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October 27, 2014

The Honorable Carlos A. Samour, Jr.
18th Judicial District
Arapahoe County District Court
7325 South Potomac Street
Centennial, CO 80112

RE: *People v. James Eagan Holmes*, 2012CR1522, Order C-154

Dear Judge Samour:

This letter is submitted in response to the Order Requiring CMHIP to Provide the Parties all Discoverable Documentation Related to the Second Court-Ordered Sanity Examination No Later Than October 27, 2014 (C-154). As permitted by Order C-154, the following explanation addresses why CMHIP needs until November 7, 2014, to make all discoverable documentation related to the second Court-ordered sanity examination available to the parties.

The second-sanity examination was completed by Dr. William Reid who resides, and whose office is located, in Texas. Dr. Reid employs a small staff of essential administrative personnel to assist him in his work.

The report related to Dr. Reid's examination was due to the Court on or before October 15, 2014. On October 9, 2014, defense counsel filed their Motion to Enjoin CMHIP from Producing Materials Related to Second Sanity Examination to the Prosecution in the Absence of a Valid Subpoena Duces Tecum (D-243). This Court denied Motion D-243 on October 10th. For these reasons, while the People requested documentation from CMHIP and Dr. Reid on October 6, 2014, priority and focus were on timely completion and submission of the sanity examination report.

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Immediately after submitting the second sanity-examination report, Dr. Reid and CMHIP began compiling and transmitting all documents related to the examination to the People and defense counsel. As of the submission of this letter, both sides are in receipt of all documentation from CMHIP via electronic transmission totaling over 15MB. CMHIP's psychologist has transmitted raw data directly to expert psychologists for the prosecution and defense in accordance with agreements for the same. Both parties have also received a lengthy production from Dr. Reid, totaling approximately 200 pages in paper format and over 15MB of documents transmitted electronically.

Given the magnitude of the production to date, it is possible that there is little remaining to produce. However, Dr. Reid cannot presently ensure completeness of the record in counsels' possession. Indeed, in the days immediately *after* receiving the report, the prosecution contacted undersigned counsel to specify additional types of documentation for production (i.e. – all documents produced to Dr. Reid by the defense which the prosecution has not yet received, all documentation from CMHIP's psychologist related to additional psychological testing). These requests were subsequently covered by Order C-154. Prior to the issuance of C-154, Dr. Reid produced documents responsive to the People's original request.

After making this initial transfer of documents, Dr. Reid [REDACTED]

[REDACTED]

Reid believes, in good faith, that with the help of his assistant, he can certify completeness of the record no later than November 5th, and can ensure transmission of any outstanding documents to both parties no later than November 7th. However, given the substantial volume of documents in this case, he cannot presently ensure completeness.

Given the critical nature of the sanity examinations in this case, and desiring to ensure that counsel have all materials they are entitled to and may need in order to present their respective cases, Dr. Reid and CMHIP respectfully request that this Court allow them until November 7, 2014 to certify completeness of their production and to produce any documents that may be outstanding.

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Sincerely,



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cc: Dr. Birgit Fisher, Interim Superintendent, Colorado Mental Health Institute
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