

02/05/2015 Minute Order (print)

Event ID: 000621 E-Filed: N

JURY TRIAL - DAY 13

JUDGE SAMOUR

REPORTER TROYANEK

THE DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS DAN KING, KRISTEN NELSON, KATHERINE SPENGLER, REBEKKA HIGGS, AND TAMARA BRADY. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, AND LISA TEESCH-MAGUIRE.

MORNING SESSION:

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS, THE COURT MAKES A RECORD REGARDING PROSPECTIVE JURORS WHO HAVE REPORTED THIS MORNING AND OTHER ISSUES. PROSPECTIVE JURORS 5814, 5886, AND 5897 ARE RELEASED BY STIPULATION OF THE PARTIES. PROSPECTIVE JUROR 5265 WAS SCHEDULED FOR YESTERDAY, BUT WILL PARTICIPATE IN THIS MORNING'S INTRODUCTORY SESSION. PROSPECTIVE JUROR 5893 APPEARED THIS MORNING BUT WAS SICK AND HAS BEEN RESCHEDULED FOR 2/9/15 IN THE AFTERNOON SESSION. PROSPECTIVE JUROR 5558 APPEARED YESTERDAY BUT WAS IN THE RESTROOM WHEN THE COURT GAVE HIS INTRODUCTORY REMARKS TO THE PROSPECTIVE JURORS; HE HAS BEEN RESCHEDULED FOR TOMORROW, 2/6/15, IN THE MORNING SESSION. PROSPECTIVE JUROR 4443 WAS LISTED ON BOTH THE MORNING AND AFTERNOON LISTS OF STIPULATED EXCUSALS SUBMITTED BY THE PARTIES YESTERDAY. THEREFORE, THERE WERE ONLY 51, NOT 52, PROSPECTIVE JURORS ON YESTERDAY AFTERNOON'S STIPULATED LIST OF EXCUSALS. THE COURT INFORMS THE PARTIES THAT A DOCTOR'S NOTE HAS BEEN RECEIVED FOR PROSPECTIVE JUROR 4134, WHO LEFT WITHOUT COMPLETING HIS QUESTIONNAIRE LAST WEEK BECAUSE HIS OXYGEN TANK RAN OUT OF BATTERIES. HE IS RELEASED WITHOUT OBJECTION. PROSPECTIVE JUROR 90 HAD A SCHEDULING CONFLICT WITH HIS INDIVIDUAL VOIR SESSION AND HAS BEEN RESCHEDULED TO 2/17/15 AT 12:45 P.M. THE COURT REVIEWS THE QUESTIONS RECEIVED FROM THE PROSPECTIVE JURORS DURING YESTERDAY AFTERNOON'S SESSION AND GIVES COPIES TO THE PARTIES. THE COURT ALSO DISCUSSES NEW PROSPECTIVE JUROR EMAILS. THE DEFENSE DOES NOT OBJECT TO THE PEOPLE'S PROPOSED RESPONSE TO PROSPECTIVE JUROR EMAILS #5, #6, AND #9, WHICH IS READ INTO THE RECORD. THE PROSPECTIVE JUROR WHO SUBMITTED PROSPECTIVE JUROR EMAIL #5 (PROSPECTIVE JUROR 3922) HAS BEEN RELEASED. THEREFORE, A RESPONSE WILL NOT BE SENT TO THAT PROSPECTIVE JUROR. INSTEAD, THAT PROSPECTIVE JUROR WILL BE INFORMED THAT SHE HAS BEEN EXCUSED. THE PARTIES ARE STILL CONFERRING ON PROSPECTIVE JUROR EMAILS #8 AND #10. THIS MORNING'S PROSPECTIVE JURORS ARE BROUGHT INTO THE COURTROOM. THE COURT MAKES ITS INTRODUCTORY REMARKS TO THE MORNING GROUP OF PROSPECTIVE JURORS.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS, THE FOLLOWING 67 ADDITIONAL PROSPECTIVE JURORS FROM PREVIOUS INTRODUCTORY SESSIONS ARE DISMISSED BY STIPULATION OF THE PARTIES: 3810, 4493, 4547, 4650, 4751, 4752, 4761, 4764, 4765, 4768, 4769, 4772, 4774, 4776, 4777, 4779, 4780, 4782, 4787, 4789, 4795, 4796, 4797, 4798, 4799, 4801, 4804, 4808, 4816, 4824, 4825, 4861, 4862, 4865, 4868, 4870, 4872, 4876, 4877, 4881, 4885, 4890, 4896, 4899, 4903, 4905, 4912, 4914, 4917, 4919, 4922, 4923, 4934, 4937, 4940, 4943, 4949, 4950, 4959, 4961, 4974, 4980, 4990, 4991, 4995, 4996, 5037,

