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DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	<b>Filed</b>  <b>OCT 22 2014</b>  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>	
Attorney: GEORGE H. BRAUCLER, 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>

**PEOPLE'S RESPONSE TO MOTION D-245**

1. The Defendant has filed motion D-245, which seeks to continue the trial in this case, currently scheduled to commence on December 8, 2014. This trial date was set on July 22, 2014.
2. The District Attorney acknowledges the issues raised in Motion D-245, and believes that it is reasonable for defense counsel to request a reasonable and limited amount of additional time to address the issues that defense counsel asserts are raised, or potentially raised, by the new mental health report provided to the parties on October 15, 2014. The District Attorney has been in communication with counsel for CMHIP, and as the court is aware the District Attorney had requested all of the documentation related to the second examination. Counsel for CMHIP has indicated that they are willing to provide the relevant records, but that they have not been compiled yet. CMHIP anticipates that much of the documentation will be provided on Monday, October 27, 2014, although this will likely not be a complete set, and that all of the records should be provided by November 7, 2014.
3. Pursuant to the People's obligations under the Colorado Victims' Rights Act, the People have notified the victims of the defendant's request to continue the trial. *See* C.R.S. § 24-4.1-303 (3). One hundred and forty-seven (147) victims responded to the District Attorney's request for input regarding the defendant's request for a continuance. Twenty-Nine (29) victims do not object to a brief continuance of 4-5 weeks. Seventeen (17) additional victims do not object to any length of continuance. Eighty-four (84) victims object to a continuance of any length. Seventeen (17) victims have no position on the defendant's request for a continuance. Concerns raised by the victims include:

"I'm okay with a 4-5 week delay simply to get passed the holidays."

"I do not object to a 4-5 week continuance of the trial date, but I would object to lengthier request for a continuance by the Defense. I really didn't want this to drudge into the holidays. This date is better."

"I do not object to a delay/continuance for the defense as long as the period of time is reasonable. I believe 4-5 weeks is reasonable."

"I actually do not object to this request. I think after the holidays is better for everyone, jurors included."

"If the attempt to delay is merely a spurious play for time on the part of the defense, then obviously I'd object to it. I'd prefer the trial go ahead as scheduled, but I honestly don't know how long it takes to get reliable psychological evaluations. I do believe the defendant is entitled to as fair a trial as anyone else, whatever he may or may not have done, and hope that both the prosecution and defense address that issue above all."

"I do not object to any delay or continuance of the trial date as requested by the defense in light of new mental health evidence."

"I do wholeheartedly object to this! Proceed as scheduled!"

"I object to any delay or continuance of the trial date as requested by the defense. Two and a half years of this has been difficult and it is constantly getting delayed."

"I do object to another delay. The victims' families have already waited too long for this trial to start."

"We wholeheartedly OBJECT to any continuance! I mean, come on...it's been 2 years, 3 months and 2 days!!"

"Over two years is enough time, this needs to be done."

"This is very unfortunate. While I want to make sure justice is served and give the defense all the time they need to prepare a proper defense, if that's possible considering the crimes charged, I believe this has dragged on long enough and we need to press forward. The stalling has becoming taxing and wearing on me emotionally."

"I object to ANY further delays in this case. I think enough time has passed and the victims and their families deserve closure and justice."

4. Mindful of the position of the majority of victims objecting to a lengthy continuance of the trial, and mindful that the issues raised in D-245 will not necessitate a lengthy continuance, the People believe that a new trial setting in the third week of January of 2015 would accommodate the defendant's concerns raised in Motion D-245, and therefore do not object to a brief continuance of that length, but do object to a lengthier continuance.

People v. JAMES EAGAN HOLMES

Case No. 012CR1522

People's Response to D-245

George H. Braucher, District Attorney

By



Deputy District Attorney

Registration No. 20935

**CERTIFICATE OF MAILING**

I hereby certify that I have deposited a true and correct copy of the foregoing **PEOPLE'S RESPONSE TO MOTION D-245** 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: \_\_\_\_\_

10/22/14

By \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'DK', written over a horizontal line.

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**COURT ORDER RE: DEFENSE MOTION D-245**

THE COURT, being fully advised, and being duly apprised of the relevant facts and law, hereby rules as follows regarding motion D-245:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014

BY THE COURT

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