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| District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112 | Filed JUN - 3 2013 COURT OF THE DISTRICT COURT COUNTY OF ARAPAHOE, COLORADO σ COURT USE ONLY σ |
| THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. JAMES HOLMES, Defendant | Case No. 12CR1522 Division 26 |
| MOTION FOR SEQUESTRATION OF PROSPECTIVE JURORS [D-085] | |

CERTIFICATE OF CONFERRAL

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

James Holmes moves, pursuant to the Due Process, Trial by Jury, and Cruel and Unusual Punishment Clauses of the United States and Colorado Constitutions, for this Court to sequester the prospective jurors in this case for the duration of jury selection, for the following reasons:

1. There has been considerable publicity about this case. This publicity will continue and intensify as trial approaches.
2. There is considerable conversation and commentary about this case in the courthouse and in the general public.
3. The jury selection process will likely take weeks, largely because of the necessity that the jurors be questioned concerning their views on the death penalty and exposure to publicity.
4. It is essential that the prospective jurors be sequestered during jury selection in order to prevent them from being exposed to the undoubtedly inflammatory, inaccurate and prejudicial publicity and public comment about this case after they have arrived for jury duty.

5. These requests are made to ensure that Mr. Holmes' constitutional rights to a fair trial, an impartial jury, and to due process are protected. 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).

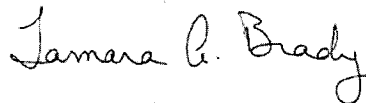
Request for a Hearing

6. Mr. Holmes moves for a hearing on this motion.

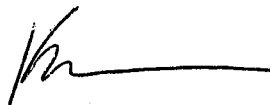
Mr. Holmes files this motion, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, 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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| District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112 | σ COURT USE ONLY σ |
| 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 SEQUESTRATION OF PROSPECTIVE JURORS [D-085] | |

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
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Centennial, Colorado 80111
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AKW