

REDACTED

DATE FILED: January 25, 2023 11:27 AM

# Exhibit A



OFFICE OF THE DISTRICT ATTORNEY  
FOURTH JUDICIAL DISTRICT  
INVESTIGATIVE REPORT  
105 E. Vermijo Avenue  
Colorado Springs, CO 80903  
719-520-6000

DA Case No:  
**22DA239**  
Court Case No:  
**2022CR6008-21**  
Outside Agency Case No:  
**CSPD 22-43279**

Defendant name: **Anderson Lee Aldrich**

Date of Birth: **05/20/2000**

**NARRATIVE**

**Investigator Martinez Supplemental Report #11**

**Thursday, January 19, 2023**

On Wednesday, January 18, 2023, and Thursday, January 19, 2023, I, Investigator Kimberly Martinez of the 4<sup>th</sup> Judicial District Attorney's Office, was working on resolving media issues for defense, regarding item – 22CR6008-21 CJC Surveillance 11.22.22 – 12.02.22 (should state 12.05.22) – CSPD Barcode

This task resulted in me transferring individual files to their external hard drive one and two at a time and then verifying media was present, due to the complete download failing each time when attempting to transfer the entire contents at once, causing the player to not function for defense counsel. I verified the media was present by pulling each camera download provided, dragging it to the play screen and observing a screen capture. I did not play the video and only verified there was media available in each file provided. While reviewing these files, I observed what appeared to be a still image of a visitation between Aldrich and other individuals at a round table. The other individuals appeared to be wearing professional dress attire, which led me to believe it was potentially a professional visit. I did not play the footage to confirm this, and I do not have record or knowledge of what video file, from which I viewed the still image, and I do not recognize who is in the footage, I based my decision off of the professional attire that the people in the visit were wearing. When I became aware of the potential of having a professional visit between Aldrich and others, I notified a supervisor and Chief Deputy District Attorney Reginald Short. I was directed to delete the contents of the video that I had in my possession, to delete the copy from defense's external hard drive, and to notify the United States Attorney's Office. I was then directed to have a paralegal with the 4<sup>th</sup> Judicial District Attorney's Office, Kim Daniluk, complete appropriate paperwork to seal the footage and provide one copy to the court.

I contacted the Colorado Springs Police Department evidence unit, requested they release the evidence item, logged under barcode , item , Hard Drive 22CR6008-21 CJC Surveillance 11.22.22 to 12.05.22. At approximately 3:26pm, I signed for custody of the hard drive at CSPD evidence, took the sealed envelope containing the hard drive to the 4<sup>th</sup> Judicial District Attorney's Office and placed it into a secured evidence locker by Investigator S. Daly until it could be hand delivered to court staff at the El Paso County Combined Courts, Division 21.

