


District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	<div style="text-align: center;">  JUN - 3 2013 DISTRICT COURT ARAPAHOE COUNTY, COLORADO σ COURT USE ONLY σ </div>
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 TO SUPPRESS MR. HOLMES' JULY 20, 2012, STATEMENT TO SPECIAL AGENT GUMBINNER AND DETECTIVE APPEL [D-127]	

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 to suppress all statements he allegedly made to law enforcement agents on July 20, 2012, after he invoked his right to counsel, and any evidence and fruits obtained therefrom. Law enforcement obtained these statements in violation of Mr. Holmes' rights to counsel, to be free from self-incrimination, to due process, and to fundamental fairness as protected by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and article II, sections 16, 18 and 25 of the Colorado Constitution. In support of this motion, Mr. Holmes states the following:

I. Factual Background

1. In the immediate aftermath of the events of July 20, Officers Sweeney and Oviatt detained Mr. Holmes behind Theater 9 of the Century 16 Theaters in Aurora. After they arrested him, and without administering any warnings pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), Officers Oviatt and Sweeney asked Mr. Holmes if there was anybody else involved, and Mr. Holmes responded that there was not. Mr. Holmes further stated that there were bombs inside his apartment and they would go off if the wires were tripped. After the officers removed Mr. Holmes' clothing, Officer Sweeney again asked Mr. Holmes whether anyone was with him,

and he allegedly responded, "It is just me." Subsequently, they placed Mr. Holmes in an Aurora Police Department patrol vehicle.

2. While in the vehicle, and again without administering any *Miranda* warnings, Officer Blue asked Mr. Holmes if anyone else was with him, and whether he had any weapons. Mr. Holmes responded that he was alone and that he had four guns as well as some explosive devices back at his apartment.¹

3. Based in part on that information, in the hours that followed, members from numerous law enforcement agencies, including members of the Aurora Police Department, Denver Police Department, Adams and Aurora SWAT teams, Aurora Fire Department, the Adams County and Denver Bomb Squads, the Bureau of Alcohol, Tobacco and Firearms, and the FBI were then dispatched to Mr. Holmes' apartment at 1690 Paris St. #10.

4. Mr. Holmes was transported to the Aurora City Detention Center, where Detectives Chuck Mehl and Craig Appel of the Aurora Police Department attempted to interrogate him.

5. As Mehl read Mr. Holmes his *Miranda* warnings, Mr. Holmes asked, "How do I get a lawyer?" Immediately after Mehl was finished reading the warnings, Mr. Holmes then stated that he wanted to "invoke the Sixth Amendment." Mehl clarified, "So, you're invoking your right to legal counsel?" to which Mr. Holmes responded, "Yeah." After the detectives continued to engage with Mr. Holmes despite this unequivocal invocation of the right to counsel, Mr. Holmes stated, "I want a court-appointed attorney."²

6. Thereafter, Mehl remarked that Mr. Holmes had "invoked his legal right to counsel" and stopped questioning him at 2:51 a.m. on July 20, 2012.

7. Mr. Holmes did nothing to re-initiate questioning.

8. Meanwhile, counsel for Mr. Holmes arrived at the Aurora City Jail at approximately 8:00 a.m. and made explicit requests to see him throughout the day at the request of his family, all of which were denied. Law enforcement actively prevented counsel from accessing Mr. Holmes and affirmatively misled counsel in a number of ways. Counsel was told that there had been no request for counsel, which was clearly untrue. Law enforcement also misled counsel as to Mr. Holmes' location, which led counsel to drive back and forth between various correctional facilities attempting to locate Mr. Holmes to no avail. Counsel spent the entire day attempting to locate and consult with Mr. Holmes but were actively, improperly, and unconstitutionally rebuffed by law enforcement.

¹ Mr. Holmes is moving separately to suppress those statements to police, *see* D-124. These statements are fruits of that illegal exchange and should be suppressed on that ground as well.

² Counsel is moving separately to suppress statements made during this exchange. *See* D-126.

