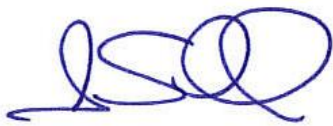


DISTRICT COURT, TELLER COUNTY, COLORADO P.O. Box 997 Cripple Creek, Colorado 80813	DATE FILED: August 8, 2019 4:10 PM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. PATRICK FRAZEE, Defendant	σ COURT USE ONLY σ
MEGAN A. RING, Colorado State Public Defender Adam P. Steigerwald #40092 Deputy State Public Defender 30 E. Pikes Peak Ave., Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: adam.steigerwald@coloradodefenders.us	Case No. 18CR330 Division 11
DEFENSE COUNSEL'S RESPONSE TO COURT'S ORDER FOR INPUT REGARDING JURY SELECTION [D-16]	

On August 8th, 2019, undersigned counsel for Mr. Frazee spoke with Jennifer Viehman regarding the Court's Order for Input regarding Jury Selection. It does not seem the defense and prosecution have many substantive differences of opinion regarding input on the voir dire process for the above captioned case. In response to the Court's enumerated questions:

1. The prosecution can likely give a better estimate, but after the discussion today with Ms. Viehman, about three weeks after voir dire.
2. Counsel anticipates voir dire will last a week, because of the physical limitations of the Teller County Courthouse and the nature of the case and difficulties the parties anticipate with finding a jury in the case.
3. The defense is requesting about 300 jurors needed to appear; counsel concedes this is not much more than an educated guess, but the defense position is that it is far better to have too many jurors than we ultimately need if it's easier to pick a jury than we anticipate than the alternative given the nature and population of the jurisdiction.
4. The defense is requesting four alternate jurors.
5. Defense counsel will separately file a proposed juror questionnaire by August 16th.

6. The defense suggests that about a quarter of the total number of jurors report each morning, Monday, October 28th, through Thursday, October 31st. Each morning the jurors could complete the questionnaire, watch the video, receive remarks from the Court, and be questioned for hardship. Each afternoon, then could be filled with individual voir dire. Then, any jurors not excused in either the general process with the group in the morning or the individual voir dire process in the afternoon would be asked to return on Friday, November 1st, for the final day of jury selection.
7. The defense believes about 80-90 jurors are needed for the final stage of juror selection. If the Court seats four alternates, then the final jury would consist of sixteen people and both parties would be entitled to exercise fourteen people – so 44 people would be needed to seat a jury when the parties start exercising peremptory challenges. Approximately twice that number should be present at the start of the day to ensure we have enough.
8. Given the courtroom, the defense would suggest individual voir dire be done somewhere else – either in the jury deliberation room or whatever other appropriate space is available. The defense would also ask that members of the public, including the media, be restricted from attending those court dates so that jurors' privacy is respected and they feel more free to be truthful and candid in their discussions.



Adam P. Steigerwald #40092
Deputy State Public Defender
Dated: August 8, 2019

Certificate of Service

I certify that on 8/8/19, all parties were served electronically.