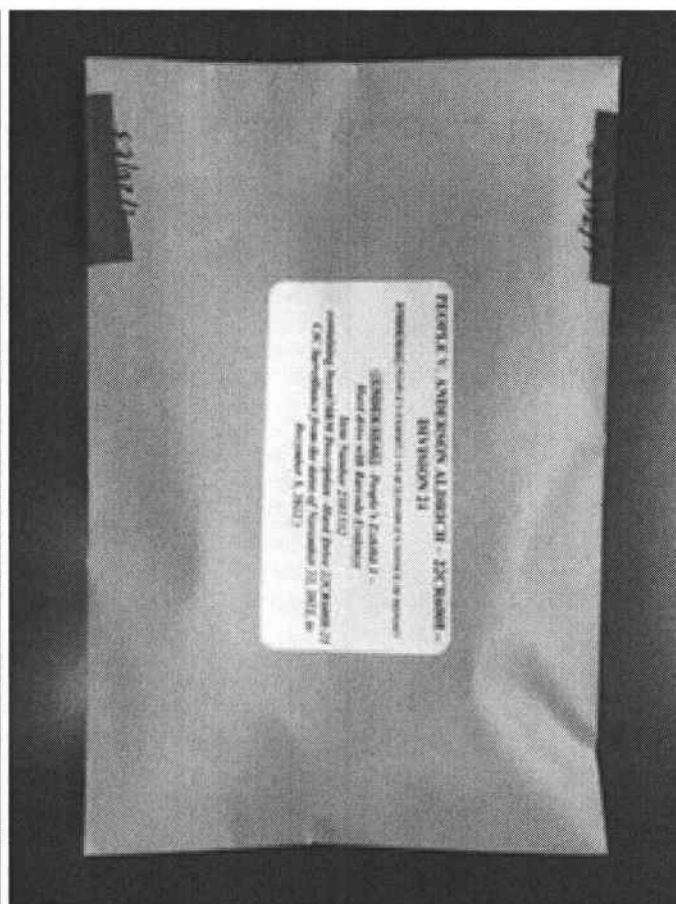
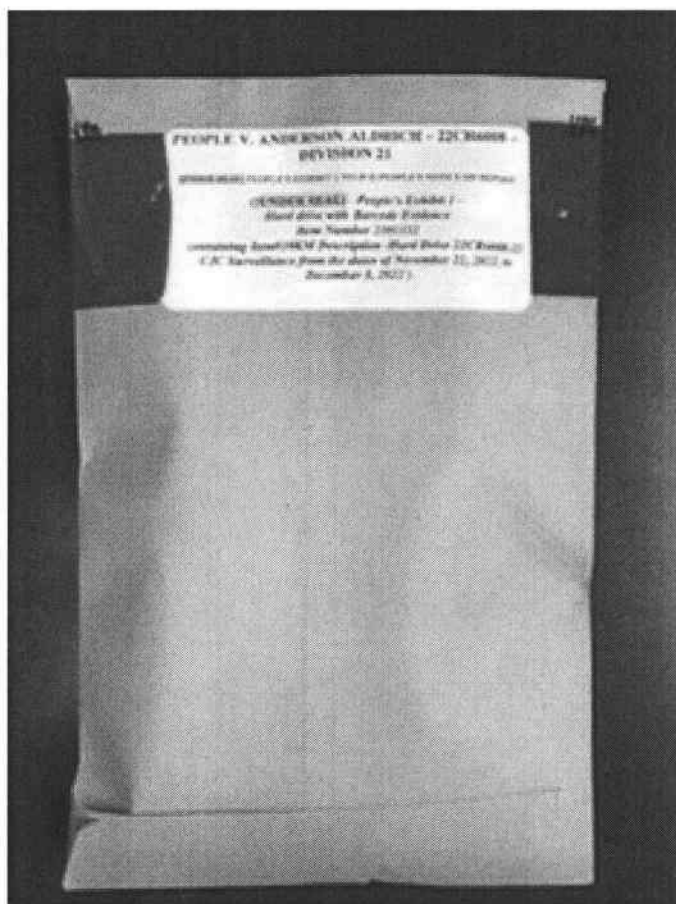
At 5:49pm, I sent two requests for video surveillance from 11.22.22 to 12.05.22 to be re-downloaded and to exclude any possible professional visit video footage. I also asked for footage of Aldrich while housed in medical between 12.05.22 to 12.15.22, while housed in ward 1B1 from 12.15.22 to 01.01.23, while housed in ward 1B4 01.01.23 to 01.05.23, while housed in ward 1B3 01.05.23 to 01.07.23, while housed in ward 2D2 01.07.23 to 01.12.23, and while housed in ward 1B3 01.12.23 to 01.18.23. Each request specifically demanded the exclusion of any possible professional visits. A log of professional visits from the El Paso County Criminal Justice Center's (CJC) database was also provided with the memos, for their reference on exact dates and times

Defendant Name: <b>Anderson Lee Aldrich</b>	DOB: <b>05/20/2000</b>	DA case no.: <b>22DA239</b>	Court case no.: <b>2022CR6008-21</b>
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to be excluded from their downloads. These documents were placed into Colorado Springs Police Department evidence, under case number 22-43279, item . The date on the memos reflected 11.30.22 by error and I notified Deputy Urbina that the memos reflected that date, but for record the appropriate date of notice of those memos to CJC was 01.19.2023 and reflects this date on the evidence item. This has also been provided to CSPD for pagination and release through discovery.

### **Friday, January 20, 2023**

At approximately 11:35am, Ms. Daniluk met me at my office, she advised me she had seal labels for the hard drive and requested I obtain it from the secured evidence locker. I retrieved the hard drive, which was still in the original sealed envelope it was placed in for evidence and at 11:37am, I opened the envelope in the presence of Ms. Daniluk. The hard drive was removed from the evidence envelope and was tagged with a CSPD barcode label to identify it. The hard drive was then placed in a new envelope, two seal labels were placed on the envelope, along with evidence tape, initialed, dated and a photograph was taken of the front and back. The two photographs are below.