9. Also during this time period, law enforcement officials spent hours evacuating 1690 Paris Street. They then breached the door of Mr. Holmes' apartment with a robot and conducted surveillance of the apartment with the robot.

10. Upon information and belief, at approximately 1 p.m. that afternoon law enforcement officials determined that more information about the devices in Mr. Holmes' apartment would be helpful to their efforts.

11. At approximately 3:45 p.m., FBI Special Agent Bomb Technician Garrett Gumbinner and Detective Appel approached Mr. Holmes in the Aurora City Detention Center. They allegedly told him that they understood he had invoked his right to counsel, but that they would not talk about the theater incident. Rather, they told him that they were only there to speak with him about the items that were discovered in his apartment because they were concerned about the safety of the public in and around his apartment.

12. Mr. Holmes proceeded to give a statement with Gumbinner and Appel lasting approximately 38 minutes in length about the alleged explosive devices found in his apartment.

II. Argument

A. Mr. Holmes Unambiguously Asserted His Right to Counsel and Refused to Answer Questions.

13. Special Agent Gumbinner and Detective Appel violated Mr. Holmes' right to counsel and right to be free from self-incrimination as protected by the Fifth, Sixth and Fourteenth Amendments and article II, sections 16, 18 and 25 of the Colorado Constitution by re-initiating questioning after Mr. Holmes had invoked his right to counsel and refused to answer questions. *See Miranda v. Arizona*, 384 U.S. 436, 470 (1966) (Fifth Amendment privilege against self-incrimination includes the right of a suspect to consult with counsel before questioning and to have counsel present during any questioning if the suspect so desires); *Edwards v. Arizona*, 451 U.S. 477 (1981); *People v. Skufca*, 176 P.3d 83, 85 (Colo. 2008) (both State and federal constitutions afford a criminal defendant the right against incriminating him or herself at trial).

14. Pursuant to the protections of *Miranda*, once a defendant who is in custody invokes his right to counsel, all police-initiated interrogation must cease until the defendant has consulted an attorney. In *Edwards*, 451 U.S. at 484-85, the United States Supreme Court held: “[A]n accused, ... having expressed his desire to deal with the police only through counsel, is not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication, exchanges or conversations with the police.”

15. “The prosecution must prove by clear and convincing evidence that the defendant both understood and agreed to waive his right to counsel Any ambiguity in determining whether a defendant has waived his rights must be resolved against the prosecution.” *People v. Martinez*, 789 P.2d 420, 422 (Colo. 1990) (citing *People v. Pierson*, 670 P.2d 770, 775 (Colo. 1983)).

16. “It is long settled that if a defendant makes an unambiguous and unequivocal request for counsel, the request must be scrupulously honored and no further questioning can occur until either a lawyer is provided for the accused or the accused voluntarily reinitiates the questioning.” *People v. Redgebol*, 184 P.3d 86, 99-100 (Colo. 2008) (citing *Edwards*, 451 U.S. at 484-85). To determine if a request for counsel was made, the trial court must consider whether the accused’s statement “can reasonably be construed to be an expression of a desire for the assistance of an attorney in dealing with custodial interrogation by the police.” *McNeil v. Wisconsin*, 501 U.S. 171, 178 (1991).

17. It is beyond question that Mr. Holmes unambiguously asserted his right to counsel and his desire to invoke his Fifth Amendment privilege against self-incrimination by stating that he wanted “a court-appointed attorney.” *See id.* (defendant’s answer, translated by an interpreter, of “Yes, he would like a lawyer,” to the question of “Would you like a lawyer with you while we talk today, or no?” is an “unambiguous and unequivocal request for counsel”); *People v. Lynn*, 278 P.3d 365, 367 (Colo. 2012) (defendant’s question, “When can I talk to a lawyer?” was unambiguous request for counsel); *People v. Bradshaw*, 156 P.3d 452, 456-57 (Colo. 2007) (defendant’s statement, “I’m going to have to talk to an attorney about this” was “an unambiguous and unequivocal demand that the interrogation end and counsel be summoned on his behalf.”); *People v. Adkins*, 113 P.3d 788, 792 (Colo. 2005) (defendant’s inquiry about “why don’t I have [an attorney] now” during administration of *Miranda* warnings sufficient to invoke right to counsel).

