

District Court, El Paso County, Colorado El Paso County Combined Courts 270 South Tejon Street, Colorado Springs CO 80903	FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ROBERT LEWIS DEAR, Defendant	APR 20 2016 DR. LYNETTE D. CORNELIUS CLERK OF COURT σ COURT USE ONLY σ
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 style="text-align: center;">D-022</p> <p style="text-align: center;">REPLY IN SUPPORT OF MOTION FOR IN CAMERA REVIEW OF EXPERT MATERIALS TO DETERMINE WHETHER DISCLOSURE IS NECESSARY PURSUANT TO ORDER RE: P-011</p>	

Mr. Dear, through counsel, submits the following in reply in support of Motion D-022:

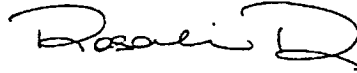
1. With the exception of the materials in the sealed exhibit attached to Motion D-022, the defense has fully complied with the Court's Order re: P-011. Those materials alone are the subject of Motion D-022, and the defense submitted them to the Court for an *in camera* review out of an abundance of caution.

2. The prosecution argues that if the Court elects to conduct an *in camera* review of the materials attached to D-022, such a review should be conducted by another judicial officer so that the Court is not "unknowingly or subconsciously" tainted by the information in the material. This is unnecessary. There is a presumption that the court can disregard any immaterial, incompetent or otherwise inadmissible evidence when sitting as the finder of fact. *See, e.g., In re People in Interest of A.R.S.*, 31 Colo. App. 268, 274 (1972). There is no reason not to apply that presumption here, especially given the state of the evidence regarding Mr. Dear's incompetency.

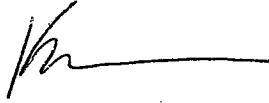
Mr. Dear files this reply, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, 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.



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



Rosalie Roy (No. 26861)
Deputy State Public Defender



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

Dated: April 20, 2016

I hereby certify that on 4/20, 2016, I

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

a true and correct copy of the above and foregoing document to:

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