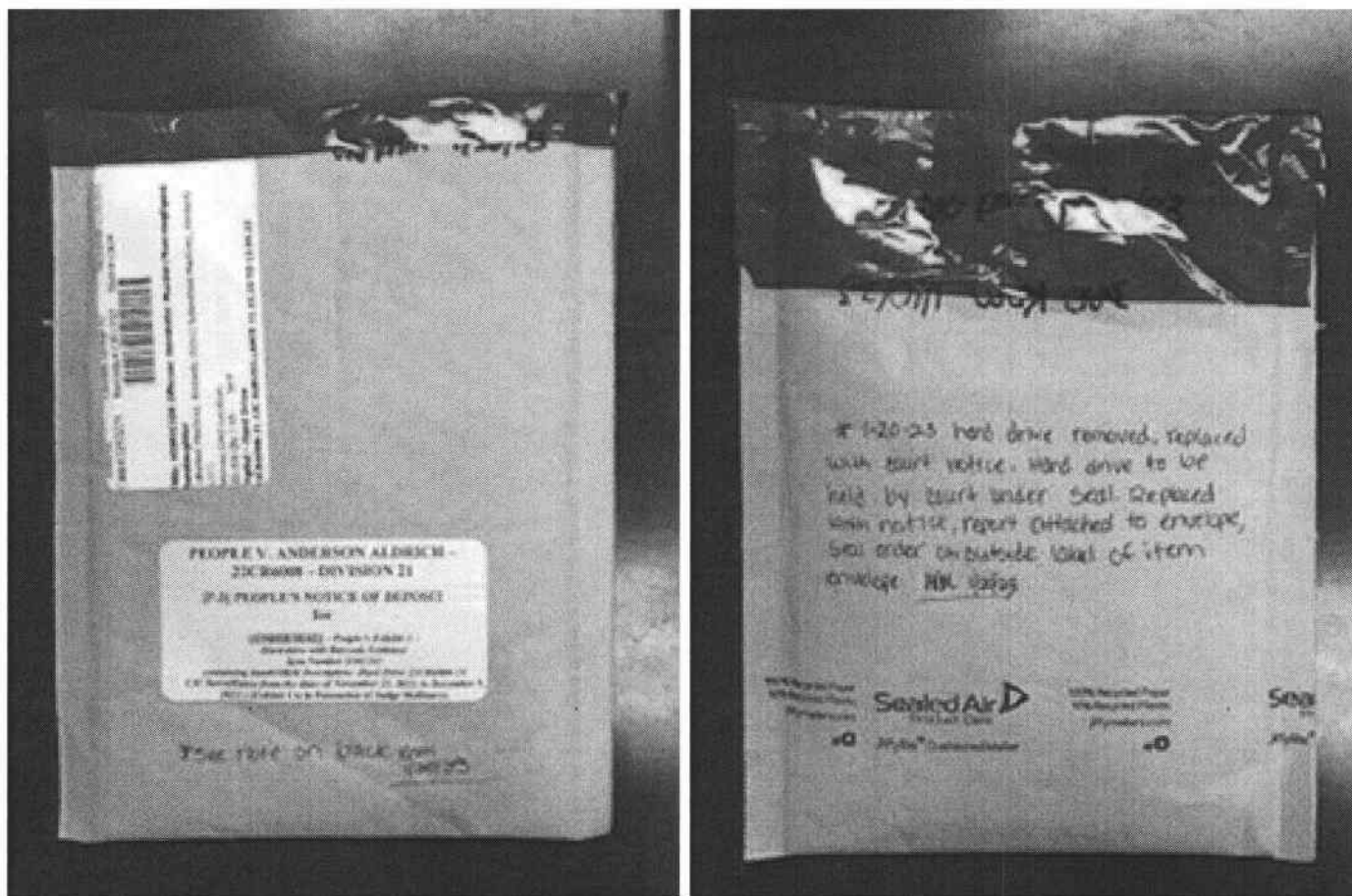


I, along with Investigator S. Daly, walked to the El Paso County Combined Courts, with the hard drive, went to Division 21's Clerk window and spoke with the Honorable Judge McHenry's Clerk, Gary Kennedy, advising him that I had a hard drive that needed to be delivered to the court. At 12:13pm, Mr. Kennedy personally accepted the sealed envelope containing the hard drive. At

Defendant Name: <b>Anderson Lee Aldrich</b>	DOB: <b>05/20/2000</b>	DA case no.: <b>22DA239</b>	Court case no.: <b>2022CR6008-21</b>
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12:23pm, I notified Ms. Daniluk the hard drive was hand delivered to Mr. Kennedy at 12:13pm and at 12:26pm, Ms. Daniluk filed a "P3 - People's Notice of Deposit for People's Exhibit 1" with the El Paso County Combined Courts, Division 21, which is stamped as filed on January 20, 2023 at 12:26pm, filing id 3ADC482518237, case number 2022CR6008. This notice is attached to this report.

