

DATE FILED: November 22, 2022 5:48 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
<p>NOTICE OF INVOCATION</p> <p>OF ALL STATUTORY, CASE LAW, AND CONSTITUTIONAL PRIVILEGES, CONFIDENTIALITY AND PRIVACY INTERESTS;</p> <p>DEMAND FOR NOTICE OF ANY ALLEGED PRIOR WAIVERS OF PRIVILEGE, SIGNED RELEASES OR DISCLOSURE OF PASSWORDS ALLOWING FOR ACCESS TO OTHERWISE PRIVATE INFORMATION</p> <p>[D-02]</p>	

1. Mx. Anderson Aldrich¹, by and through counsel invokes the following privileges at law:
 - a. All medical and psychiatric, including drug or alcohol treatment, privileges afforded to Defendant under the Colorado and United States Constitutions, the Health Insurance Portability and Accountability Act, and C.R.S. 13-90-107 as to all medical and/or psychiatric treatment Mx. Aldrich has ever received;
 - b. All other statutory privileges provided in C.R.S. 13-90-107;
 - c. All privileges in school, military, probation, prison, social services, or any other records in which Mx. Aldrich has confidentiality and/or privacy expectation through Federal and State statutes and case law, administrative

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.

regulations or rules, or Federal and State constitutional provisions, as well as these agencies' own statements to Mx. Aldrich, either oral or written.

2. Mx. Aldrich explicitly revokes any purportedly previously granted waivers of privilege, privacy or confidentiality and any consent they may have given law enforcement or any private party to use disclosed passwords to access electronic devices or otherwise private social media accounts.
3. As counsel does not yet have access to complete discovery in the case, counsel is unaware if the government purports to have secured any waiver, be it express or implied, written or oral, from Mx. Aldrich to gain access to material that would otherwise be privileged, confidential or private and therefore beyond their reach.
4. Mx. Aldrich's experience in the criminal justice system is extremely limited. If the government obtained any type of waiver, Mx. Aldrich asks that the court order:
 - a. The prosecution to disclose at next appearance in this case, the substance of any purported waivers obtained from Mx. Aldrich;
 - b. If any purported waivers exist, and materials either have been or are anticipated to be returned subject to those waivers/releases, the prosecution to seal any such materials without further review and submit them to the court so that the parties can litigate the viability of said waivers/releases;
 - c. If the prosecution has already taken possession of and reviewed materials subject to a purported waiver/release, the prosecution must seal those materials, provide them to the Court, and provide notice to the court and the defense of the scope of the materials already reviewed.
5. To the extent that Mx. Aldrich provided the government access to any device (such as a phone) or social media accounts via means of a password, they withdraw any consent they previously gave for the government to use such password to access those devices, or social media accounts.
6. Mx. Aldrich further asks that the court order:
 - a. The government to disclose in open court at the next court appearance whether they obtained passwords from Mx. Aldrich to access any social media accounts or devices;
 - b. The government to provide the defense notice which passwords, if any were used, and which accounts were accessed;
 - c. The government to cease its use of any password obtained from Mx. Aldrich to gain access to any device or social media account until such issue can be litigated in court.

Mx. Aldrich moves that this motion be addressed at the court appearance in this case.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy



Michael Bowman #48652
Deputy State Public Defender

Dated: November 22, 2022

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