

DATE FILED: November 22, 2022 5:36 PM

DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	DATE FILED: November 22, 2022 9:21 AM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH , Defendant	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
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 TO UNSEAL ARREST WARRANT AFFIDAVIT TO DEFENSE [D-05]	

Mx. Aldrich¹, and through counsel, moves for an order from the Court that a copy of the arrest affidavit is made available to the defense immediately on the following grounds:

1. On November 19-20, 2022, Mx. Aldrich was arrested and taken into custody for First Degree Murder. On November 21, 2022, pursuant to Chief Justice Directive 04-04(III) counsel automatically elected to represent Mx. Aldrich, as they are in custody and cannot post bond.
2. Counsel at this point normally receives at a minimum the affidavit which provides the basis for the arrest and detention of defendant. This information is needed by counsel for a variety of reasons including, but not limited to, checking for legal conflicts regarding representation, whether Alternate Defense Counsel should instead be appointed, information regarding the alleged crime and whether there is any immediate investigation to be completed.
3. The District Attorney filed a motion requesting the sealing of the arrest warrant which was granted by the Court. The sealing of the affidavit and refusal to permit defense counsel to view the affidavit, implicates defendant's right to effective assistance of counsel.

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

4. Counsel is aware that in the past, prosecutors have tried to justify their argument for non-disclosure to defense counsel by stating that since charges are not filed, that the State Public Defender's Office does not yet represent defendant. This is incorrect.
5. The State Public Defender shall represent as counsel, without charge each indigent person who is under arrest for or charged with committing a felony if: (a) the defendant requests it C.R.S. 21-1-103, emphasis added. The defendant in this matter has met with members of this office and is requesting representation.
6. Further, under chief justice directive 04-04 in attachment C states that "if the defendant is in custody and cannot post or is not allowed bail, the public defender may automatically elect to represent the defendant, and will notify the court either verbally or in writing of the circumstances." CJD 04-04. "Chief Justice Directives are an expression of Judicial Branch policy and are to be given full force and effect in matters of court administration." *Hodges v. People*, 158 P.3d 922 (Colo. 2007).
7. The right to counsel obviously means the right to effective assistance of counsel and it is imperative that the court preserve that fundamental right. The constitutional right to counsel is of such a fundamental character that it invokes, of its own accord, a protective duty on the part of the court." *King v. People*, 728 P.2d 1264, 1269 (Colo. 1986); U.S. Const. Amends V, VI, VIII, XIV; Colo. Const. Art. II, § 3, , 20, 23, 25.
8. No authority exists within the Colorado Rules of Criminal Procedure or the statutes to seal an arrest warrant affidavit and the prosecution has not cited any such authority. Furthermore, the Sixth Amendment to the United States Constitution reads in part, "In all criminal prosecutions, the accused shall, . . . , be informed of the nature *and cause* of the accusation." (emphasis added); *see also*, Colo. Const. Art. II §16.
9. A refusal to provide the affidavit to counsel is an unfair, unreasonable and unjustifiable restraint on the ability of counsel to represent defendant effectively.

Wherefore, Mx. Aldrich, moves this court to unseal the affidavit only for the defense to view it, and, if necessary, to impose any reasonable protective orders.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy

Certificate of Service

I certify that on November 22, 2022, I served the foregoing document electronically through Colorado Courts E-Filing to all opposing counsel of record.
s/skoslosky

A handwritten signature in dark ink, appearing to read 'Michael Bowman', with a stylized, flowing script.

Michael Bowman #48652
Deputy State Public Defender

Dated: November 22, 2022