The notice was printed and placed inside of the original evidence envelope for barcode item , Hard Drive 22CR6008-21 CJC Surveillance 11.22.22 to 12.05.22. A note was placed on the outside of that envelope after it was sealed and initialed, stating the hard drive was replaced with the notice and was accepted by the court and in their possession. I took a photograph of the front and back of the evidence envelope and those photos are below.



A copy of this report will also be attached to the evidence envelope after approval.

Investigator: <b>Kimberly Martinez</b>	Date: <b>1/20/2023</b>	Approving Supervisor: <b>Senior Inv. David Guest</b>	Date: <b>1/20/2023</b>
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DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	DATE FILED: January 20, 2023 12:26 PM FILING ID: 3ADC482518237 CASE NUMBER: 2022CR6008
<b>People of the State of Colorado</b> vs. <b>Defendant: Anderson Lee Aldrich</b>	<b>▲ COURT USE ONLY ▲</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-3]  <b>PEOPLE'S NOTICE OF DEPOSIT</b>	

Comes now, Michael J. Allen, District Attorney for the Fourth Judicial District, and his duly appointed Chief Deputies, respectfully submits the following, [P-3] People's Notice of Deposit.

In support thereof, the People state:

1. On December 7, 2022, the People received Barcode Evidence Item Number containing *Item#*      *Description -Hard Drive 22CR6008-21- CJC Surveillance* from the dates of November 22, 2022, to December 5, 2022.
2. On January 19, 2023, District Attorney Investigator, Kim Martinez discovered that this hard drive contained surveillance of what appears to be an attorney/client meeting or professional visit with the Defendant. There is no audio to this surveillance, so no conversations were heard by Inv. Martinez. No member of the prosecution team other than Investigator Martinez viewed the footage, and she stopped once the observations were made.
3. The People have hand-delivered the original hard drive containing Barcode Evidence Item Number containing *Item#*      *Description - Hard Drive 22CR6008-21- CJC Surveillance* from the dates of November 22, 2022, to December 5, 2022, to the Court [Under Seal] - *(People's Exhibit 1)*. At the present time, the People are just asking the

Court to retain possession of the exhibit without further need of review until such time as the People believe any evidence related to this item may be at issue in the case.

Respectfully submitted this 20th day of January 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 20th day of January 2023, a true and correct copy of [P-3] People's Notice of Deposit, 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

# **Exhibit B**

DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	<div style="text-align: center;">□ COURT USE ONLY □</div>
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. <b>ANDERSON ALDRICH,</b> Defendant	
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: <a href="mailto:springs.pubdef@coloradodefenders.us">springs.pubdef@coloradodefenders.us</a>	Case No. <b>22CR6008</b>          Division <b>21</b>
<div style="text-align: center;"> <p>ORDER</p> <p><b>MOTION FOR COURT ORDER REQUIRING THE DISTRICT ATTORNEYS' OFFICE, UNITED STATES ATTORNEYS, AND EVERY OTHER LAW ENFORCEMENT AGENT TO REMOVE ALL JAIL VISITOR LOGS FROM THEIR POSSESSION</b></p> <p><b>[D-17]</b></p> </div>	

The Defense's Motion for Court Order Requiring the District Attorney's Office, the United States Attorneys and Every other Law Enforcement Agent to Remove All Jail Visitor Logs from their Possession.

Granted \_\_\_\_\_

Denied \_\_\_\_\_

The Court further states:

1. The Court orders that the 4<sup>th</sup> Judicial District Attorney's Office, the United States Attorneys Office in the Federal District of Colorado, and the Colorado Springs Police Department excise from their possession, including but not limited to physical and digital possession any jail visitor logs related to Mx. Aldrich and their attorneys, and this must be done by January 27, 2023, at 5:00 p.m.



2. The Court orders that the 4<sup>th</sup> Judicial District Attorney's Office, the United States Attorney's Office in the Federal District of Colorado, certify under oath that all jail visitor logs have excised by them on or before January 27, 2023 at 5:00 p.m.
3. The District Attorney must inform the Court and Mx. Aldrich what other members of law enforcement were given the jail visitor logs, by January 25, 2023 at 5:00 p.m. and the District Attorneys must inform such other members of law enforcement that the Court's order applies to them.

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JUDGE

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Dated