

REDACTED

<b>DISTRICT</b> District Court, El Paso County, Colorado Court Address: 270 S. Tejon Colorado Springs, Colorado 80903	FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO  S.K. DEC 09 2015  DR. LYNETTE CORNELIUS CLERK OF COURT  ▲ COURT USE ONLY ▲
<b>People of the State of Colorado</b> vs. <b>Defendant: ROBERT LEWIS DEAR, JR.</b>	Case #: 15CR5795
Chief Deputy District Attorney: Jeffrey D. Lindsey Address.: 105 E. Vermijo Colorado Springs, CO. 80903 Phone Number: 520-6000 Attorney Registration #: 24664 District Attorney: Daniel H. May, #11379	Division #: 10  Courtroom #: W570
<b>P-005</b>	
<b>PEOPLE'S MOTION TO KEEP VICTIMS PERSONAL INFORMATION CONFIDENTIAL AND PLACE THE WITNESS LIST UNDER SEAL</b>	

Comes now the People of the State of Colorado by and through the District Attorney of the Fourth Judicial District, Daniel H. May, and his duly appointed Chief Deputy District Attorney Jeffrey D. Lindsey, and requests to court to allow the District Attorney's Office keep the victims information confidential and the witness list under seal. The reasons for such request are stated as follows:

1. Pursuant to C.R.S. §16-5-203 the District Attorney's Office is to provide the names and addresses of witnesses that the District Attorney intends to call at trial. However, at the court's discretion, an order may be entered that denies the disclosure of the names and addresses to the defendant or requires defense counsel for the defendant not to disclose such information to the defendant or non-legal third parties subject to Rule 16(I)(d)(2) and Part III of the Colorado Rules of Criminal Procedure. C.R.S. §16-5-203. Written notification of such a request by the District Attorney is required by C.R.S. §16-5-203.
2. The District Attorney is providing notice to the defendant and his attorney of the District Attorney's intention to keep contact and personal information for all victims and related parties to the case confidential from the defendant. The District Attorney requests the court issue a protection order prohibiting the defendant's attorneys from sharing with the defendant or any non-legal third party any of the contact information for victims and related parties.
3. Further, the District Attorney's office is providing notice to the defendant and his attorney of the District Attorney's intention to request the witness list provided with the Compliant and Information be placed under seal.
4. Colorado Rules of Criminal Procedure, Rule 16 (I)(d)(2) provides that the court may deny disclosure if there is a "substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment, resulting from such disclosure." This denial of disclosure to the defendant or defense counsel of such information has been upheld in People v. District Court, City and County of Denver, 933 P.2d 22 (Colo. 1997).

5. The Victim's Rights Amendment assures that there is to be protection of the victim throughout the criminal process. C.R.S. §24-4.1-302.5 (1)(a) provides that a victim has the right to be "treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process." The General Assembly also required that all law enforcement agencies, prosecutorial agencies, and judicial agencies assure that the rights in C.R.S. §24-4.1-302.5 be afforded to victims. As such, the District Attorney is required to make all reasonable attempts to "protect the victim or the victim's immediate family from harm, harassment, intimidation, or retaliation arising from cooperating with the reporting, investigation, and prosecution of a crime." C.R.S. §24-4.1-303(5).

6. In the case before the court, the defendant is charged with committing multiple offenses, including First Degree Murder.

7. The District Attorney takes the position that the safety of the victims and their right to be treated with fairness, respect, and dignity, outweighs the defendant's personal, nor any non-legal third party, need for such information.

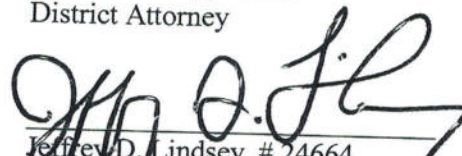
8. Additionally, due to the privacy and safety concerns of the victims, the District Attorney requests the witness list be placed under seal by the court. It is critical that victims' information be placed under seal in order to ensure they remain free from harassment and intimidation and afford them the right to be treated with fairness, respect, and dignity that the V.R.A. requires.

9. WHEREFORE, the People request that the court grant its motion to keep all personal information of all victims in this case confidential and limited only to the defendant's attorneys and further place the witness list under seal.

Daniel H. May, #11379  
District Attorney

Date: 12/9/2015

By:

  
Jeffrey D. Lindsey, # 24664  
Chief Deputy District Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PEOPLE'S MOTION TO KEEP VICTIMS PERSONAL INFORMATION CONFIDENTIAL AND PLACE THE WITNESS LIST UNDER SEAL (P-005)** has been forwarded to the Public Defender's Office by placing it into the Public Defender's box for pickup:

12/9/15

Gina Jacques

