DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, CO 80903	DATE FILED: June 3, 2020
People of the State of Colorado vs.	
Defendant: Letecia Stauch	▲ COURT USE ONLY ▲ Case #: 20CR1358
Deputy District Attorney: Michael J. Allen, #42955 Martha McKinney, #28745 Angelina Gratiano, #50674	Division #: 15S
Address: 105 E. Vermijo Colorado Springs, CO 80903 Phone Number: 520-6000	Courtroom #: S403
District Attorney: Daniel H. May, #11379	
[P-06] People's Motion to Quash Subpoenas Duces Tecum directed to the Colorado Springs Police Department and the Colorado Bureau of Investigations	

The District Attorney of the Fourth Judicial District of the State of Colorado, through his duly appointed Deputy District Attorney, moves to quash Defendant's subpoenas duces tecum (SDT) directed to the Colorado Springs Police Department (CSPD) and the Colorado Bureau of Investigation (CBI). In support of this response, the People state as follows:

- 1. This matter was originally set for preliminary hearing and proof evident presumption great hearing on June 5, 2020. The Defense has requested a continuance of that hearing but a future date has not yet been selected. There are no pending discovery motions before the Court.
- The Defendant has recently filed two subpoena duces tecum directed to CSPD and CBI requesting production of "THE DNA LIT PACKS FOR ALL COMPLETED DNA AND SEROLOGY TESTING IN COURT CASE 20CR1358 INVOLVING LETECIA STAUCH."
- 3. CBI did not complete any forensic testing in this case and it is the People's understanding that defense has been informed of this and released CBI from their subpoena. The Metro Crime Lab (MCL) is an organization serving multiple law enforcement agencies in this region and they are currently completing forensic testing in this matter. Some testing has been completed but additional rounds of testing are currently underway. The MCL is not directly under CSPD but presumably this is the organization that the Defendant is seeking records from.

- 4. "Lit Packs" or Litigation Packets is a term which references the compilation of materials produced during forensic testing by a crime laboratory and, often includes, notes of the testers, underlying data produced through the testing process, calculations, and correspondence, etc.
- 5. This compilation of material is regularly discovered to defendant's through the normal discovery process. Generally, these materials are requested by the District Attorney from the crime laboratory at the end of all testing in a case and include the materials for testing in each discipline which was involved in the matter. Each litigation packet would include all materials maintained by the lab and multiple requests for these materials prior to completion of all testing would result in the same documents being released in discovery over and over again. This piecemeal approach to discovery would be confusing and redundant.
- 6. The People are aware of their discovery obligations and the associated deadlines under Colorado Criminal Rule of Procedure 16 and will comply with those requirements. Rule 16 sets deadlines for disclosure based on the type of document or evidence. Certain items must be furnished to the Defendant as soon as practicable but not later than 21 days after first appearance or filing of charges. C.R.Cr.P 16(b)(1). The remaining discovery obligations must be met as soon as practicable but not later than 35 days before trial. C.R.Cr.P 16(b)(3). The documents sought by the defense through the subpoena process fall into the latter category and, currently, no trial is scheduled in this matter.
- 7. Rather than follow the regular discovery process, the Defendant has subpoenaed these documents through the procedures outlined in Colorado Rule of Criminal Procedure 17 directly with the law enforcement agencies and prior to the preliminary hearing. The subpoena power under Rule 17 "was not intended to provide a means of discovery in criminal cases." *People v. Baltazar, 241 P.3d 941, 944 (Colo. 2010) quoting United States V. Nixon, 418 US 683, 698 (1974).*

WHEREFORE, for the foregoing reasons, the People request the Court grant its motion and quash the subpoena.

Respectfully submitted on June 3, 2020.

/s/ Michael J. Allen Michael J. Allen, #42955 Senior Deputy District Attorney

Martha McKinney, #28745 Chief Deputy District Attorney

Angelina Gratiano, #50674

Deputy District Attorney

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing **[P-06] People's Motion to Quash Subpoena Duces Tecum directed to the Colorado Springs Police Department and the Colorado Bureau of Investigations** was served via ICCES on all parties who appear of record and have entered their appearances herein according to ICCES:

Date: June 03, 2020

<u>By: /s/ Sara Eldridge</u> Paralegal