

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. TEJON, COLORADO SPRINGS, CO, 80903	DATE FILED: January 25, 2023 8:43 AM
THE PEOPLE OF THE STATE OF COLORADO v. <b>Defendant(s)</b> ANDERSON LEE ALDRICH	<p style="text-align: center;"><b>△ COURT USE ONLY △</b></p> Case Number: 2022CR6008 Division: 21                      Courtroom:
<p style="text-align: center;"><b>Order:[P-4] PEOPLES MOTION TO AMEND THE COMPLAINT AND INFORMATION TO ADD COUNTS 318 THROUGH 323</b></p>	

The motion/proposed order attached hereto: GRANTED.

The court has considered the request to amend the complaint and the objection thereto. The defense requests additional time to prepare for the preliminary hearing and continues to argue "ineffective assistance of counsel." As all counsel know, the Strickland standard has two prongs, one of which cannot be decided until after the fact. The case law and standards applicable to post-conviction relief are not the standards applicable at this stage of the proceedings. The court interprets the defense arguments as due process concerns. Colorado gives a defendant a right to a preliminary hearing within 35 days. In this case the defendant waived that right and the court allowed extra time for both sides to prepare for the scheduled preliminary hearing. The prosecution does not have an advantage over the defense. Both sides have the same amount of time to digest the same discovery. This is not a due process violation. A simple recitation of the number of pages contained in discovery is neither probative nor dispositive. The amount of time given to prepare and the complexity and nature of the hearing are more central to the analysis. A probable cause finding is a primarily legal issue. A proof evident/presumption great determination is likewise a primarily legal in nature. To the extent the court's bond ruling might depend on a credibility finding, the court will discuss this with counsel at the hearing and requests for additional time will be entertained.

The court has been presented with nothing but broad, conclusory arguments regarding due process. The court has considered these arguments and finds no due process violation. The time allotted is sufficient to prepare for these hearings so as to comport with due process. To the extent that defense counsel are arguing that they are choosing to work other cases rather than this case, such is not a due process issue but an ethical issue most germane to the internal administration of the Public Defender's Office. Wherefore, the motion to amend is hereby GRANTED.

Issue Date: 1/25/2023



MICHAEL P MCHENRY  
 District Court Judge

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></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>[P-4]</b></p> <p><b>PEOPLE’S MOTION TO AMEND THE COMPLAINT AND INFORMATION TO ADD COUNTS 318 THROUGH 323</b></p>	

Comes now, Michael J. Allen, District Attorney for the Fourth Judicial District, and his duly appointed Chief Deputies, respectfully submits the following, [P-4] People’s Motion to Amend the Complaint and Information to Add Counts 318 through 323. In support thereof, the People state:

1. The investigation in this case is ongoing, and the People respectfully request to Amend the Complaint and Information to add the following counts for Victim, Drea Norman. Count 318, Attempted Murder 1-After Deliberation, Count 319, Attempted Murder 1-Extreme Indifference, Count 320, Attempted Assault 1-Serious Bodily Injury with a Deadly Weapon, Count 321, Attempted Assault 1-Extreme Indifference, Count 322, Bias Motivated Crime and Count 323, Crime of Violence.

Respectfully submitted this 23rd 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 23rd day of January 2023, a true and correct copy of [P-4] People's Motion to Amend the Complaint and Information to Add Counts 318 through 323, 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

Attachment to Order - 2022CR6008