

REDACTED

DISTRICT COURT, ARAPAHOE COUNTY  
STATE OF COLORADO  
Arapahoe County Justice Center  
7325 S. Potomac Street  
Centennial, Colorado 80112

Filed

JUL 17 2013

CLERK OF DISTRICT COURT  
ARAPAHOE COUNTY, COLORADO

THE PEOPLE OF THE STATE OF COLORADO vs.  
Defendant(s):

**JAMES EAGAN HOLMES**

COURT USE ONLY

Attorney:  
GEORGE H. BRAUCHLER  
18<sup>th</sup> Judicial District Attorney  
6450 S. Revere Pkwy  
Centennial, CO 80111  
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Atty. Reg. #: 25910

Case Number: **12CR1522**  
Division 26

**PEOPLE'S REPLY IN SUPPORT OF MOTION P-043  
MOTION FOR EXPERT WITNESS DISCOVERY PURSUANT TO RULE 16(II)(b)**

This pleading is filed by the District Attorney for the 18<sup>th</sup> Judicial District.

1. The People have filed Motion P-43, a motion for expert discovery. The Defendant has filed a response, stating that the matters raised in P-43 are not yet ripe due to the fact that the defendant has not endorsed any expert witnesses. For the reasons set forth below, the People believe that the issues raised in P-43 are ripe for adjudication, and that the motion should be granted.
2. There is no reason that this court cannot rule on Motion P-43 prior to the defense endorsing expert witnesses to testify at trial. The issues related to discovery concerning defense expert witnesses are general issues that do not necessarily need to be tied to any particular expert witness or area of expertise. By filing Motion P-43, the People are seeking the type of materials that would allow for effective cross-examination of any defense expert witnesses. If the defendant's proposition is correct, and the motion is not yet ripe due to fact that the defendant has not endorsed an expert witness, then it would follow that the People would be required to file a version of P-43 for each and every expert witness endorsed by the defendant, and the parties would have to engage in pretrial litigation on the discovery to be required for defense expert witnesses every time one has been endorsed. Instead of the unduly cumbersome and complicated process implicitly requested by the defense in their response to Motion P-43, the People ask that the court exercise the discretion provided by Crim. P. 16(II)(b)(2) and grant the relief requested in the Motion.

3. Additionally, this court has set multiple days to conduct pre-trial motions hearings. The People believe that it is likely that the defendant may seek to call expert witnesses to testify as to issues to be raised in the course of motions hearings. Motion P-43 seeks to have the defense notify the prosecution of expert witnesses to be called at pretrial hearings and to produce expert witness materials if they do so. Otherwise, the defendant would be able to call expert witnesses at pre-trial hearings without any notice to the People of the existence of these expert witnesses, or to their proposed expert testimony, which would put the People at an unfair disadvantage.
4. The People Request that the Motion be granted without a hearing.

GEORGE H. BRAUCHLER, District Attorney

By, 

Senior Deputy District Attorney

Registration No. 20035

**CERTIFICATE OF MAILING**

I hereby certify that I have deposited a true and correct copy of the foregoing in the Public Defender's Mailbox located at 6450 S Revere Pkwy Centennial CO 80111, addressed to:

TAMARA BRADY, ESQ.  
DANIEL KING, ESQ.  
OFFICE OF THE PUBLIC DEFENDER

Dated: 7/17/13

By 

DISTRICT COURT  
ARAPAHOE COUNTY, COLORADO  
Court Address: Arapahoe County Justice Center  
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**12CR1522**  
Division/Ctrm:  
**26**

**COURT ORDER**  
**RE: PEOPLE'S REPLY IN SUPPORT OF MOTION P-43**

THE COURT, being fully advised, and being duly apprised of the relevant facts and law,  
hereby Grants the **PEOPLE'S MOTION P-43**.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013

BY THE COURT

\_\_\_\_\_  
District Court Judge Carlos A. Samour