18. Indeed, after Mr. Holmes stated that he wanted a court-appointed attorney, Detective Mehl expressly recognized that Mr. Holmes had invoked his right to counsel and his right against self-incrimination, stating that they were “going to conclude our interview with James here” because he had “invoked his legal right to counsel.” The Colorado Supreme Court has held that a statement sufficiently reflects a desire for counsel when it “put[s] the officers on notice that the defendant intend[s] to exercise his right to counsel and his right against self-incrimination.” *People v. Fish*, 660 P.2d 505, 509 (Colo.1983).

19. Because Mr. Holmes did not reinitiate communication, law enforcement was forbidden from speaking with him, and the statement obtained by Special Agent Gumbinner and Detective Appel was obtained in violation of his right to counsel and his right to be free from self-incrimination, as protected by the Fifth Amendment to the United States Constitution and article II, section 18 of the Colorado Constitution and must be suppressed. *Edwards*, 451 U.S. at 484-85; *Redgebol*, 184 P.3d at 99-100.

B. The Government Violated Mr. Holmes’ Fifth Amendment Right to Counsel by Refusing to Allow Defense Counsel Access to Mr. Holmes.

20. The State violated Mr. Holmes’ right to counsel that is included within the privilege against self-incrimination as protected by the Fifth and Fourteenth Amendments and article II, section 18 of the Colorado Constitution when it refused to allow counsel access to Mr. Holmes on July 20th. *Miranda*, 384 U.S. at 470; *Skufca*, 176 P.3d at 85.

21. In *People v. Harris*, 703 P.2d 667, 671-73 (Colo. App. 1985), the Court of Appeals found a Fifth Amendment violation where, upon his arrest, the defendant asked his companion to call his brother and tell him to get the defendant an attorney. The brother did so, and the attorney immediately set out for the police station. Once there, the attorney sought to gain access to the defendant and was repeatedly misled. He was told by the control deputy, among other things, that they were unable to find the detective assigned to the case or the defendant, when in fact “[t]he defendant and Detective Wilson were in the interrogation room during the entire period that [the attorney] was attempting to reach the defendant.”

22. Under these circumstances, the Court of Appeals found that the defendant was denied his Fifth Amendment right to counsel. Quoting *People v. Pinzon*, 377 N.E.2d 721 (N.Y. 1978), it held:

“[T]he right to counsel is of little value if the attorney cannot communicate with the defendant or with the officials holding him in custody or can only reach them after extended delay when the investigation is, in effect, completed. The police, of course, must recognize this and must also realize that even though the defendant may not have retained counsel prior to being taken into custody, an attorney, later retained by friends or family ... may wish to consult with him while he is being questioned by the police. And when an attorney does not know where the defendant is being held, there is little doubt that the police are better equipped than he is for locating the defendant or the officers immediately or ultimately responsible for the investigation. Indeed if the police have a person in custody they should be charged with knowledge of his whereabouts.

“In sum, once a person has been taken into custody, the burden is on the police to keep track of him and to establish and maintain procedures which will insure that an attorney representing him may communicate with him and with the officials responsible for the investigation, without unreasonable delay....”

Harris, 703 P.2d at 672. In concluding that the government’s conduct violated the Fifth Amendment right to counsel, the Court relied on the fact that “unknown to the defendant, an identified attorney, whom defendant had requested, was seeking an opportunity to consult with him. The police did not inform him of that fact, nor did they make a serious effort to locate the defendant upon his attorney’s request.” *Id.* Thus, the Court concluded, “any statements or the fruits of any statements obtained after the police knew of the attorney’s efforts to reach the defendant cannot be rendered admissible on the theory that the defendant knowingly and intelligently waived counsel. *Id.* Cf. *People v. Page*, 907 P.2d 624, 633 (Colo. App. 1995) (contrasting *Harris* and finding no Fifth Amendment violation where police denied two public defenders access to defendant where there was no request for counsel by either defendant or family and “the police at no time conveyed false information to the attorneys”).

