

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	<p style="text-align: center;"> Filed JUN - 8 2013 BY [unclear] 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 SPECIFICATION OF PHYSICAL EVIDENCE, AND LISTING OF TRIAL EXHIBITS, THAT THE STATE INTENDS TO INTRODUCE AT TRIAL [D-090]	

CERTIFICATE OF CONFERRAL

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

Mr. Holmes, through counsel, moves this Court for an order directing the State to specify at least 30 days in advance of trial, with particularity, what items of physical evidence and/or exhibits the State intends to introduce at trial, on the following grounds:

1. The State has seized a large number of items as physical evidence in this case. There are thousands of pieces of evidence. There are hundreds of DVDs and CDs provided in discovery.
2. Some of these items appear to be irrelevant to the case.
3. In order to render effective assistance of counsel to Mr. Holmes, counsel must be completely prepared for the introduction into evidence of every single item held by the state as evidence. *See Strickland v. Washington*, 466 U.S. 668 (1984).
4. Mr. Holmes has federal and state constitutional rights to prepare a defense, which he cannot do unless he knows which items of physical evidence the state intends to use. U.S. Const. amends. V, VI, XIV; Colo. Const. art. II, §§ 16, 25. Thus, he requests this Court to order the State to provide to him a list specifying the items, and their purported relevance to the charges, as soon as possible.

5. After receiving the list, the defense can file motions *in limine* and litigate issues of admissibility outside of the presence of the jury. This procedure minimizes delays for the jury.

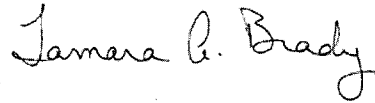
Request for a Hearing

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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ORDER RE: MOTION FOR SPECIFICATION OF PHYSICAL EVIDENCE, AND LISTING OF TRIAL EXHIBITS, THAT THE STATE INTENDS TO INTRODUCE AT TRIAL [D-090]	

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

