

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	DATE FILED: February 8, 2023 6:58 PM  <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<b>People of the State of Colorado</b> vs. <b>Defendant: Anderson Lee Aldrich</b>	
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><b>[D-23]</b></p> <p><b>PEOPLE’S RESPONSE TO DEFENDANT’S MOTION TO CONTINUE THE PRELIMINARY HEARING AND PROOF EVIDENT PRESUMPTION GREAT HEARING</b></p>	

Comes now, Michael J. Allen, District Attorney for the Fourth Judicial District, and his duly appointed Chief Deputies, respectfully submits the following, [D-23] People’s Response to Defendant’s Motion to Continue the Preliminary Hearing and Proof Evident Presumption Great Hearing. In support thereof, the People state:

1. The People object to the continuance being granted at this stage of the process.
2. The People have tendered both a list of prospective witnesses for the hearing (totaling four individuals), and the entirety of the power point slides also for use as planned exhibits on January 31, 2023. The People have also tendered copies of the proposed surveillance video footage.
3. The purpose of the preliminary hearing is not a mini trial, but rather is limited to the purpose of determining whether there is probable cause to believe that a crime was committed and that the defendant committed it. Maestes v. District Court, 189 Colo. 443 (1975). Colorado law has clearly rejected the discovery theory, providing for an expanded hearing to accommodate the accused’s ability to learn about the government’s evidence against him. People v. Quinn, 183 Colo. 245 (Colo. 1973). While it is correct that the presumption great determination also involved in this case requires a higher level of review, nothing in those dictates provides for exhaustive consideration of all potential defenses, merely an objective evaluation of the likelihood of conviction at trial.
4. The Defendant cites to People v. Brown, 322 P.3d 214 (Colo 2104) for the proposition that

the Court should grant the continuances, but obviously the plain procedural context of that case concerned a substitution of counsel issue in conjunction with a trial.

5. The Defendant has laid out no precise statement of the prejudice of the current setting, other than to continually complain of their inability to review the materials submitted. From prior responses, counsel has demonstrated their ability to sort through the materials in a short time frame.
6. We agree with counsel for the Defendant that their time is better spent on preparing for the anticipated testimony at the hearing, as opposed to filing letters requesting information either already provided or not in the possession and control of the People. As a recent example of this effort, Attachment A is a letter from the Defendant's counsel, noting their receipt of an exhibit in discovery, and asked for which witness would identify where this exhibit was found or located, and "[a]ny indication that [the Defendant] ever created, viewed, shared, or accessed this exhibit. " This is plainly beyond the scope of CrimP. 16 obligations, and again, references the plain ability for counsel to be prepared for the hearing, absent intentional choices. <sup>1</sup>

Wherefore, the People respectfully request this Court to Deny the Defendant's Motion for a Continuance.

Respectfully submitted this 8th 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

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<sup>1</sup> Defense has sent letters demanding discovery and has set their own arbitrary deadlines for "compliance" on 12/9/22, 12/22/22, 12/28/22, 1/11/23, 1/17/23, 1/18/23, 1/19/23, 1/20/23, 2/1/23 and 2/7/23.

On the 1/20/23 demand referenced as exhibit A of the defense motion to continue, defense sent the letter via email at 5pm on 1/20 with a demand for compliance by 9pm on 1/20 and when their arbitrary deadline was not met, filed [D-15] Objection at 10pm on 1/20. Exhibit B of Defense Motion to Continue was sent via email on **Wednesday** January 18<sup>th</sup> with an arbitrary deadline of compliance by 5pm on **Tuesday** January 18, 2023.

