

# REDACTED

DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	<b>Filed</b>  OCT 29 2014  CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO  COURT USE ONLY
THE PEOPLE OF THE STATE OF COLORADO vs. Defendant:  <b>JAMES EAGAN HOLMES</b>	
GEORGE H. BRAUCHLER 18 <sup>th</sup> Judicial District Attorney 6450 S. Revere Pkwy. Centennial, CO 80111 Phone: (720) 874-8500 Atty. Reg. #: 25910	Case Number: <b>12CR1522</b>  Division/Ctrm: <b>202</b>
<b>PEOPLE'S REQUEST FOR CLARIFICATION OF COURT'S ORDER REGARDING D-245-B AND SUBMISSION OF PHOTOGRAPHS AND REDACTED AUDIO/VISUAL EXHIBITS FOR THE COURT'S REVIEW [PEOPLE'S MOTION P-95]</b>	

This request for clarification and submission is filed by the District Attorney for the 18<sup>th</sup> Judicial District.

### CONFERRAL

The People informed the defense that they would be filing a motion seeking to clarify the deadlines specified in this Request. The defense replied that they do not object to the People filing a motion to clarify deadlines. The People also informed the defense that the People would be submitting photographs and audio/visual exhibits for the Court's review. The defense replied that they do not object to the People submitting the photographs and audio/visual exhibits for the Court's review.

### SUPPRESSION

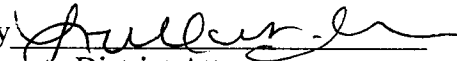
The People request that all of the photographs and all of the audio/visual attachments to this pleading be suppressed because they contain information that may be used as exhibits in trial. The People do not request suppression of this pleading, but do request suppression of all exhibits attached to this pleading.

1. The Court issued an Order regarding D-245-B on Monday, October 27, 2014, in response to the defendant's motion to continue the trial.
2. On page six (6) of the Court's Order the Court states:

First, the November 3 date will now be used only to address: (1) the defendant's Motion D-98, which seeks to limit inflammatory images shown to jurors; (2) any issues related to redactions of audio or video recordings (other than the videotaped recordings provided by Dr. Reid, which must be addressed in the motions due on October 29); and (3) the logistics related to the storage of evidence, including biohazard materials, that may be introduced during the trial. Second, the December 8 date will be converted to a pretrial status hearing date, during which the Court will address all of the other issues it had intended to discuss on November 3.

3. Previously, on July 22, 2014, the Court informed the parties of several deadlines for November 3, 2014. These deadlines included the list of issues that the Court stated it will address on November 3, 2014 and additionally included:
  - (1) The deadline for the parties' combined witness list;
  - (2) The deadline for the combined list of attorneys and staff, both of which will be attached to the jury questionnaire;
  - (3) The deadline for the prosecution's good faith exhibit list;
  - (4) The deadline for the parties to notify the Court of advisory witnesses;
  - (5) The deadline for the People to submit proposed jury instructions;
  - (6) The deadline for the People to submit an amended, completed list of all the proposed counts in the complaint and information.
4. The Court's Order states that the Court will address the other issues on December 8, 2014 but not whether or not those items are still due to the Court on November 3, 2014 or whether the deadline for those items has changed. The People request clarification from the Court regarding whether the aforementioned deadlines remain in effect or whether those deadlines have changed to December 8, 2014.
5. Additionally, the People submit to the Court for review copies of discs and thumbnail print-outs of good-faith photographs that the People may attempt to admit as exhibits at trial and copies of redacted, good-faith audio/visual exhibits that that People may attempt to admit as exhibits at trial. The People may wish to introduce additional photographs and additional audio/visual exhibits at trial, and will notify defense counsel and the Court as early as practicable so that any issues raised may be resolved. Additionally, the People continue to receive photographs from victims (that have not been in control of the People) that the victims had taken that document the injuries of the victims. The People have and will continue to discover those photographs to the defense immediately upon receipt.

GEORGE H. BRAUCHLER, District Attorney

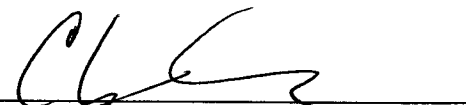
By   
Deputy District Attorney  
Registration No. 35892

**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.  
KRISTEN NELSON, ESQ.  
OFFICE OF THE PUBLIC DEFENDER

Dated: 10/29/14

By   
Certifying Secretary

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**ORDER CLARIFYING COURT'S ORDER REGARDING D-245-B**

The Court further clarifies the Court's previous Order regarding D-245-B as follows:

Dated this \_\_\_\_\_ day of \_\_\_\_\_ of 2014.

BY THE COURT:

\_\_\_\_\_  
 Carlos A. Samour, Jr.  
 District Court Chief Judge