVACY INTERESTS: DEMAND FOR NOTICE OF ANY ALLEGED PRIOR WAIVERS OF PRIVILEGE, SIGNED RELEASES OR DISCLOSURE OF PASSWORDS ALLOWING FOR ACCESS TO OTHERWISE PRIVATE INFORMATION</p>	

COMES NOW, Michael J. Allen, District Attorney for the Fourth Judicial District, and his duly appointed Chief Deputies, respectfully submits the following, [D-2] People's Response to Defense Notice of Invocation of All Statutory, Case Law, And Constitutional Privileges, Confidentiality and Privacy Interests: Demand for Notice of Any Alleged Prior Waivers of Privilege, Signed Releases or Disclosure of Passwords Allowing for Access to Otherwise Private Information. In support thereof, the People state:

1. The People hereby acknowledge that they are on notice of said invocation of laws and privileges.
2. The Defendant has the authority to invoke his medical privilege for "all medical and psychiatric, including drug or alcohol treatment privileges."
3. It is the People's position that the Defendant does not have the right or authority to invoke "all privileges in school, military, probation, prison, social services, or other records Defendant has a confidentiality expectation".

4. The Criminal Justice Records Act applies to some of these records under C.R.S. 24-72-301 and 24-72-304(1). C.R.S. 24-72-304(1) specifically provides that these records "may be open to inspection to any person at reasonable times except as otherwise provided by law." Further, C.R.S. 19-1-307, C.R.S. 22-1-123, and 20 U.S.C. section 1232(g) address social service and school records.
5. Further, military records are similarly subject to open records requests under the Freedom Act.
6. The People have the power to request records under the Criminal Justice Records Act, and under Rules of Criminal Procedure, Rule 17(c). Defendant's motion seeks a court order to limit any and all attempts by law enforcement to obtain any privileged records. That request is too broad and exceeds the provisions of Crim. P. 17(c) and C.R.S. 13-90-107, Defendant's request infringes on the prosecution's duty and responsibility to prepare these cases for trial, is unnecessary given the statutory protections already in place, and should be denied.
7. The defendant attempts to revoke any waivers that that may have been provided, to-wit for passcodes or passwords for electronic devices or social media accounts. Defense cites no authority for the proposition that if passwords or codes have been provided by the Defendant, the defense can revoke that waiver or disclosure.
8. The People would object to disallowing law enforcement or other investigators from utilizing previously obtained information, if it exists.

Respectfully submitted this 28th day of November, 2022.

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 28th day of November 2022, a true and correct copy of [D-2] People's Response to Defense Notice of Invocation of All Statutory, Case Law, And Constitutional Privileges, Confidentiality and Privacy Interests: Demand for Notice of Any Alleged Prior Waivers of Privilege, Signed Releases or Disclosure of Passwords Allowing for Access to Otherwise Private Information, 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