

REDACTED

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

Filed

AUG 29 2013

CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

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

JAMES EAGAN HOLMES

COURT USE ONLY

Attorney:
GEORGE H. BRAUCHLER
18th Judicial District Attorney
6450 S. Revere Pkwy
Centennial, CO 80111
Phone: (720) 874-8500
Atty. Reg. #: 25910

Case Number: **12CR1522**
Division: **201**

**PEOPLE'S MOTION TO SET SUBPOENA DUCES TECUM DATE FOR THE
UNIVERSITY OF COLORADO AND THE COLORADO MENTAL HEALTH
INSTITUTE AT PUEBLO [P - 057]**

CERTIFICATE OF CONFERRAL

The prosecution conferred with the defense counsel prior to the filing of this motion, and defense counsel does not object to the requested date.

GEORGE H. BRAUCHLER, District Attorney in and for the Eighteenth Judicial District, County of Arapahoe, State of Colorado, by and through his duly appointed Chief or Senior Deputy District Attorney, respectfully submits this motion.

1. The defendant is currently being evaluated at the Colorado Mental Health Institute at Pueblo ("CMHIP") pursuant to his plea of Not Guilty by Reason of Insanity ("NGRI"). A report from CMHIP is forthcoming. Additionally, prior to July 20, 2012 the defendant saw psychiatric and other mental health professionals employed by the University of Colorado ("CU"). Pursuant to C.R.S. § 18-8-103.6(2), the defendant waived any privileged associated with the CMHIP and CU records, and therefore such records are subject to a subpoena to produce issued pursuant to Crim. P. 17(c).
2. The People plan to serve subpoenas to produce records on both CMHIP and CU, and therefore request that this court set a return date that the people can utilize when issuing the

subpoenas. The People request that this court set the return date on September 30, 2013 at 9 a.m. when the parties are scheduled to be in court. The defense does not object to the date.

Dated this 29th day of August, 2013.

Respectfully submitted,
GEORGE H. BRAUCHLER,
District Attorney

By: Kare Hearn
Deputy District Attorney
Registration No. 76208

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: 8/29/13

By: Amy Rogers

DISTRICT COURT
ARAPAHOE COUNTY, COLORADO
Court Address: Arapahoe County Justice Center
7325 S. Potomac St., Centennial, CO 80112

THE PEOPLE OF THE STATE OF COLORADO vs.
Defendant:
JAMES EAGAN HOLMES

COURT USE ONLY

Case Number:
12CR1522
Division/Ctrm:
201

COURT ORDER
PEOPLE'S MOTION TO SET SUBPOENA DUCES TECUM DATE FOR THE
UNIVERSITY OF COLORADO AND THE COLORADO MENTAL HEALTH
INSTITUTE AT PUEBLO [P -057]

THE COURT, being fully advised, and being duly apprised of the relevant facts and law, hereby GRANTS the PEOPLE'S MOTION TO SET SUBPOENA DUCES TECUM DATE FOR THE UNIVERSITY OF COLORADO AND THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO and hereby sets September 30, 2013 at 9 A.M. as a Subpoena Duces Tecum return date.

Dated this _____ day of _____, 2013

BY THE COURT

District Court Judge Carlos A. Samour