

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112	▲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>202</b>
<b>ORDER SETTING BRIEFING SCHEDULE ON DEFENSE MOTIONS          D-237, D-238, D-239, D-240, D-241, AND D-242, AND ADDRESSING          DEFENSE REQUESTS FOR A HEARING AND TO SUPPRESS          MOTIONS D-238, D-240, AND D-241 (C-139)</b>	

This case is scheduled for trial on December 8, 2014. On October 7, 2014, the defendant filed the following six Motions: (1) Motion D-237, “Motion *In Limine* Requesting Court and Prosecution to Refrain From Referring to the Two Phases of this Capital Trial as the ‘Guilt Phase’ and/or “‘Death Phase;” (2) Motion D-238, “Motion to Exclude Unreliable Hearsay Testimony Regarding Alleged ‘Statement’ of Defendant;” (3) Motion D-239, “Motion to Exclude Lay Opinion Testimony Regarding Defendant’s ‘Mental Condition’ or ‘Sanity’ in this Capital Case;” (4) Motion D-240, “Motion *In Limine* to Preclude Lay Opinion Testimony Offering Interpretations of Mr. Holmes’s Actions or Behavior that are Not Based on Personal Knowledge or that Otherwise Lacks a Foundation;” (5) Motion D-241,

“Motion *In Limine* to Preclude Prosecutors and Witnesses From Improperly Impugning Mr. Holmes’s Character and Opining About His Veracity and Credibility;” and (6) Motion D-242, “Motion for Specific Instructions to Witnesses and Jurors Regarding Victim Impact Evidence.”


After reviewing the motions, the Court concludes that they should be briefed on an expedited basis. Accordingly, the responses must be filed no later than Friday, October 10, 2014. The replies must be filed no later than Tuesday, October 14, 2014. In his replies, the defendant must explain why these motions were not filed in a timely fashion. Motions D-238 and D-241 should have been filed no later than February 2014, eight months ago. The rest of the motions should have been filed last year. The Court will not allow untimely motions to delay this trial. Therefore, the Court may reject such motions.

Each of the six motions requests a hearing. At this time, the Court is disinclined to hold a hearing. After the motions are fully briefed, if the Court determines that a hearing is necessary or appropriate, it will order the parties to schedule a hearing.

The defendant also requests that Motions D-238, D-240, and D-241 be suppressed. The requests are granted.

Dated this 8<sup>th</sup> day of October of 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Carlos A. Samour, Jr.", written in a cursive style.

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Carlos A. Samour, Jr.  
District Court Judge