AFTERNOON SESSION:

THE DEFENDANT AND THE SAME ATTORNEYS ARE PRESENT. OUTSIDE THE PRESENCE OF ANY PROSPECTIVE JURORS, THE COURT INFORMS THE PARTIES THAT PROSPECTIVE JUROR 4756, WHO WAS SCHEDULED FOR AN INTRODUCTORY SESSION ON 2/3/15 AND SUBSEQUENTLY RESCHEDULED FOR 2/6/15 IN THE AFTERNOON, HAS PROVIDED A DOCTOR'S NOTE AND THE PARTIES STIPULATE TO HER RELEASE. IN ADDITION, THE COURT INFORMS THE PARTIES THAT PROSPECTIVE JUROR 89 HAS A CONFLICT WITH

THE DATE THAT HE IS SCHEDULED FOR INDIVIDUAL VOIR DIRE AND HAS BEEN RESCHEDULED TO 2/23/15 AT 8:15 A.M. THE SLOT VACATED BY THIS PROSPECTIVE JUROR FOR INDIVIDUAL VOIR DIRE WILL BE FILLED BY ANOTHER PROSPECTIVE JUROR. THE COURT GIVES COPIES OF EMAILS FROM PROSPECTIVE JURORS 973, 90, 4064, AND 1876 TO THE PARTIES AND ASKS THE PARTIES TO PROVIDE PROPOSED RESPONSES TO THE EMAILS. THE COURT MAKES A RECORD REGARDING SEVERAL PROSPECTIVE JURORS WHO ARE HERE FOR THIS AFTERNOON'S SESSION. THE COURT CONDUCTS INDIVIDUAL VOIR DIRE OF PROSPECTIVE JURORS 6082 AND 6181 REGARDING THEIR MEDICAL CONDITIONS AND ABILITIES TO SERVE AS JURORS. SUBSEQUENTLY, BOTH PROSPECTIVE JURORS 6082 AND 6181 ARE RELEASED BY STIPULATION OF THE PARTIES. IN ADDITION, PROSPECTIVE JURORS 6039, 6002, 6162, AND 6228 ARE EXCUSED BY STIPULATION OF THE PARTIES. PROSPECTIVE JUROR 5510 DIDN'T APPEAR FOR HER SCHEDULED INTRODUCTORY SESSION YESTERDAY, BUT IS HERE THIS AFTERNOON AND, WITHOUT OBJECTION, WILL PARTICIPATE IN THIS AFTERNOON'S INTRODUCTORY SESSION. THIS AFTERNOON'S PROSPECTIVE JURORS ARE BROUGHT INTO THE COURTROOM AND THE COURT MAKES ITS INTRODUCTORY REMARKS OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS, THE COURT MAKES A RECORD REGARDING QUESTIONS SUBMITTED ON YELLOW JUROR QUESTION FORMS DURING THE MORNING'S INTRODUCTORY SESSION. AS A RESULT OF SOME FURTHER ISSUES THAT HAVE ARISEN WITH PROSPECTIVE JURORS IN THIS AFTERNOON'S INTRODUCTORY SESSION, PROSPECTIVE JURORS 6233 ARE 6105 ARE