

ability to disregard irrelevant material and base its decision on only relevant evidence and the applicable case law.

6. Based on paragraphs four and five above the court will conduct an in camera review.

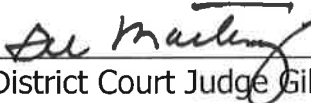
IN CAMERA REVIEW

1. The court has reviewed the four page summary and pursuant to said review the court is finding that the materials need not be provided to the district attorney.
2. The materials are not part of a competency examination, the doctor is not testifying at the upcoming April 28th hearing and the doctor was not mentioned or referred to in the competency report prepared by CMHIP.
3. C.R.S. 16-8.5-104 is very clear in its language and specifies what is to be released are reports of competency evaluations, including second evaluations. In addition the statute states that information and documents relating to the competency evaluation that are created by, obtained by, reviewed by, or relied on by an evaluator performing a court-ordered evaluation are to be provided. The materials that have been reviewed by the Court do not fall under the categories as outlined above.
4. As stated in paragraph two above CMHIP did not refer to or state that they relied on the doctor's notes that are mentioned in the material provided.
5. The fact that a doctor saw the defendant for issues other than competency does not allow or require a release of said records.
6. The Court has considered the fact that the doctor has attended court hearings and has seen the defendant in the jail however that does not amount to a waiver of the medical and psychological privileges that the defendant is legally entitled to.

WHEREFORE the Court will not release said material. The four page summary will be released and maintained in the court file for appellate purposes.

Done this 22nd day of April 2016

BY THE COURT:



District Court Judge Gil Martinez

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April, 2016 a true and correct copy of this ORDER Re: (D-22) REGARDING MOTION FOR IN CAMERA REVIEW OF EXPERT MATERIALS TO DETERMINE WHEATHER DISCLOSURE IS NECESSARY PURSUANT TO ORDER RE: P-011 was delivered via EMAIL to the following:

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