

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 Tejon Street Colorado Springs, Colorado 80903	DATE FILED: March 30, 2023 10:55 AM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH , Defendant	σ COURT USE ONLY σ
Megan Ring, Colorado State Public Defender Joseph Archambault #41216 Chief Trial Deputy Michael Bowman #48652 Deputy State Public Defender 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	Case No. 22CR6008 Division 21
MOTION FOR COURT ORDER REQUIRING DISCLOSURE OF ALL MATERIAL OBTAINED FROM DISCORD INC. [D-27]	

Mx. Anderson Aldrich¹, by and through counsel, moves the Court to ORDER that the District Attorney's Office, the United States Attorney's Office, and any other member of law enforcement who is possession of the material specified in *Exhibit A* to disclose that material to the defense. As grounds, they provide the following:

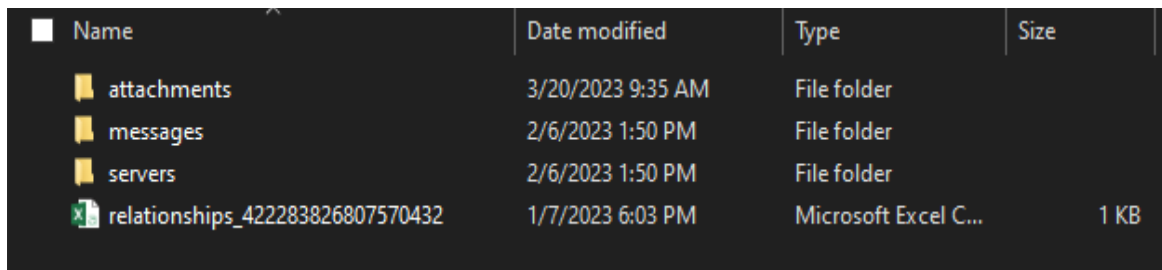
FACTS

1. On January 4, 2023, a warrant directed at "Discord Inc.," was signed by a Federal District Court.
2. That warrant identified several "target accounts" the government sought to search and identified materials to be seized from those "target accounts."
3. The warrant proposes that the "target accounts" were attributed to Anderson Aldrich and several of their family members. *See Exhibit A* at p. 2-3.
4. The government describes materials sought in "Attachment B." It includes: "web requests of HTTP requests . . . requestor's IP address, identity and user ID . . . all subscriber information, including the date on which the TARGET ACCOUNTS was created, length of service, the IP address used to register TARGET ACCOUNTS, the subscriber's full

¹Anderson Aldrich is non-binary. They use they/them pronouns, and for the purposes of all formal filings, will be addressed as Mx. Aldrich.

name(s), screen name(s), any alternate names, other account names, or e-mail addresses associated with the TARGET ACCOUNTS . . .” See *Exhibit A* at p. 5-7.

5. On February 3, 2023, defense counsel received a discovery folder titled “K-26 Discord records for Anderson Aldrich provided by FBI – DIMS set 265.”
6. Within “K-26,” are several folders – a screenshot of the contents is contained below:



Name	Date modified	Type	Size
attachments	3/20/2023 9:35 AM	File folder	
messages	2/6/2023 1:50 PM	File folder	
servers	2/6/2023 1:50 PM	File folder	
relationships_422283826807570432	1/7/2023 6:03 PM	Microsoft Excel C...	1 KB

7. The “attachments” folder represents media that was sent via discord. The “messages” folder contains spreadsheets of messages exchanged. The “servers” folder represents different topics and channels. The excel document titled “relationships” is blank and contains no data.
8. This discovery contains no attestation or declaration from the company that the information disclosed represents the full response to the subpoena served, that the information is true or accurate, or even whether these records were in fact distributed in response to the subpoena served on Discord Inc. on January 4, 2023.
9. Additionally, the information disclosed contains none of the items or material identified in paragraph 4 of this motion as the items being sought by the government. The disclosure contains no attestation from Discord Inc. that the items identified in that paragraph were not within Discord Inc.’s control, or that no such records exist.
10. On March 21, 2023, defense counsel sent a letter requesting the specific disclosure of all materials obtained via the warrant served on Discord Inc. on January 3, 2023. See *Exhibit B*. In response, counsel was directed to the discovery contained in discovery file K-26.
11. To date, the material contained in that discovery folder is the only material received containing any information from discord.
12. Defense counsel has also not received any reports or analysis conducted following the acquisition of the information requested in the warrant directed at Discord Inc.

LAW AND ANALYSIS

13. The Fourteenth Amendment of the United States Constitution guarantees that no State shall “deprive any person of life, liberty, or property, without due process of the law.” U.S. CONST. amend. XIV, § 1.
14. Rule 16 of the Colorado Rules of Criminal Procedure provides that the prosecuting attorney *shall* among other things, make available to the defense, “any books, papers,

documents photographs or tangible objects held as evidence in connection with the case.” Colo. R. Crim. P. 16 (a)(1)(IV).

15. Furthermore, the prosecutions obligations under that section extends to “material and information in the possession or control of members of his or her staff and of any others who *have participated in the investigation or evaluation of the case and who either regularly report, or with reference to the particular case have reported,* to his or her office. Colo. R. Crim. P. 16 (a)(3)(emphasis added).
16. When a request is made for material, which “would be discoverable, “the prosecuting attorney shall use diligent good faith efforts to cause such material to be made available to the defense. Colo. R. Crim. P. 16 (c)(1). When those efforts fail, the court “*shall* issue suitable subpoenas or orders to cause such material to be made available to the defense.” Colo. R. Crim P. 16 (c)(2)(emphasis added).
17. The FBI was actively involved in the investigation of this case. *See generally* Tr. 2/23/23. The FBI has taken the lead on several issues from the digital forensics to the shooting reconstruction. *Id.* Based on the filing and disclosure made to defense thus far, the Discord Inc. materials are in possession of the FBI who have been providing materials to the District Attorney’s office.
18. The materials disclosed to defense counsel clearly do not reflect the full return of the warrant served upon Discord Inc. As mentioned above, counsel has received no attestation from an employee of the company identifying that the materials reflect the entirety of the information collected, or even reflect authentic copies or original materials held by Discord Inc.
19. Counsel has made the specific request of the District Attorney’s Office – thus far, no additional material has been disclosed.
20. As such, defense requests the court issue an order requiring the FBI to disclose all materials obtained upon return of the warrant served and issued to Discord Inc. on January 3, 2023.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy

Certificate of Service

I certify that on 3/30/23, I served the foregoing document electronically through Colorado Courts E-Filing to all opposing counsel of record.
s/skoslosky



Michael Bowman #48652
Deputy State Public Defender

Dated: March 30, 2023