RELEASED BY STIPULATION OF THE PARTIES. PROSPECTIVE JUROR 6066 WILL COMPLETE THE QUESTIONNAIRE THIS AFTERNOON. THE PARTIES PROVIDE PROPOSED RESPONSES TO EMAILS FROM PROSPECTIVE JURORS 3334, 3936, AND 973. PROSPECTIVE JUROR 3113 IS EXCUSED BY STIPULATION OF THE PARTIES. THE PARTIES AND THE COURT AGREE THAT THE EMAIL RECEIVED FROM PROSPECTIVE JUROR 90 DOES NOT REQUIRE A FURTHER RESPONSE. THE PARTIES INFORM THE COURT THAT THEY HAVE STIPULATED TO EXCUSE 71 ADDITIONAL PROSPECTIVE JURORS WHO APPEARED FOR PREVIOUS INTRODUCTORY SESSIONS: 4257, 4273, 4275, 4335, 4432, 2977, 4196, 4838, 5001, 5003, 5005, 5006, 5012, 5014, 5016, 5018, 5019, 5020, 5028, 5029, 5032, 5041, 5042, 5046, 5052, 5053, 5057, 5058, 5062, 5065, 5073, 5076, 5077, 5078, 5081, 5093, 5096, 5106, 5108, 5115, 5116, 5117, 5119, 5121, 5154, 5158, 5159, 5160, 5161, 5165, 5167, 5168, 5174, 5177, 5188, 5191, 5197, 5205, 5208, 5219, 5220, 5222, 5223, 5228, 5231, 5234, 5236, 5239, 5241, 5246, AND 5248. THE COURT REVIEWS WITH THE PARTIES STATISTICS AND PROJECTIONS FOR THE NUMBERS OF PROSPECTIVE JURORS WHO HAVE BEEN EXCUSED AND WHO WILL BE AVAILABLE FOR INDIVIDUAL VOIR DIRE. AFTER THE HEARING, THE COURT DISCOVERS THAT PROSPECTIVE JUROR 4335, WHO WAS ON THIS AFTERNOON'S STIPULATED LIST OF EXCUSALS, HAS ALREADY BEEN RELEASED. THE COURT WILL MAKE THIS CORRECTION ON THE RECORD TOMORROW. /JRZ

02/06/2015 Minute Order (print)
JURY TRIAL - DAY 14

Event ID: 000622 E-Filed: N

JUDGE: SAMOUR

REPORTER: C. TROYANEK

THE DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS DAN KING, KRISTEN NELSON, KATHERINE SPENGLER, REBEKKA HIGGS, AND TAMARA BRADY. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, AND LISA TEESCH-MAGUIRE.

MORNING SESSION:

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS, THE COURT MAKES A RECORD REGARDING PROSPECTIVE JURORS WHO HAVE REPORTED THIS MORNING AND OTHER ISSUES. PROSPECTIVE JURORS 3776, 6294, 6495, 6585, 6281, AND 6389 ARE