23. Likewise, in *People v. Salazar*, 189 Colo. 429, 435, 541 P.2d 676, 680 (Colo. 1975), the police asked the defendant to go to the station to answer questions about the murder of a police officer that had recently taken place in which he was a suspect. The defendant requested

an attorney and made clear he did not wish to make any statements. The police suggested he take a polygraph test, and the defendant reluctantly agreed after a police officer who was a family friend urged him to do so. Unbeknownst to the defendant, “at the very time the request for counsel was made, there was an attorney available in the police building, who had offered his services in this regard, which were rejected by the police, who were well aware of Salazar’s request for counsel.” The police told the attorney that “his services were not needed.” *Id.* at 679. The defendant subsequently made incriminating statements to the polygraph examiner.

24. Under these facts, the Colorado Supreme Court held that the government’s conduct vitiated any subsequent *Miranda* waiver and held that the defendant’s statements must be suppressed.

25. The facts in this case present a blatant violation of the Fifth Amendment and article II, section 18 of the Colorado Constitution. Mr. Holmes had unequivocally *asked* for an attorney hours before counsel arrived at the jail, and his family had subsequently expressly asked the public defender’s office to represent him, yet Mr. Holmes was never told that they were available to him and in fact were attempting to see him. Moreover, as in *Harris*, the police were deliberately deceptive to counsel about Mr. Holmes’ whereabouts, and as in *Salazar*, told them that there had been no request for counsel, when in fact the opposite was true.

26. For all of these reasons, the statement obtained by Detective Appel and Special Agent Gumbinner was obtained in violation of Mr. Holmes’ Fifth Amendment right to counsel and must be suppressed.

27. The government also violated Mr. Holmes’ statutory right to counsel under Colorado law. C.R.S. § 16-3-402(3)(a) provides that “if any person in custody indicates in any manner his desire to speak with an attorney . . . the public defender shall be permitted to communicate with that person to determine whether that person has counsel and, if the person desires that the public defender represent him, to make an initial determination as to whether the person is indigent.”

28. Moreover, because Colorado provides this statutory right to counsel prior to the commencement of official judicial proceedings, the protections of the Sixth Amendment and article II, section 16 of the Colorado Constitution also apply. *See, e.g., Silva v. People*, 156 P.3d 1164, 1168-69 (Colo. 2007) (Sixth Amendment right to effective assistance of counsel applies to performance of post-conviction counsel in Colorado even though right to counsel in post-conviction proceedings is limited statutory right).

C. Mr. Holmes’ Statement Must be Suppressed Because it Was Involuntary

29. In order to be admissible at trial, a statement must be “the product of an essentially free and unconstrained choice by its maker.” *Culombe v. Connecticut*, 367 U.S. 568, 602 (1961) (plurality opinion). The Fifth Amendment, as applied to the states through the Due Process Clause of the Fourteenth Amendment, as well as Article II, section 18 of the Colorado Constitution, “prevents admission of involuntary statements into evidence, regardless of the defendant’s custodial situation, and whether or not the defendant made an inculpatory statement.” *People v. Medina*, 25 P.3d 1216, 1221 (Colo. 2001).

30. Involuntary statements are excluded from evidence “because the methods used to extract them offend an underlying principle in the enforcement of our criminal law: that ours is an accusatorial and not an inquisitorial system — a system in which the State must establish guilt by evidence independently and freely secured and may not by coercion prove its charge against an accused out of his own mouth.” *People v. Raffaelli*, 647 P.2d 230, 235 (Colo. 1982) (quoting *Rogers v. Richmond*, 365 U.S. 534, 541 (1961)).

31. The government has the burden of demonstrating that a statement was made voluntarily, and must demonstrate by a preponderance of the evidence that “coercive police activity” did not play a significant role in inducing a defendant’s confession. *Colorado v. Connelly*, 479 U.S. 157, 167 (1986). *See also Lego v. Twomey*, 404 U.S. 477, 484 (1972).

