

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112	▲ COURT USE ONLY ▲
PEOPLE OF THE STATE OF COLORADO v. JAMES EAGAN HOLMES, Defendant	Case No. 12CR1522 Division: 202
<p style="text-align: center;">ORDER REGARDING DEFENDANT’S MOTION TO PROHIBIT INTRODUCTION OF EVIDENCE AND/OR TESTIMONY REGARDING [REDACTED] (D-247)</p>	

In Motion D-247, the defendant seeks “to prohibit the introduction of evidence . . . regarding the concept of [REDACTED] and whether this concept applies [REDACTED] Motion at p. 1. The prosecution responds that it does not intend to present evidence related to the [REDACTED] concept. Response at p. 2. However, because “events in trial can be unforeseen, and [] evidence . . . can suddenly become important,” the prosecution opposes the motion in order to avoid foregoing “the possibility of using such evidence in the event that it becomes advisable to do so.” *Id.* Although the Court appreciates the prosecution’s position, at this point, the defendant’s motion is not ripe for ruling. Accordingly, it is indefinitely deferred.

If the prosecution has a change of heart at trial, it must notify defense counsel and the Court without undue delay outside the presence of the jury. In that event, the Court will decide whether an evidentiary hearing is necessary or appropriate to resolve the motion.

Dated this 13th day of November of 2014.

BY THE COURT:



Carlos A. Samour, Jr.
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2014, a true and correct copy of the **Order regarding Defendant's motion to prohibit introduction of evidence and/or testimony regarding [REDACTED] (D-247)** was served upon the following parties of record:

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