

District Court, Teller County, Colorado Court Address: 101 West Bennett Avenue Cripple Creek, CO. 80813	DATE FILED: July 19, 2019 4:16 PM
<hr/> People of the State of Colorado vs. Defendant: Patrick Frazee	<hr/> ▲ COURT USE ONLY ▲
<hr/> <u>Deputy District Attorney:</u> ELIZABETH REED Address: 105 E. Vermijo, Colorado Springs, CO. 80903 Phone Number: 719-520-6000 Attorney Registration #: 35210 District Attorney: Daniel H. May, #11379	<hr/> Case #: 18CR330 Division #: 11 Courtroom #:
<p align="center">MOTION FOR DISCOVERY (P-14)</p>	

The People of the State of Colorado, Daniel H. May, District Attorney for the Fourth Judicial District of Colorado, by and through his duly appointed Lead Deputy District Attorney, Elizabeth Reed, request that Defendant be required to provide discovery of any and all expert witnesses he intends to present such evidence at trial, and as grounds state as follows:

1. The Defendant is charged in this case with the felony crimes of Murder in the First Degree, Solicitation to Commit Murder in the First Degree, Tampering with a Deceased Human Body.
2. Pursuant to Crim.P. 16(II)(b), “subject to constitutional limitations, the trial court may require that the prosecuting attorney be informed of and permitted to inspect and copy or photograph any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons.” Crim.P. 16(II)(b)(1).
3. Further, “where the interests of justice would be served, the court may order the defense to disclose the underlying facts or data supporting the opinion in that particular case of an expert endorsed as a witness. If a report has not been prepared by that expert to aid in compliance with other discovery obligations under this rule, the court may order the party calling that expert to provide a written summary of the testimony describing the witness’s opinions and the bases and reasons therefore, including results of physical or mental examinations and of scientific tests, experiments, or comparisons.” Crim.P. 16(II)(b)(2).
4. The Supreme Court, in promulgating this rule, states that it is the intent of

this discovery rule to “allow the prosecution sufficient meaningful information to conduct effective cross-examination under CRE 705.” Id.

5. The People respectfully request the Court to find that the interests of justice would be served by allowing the prosecution to obtain the discovery of any expert report or analysis (whether or not a report has been generated) pursuant to this rule. The People request the Court order the Defendant to provide this discovery no later than 45 days prior to trial, or September 18, 2019.
6. The People also request the Court require the Defendant to comply with subparagraphs (c) and (d) of Rule 16, Part II requiring notice of the nature of the defense and notice of alibi. The People request the Defendant submit its statement of the nature of the defense (including the notice of alibi) no later than August 15, 2019.
7. The People assert these requests are reasonably related to the interests of justice and the effective use of court resources pursuant to Rule 16.

WHEREFORE, the People request that the Defendant be ordered to provide all materials related to any expert witness he intends to call and further, submit the nature of his defense.

Daniel H. May, #11379
DISTRICT ATTORNEY

Dated: July 19, 2019

/S/: Elizabeth Reed

Elizabeth Reed #35210
Lead Deputy District Attorney
(Original Signature on File)

CERTIFICATE OF MAILING OR DELIVERY

I hereby certify that I have deposited a true and correct copy of the forgoing **PEOPLE'S MOTION FOR DISCOVERY** upon all parties herein by electronic filing via ICCES.

Dated: July 19, 2019

By /s/ Monique Durr