

REDACTED

DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	Filed SEP 05 2014 CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO COURT USE ONLY
THE PEOPLE OF THE STATE OF COLORADO vs. Defendant: JAMES EAGAN HOLMES	
Attorney: GEORGE H. BRAUCHLER, 18 th Judicial District Attorney 6450 S. Revere Pkwy. Centennial, CO 80111 Phone: (720) 874-8500 Atty. Reg. #: 25910	Case Number: 12CR1522 Division/Ctrm: 202

PEOPLE'S RESPONSE TO MOTION D-227 [SUPPRESSED]

This pleading is filed by the District Attorney for the 18th Judicial District.

Due to issues regarding victim and witness privacy and safety, the People file the attached hereto as Suppressed and request that this pleading not be made part of the public court file.

REDACTED

DISTRICT COURT
ARAPAHOE COUNTY, COLORADO
Court Address: Arapahoe County Justice Center
7325 S. Potomac St., Centennial, CO 80112

THE PEOPLE OF THE STATE OF COLORADO vs.
Defendant:

JAMES EAGAN HOLMES

COURT USE ONLY

Attorney:
GEORGE H. BRAUCHLER,
18th Judicial District Attorney
6450 S. Revere Pkwy.
Centennial, CO 80111
Phone: (720) 874-8500
Atty. Reg. #: 25910

Case Number:
12CR1522
Division/Ctrm:
202

PEOPLE'S RESPONSE TO MOTION D-227 [SUPPRESSED]

This pleading is filed by the District Attorney for the 18th Judicial District.

Due to issues regarding victim and witness privacy and safety, the People file the attached hereto as Suppressed and request that this pleading not be made part of the public court file.

1. The People object to Motion D-227.
2. D-227 requests that this court order the production of records that were subject to motion D-225, which was denied by the court. The defendant requests that [REDACTED] records be provided by the court for an appellate court to review—essentially an [REDACTED] inspection by the appellate court. For the reasons that the court specified in its Order denying D-225, motion D-227 should be denied.
3. The basic premise of the defendant's motion is contrary to Colorado law. In the event that records are subject to the [REDACTED], it would be improper for the trial court to conduct [REDACTED] review of the records. *People v. [REDACTED]* (Colo. 2009). At the same time, it would also be improper for an appellate court to do so. *Id.* (Court of Appeals conducted its own [REDACTED] review of [REDACTED] records and defendant claimed that the Court of Appeals applied the incorrect standard, but the Supreme Court held that [REDACTED])

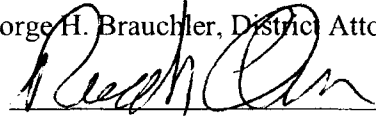
None

of the cases cited by the defendant hold that a court may order the production of these types of [REDACTED] documents for any purpose, including preserving the records for appellate review.

4. The motion should be denied without a hearing.

George H. Brauchler, District Attorney

By


Deputy District Attorney

Registration No. 20935

CERTIFICATE OF MAILING

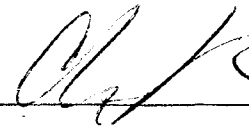
I hereby certify that I have deposited a true and correct copy of the foregoing **PEOPLE'S RESPONSE TO MOTION D-227** in the Public Defender's Mailbox located at 6450 S. Revere Pkwy. Centennial CO 80111, addressed to:

TAMARA BRADY, ESQ.
DANIEL KING, ESQ.
OFFICE OF THE PUBLIC DEFENDER

Dated: _____

9/5/14

By _____



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COURT ORDER RE: DEFENSE MOTION D-227

THE COURT, being fully advised, and being duly apprised of the relevant facts and law, hereby DENIES defense motion D-227.

Dated this _____ day of _____, 2014

BY THE COURT

 District Court Chief Judge Carlos A. Samour