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District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	FILED IN ARAPAHOE COUNTY COMBINED COURT, COLORADO 14 NOV 12 PM 3:16 σ COURT USE ONLY σ
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. JAMES HOLMES, Defendant	
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
REPLY IN SUPPORT OF MOTION TO COMPEL SUPPLEMENTAL EXPERT DISCLOSURES [D-251]	

Mr. Holmes, through counsel, submits the following in reply to the prosecution's response to the defense's motion to compel supplemental expert disclosures [D-251]:

1. It appears from the prosecution's response that it does not object to the majority of the disclosures requested by the defense. However, the defense submits the following points of clarification.

2. First, the prosecution's objection in paragraph 5 of its response appears to overlook the fact that the defense's request for oral statements applies to *Brady/Giglio* material. None of the cases cited by the prosecution involved exculpatory or impeachment information. It is well-established that "the prosecution cannot circumvent an obligation to disclose exculpatory information by deliberately avoiding taking notes or reducing statements to writing." *People v. Anderson*, 837 P.2d 293, 299 (Colo. App. 1992). The prosecution must disclose all information within its control or within the control of its experts which "tends to negate the guilt of the accused as to the offense charged or would tend to reduce the punishment therefor," whether or not that information has been written down. This request is made pursuant to Crim. P. 16(I)(a)(1)(2) & (3), *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and the Fifth and Fourteenth Amendments, and article II, section 25 of the Colorado Constitution.

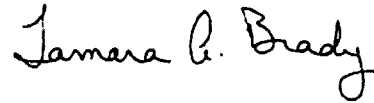
3. Second, the prosecution does not address the defense's fourth request, which is for a court order requiring the prosecution to provide the discretionary disclosures described in Crim. P. 16(I)(d)(3). The defense reiterates that the "interests of justice would be served" by this request, not only because they are necessary for the defense to prepare for trial, but also because

the Court granted a similar request made by the prosecution in Motion P-43.

Mr. Holmes files this reply, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, Equal Protection, Confrontation, and Compulsory Process, the Rights to Remain Silent and to Appeal, and the Right to be Free from Cruel and Unusual Punishment, pursuant to the Federal and Colorado Constitutions generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25 and 28 of the Colorado Constitution.



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Dated: November 12, 2014

I hereby certify that on November 12, 2014, I

mailed, via the United States Mail,

faxed, or

hand-delivered

a true and correct copy of the above and foregoing document to:

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