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District Court, El Paso County, State of Colorado Court Address: P.O. Box 2980 270 South Tejon Colorado Springs, CO 80903-2203 Phone Number: (719)452-5000	DATE FILED: October 2, 2020 DATE FILED: October 2, 2020 11:02 AM
PEOPLE OF THE STATE OF COLORADO,  Plaintiff,  vs.  Letecia Stauch,  Defendant.	▲ COURT USE ONLY ▲  Case Number: 20CR1358  Div.:15S Ctrm: S403
<b>[O-10] ORDER CLARIFYING O-1 PRETRIAL PUBLICITY ORDER ISSUED MARCH 5, 2020</b>	

This matter comes before the Court pursuant to a Notice of Order Re: Pretrial Publicity [O-1] in El Paso County Case Number 20CR1358 filed by the El Paso County Attorney's Office. In that Notice, the County Attorney advised this Court that Sgt. Kurt Smith of the El Paso County Sheriff's Office had been subpoenaed to testify in hearing to be held on October 7, 2020 regarding what appears to be a dissolution of marriage action between Eugene Albert Stauch and Landen Marie Bullard Hiott, case number . The Notice advises that Sgt. Smith is a material witness in this case.

This Court previously issued its O-1 Pretrial Publicity Order in this case prohibiting law enforcement officers involved in this case from making any extrajudicial statement regarding any aspect of this case. On September 8, 2020, the El Paso County Attorney's Office filed a similar motion on behalf of the El Paso County Sheriff's Office requesting clarification of the Court's O-1 Order as it had received a request for release of records pursuant to the Colorado Criminal Justice Records Act. The Court resolved that motion with an oral Order issued from the bench at a hearing on September 8, 2020.


As this may be a recurring issue, the Court is issuing this written Order to provide clarification to the persons and entities affected by this Court's O-1 Order. As stated in open court on September 8, 2020, the O-1 Order was not intended to affect a covered person's or entity's legal obligation to respond to a proper request submitted pursuant to either the CCJA (C.R.S. §24-72-301, *et seq.*) or the Colorado Open Records Act (C.R.S. §24-72-201 *et seq.*). Similarly, the O-1 Order is not intended to interfere with a covered person's or entity's obligation to respond to other proper legal process. The obligation to respond to a legally issued subpoena is such a process.

The Court understands Sgt. Smith has been subpoenaed as a witness in another legal proceeding. The subpoena obligates Sgt. Smith to respond just as any other witness served with a subpoena. Sgt. Smith may do so without violating the restrictions set forth in this Court's O-1 Order.

While this Court FINDS that a covered person's or entity's obligation to respond to a separate legal process does not violate this Court's O-1 Order, this Court makes no finding regarding whether such testimony is relevant or otherwise admissible for any purpose in the other legal proceeding. Obviously, such a ruling is best left to the determination of the Judge presiding over the other matter.

SO ORDERED this 2<sup>nd</sup> day of September, 2020.

**BY THE COURT:**

  
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Gregory R. Werner  
District Court Judge