

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 8011	▲ COURT USE ONLY ▲
<b>PEOPLE OF THE STATE OF COLORADO</b>  v.  <b>JAMES EAGAN HOLMES,</b> <b>Defendant</b>	Case No. <b>12CR1522</b>  Division: <b>201</b>
<b>ORDER REGARDING DEFENDANT’S MOTION FOR SPECIFICATION OF PHYSICAL EVIDENCE, AND LISTING OF TRIAL EXHIBITS, THAT THE STATE INTENDS TO INTRODUCE AT TRIAL (D-90)</b>	

The defendant seeks an order directing the People to specify with particularity, at least 30 days in advance of trial, the items of physical evidence they intend to introduce. The People do not object to the request in general. However, they oppose a 30-day deadline, suggesting instead a due date of 7 days before trial. The defendant’s motion is granted in part and denied in part. The Court orders the People to provide a good faith list of exhibits they anticipate introducing at trial by no later than Monday, January 13, 2014.

Because trials are not always predictable, and because a large volume of evidence has been collected in this case and the parties are likely to be heavily engaged in trial preparation up until jury selection commences, the People may

supplement their list after January 13 if necessary, as long as they act in good faith in attempting to comply with this Order. Thus, barring lack of good faith, this Order should not be interpreted as preventing the People from introducing at trial a timely discovered exhibit solely because it was not included in their good faith list.

In issuing this Order, the Court is mindful that the first group of prospective jurors is not scheduled to respond to their summonses until Thursday, February 6. Moreover, as the defendant has previously observed, jury selection is likely to take more than a month. While the Court recognizes that counsel will be busy selecting a jury during that period, they should nevertheless have some time to review exhibits. Lastly, the Court notes that defense counsel are skilled and experienced, and have been provided extensive discovery; they will no doubt anticipate at least some of the exhibits the People will present at trial.<sup>1</sup>

Dated this 1<sup>st</sup> day of August of 2013.

BY THE COURT:



Carlos A. Samour, Jr.  
District Court Judge

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<sup>1</sup> To the extent that motion D-90 also asks the Court to require the prosecution to identify “the purported relevance” of every exhibit “to the charges,” Motion at p. 1, the request is denied. No authority is cited for the request, and the Court is aware of none. Further, the Court is confident that the defendant’s skilled and experienced counsel are competent to assess the relevance of the exhibits identified in the People’s good faith list. Of course, counsel are also free to confer about any exhibit and its purported relevance.

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2013, a true and correct copy of the Court's **Order Regarding Defendant's Motion for Specification of Physical Evidence, and Listing of Trial Exhibits, that the State Intends to Introduce at Trial (D-90)** was served upon the following parties of record:

Karen Pearson  
Amy Jorgenson  
Rich Orman  
Dan Zook  
Jacob Edson  
Lisa Teesch-Maguire  
George Brauchler  
Arapahoe County District Attorney's Office  
6450 S. Revere Parkway  
Centennial, CO 80111-6492  
(via email)

Sherilyn Koslosky  
Rhonda Crandall  
Daniel King  
Tamara Brady  
Kristen Nelson  
Colorado State Public Defender's Office  
1290 S. Broadway, Suite 900  
Denver, CO 80203  
(via email)

A handwritten signature in cursive script, reading "Anna M. King", written over a horizontal line.