

REDACTED

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  APR 15 2016  DR. LYNETTE CORNELIUS CLERK OF COURT  ♦ COURT USE ONLY ♦
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff  v.  <b>ROBERT LEWIS DEAR,</b> 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: <a href="mailto:state.pubdef@coloradodefenders.us">state.pubdef@coloradodefenders.us</a>	Case No. <b>15CR5795</b>  Division 10
<b>D-022</b>	
<b>MOTION FOR IN CAMERA REVIEW OF EXPERT MATERIALS TO DETERMINE WHETHER DISCLOSURE IS NECESSARY PURSUANT TO ORDER RE: P-011</b>	

Mr. Dear, through counsel, respectfully moves the Court to conduct an *in camera* review of the expert materials provided in the sealed envelope attached as Exhibit A. In support of this motion, counsel state the following:

1. On April 11, 2016, defense counsel provided the prosecution with disclosures concerning the issue of competency pursuant to the Court's Order re: P-011. In these disclosures and in pleading D-021 (the notice filed with the Court regarding compliance with Order re: P-011), counsel noted that [REDACTED] had seen Mr. Dear, although not for the purpose of evaluating competency.

2. Based on the information available to defense counsel at the time, counsel did not believe further disclosures regarding [REDACTED] were warranted, given that [REDACTED] did not evaluate Mr. Dear for competency.

3. Yesterday, counsel received some materials from [REDACTED], including a [REDACTED]. Because it is unclear to the defense whether this summary is subject to disclosure under the Court's Order re: P-011, and out of an abundance of caution, counsel is submitting this summary under seal to the Court.

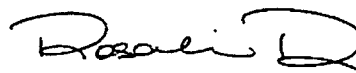
4. Counsel requests that the Court conduct an *in camera* review of the attached material to determine whether the defense is required to disclose it to the prosecution in advance of the April 28, 2016 competency hearing in light of the fact that [REDACTED].

Mr. Dear files this motion, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, Equal Protection, Confrontation, and Compulsory Process, the Rights to Remain Silent and to Appeal, and the Right to be Free from Cruel and Unusual Punishment, pursuant to the Federal and Colorado Constitutions generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25 and 28 of the Colorado Constitution.



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Daniel King (No. 26129)  
Chief Trial Deputy State Public Defender



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Rosalie Roy (No. 26861)  
Deputy State Public Defender



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Kristen M. Nelson (No. 44247)  
Deputy State Public Defender

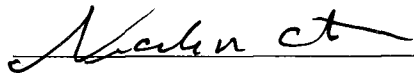
Dated: April 15, 2016

I hereby certify that on 4/15, 2016, I

mailed, via the United States Mail,  
 faxed, or  
 hand-delivered

a true and correct copy of the above and foregoing document *without the sealed attachment Exhibit A* to:

Dan May  
Donna Billek  
Jeff Lindsey  
Office of the District Attorney  
105 East Vermijo Avenue  
Colorado Springs, Colorado 80903  
Fax: 719-520-6185

  
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