

REDACTED

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	Filed MAY 30 2013 CLERK OF THE DISTRICT COURT ARAPAHOE COUNTY, COLORADO COURT USE ONLY
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. JAMES HOLMES, Defendant	
DOUGLAS K. WILSON, Colorado State Public Defender Daniel King (No. 26129) Tamara A. Brady (No. 20728) Chief Trial Deputy State Public Defenders 1300 Broadway, Suite 400 Denver, Colorado 80203 Phone (303) 764-1400 Fax (303) 764-1478 E-mail: state.pubdef@coloradodefenders.us	Case No. 12CR1522 Division 26
MOTION TO POSTPONE ADVISEMENT HEARING UNTIL JUNE 4, 2013 [D-040]	

CERTIFICATE OF CONFERRAL

Conferral is not appropriate for this pleading.

Mr. Holmes, through counsel, hereby moves the Court to postpone the advisement hearing currently scheduled for May 31, 2013 until June 4, 2013. As grounds for this motion, he states the following:

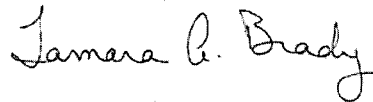
1. This Court issued a 50-page ruling yesterday regarding the outstanding issues in D-028, D-029, D-030, D-031 and D-032. At the end of the order, the Court indicated that if counsel required additional time to review this order, that the Court would entertain a motion to postpone the advisement hearing until Tuesday, June 4th.

2. Given the nature and complexities of the issues, as well as the efforts counsel is making to meet the Court's June 3, 2013 deadline for filing non-capital motions in the case, counsel respectfully request that this Court postpone the hearing until June 4 to provide them with adequate time to digest the Court's order, prepare for advisement, and provide effective assistance of counsel to Mr. Holmes. *See Strickland v. Washington*, 466 U.S. 668 (1984); *People v. Rodriguez*, 914 P.2d 230, 294 (Colo. 1996) ("A defendant's right to effective assistance of counsel is guaranteed by the United States and Colorado Constitutions."); *see also* ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 10.8, commentary, rev. ed. 2003 ("Because of the possibility that the client will be sentenced to death, counsel must be significantly more vigilant about litigating all potential issues at all levels in a capital case than in any other case.").

Mr. Holmes files this motion, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, Equal Protection, Confrontation, and Compulsory Process, the Rights to Remain Silent and to Appeal, and the Right to be Free from Cruel and Unusual Punishment, pursuant to the Federal and Colorado Constitutions generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25 and 28 of the Colorado Constitution.



Daniel King (No. 26129)
Chief Trial Deputy State Public Defender



Tamara A. Brady (No. 20728)
Chief Trial Deputy State Public Defender



Kristen M. Nelson (No. 44247)
Deputy State Public Defender

Dated: May 30, 2013

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ORDER RE: MOTION TO POSTPONE ADVISEMENT HEARING UNTIL JUNE 4, 2013 [D-040]	

Defendant's motion is hereby GRANTED _____ DENIED _____.

BY THE COURT:

_____ JUDGE

_____ Dated

I hereby certify that on May 30, 2013, I

mailed, via the United States Mail,
 faxed, or
 hand-delivered

a true and correct copy of the above and foregoing document to:

George Brauchler
Jacob Edson
Rich Orman
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JKE