

RECEIVED

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	<p style="text-align: center;">Filed JUN - 3 2015</p> <p style="text-align: center;">σ COURT USE ONLY σ</p>
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 FOR COURT ORDERS CONCERNING THE PROCEDURES TO BE FOLLOWED BY ALL COURT PERSONNEL INVOLVING ALL INTERACTION WITH PROSPECTIVE AND SEATED JURORS [D-087]	

CERTIFICATE OF CONFERRAL

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

James Holmes, through counsel, moves this Court to enter an order regarding the procedures to be followed by all court personnel regarding interactions with prospective and seated jurors. As grounds in support, he states as follows:

1. The court's bailiffs, and all other personnel who might possibly interact with both prospective and seated jurors in this case should be instructed in writing as to their duties and obligations relating to juror interaction.
2. Defense counsel should be given advance notice of the instructions that the Court desires to give, and defense counsel should be allowed to be heard as to those instructions before the bailiffs and other personnel are instructed.
3. Court personnel should be instructed not to give any instructions, advice, or answers to inquiries or comments by prospective or seated jurors without first consulting with the Court, unless the juror's inquiry or need is plainly addressed by the written instructions of the court.

4. All communications between court personnel and prospective or seated jurors should be placed on the record as soon as possible, if not done contemporaneously.

5. Defense counsel should be informed of all communications between court personnel and prospective and seated jurors, and defense counsel should also be given an opportunity to be heard in advance on all matters concerning communications between court personnel and jurors.

6. Mr. Holmes' rights to a record of proceedings, to be present, to due process, to effective assistance of counsel, to appeal, to a fair trial by impartial jury, to be heard on matters affecting his important rights, and to the prohibitions of cruel and unusual punishment, all require the requested relief. U.S. Const. amends. V, VI, VIII, XIV; Colo. Const. art. II, secs. 16, 18, 20, 23, 25; *see also People v. Botham*, 629 P.2d 589 (Colo. 1981); *Sheppard v. Maxwell*, 384 U.S. 333 (1966); *Estes v. Texas*, 381 U.S. 532 (1965).

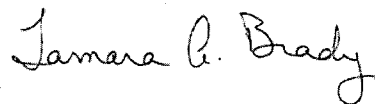
Request for a Hearing

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

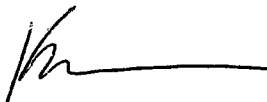
Mr. Holmes files this motion, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, 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

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	<p style="text-align: center;">σ COURT USE ONLY σ</p>
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
ORDER RE: MOTION FOR COURT ORDERS CONCERNING THE PROCEDURES TO BE FOLLOWED BY ALL COURT PERSONNEL INVOLVING ALL INTERACTION WITH PROSPECTIVE AND SEATED JURORS [D-087]	

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

AKM