

DISTRICT COURT, TELLER COUNTY, COLORADO 101 West Bennett Avenue Post Office Box 997 Cripple Creek, Colorado 80813	
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. PATRICK FRAZEE, Defendant	σ COURT USE ONLY σ
MEGAN A. RING, Colorado State Public Defender Adam P. Steigerwald (No. 40092) Deputy State Public Defender 19 North Tejon, Suite 105 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: <a href="mailto:springs@coloradodefenders.us">springs@coloradodefenders.us</a>	Case No. 18CR0330          Division 11
<b>MOTION FOR PRESERVATION OF PHYSICAL EVIDENCE</b> <b>[D-003]</b>	

Defendant moves this Court to order the Office of the District Attorney to preserve all physical evidence collected in this case to include, but not limited to, any consumptive testing on blood, tissue, and body fluids, and requests a hearing prior to any consumptive testing and prior to the release of any evidence. As grounds, Defendant states:

1. Defendant will be making independent evaluation of such items which are possibly material evidence and potentially exculpatory in this case and which the defense may wish to have tested.
2. If the prosecution will be conducting tests on items of evidence that may be consumptive or destructive, the defense may wish to have an expert present.
3. Due process and Defendant's right to confront Defendant's accusers under Article 2 Sections 25 and 16, of the Colorado Constitution, and the 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendments to the United States Constitution, require that Defendant be allowed to obtain such evidence. Further, the People have a duty to preserve such evidence. People v. Norwood, 547 P.2d 273 (1973); People v. Sheppard, 701 P.2d 49 (Colo. 1985)

4. Such items are material, potentially exculpatory evidence and necessary to the effective defense of this case. Brady v. Maryland, 373 U.S. 83, S.Ct. 1194, 10 L.Ed.2d 215 (1963); Garcia v. District Court, 589 P.2d 924 (1979); California v. Trombetta, 467 U.S. 479 (1984).



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Adam P. Steigerwald (No. 40092)  
Deputy State Public Defender  
Dated: December 21, 2018

**Certificate of Service**

Electronically filed by, \_\_\_/s/ Nicole Colt