RELEASED BY STIPULATION OF THE PARTIES. THE COURT GIVES THE PARTIES COPIES OF EMAILS RECEIVED BY THE JURY COMMISSIONER FROM PROSPECTIVE JURORS WHO HAVE ALREADY COMPLETED QUESTIONNAIRES. THOSE EMAILS ARE LABELED PROSPECTIVE JUROR EMAILS #16 AND #17. THE PARTIES WILL REVIEW THE EMAILS AND LET THE COURT KNOW HOW THEY WOULD LIKE THE COURT TO RESPOND. THE COURT MAKES A RECORD REGARDING QUESTIONS SUBMITTED ON YELLOW JUROR QUESTION FORMS DURING YESTERDAY AFTERNOON'S INTRODUCTORY SESSION. THE FOLLOWING 62 ADDITIONAL PROSPECTIVE JURORS FROM PREVIOUS INTRODUCTORY SESSIONS ARE DISMISSED BY STIPULATION OF THE PARTIES: 4775, 4783, 4784, 4822, 4900, 5085, 5103, 5109, 5183, 5196, 5210, 5258, 5266, 5268, 5270, 5285, 5295, 5299, 5302, 5310, 5312, 5320, 5322, 5326, 5327, 5330, 5331, 5336, 5337, 5341, 5343, 5346, 5347, 5349, 5368, 5370, 5372, 5381, 5392, 5394, 5401, 5414, 5419, 5424, 5426, 5435, 5442, 5443, 5444, 5448, 5449, 5450, 5451, 5458, 5467, 5472, 5475, 5478, 5481, 5490, 5494, 5500. THE COURT MAKES ITS INTRODUCTORY REMARKS TO THE MORNING GROUP OF PROSPECTIVE JURORS.

AFTERNOON SESSION:

THE DEFENDANT AND THE SAME ATTORNEYS ARE PRESENT. OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS, THE COURT MAKES A RECORD REGARDING SEVERAL PROSPECTIVE JURORS WHO ARE HERE FOR THIS AFTERNOON'S SESSION AND OTHER ISSUES. PROSPECTIVE JUROR 6692 IS BROUGHT IN FOR INDIVIDUAL VOIR DIRE REGARDING A DOCTOR'S NOTE SHE SUBMITTED. PROSPECTIVE JURORS 6600, 6513, 6577, 6719, AND 6730 ARE EXCUSED BY STIPULATION OF THE PARTIES. THE COURT MAKES A RECORD REGARDING PROSPECTIVE JUROR 6022, WHO REPORTED YESTERDAY BUT LEFT WITHOUT COMPLETING A QUESTIONNAIRE. THE COURT ALSO ADVISES THE PARTIES THAT PROSPECTIVE JUROR 5182 HAS NOT BEEN RESCHEDULED BECAUSE HE IS NOT RETURNING THE JURY COMMISSIONER'S CALLS. THE COURT MAKES A RECORD REGARDING PROSPECTIVE JUROR 6066. THE NAME ON THE SUMMONS DID NOT MATCH THE NAME OF THE PERSON WHO FILLED OUT THE QUESTIONNAIRE. THE PARTIES STIPULATE TO EXCUSE PROSPECTIVE JUROR 6066. THE COURT MAKES ITS INTRODUCTORY REMARKS TO THE AFTERNOON GROUP OF PROSPECTIVE JURORS. OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS, THE COURT MAKES A RECORD REGARDING QUESTIONS SUBMITTED ON YELLOW JUROR QUESTION FORMS DURING THE MORNING'S INTRODUCTORY SESSION. THE PARTIES MAKE A RECORD AT THE BENCH REGARDING THE PARTIES' PROPOSED RESPONSES TO PROSPECTIVE JUROR EMAILS #14 AND #16. THE COURT WILL RESPOND TO PROSPECTIVE JUROR EMAILS #14, #16, AND #17 USING THE PARTIES' PROPOSED LANGUAGE. THE PARTIES BELIEVE THAT PROSPECTIVE JUROR EMAIL #15 DOES NOT REQUIRE A RESPONSE. THE FOLLOWING 62 PROSPECTIVE JURORS FROM PREVIOUS INTRODUCTORY SESSIONS ARE DISMISSED BY STIPULATION OF THE PARTIES: 4793, 5276, 5278, 5291, 5351, 5367, 5377, 5384, 5491, 5319, 5504, 5508, 5509, 5511, 5519, 5527, 5528, 5541, 5546, 5547, 5552, 5570, 5575, 5576, 5578, 5582, 5584, 5587, 5595, 5597, 5615, 5616, 5619, 5625, 5637, 5641, 5650, 5655, 5660, 5661, 5663, 5666, 5667, 5676, 5678, 5679, 5688, 5700, 5708, 5709, 5710, 5713, 5714, 5717, 5718, 5719, 5724, 5729, 5733, 5734, 5742, 5746.

