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DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, CO 80903	DATE FILED: July 2, 202
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	Courtroom #: S403
Phone Number: 520-6000	
District Attorney: Daniel H. May, #11379	
[P-11] People's Motion for Consumptive Testing Pur	L

The District Attorney of the Fourth Judicial District of the State of Colorado, through his duly appointed Deputy District Attorney, respectfully moves for permission to consume evidence in this case. As grounds therefore, the People state as follows:

- 1. During the search of the Stauch family home at 6627 Mandan Drive, various items of evidence were collected. Specifically, the basement bedroom that was the bedroom of victim, Gannon Stauch, was searched and forensic evidence was collected from that room. Items of evidence recovered included swabs of possible blood stains on the walls, baseboards, and windows.
- 2. The forensic testing in this case is being completed by the Metro Crime Lab (MCL). The People were notified by the MCL that serology and DNA testing on specific items from Gannon Stauch's bedroom would be consumptive in nature. Ms. Sherrie Holes with the MCL has been assigned to complete serology testing in this case and through that process she would prepare items for DNA analysis. Ms. Holes indicated, in a May 27, 2020 Serology Report (*Discovery Bates Numbers 03-0123 to 03-0127*), that testing of these swabs will result in the consumption of the samples because it is believed that insufficient quantity of evidence would remain for independent analysis by the Defendant.
- 3. The items whose samples will be consumed in testing include:
  - a. Barcode: 1154393, Item #312 6048 SW 4-01; 6 SINGLE POSS BLD SWABS ID'D USING PLAC A5, A19, A32, A37, A46, A52, REC'D FROM S & E WALLS IN SE CORNER OF E BEDROM IN BASEMENT ON 2/5/20.
  - b. Barcode: 1154394, Item #313 6048 SW 4-02; 4 SINGLE POSS BLD SWABS ID'D USING PLAC B1, B3, B4, C, REC'D FROM S & E BASEBOARDS (B) & S WINDOW (C) IN E BEDROM IN BASEMENT ON 2/5/20.

- 4. These items of evidence were not opened by personnel at the MCL. Based on scene photos available to lab personnel, it is unclear if the size of the samples will allow for both serology and DNA testing to be completed if this motion is granted by the Court. The MCL would pursue only DNA testing in that situation. The MCL, by policy, does not allow outside observers or videotaping of any testing.
- 5. Item 3(a) listed above consists of 6 separate swabs, which are individually packaged, taken from the south and east walls of the bedroom. 3 from the east wall and 3 from the south wall. This area has numerous small blood droplets found in a small area of approximately 4 feet by 5 feet. The People propose testing one swab from each wall (A5 from the south wall and A37 from the east wall) to perform the consumptive testing. This testing would only involve DNA analysis since the size of the sample may be entirely consumed if serology testing was first completed. The remaining two swabs of nearby droplets on each wall (A19, A32, A46 and A52) would be available to the defense if additional testing were requested. In addition, portions of the wall were also placed into evidence and could be made available.
- 6. Item 3(b) listed above consists of 3 swabs taken from the baseboards adjacent to the wall samples outlined above (B1, B3 and B4) and one swab taken from the window (C). The People propose testing two swab from baseboards (B1 from the east baseboard and B3 from the south baseboard) to perform the consumptive testing. This testing would only involve DNA analysis since the size of the sample may be entirely consumed if serology testing was first completed. The remaining baseboard swab (B4) would be available to the defense if additional testing were requested. In addition, the entire baseboard was taken into evidence and could be made available.
- 7. The People need to test these items of evidence to determine whether the material swabbed contains genetic information and whether any DNA profiles obtained match any of the involved parties, to include the Defendant or the victim.

WHEREFORE, the People respectfully request that this Court grant the People permission for such testing to take place.

Respectfully submitted on July 2, 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

## **Certificate of Service**

I hereby certify that on the 2<sup>nd</sup> day of July, 2020, a true and correct copy of the foregoing [P-11] People's Motion for Consumptive Testing Pursuant to C.R.S. § 16-3-309(1) was served via ICCES on all parties who appear of record and have entered their appearances herein according to ICCES:

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/s/ Kim Daniluk - Paralegal

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