

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. JAMES HOLMES, Defendant	♦ COURT USE ONLY ♦
DOUGLAS K. WILSON, Colorado State Public Defender Daniel King (No. 26129) Tamara A. Brady (No. 20728) Chief Trial Deputy State Public Defenders 1300 Broadway, Suite 400 Denver, Colorado 80203 Phone (303) 764-1400 Fax (303) 764-1478 E-mail: state.pubdef@coloradodefenders.us	Case No. 12CR1522 Division 202
CERTIFICATE OF THE DISTRICT COURT OF COLORADO [D-234]	

HAVING REVIEWED THE MOTION AND AFFIDAVIT of the Defendant to Compel the Attendance of [REDACTED] An Out of State Witness from [REDACTED] this Court, being the Court of Record in this matter pending in the State of Colorado, makes the following Certificate of the District Court of Colorado pursuant to Colo. Rev. Stat. §16-9-203 (2004) and [REDACTED] *et. seq.*:

1. The above-captioned case is now pending in the Arapahoe County District Court in which James Holmes is charged with 166 felony counts, including 24 counts of first degree murder and 140 counts of attempted murder against 82 victims. Mr. Holmes has pled not guilty by reason of insanity. The prosecution is pursuing the death penalty against Mr. Holmes.

2. Pursuant to the contents of the defense Motion for a Certificate to Compel Attendance of [REDACTED] An Out of State Witness From [REDACTED] and accompanying Affidavit, [REDACTED] will provide testimony relevant to the following:

- a. Information regarding Mr. Holmes relevant to whether Mr. Holmes suffered from a mental disease or defect at the time of the alleged offense.
- b. Information relevant to Mr. Holmes's mitigation case and support for a life sentence if there is a penalty phase of this trial. Specifically this testimony will be relevant to Mr. Holmes's background, character, and mental health history.

3. Therefore, the Court finds that [REDACTED] is a material and necessary witness for Mr. Holmes's defense in this case.

4. Based on the contents of the defense's Motion for a Certificate to Compel Attendance of [REDACTED], An Out of State Witness From [REDACTED] and accompanying Affidavit, this Court finds that the defense will satisfy the compensation requirements of C.R.S. §16-9-203(2) and [REDACTED] by purchasing and providing [REDACTED] with a round-trip airline ticket from [REDACTED] to Colorado, transportation to and from the airports in [REDACTED] and Colorado, and room and board in Colorado.

5. It is estimated that [REDACTED] will be required to spend a maximum of 3 days in travel and testimony in this case.

6. Colorado law, specifically Colo. Rev. Stat. §16-9-203 (2004), provides for protection from arrest and service of civil and criminal process in connection with matters which arose before witness' entry into Colorado when the witnesses are commanded by a summons issued from a court of record in another state to appear in Colorado.

7. This Court issues this Certificate pursuant to Colo. Rev. Stat. §16-9-203 (2004) and [REDACTED], as well as Mr. Holmes's federal and state constitutional rights to compulsory process, to present a complete defense, due process, the effective assistance of counsel, a fair and reliable sentencing hearing, and to present mitigating evidence on his own behalf. *See* U.S. Const., Amend V, VI, VII, XIV; Colo. Const. art. II, secs. 16, 18, 20, 25.

8. Finally, this matter is currently set for jury trial on December 8, 2014. It is estimated that this witness will be required to testify in this case on February 1, 2015. Given the nature of this case, it is difficult to estimate the exact date and time this witness will be required to testify. In order to minimize travel and inconvenience for this witness, this Court will accept an on-call agreement made between this witness and the defense should the [REDACTED] court order this witness to appear in Colorado pursuant to this Certificate. In such a situation, the Order to Appear will be valid from the date noted through the end of the entire trial, including the penalty phase or until the witness appears and testifies.



CARLOS SAMOUR
DISTRICT COURT JUDGE

9/22/14
Date

Court Seal:




CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2014, a true and correct copy of the **Certificate of the District Court of Colorado (D-234) re:** [REDACTED] was served upon the following parties of record:

Karen Pearson
Christina Taylor
Rich Orman
Jacob Edson
Lisa Teesch-Maguire
George Brauchler
Arapahoe County District Attorney's Office
6450 S. Revere Parkway
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Sherilyn Koslosky
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A handwritten signature in cursive script, reading "Cheryl Roburian", is written over a horizontal line.