THE PARTIES ALSO STIPULATE TO EXCUSE PROSPECTIVE JUROR 52, WHO IS SCHEDULED FOR INDIVIDUAL VOIR DIRE ON 2/11 IN THE AFTERNOON. THE COURT DISTRIBUTES THREE MORE PROSPECTIVE JUROR EMAILS TO THE PARTIES (INCLUDING 2 FROM ONE PROSPECTIVE JUROR) AND A RESPONSE ALREADY SENT TO ONE OF THOSE EMAILS BY THE JURY COMMISSIONER'S OFFICE; HOWEVER, THESE DOCUMENTS WILL NEED TO BE RENUMBERED AS FOLLOWS: PROSPECTIVE JUROR EMAIL 18-A, RESPONSE TO PROSPECTIVE JUROR EMAIL 18-A, AND PROSPECTIVE JUROR EMAIL 18-B. THE COURT WILL PROVIDE THE PARTIES NEW COPIES OF THE DOCUMENTS (WITH THE CORRECTED LABELS) NEXT WEEK.

/CMR

02/09/2015 Order Event ID: 000623 E-Filed: N
THE COURT ENTERS ORDER AMENDING ORDER D-154-A-3 AND ORDER D-252 (C-185).
COPIES SENT VIA EMAIL TO KAREN PEARSON, RICH ORMAN, JACOB EDSON, LISA
TEESCH-MAGUIRE, GEORGE BRAUCHLER, SHERILYN KOSLOSKY, RHONDA CRANDALL,
DANIEL KING, TAMARA BRADY, KRISTEN NELSON, AND CHRISTINA TAYLOR. /CMR

02/09/2015 Order Event ID: 000624 E-Filed: N
THE COURT ENTERS ORDER AMENDING AUGUST 28, 2013 SEQUESTRATION ORDER
(ORDER D-54B AND P-44) [C-184]. COPIES SENT VIA EMAIL TO KAREN PEARSON,
RICH ORMAN, JACOB EDSON, LISA TEESCH-MAGUIRE, GEORGE BRAUCHLER, SHERILYN
KOSLOSKY, RHONDA CRANDALL, DANIEL KING, TAMARA BRADY, KRISTEN NELSON, AND
CHRISTINA TAYLOR.

02/09/2015 Request Filed Event ID: 000625 E-Filed: N
REQUEST FOR TRANSCRIPT RECEIVED FROM CHRIS TAYLOR, 720-874-8681,
CTAYLOR@DA18.STATE.CO.US, FOR 2-9-15 HEARING DATE. REQUEST RECEIVED BY
JOYCE MARTIN. /JEM

02/09/2015 Request Filed Event ID: 000626 E-Filed: N
AMENDED REQUEST FOR TRANSCRIPT RECEIVED FROM CHRIS TAYLOR, 720-874-8681,
CTAYLOR@DA18.STATE.CO.US, FOR 1-20-15 HEARING DATE. REQUEST WAS AMENDED
TO SHOW A NEW "DATE TRANSCRIPT IS NEEDED" AS 2-23-15. REQUEST RECEIVED
BY JOYCE MARTIN. /JEM

02/09/2015 Minute Order (print) Event ID: 000627 E-Filed: N
JURY TRIAL - DAY 15

JUDGE SAMOUR REPORTER J. MARTIN
THE DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS DAN KING, KRISTEN
NELSON, KATHERINE SPENGLER, REBEKKA HIGGS, AND TAMARA BRADY. THE PEOPLE
ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH
ORMAN, AND LISA TEESCH-MAGUIRE.

