

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 REGARDING DEFENDANT’S REQUEST TO EXTEND          OCTOBER 29 DEADLINE TO FILE MOTIONS RELATED TO THE          SECOND COURT-ORDERED SANITY EXAMINATION (D-245-A)</b>	

The defendant has moved to continue the December 8, 2014 trial date. *See* Motion D-245. In his reply in support of that motion, the defendant for the first time seeks an extension of the October 29 deadline to file motions related to the second Court-ordered sanity examination, which was performed by Dr. William Reid. Reply at p. 2. The request is largely denied.<sup>1</sup>

First, the request is improperly and untimely raised in the reply brief in support of the motion to continue the trial. Second, the Court is not persuaded that the defendant needs until early January 2015 to file motions with respect to the second sanity examination. As the Court indicated at the July 22, 2014 hearing,

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<sup>1</sup> The Court will address the defendant’s request to continue the trial in a separate Order.

the defendant has multiple experienced attorneys working on his case. 7/22/14 Tr. at pp. 192-93. A minimum of three attorneys appear at every hearing, and five attorneys have appeared in court with some frequency throughout this litigation. At least one other attorney with extensive appellate experience, including in capital cases, has worked on the case. *See* 5/13/13 Tr. at p. 3. Further, it is clear from the work completed thus far that defense counsel's office has devoted extensive resources to this case.<sup>2</sup>

The Court acknowledges that the parties did not receive Dr. Reid's report until October 15. However, as the defendant concedes, his experts "were aware that Dr. Reid's report would be disseminated to the parties in mid-October and made efforts to adjust their schedules accordingly." Motion at p. 6. The defendant also admits that he has had knowledge of the two-week deadline in question since May 30, 2014, almost five months ago. *Id.* at pp. 2-3 (citing Order C-100 at p. 2). Thus, neither the receipt of the report nor the two-week deadline is a surprise.

The defendant complains that "[t]here are simply not enough hours in the day . . . to not only watch, but mentally process and digest 22 hours of forensic interviews of their client, . . . flesh out all of the legal issues involved, and draft all of the motions that will need to be drafted concerning Dr. Reid's report by October

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<sup>2</sup> The Court made a similar remark at the July 22 hearing. 7/22/14 Tr. at p. 193 (indicating that defense counsel "have a lot of support on this case"). There is no evidence in the record to contradict the Court's assessment.

29, 2014.” *Id.* at p. 5. The Court disagrees. There are 336 hours in a two-week period. Considering the manpower and the extensive resources available to defense counsel, and considering further how much notice the defense and its experts have enjoyed regarding the deadline at issue, two weeks are sufficient to file any appropriate motions (including any motions related to the videotaped interviews of the defendant) with one exception: motions **strictly** related to the discoverable documentation from Colorado Mental Health Institute at Pueblo (“CMHIP”) underlying the second sanity examination.<sup>3</sup> Because the parties have not yet received such documentation, and will likely not receive it before November 7, the Court will allow them to file motions strictly related to that documentation no later than November 20.<sup>4</sup>

Any responses to the motions filed on October 29 must be filed no later than November 7. Any replies in support of such motions must be filed no later than November 12.

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<sup>3</sup> The Court notes that this case has been pending for over two years. A lot of that time has been idle time for counsel because not many hearings have been necessary or appropriate and the Court ordered two sanity examinations—the first one took three months and the litigation related to it took six months, and the second one took five months.

<sup>4</sup> The parties are ordered to notify the Court when they receive the requested documentation from CMHIP. If the parties receive such documentation before November 7, the Court may modify this Order.

Any responses to the motions filed on November 20 must be filed no later than November 26. Any replies in support of such motions must be filed no later than December 2.

Dated this 23<sup>rd</sup> day of October of 2014.

BY THE COURT:



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Carlos A. Samour, Jr.  
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2014, a true and correct copy of the Court's **Order Regarding Defendant's Request to Extend October 29 Deadline to File Motions Related to the Second Court-Ordered Sanity Examination (D-245-A)** was served upon the following parties of record:

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Christina Taylor  
Rich Orman  
Jacob Edson  
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