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<p>DISTRICT COURT, EL PASO COUNTY, COLORADO</p> <p>270 South Tejon Street Colorado Springs, CO 80903</p>	<p style="text-align: center;">FILED-DISTRICT & COUNTY COURTS-EL PASO CO., CO</p> <p style="text-align: center;">APR 27 2016</p> <p style="text-align: center;">DIVISION 10</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>ROBERT LEWIS DEAR, JR.,</p> <p>Defendant.</p>	<p>Case No.: 15CR5795</p> <p>Division: 3</p> <p>Courtroom: S406</p>
<p>CYNTHIA H. COFFMAN, Attorney General TANYA E. WHEELER, First Assistant Attorney General*</p> <p>ELIZABETH J. MCCARTHY, Senior Assistant Attorney General*</p> <p>Ralph L. Carr Colorado Judicial Center 1300 Broadway, 6th Floor Denver, CO 80203 Telephone: (720) 508-6550 FAX: (720) 508-6041 E-Mail: tanja.wheeler@coag.gov, libbie.mccarthy@coag.gov Registration Numbers: 37089, 37799 *Counsel of Record</p>	<p style="text-align: center;">NOTICE OF SUPPLEMENT TO PRODUCTION BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO IN RESPONSE TO THE PEOPLE'S SUBPOENA FOR PRODUCTION OF TANGIBLE EVIDENCE</p>

The Colorado Department of Human Services (the "Department") and the Colorado Mental Health Institute at Pueblo ("CMHIP"), through the Office of the Attorney General, respectfully provides notice of its supplement to production of records already produced in compliance with the People's April 4, 2016 Subpoena for Production of Tangible Evidence and this Court's Order re: (P-011) Motion for Discovery and Disclosure of Medical and Mental Health Documents; Discovery of and Disclosure of Expert Opinions Relating to the Issue of the Defendant's Competency; Request for Production of the Documents in Advance of the Hearing; Request for Subpoena Duces Tecum Date Prior to the Hearing; and Request for

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Notice of Witnesses Intended to be Called at the April 28, 2016 Hearing, and states as follows:

PROCEDURAL HISTORY AND NOTICE

1. On April 4, 2016, the People served the Colorado Mental Health Institute at Pueblo (CMHIP) with a Subpoena for Production of Tangible Evidence. At the same time, they provided CMHIP with a copy of this Court's April 1, 2016 Order re: (P-011) Motion for Discovery and Disclosure of Medical and Mental Health Documents; Discovery of and Disclosure of Expert Opinions Relating to the Issue of the Defendant's Competency; Request for Production of the Documents in Advance of the Hearing; Request for Subpoena Duces Tecum Date Prior to the Hearing; and Request for Notice of Witnesses Intended to be Called at the April 28, 2016 Hearing (Order).

2. CMHIP notified undersigned counsel of receipt of the Subpoena and Order on Thursday, April 7, 2016. According to the Subpoena and Order, the original return date on CMHIP's production was set for April 11, 2016.

3. On Friday, April 8, 2016, undersigned counsel contacted this Court's clerk regarding a brief extension of time to produce responsive documents.

4. Neither the People nor defense counsel objected to an extension. On Monday, April 11, 2016, the Court entered a minute order resetting the Subpoena return date for Friday, April 15, 2016 at 9:00 a.m.

5. CMHIP representatives appeared on Friday, April 15, 2016, and produced documents responsive to the Subpoena, as ordered.

6. On Monday, April 25, 2016, undersigned counsel received a voicemail message from the People, inquiring as to the completeness of CMHIP's April 15th production. In particular, the district attorney inquired as to whether notes from Dr. Thomas Gray and Dr. Jackie Grimmett were missing from the production.

7. Undersigned counsel immediately contacted CMHIP to address this inquiry. Upon conferral, undersigned counsel learned that both Drs. Gray and Grimmett's notes had been unintentionally omitted from the documents delivered by CMHIP on April 15, 2016.

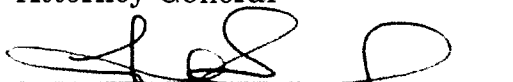
8. Accordingly, CMHIP now supplements its April 15, 2016 production with the documents previously inadvertently omitted. These documents are

responsive to the Subpoena and the Order. They were not omitted due to any assertion of privilege by CMHIP, nor does CMHIP contend that they are subject to an *in camera* review before dissemination to the parties. They were not produced earlier only due to inadvertence and miscommunication.

WHEREFORE, the Colorado Department of Human Services and the Colorado Mental Health Institute at Pueblo respectfully provides notice of its supplement to production of records.

Respectfully submitted this 29th day of April, 2016.

CYNTHIA H. COFFMAN
Attorney General



TANYA E. WHEELER, 37089*

First Assistant Attorney General

ELIZABETH J. MCCARTHY, 37799*

Senior Assistant Attorney General

Human Services Unit

State Services Section

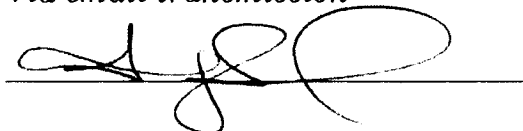
Attorneys for the Colorado Department of
Human Services

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **NOTICE OF SUPPLEMENT TO PRODUCTION BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO IN RESPONSE TO THE PEOPLE'S SUBPOENA FOR PRODUCTION OF TANGIBLE EVIDENCE** upon all parties herein by email transmission, this 29th day of April, 2016 addressed as follows:

Donna Billek
Jeffrey Lindsey
El Paso County
District Attorney's Office
4th Judicial District
105 E. Vermijo Avenue
Colorado Springs, CO 80903
Via email transmission

Daniel B. King
Kristen Nelson
Rosalie Roy
Colorado State Public Defender's
Office
1300 Broadway
Denver, CO 80203
Via email transmission



[Redacted]

From: [Redacted]
Sent: Wednesday, April 27, 2016 1:03 PM
To: [Redacted]
Cc: Donna Billek (DonnaBillek@elpasoco.com); jeffreylindsey@elpasoco.com; King, Daniel; Roy, Rosalie (Rosalie.Roy@coloradodefenders.us); Nelson, Kristen
Subject: Notice of Supplement to Production by CMHIP
Attachments: Notice of Supplement to Production by CMHIP.pdf

Good afternoon all –

Please see attached the Notice of Supplement to Production by the Colorado Mental Health Institute at Pueblo in Response to the People’s Subpoena for Production of Tangible Evidence. The Notice is being filed this afternoon; accompanying documents (I understand totally approximately 80 pages) will be delivered directly to Judge Martinez at the same time for dissemination to the parties. Because these documents are responsive to the original subpoena, no motion is being filed.

Please feel free to contact me with any questions.

Best regards,

[Redacted Signature Block]

Please note that my email address has changed to [Redacted] Please update your records accordingly. Thank you.

CONFIDENTIALITY NOTICE:

This message may contain confidential and/or legally privileged information and is intended only for the individual(s) named. Any name or signature block is not a legally binding electronic signature. If you are not an intended recipient you are not authorized to disseminate, distribute, or copy this e-mail. Please notify the sender immediately if you have received this e-mail by mistake and delete this e-mail from your system.