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| District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112 | FILED JUN - 3 2015 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 |
| DEMAND AND MOTION FOR DISCLOSURE AND DISCOVERY OF ALL RECORDS OF MOVEMENT, TRANSFER AND STORAGE OF ALL PHYSICAL EVIDENCE [D-060] | |

CERTIFICATE OF CONFERRAL

The District Attorney states that they object to the motion, and that they will file a response.

James Holmes, by and through counsel, moves this Court for an order requiring the State to preserve and produce the following information and materials:

1. Mr. Holmes requests disclosure of all records pertaining to the storage, transfer, and movement of physical evidence.
2. Mr. Holmes requests all records and/or logs of any movement of physical evidence.
3. Movement and subsequent handling of evidence by the State may cause alteration or degradation of that evidence. Unless Mr. Holmes is able to discover such movement and handling of the evidence, he will be unable to investigate those matters and raise pertinent facts and legal issues, so that the trier of fact may evaluate such issues.
4. Storage of the evidence may also cause alteration and/or degradation of the evidence. Unless Mr. Holmes is able to discover the documentation concerning storage of the

evidence, he will be unable to investigate those matters and present the pertinent facts and legal issues, so that the trier of fact may evaluate such issues.

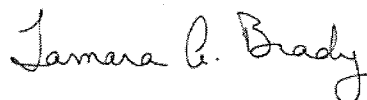
Request for a Hearing

5. Mr. Holmes requests a hearing on this motion.

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: June 3, 2013

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| ORDER RE: DEMAND AND MOTION FOR DISCLOSURE AND DISCOVERY OF ALL RECORDS OF MOVEMENT, TRANSFER AND STORAGE OF ALL PHYSICAL EVIDENCE [D-060] | |

Defendant's motion is hereby GRANTED _____ DENIED _____.

BY THE COURT:

JUDGE

Dated

I hereby certify that on June 3, 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
Karen Pearson
Office of the District Attorney
6450 S. Revere Parkway
Centennial, Colorado 80111
Fax: 720-874-8501

AWJ