32. When evaluating whether a statement was voluntarily made, a court must again consider the totality of the circumstances surrounding the statement. *Medina*, 25 P.3d at 1222. In this case, several factors indicate that Mr. Holmes’ statements were involuntary.

33. First, Mr. Holmes was in custody. Whether a defendant is in custody at the time statements were made is one factor to consider in determining voluntariness. *People v. Gennings*, 808 P.2d 839, 846 (Colo. 1991).

34. Second, as explained above, Mr. Holmes had previously asserted his right to counsel. The fact that Detective Appel and Special Agent Gumbinner re-approached Mr. Holmes to interrogate him despite his clear invocation of his rights (and did not re-Mirandize him) could only have indicated to him that he had no choice but to continue talking.

35. Third, the police made an implied promise to Mr. Holmes that any statement he gave would not be used against him in a subsequent proceeding. Appel told Mr. Holmes that he was aware that he had already invoked the right to counsel but stated that they were not there to talk about the theater. Rather, he told Mr. Holmes that they were only there to talk to him “because we were concerned about the safety of the public in and around his apartment,” suggesting that the purposes for which any statement about the apartment could be used were different.³ *See Medina*, 25 P.3d at 1222 (“whether the police threatened defendant or promised anything directly or impliedly” is factor relevant to voluntariness analysis).

36. Finally, Mr. Holmes’ interview took place after he had been held in custody for over twelve hours and had presumably been awake for much of the night. Moreover, officers observing Mr. Holmes indicated that he appeared “out of it and disoriented” during the period following his arrest. *Medina*, 25 P.3d at 1222 (defendant’s mental and physical condition, as well as length, location, and physical conditions of interrogation are relevant to issue of

³ Furthermore, it is questionable whether Gumbinner and Appel said additional, even more coercive things to Mr. Holmes to provoke him into making a statement. The interview was only audio recorded, not video recorded, and Appel claims to have inadvertently turned off his tape recorder until the interview was already in progress. Thus, there is no recording of the beginning of the exchange between law enforcement and Mr. Holmes.

voluntariness); *Raffaelli*, 647 P.2d at 235 (mental condition of the defendant is relevant to the voluntariness of his statements).

37. These factors all weigh in favor of a finding that his statement was involuntary and was obtained in violation of his rights under the Fifth and Fourteenth Amendments, as well as article II, section 18 of the Colorado Constitution.

D. Mr. Holmes' Statement Should Also Be Suppressed Under the Due Process Clause of the Fourteenth Amendment and Article II, Section 25 of the Colorado Constitution

- a. Because the Police Impliedly Promised That Mr. Holmes' Statement Would Not Be Used to Incriminate Him, It Should be Excluded on Principles of Fundamental Fairness.

38. In addition to the voluntariness doctrine, the doctrine of fundamental fairness, grounded in the Due Process Clauses of the Fourteenth Amendment and article II, section 25 of the Colorado Constitution, affords a defendant the remedy of suppression where a defendant made detrimental statements in reliance upon a governmental promise. 14 Colo. Prac., Criminal Practice & Procedure § 13.30 (2d ed.); *see also Moran v. Burbine*, 475 U.S. 412, 432-34 (1986) (recognizing that actions of police taken in relation to suspect can, under certain circumstances, violate fundamental fairness guaranteed by the Due Process Clause); *People v. Fisher*, 657 P.2d 922 (Colo.1983) (recognizing that Due Process Clauses of both Colorado and United States Constitutions embody doctrine of fundamental fairness that apply to interaction of police with suspect).

39. Here, Detective Appel strongly suggested to Mr. Holmes that any statement that he gave about the devices in his apartment would only be used to protect the safety of the public and would not be used to incriminate him. By (1) telling Mr. Holmes that he understood he had already invoked his right to counsel but that he was not there to talk about the theater and was only asking him questions for the sake of the safety of the public and (2) failing to re-Mirandize him, Appel suggested to Mr. Holmes that while statements about the theater incident could be used against him, statements about the devices in his apartment either would not be or could not be used against him.

