


District Court, El Paso County, Colorado El Paso County Combined Courts 270 South Tejon Street, Colorado Springs CO 80903	FILED-DISTRICT & COUNTY COURTS-EL PASO CO., CO  DEC 03 2015 DR. LYNETTE CORNELIUS CLERK OF COURT σ COURT USE ONLY σ
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ROBERT LEWIS DEAR, Defendant	
DOUGLAS K. WILSON, Colorado State Public Defender Daniel King (No. 26129) Chief Trial Deputy State Public Defender 1300 Broadway, Suite 400 Denver, Colorado 80203 Phone (303) 764-1400 Fax (303) 764-1478 E-mail: state.pubdef@coloradodefenders.us	Case No. 15CR5795 Division 10
<p>D-010</p> <p>STIPULATED MOTION FOR COURT ORDER AUTHORIZING PROSECUTION TO PROVIDE DEFENSE COUNSEL WITH COPY OF ARREST WARRANT AND SUPPORTING AFFIDAVIT</p>	

Robert Dear, through counsel, respectfully moves this Court for an order authorizing the prosecution to provide the defense with a copy of the arrest warrant and supporting affidavit in the above-captioned case. In support of this motion, he states the following:

1. On November 27, 2015, Judge Sletta signed an order sealing the arrest warrant and supporting affidavit in this case.
2. Defense counsel contacted the prosecution to obtain a copy of these documents. The prosecution agreed to provide copies of the arrest warrant and supporting affidavit, but requested that defense counsel obtain a court order authorizing it to do so.
3. It is imperative that counsel for Mr. Dear have access to these documents as soon as possible. Mr. Dear has a state and federal due process right to fair notice of the factual basis of the charges against him. *See, e.g., Lankford v. Idaho*, 500 U.S. 110, 121 (1991) (noting the “importance that we attach to the concept of fair notice as the bedrock of any constitutionally fair procedure.”); U.S. Const. amends. V, XIV; Colo. Const. art. II, sec. 25.
4. Access to these documents is also necessary in order for counsel to discharge their constitutional obligation to provide Mr. Dear with the effective assistance of counsel pursuant to the Sixth and Fourteenth Amendments and article II, section 16 of the Colorado Constitution and to facilitate their investigation in this case. *See, e.g., Strickland v. Washington*, 466 U.S. 668 (1984).
5. Moreover, the concept of fundamental fairness embedded in the Due Process Clause entitles a defendant to a general right of access to evidence. *See Ake v. Oklahoma*, 470