

DISTRICT COURT, TELLER COUNTY, COLORADO 101 West Bennett Avenue Post Office Box 997 Cripple Creek, Colorado 80813	DATE FILED: December 21, 2018 2:43 PM
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: springs@coloradodefenders.us	Case No. 18CR0330 Division 11
MOTION FOR PRESERVATION AND PRODUCTION OF LAW ENFORCEMENT NOTES, RECORDINGS, AND OTHER EVIDENCE [D-001]	

Defendant requests this Court to order the preservation and production, if requested, of the following material:

(1) Law enforcement handwritten notes and video or audio recordings or other memorialization of any and all people contacted regarding this case, including Defendant. The defense would request immediate production of these notes and on-going production throughout the case without the need of additional requests.

(2) Police investigator dictation tapes of their notes that are transcribed into police reports. Because of the volume of tapes involved, the defense is willing to comply with a reasonable deadline set by the Court to listen to and request individual tapes. Because there may be a difference between the handwritten notes and the dictation, the deadline would have to include production of notes.

(3) All video recordings, 911 recordings, dispatch recordings, and other audio or video recordings created or gathered during the investigation of this case, as well as emails, text messages, instant messages and any other correspondence, whether in paper or electronic form, relating to the substance of the investigation of this case.

As grounds for this motion, Defendant states:

1. The above-noted material should be preserved and made available to defense counsel pursuant to Rule 16, Part I(c), of the Colorado Rules of Criminal Procedure.

2. This material is exculpatory and discoverable pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution; Article II, Sections 16, 18, and 25 of

the Colorado Constitution; Rule 16, Part I(d), of the Colorado Rules of Criminal Procedure; and Brady v. Maryland, 373 U.S. 83 (1963).

3. The preservation of the requested items is material to the preparation of the defense in this case and the request is reasonable. This request is also necessary in that the above material is often routinely erased and/or destroyed after a short period of time.



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

Certificate of Service

Electronically filed by, ___/s/ Nicole Colt