MORNING SESSION:

THE DEFENDANT'S AMENDED MOTION TO EXCLUDE LATE-DISCLOSED EVIDENCE, D-
275A, PROCEEDS TO HEARING. THE COURT ORDERS THE PROSECUTION TO CONDUCT
DIRECT EXAMINATION AND THE DEFENSE TO CONDUCT CROSS-EXAMINATION. THE
COURT WILL DECIDE LATER WHICH PARTY HAS THE BURDEN OF PROOF. THE COURT
ASKS THE PARTIES AND THE WITNESS TO REFRAIN FROM DISCUSSING THE CONTENTS
OF THE VIDEO. THE WITNESS TESTIFIES. THE COURT TAKES THE MATTER UNDER
ADVISEMENT.

AFTERNOON SESSION:

THE DEFENDANT AND THE SAME ATTORNEYS ARE PRESENT. OUTSIDE THE PRESENCE
OF PROSPECTIVE JURORS, THE COURT MAKES A RECORD REGARDING PROSPECTIVE
JURORS WHO HAVE REPORTED THIS AFTERNOON AND OTHER ISSUES. PROSPECTIVE
JURORS 6812, 6829, 6823, 6800, AND 6807 ARE RELEASED BY STIPULATION OF
THE PARTIES. THE COURT DISTRIBUTES COPIES OF PROSPECTIVE JUROR EMAILS
#20 THROUGH #24 TO THE PARTIES. THE COURT MAKES A RECORD REGARDING
QUESTIONS SUBMITTED ON YELLOW JUROR QUESTION FORMS DURING FRIDAY
AFTERNOON'S INTRODUCTORY SESSION. THE FOLLOWING 72 ADDITIONAL
PROSPECTIVE JURORS FROM PREVIOUS INTRODUCTORY SESSIONS ARE DISMISSED BY
STIPULATION OF THE PARTIES: 5598, 5620, 5634, 5668, 5684, 5690, 5694,
5728, 5752, 5785, 5788, 5889, 5892, 5906, 5751, 5755, 5765, 5778, 5779,
5797, 5808, 5811, 5812, 5818, 5819, 5825, 5830, 5832, 5833, 5840, 5841,
5845, 5846, 5847, 5851, 5854, 5855, 5859, 5865, 5866, 5868, 5869, 5875,
5881, 5882, 5888, 5891, 5896, 5909, 5927, 5932, 5933, 5935, 5936, 5937,

5944, 5946, 5948, 5950, 5955, 5971, 5972, 5973, 5978, 5981, 5982, 5983, 5985, 5988, 5990, 5993, 5996. THE PARTIES ALSO STIPULATE TO RELEASE THE FOLLOWING FOUR PROSPECTIVE JURORS WHO ARE SCHEDULED FOR INDIVIDUAL VOIR DIRE: 57, 180, 207, AND 228. THE COURT WILL FILL THE FOUR SLOTS VACATED BY THESE PROSPECTIVE JURORS. THE COURT MAKES ITS INTRODUCTORY REMARKS TO THE AFTERNOON GROUP OF PROSPECTIVE JURORS. OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS, THE COURT GOES OVER SOME GROUND RULES FOR INDIVIDUAL VOIR DIRE. THE PARTIES AGREE TO RELEASE PROSPECTIVE JUROR 4760, WHO SUBMITTED PROSPECTIVE JUROR EMAIL #19. /CMR

02/11/2015 Minute Order (No Print) Event ID: 000628 E-Filed: N
PROSPECTIVE JUROR MONITOR IN COURTROOM 202 THIS MORNING WAS MS. ODEYEMI;
THIS AFTERNOON WAS MS. ODEYEMI UNTIL 4:30 WHEN MR. STEADMAN TOOK OVER.

02/12/2015 Minute Order (No Print) Event ID: 000629 E-Filed: N
COURTROOM 202 MONITORS THIS MORNING WERE MS. ODEYEMI AND MR. STEADMAN.
THIS AFTERNOON'S MONITOR WERE MS. PAGE AND MS. MCKAGER /CMR

End of Case: 2012 CR 201522