

REDACTED

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	Filed JUL 15 2015 CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO
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	σ COURT USE ONLY σ Case No. 12CR1522 Division 201
FURTHER RECORD REGARDING ORAL REQUEST FOR VIDEO DEPOSITION TESTIMONY OF CERTAIN MITIGATION WITNESSES [D-293]	

James Holmes, through counsel, hereby submits the following written record at the Court's request, supplementing the oral record made on July 10, 2015 and July 14, 2015 in open court in support of the defense's request for videotaped depositions to be conducted of certain mitigation witnesses:

1. At this time, the defense is unable to provide much, if any, additional information with regard to the witnesses for whom we are requesting to record video deposition testimony. We request leave to present these witnesses to the Court on the dates referenced below, and ask that the Court rule on these defense requests pursuant to Crim. P. 15 after further inquiry of the witnesses. Also, based on a review of potential penalty evidence, the defense currently estimates that its mitigation case will take approximately one week.

2. Witness #1: This witness drove 1.5 hours from his research area to speak with us last night. He has confirmed the information we previously provided to the Court that he is unavailable to testify from July 17, 2015 through August 15, 2015. We understand the he began data collection for his research on July 11, 2015 and the field-experiments based on that data are time-sensitive thus severely limiting his availability. He will be mentoring a student on experimental field techniques from July 31, 2015 through August 15, 2015 and it is imperative that he be present to mentor that student during that entire period of time. This witness currently has travel arrangements to come to Colorado today, July 15, 2015. **The defense requests the opportunity to present Witness #1 to the Court in person tomorrow, July 16, 2015,** at which time the Court can inquire further regarding his unavailability over the coming weeks and then rule on the defense request pursuant to Crim. P. 15.

3. Witness #2: We were able to clarify that this witness will be out of the country starting July 20, 2015, but will return prior to the previously cited dated of August 4, 2015. He

can be available to testify on July 30, 2015 or July 31, 2015 (should the court decide to hear testimony that day rather than taking that day off).

4. Witness #3: We understand that this witness will be on a prepaid planned vacation from July 18, 2015 to July 31, 2015. This witness currently has travel arrangements to come to Colorado tomorrow, July 16, 2015. **The defense requests the opportunity to present Witness #3 to the Court on July 16, 2015**, at which time the Court can inquire further regarding her unavailability over the coming weeks and then rule on the defense request pursuant to Crim. P. 15.

5. Witness #4: We understand this witness will be on a prepaid planned vacation out of the country from July 22, 2015 through August 8, 2015. This witness currently has travel arrangements to come to Colorado on July 20, 2015. **The defense requests the opportunity to present Witness #4 to the Court on July 20, 2015**. We will present him to the Court on July 20, 2015 at which time the court can inquire further regarding his unavailability over the coming weeks and then rule on the defense request pursuant to Crim. P. 15.

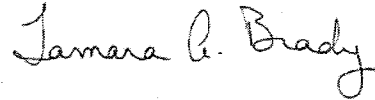
6. Witness #5: We have been unable to contact this witness to obtain further information as we believe he is currently out of the country. We understand he is leaving the country again for a business trip on July 21, 2015. This witness currently has travel arrangements to come to Colorado on July 20, 2015. **The defense requests the opportunity to present Witness #5 to the Court on July 20, 2015** at which time the court can inquire further regarding his unavailability over the coming weeks and then rule on the defense request pursuant to Crim. P. 15.

7. Witness #6: We have been unable to contact this witness to obtain further information. We understand that it would be very difficult for him to rearrange his work commitments to be available on any other than July 20, 2015. This witness currently has travel arrangements to come to Colorado on July 20, 2015. **The defense requests the opportunity to present Witness #6 to the Court on July 20, 2015** at which time the court can inquire further regarding his unavailability over the coming weeks and then rule on the defense request pursuant to Crim. P. 15.

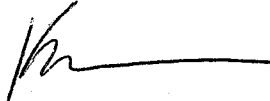
Mr. Holmes files this motion, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel,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



Daniel King (No. 26129)
Chief Trial Deputy State Public Defender



Tamara A. Brady (No. 20728)
Chief Trial Deputy State Public Defender



Kristen M. Nelson (No. 44247)
Deputy State Public Defender

Dated: July 15, 2015

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	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
<p align="center">ORDER RE: FURTHER RECORD REGARDING ORAL REQUEST FOR VIDEO DEPOSITION TESTIMONY OF CERTAIN MITIGATION WITNESSES [D-293]</p>	

Defendant's motion is hereby GRANTED _____ DENIED _____.

BY THE COURT:

_____ JUDGE

_____ Dated

I hereby certify that on July 15, 2015, I

mailed, via the United States Mail,
 faxed, or
 hand-delivered

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

George Brauchler
Jacob Edson
Rich Orman
Karen Pearson
Lisa Teesch-Maguire
Office of the District Attorney
6450 S. Revere Parkway
Centennial, Colorado 80111
Fax: 720-874-8501

