REDACTED

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112	▲COURT USE ONLY▲
PEOPLE OF THE STATE OF COLORADO **v.** **JAMES EAGAN HOLMES,** **Defendant**	Case No. **12CR1522** Division: **201**

ORDER REGARDING DEFENDANT'S REQUESTS TO SUPPRESS MOTIONS D-200, D-201, AND D-202, AS WELL AS PART OF THE TITLE OF MOTION D-202 (C-88)

Late on Friday, March 14, 2014, the defendant filed four motions, including Motions D-200, D-201, and D-202, which relate to Order P-68. Order P-68 granted in part the prosecution's motion for further or other examination of the defendant, based on the Court's conclusion that the first compulsory sanity examination was inadequate.

In Motion D-200, the defendant asks the Court to reconsider some of the findings and rulings in Order P-68. Specifically, the defendant argues that: (1) the Court misapprehended the law on the "good cause" standard that governs requests for further or other examination; (2) the Court failed to properly analyze the relevance and scope of the prosecution's request; (3) the Court's factual findings

are unsupported or contradicted by the record; and (4) the Court's conclusion that Dr. Metzner developed a bias as a result of the filing of Motion P-68 warrants reconsideration.

In Motion D-201, the defendant seeks to strike or amend the relief granted by Order P-68. The defendant maintains that: (1) requiring an entirely new sanity examination exceeds the scope of the prosecution's request for a supplemental examination by its experts; (2) there is no factual support in the record for the conclusion that an entirely new sanity examination is necessary; and (3) an entirely new sanity examination will interfere with his constitutional rights. The defendant further asserts that, even if a new sanity examination is appropriate, Order P-68 provides direction to the new examiner that is overly specific and will interfere with the new examiner's ability to exercise his professional medical judgment. The defendant contends that, at a minimum, the Court should order that no one provide the new examiner with a copy of the materials surrounding the litigation of Motion P-68; instead, avers the defendant, the examiner should receive an order similar to the Court's June 4, 2013 Order Requiring In-Custody Sanity Examination (C-41).

In Motion D-202, the defendant requests clarification of one aspect of Order P-68. In the alternative, the defendant renews a constitutional challenge to a

provision in the insanity statutes and urges the Court to allow his attorneys to be present during the new sanity examination, if one is conducted.

Each of these motions includes a request to suppress. Further, Motion D-202 includes a request to suppress part of its title. The defendant's requests to suppress are appropriate because there is information in the motions and part of the title of Motion D-202 which, if disseminated to the public, would likely affect his constitutional right to a fair trial and the integrity of the proceedings. Accordingly, the requests to suppress are granted.

Motions D-200, D-201, and D-202 are suppressed and will not be accessible to the public. Additionally, Motion D-202 will appear in the copy of the Register of Actions accessible to the public as "Defendant's Motion to Clarify (D-202)."

The Court remains mindful of the value of the right of access the named victims and the public have to these proceedings, as well as the critical role the media plays in this nation's criminal justice system. *See* Order D-191-A at pp. 13-18. Therefore, while the Court has granted the defendant's requests to suppress, it has provided here a general summary of the content of the defendant's motions.

Dated this 18th day of March of 2014.

BY THE COURT:

Carlos A. Samour, Jr.
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2014, a true and correct copy of the **Order regarding defendant's requests to suppress Motions D-200, D-201, and D-202, as well as part of the title of Motion D-202 (C-88)** was served upon the following parties of record:

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