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District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	Filed JAN 09 2015 CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO 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 201
REPLY IN SUPPORT OF DEFENDANT'S MOTION TO CONTINUE TRIAL [D-267]	

Mr. Holmes, through counsel, submits the following in reply in support of the defense's Motion to Continue Trial [D-267]:

1. The prosecution argues that the recent discovery and other information the defense has received does not justify a continuance of this trial. The prosecution asserts that it has given the defense an abundance of information that is "unrequired" by the rules of discovery because it believes it is "fair here" and "beneficial" to Mr. Holmes.

2. The prosecution's alleged motivations for providing the defense with voluminous additional discovery on the eve of trial are not relevant. Regardless of why this information was provided, the fact remains that there is a significant volume of new information that must be processed, digested, organized, and incorporated into the defense's trial preparations.

3. New information continues to pour in unabated. Moments before filing this motion, the defense received another 386 pages of paper discovery, as well as an additional CD and an additional DVD.

4. Likewise, the prosecution argues that the fact that it recently provided the defense with the names of three new rebuttal experts cannot be grounds for a continuance because the prosecution complied with its deadline pursuant to Crim. P. 32.1(d)(6). Again, this is irrelevant and even if it were relevant, it is not dispositive. The defense is not alleging that the prosecution breached a deadline. The defense is arguing that under the totality of the circumstances, including the magnitude of this case, the volume of information the parties are dealing with, the complexity of the mental health issues involved, and the fact that the prosecution is seeking to

execute their client, that disclosure deadline has not given the defense enough time to properly prepare to confront these new witnesses.

5. As the defense has stated repeatedly, the fact that these new witnesses will testify “months from now” does not mean that it has sufficient time to prepare these witnesses. Once jury selection begins, all of the defense’s time, energy, and resources must be devoted exclusively to this highly important process.

6. The defense is mindful of the fact that the victims and others involved in this case desire closure and resolution to this case. Contrary to what others may believe, the defense earnestly and sincerely shares that same desire. For the sake of all involved, the defense does not wish to prolong this case unnecessarily.

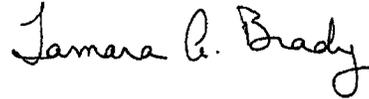
7. At the same time, our state and federal constitutions entitle every criminal defendant to a fair trial and reliable sentencing proceeding. The defense is ever mindful of its constitutional and ethical obligation to provide Mr. Holmes with the effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668 (1984); *People v. Rodriguez*, 914 P.2d 230, 294 (Colo. 1996); ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases 10.8, commentary, rev. ed. 2003; U.S. Const. amends. VI, XIV; Colo. Const. art. II, secs. 16, 18, 25.

8. This case is simply enormous. There is an unbelievable amount of information to process, the mental health issues involved are highly complex, and new information continues to pour in. Counsel are not ready to proceed to trial. While they recognize that they will likely be publicly criticized for asking for more time, which has the potential to impact potential jurors, they also feel obligated to make the record clear that they are not ready. Defense counsel need more time, and they respectfully request that the Court grant their motion to continue the trial for a minimum of two to three additional months. *See* Motion D-255, p. 5.

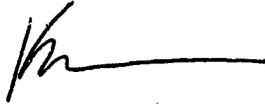
Mr. Holmes files this reply, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, 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: January 9, 2015

I hereby certify that on 1/9, 2015, 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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