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| District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112 | Filed JUN - 3 2013 10:00 AM DISTRICT COURT ARAPAHOE COUNTY COLORADO 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 |
| MOTION FOR A LIST OF PROSPECTIVE JURORS [D-083] | |

CERTIFICATE OF CONFERRAL

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

Mr. Holmes, moves this Court, pursuant to Crim. P. 24(c)(1) and 6 C.R.S. §18-1-406 (5) (1997), for a list of prospective jurors as far in advance of trial as possible, on the following grounds:

1. Crim. P. 24(c)(1) mandates that, “[u]pon the request of the defendant or the prosecution in advance of the commencement of the trial, the defendant or the prosecution shall be furnished with a list of prospective jurors who will be subject to call in the trial.” See also §18-1-406(5), C.R.S.

2. The above right exists so that either party may determine if a challenge to the jury pool is appropriate. Crim. P. 24.

3. Mr. Holmes needs the list of prospective jurors so that he can exercise his right to determine if there has been compliance with the requirements of the law governing the selection of jurors, pursuant to Crim. P. 24(c).

4. Crim. P. 24(c)(2) states that any challenge to the jury pool “must be made in writing setting forth the particular ground upon which it is based and shall be accompanied by one or more affidavits specifying the supporting facts and demographic data.”

5. Additionally, the rule requires that a challenge to the jury pool be filed prior to the swearing in of the jury selected to try the case.

6. In order to comply with the procedural requirements of the rule and to allow sufficient time to prepare the motion and affidavits, if necessary, Mr. Holmes requests that the list of prospective jurors be provided as soon as practicable.

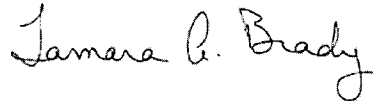
Request for a Hearing

7. 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 | |
| THE PEOPLE OF THE STATE OF COLORADO, Plaintiff | |
| v. | |
| JAMES HOLMES, Defendant | σ COURT USE ONLY σ |
| 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 A LIST OF PROSPECTIVE JURORS [D-083] | |

Defendant's motion is hereby GRANTED _____ DENIED _____.

BY THE COURT:

JUDGE

Dated