40. Therefore, specific performance is required under this doctrine and the statements must be suppressed. *See, e.g., People v. Manning*, 672 P.2d 499 (Colo. 1983) (Detective's statement to defendant that "I am going to interview you as a witness in this thing. Because I am not going to advise you of your rights, they cannot prosecute you for this," in light of surrounding circumstances of ongoing investigation into disappearance of child, constituted implied promise to defendant that she would not be prosecuted for anything she might admit in course of ensuing interview, upon which defendant reasonably relied, and statements could not be introduced at trial as a result); *People v. Fisher*, 657 P.2d 922 (Colo.1983) (Colorado court properly enforced written promise by Oklahoma police that defendant's videotaped confession would be used only for instructional purposes).

b. Police Misconduct in this Case Rose to the Level Warranting Suppression

41. In *Moran v. Burbine*, 475 U.S. 412, 432-34 (1986), the Supreme Court found that the police's failure to inform a suspect of the efforts of an attorney who had been retained by his sister to reach out to him at the police station was not so offensive as to deprive him of the fundamental fairness guaranteed by the Due Process Clause. However, they left open the question that "on facts more egregious than those presented here police deception might rise to a level of a due process violation." *Id.*

42. This case presents such circumstances. Here, police did not simply fail to inform Mr. Holmes of counsel's attempts to reach him. Rather, despite the fact that Mr. Holmes had explicitly requested counsel, they flagrantly misled counsel with respect to Mr. Holmes' whereabouts and told them that Mr. Holmes had not requested an attorney, when the opposite was true, and knowingly violated Mr. Holmes' constitutional and statutory right to counsel by interrogating him while counsel sat in the very same facility demanding access to Mr. Holmes to no avail. Under these circumstances, fundamental fairness requires Mr. Holmes' statement be suppressed pursuant to the Due Process Clauses of the Colorado and United States Constitutions. See *Darwin v. Connecticut*, 391 U.S. 346, 349 (1968) (reversal required under 'totality of circumstances' where police kept petitioner incommunicado for 30 to 48 hours while knowing counsel was attempting to access him); *Rochin v. California*, 342 U.S. 165 (1952) (Under the Due Process Clause of the Fourteenth Amendment, a state's convictions cannot be brought about by methods that offend a sense of justice); *People v. Auld*, 815 P.2d 956, 957 (Colo. App. 1991) (citing to *Bailey v. People*, 630 P.2d 1062 (Colo. 1981) for proposition that Colorado recognizes the due process claim of outrageous governmental conduct).

III. Conclusion

43. Mr. Holmes' July 20, 2012, statement to Special Agent Gumbinner and Detective Appel was obtained involuntarily and in violation of a clear invocation of his rights to counsel and to be free from self-incrimination as protected by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article II, sections 16, 18 and 25 of the Colorado Constitution, and must be suppressed on these grounds.

44. The admission of his statements further violates the fundamental fairness doctrine embedded in the Due Process Clauses of the Fourteenth Amendment and article II, section 25 of the Colorado Constitution.

45. Finally, any fruits of Mr. Holmes' statement must also be suppressed. See *Wong Sun v. United States*, 371 U.S. 471 (1963); *Deeds v. People*, 747 P.2d 1266 (Colo. 1987); *People v. Sparks*, 748 P.2d 795 (Colo. 1988); *People v. Lowe*, 616 P.2d 118, 123 (Colo. 1980).

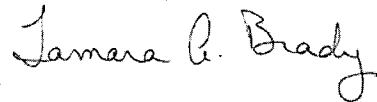
Request for a Hearing

46. Mr. Holmes requests an evidentiary 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	
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 TO SUPPRESS MR. HOLMES' JULY 20, 2012, STATEMENT TO SPECIAL AGENT GUMBINNER AND DETECTIVE APPEL [D-127]	

Defendant's motion is hereby GRANTED _____ DENIED _____.

BY THE COURT:

JUDGE

Dated

