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District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	Filed JUL 17 2015 CLERK OF THE COMBINED COURTS ARAPAHOE COUNTY, COLORADO σ COURT USE ONLY σ
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff  v.  <b>JAMES HOLMES,</b> 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: <a href="mailto:state.pubdef@coloradodefenders.us">state.pubdef@coloradodefenders.us</a>	Case No. <b>12CR1522</b>   Division 201
<b>MOTION TO RESCHEDULE VIDEO DEPOSITION TESTIMONY [D-295]</b>	

**CERTIFICATE OF CONFERRAL**

The prosecution takes no position on these requests.

James Holmes, through counsel, moves this Court to reschedule Witness #4's video deposition testimony presently scheduled for 8:30 a.m. on Tuesday, July 21, 2015. In support of this request, he states the following:

1. Witness #4 has expressed deep concerns about scheduling his return for Tuesday, July 21, 2015 as it is very close to his trip that has been planned for over 6 months. Given the possibility of delayed or cancelled flights out of DIA on a regular basis due to storms, this appears to be a valid concern.

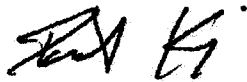
2. In addition, as mentioned in Mr. Gonglach's affidavit attached as Exhibit A to Motion D-294, the defense made travel arrangements for Witness #4 to come to Colorado on July 20, 2015 approximately four weeks ago. Conducting his video deposition on July 21, 2015 will result in having to make a number of different logistical changes, not only to Witness #4's airline reservations, but also to his ground transportation and hotel arrangements.

3. Therefore, the defense requests that the Court allow this deposition to take place the afternoon of July 20, 2015. The defense estimates that the testimony will last no longer than one hour.

4. In the alternative, the defense requests that the court begin the deposition of Witness #4 at 8:00 a.m. on July 21, 2015 to allow him to catch an earlier flight home that day.

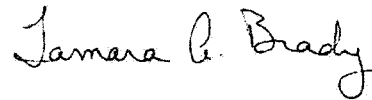
5. Additionally, the defense will be prepared to tape the deposition unless the Court has an alternative plan for this.

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.



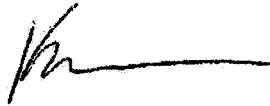
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Daniel King (No. 26129)  
Chief Trial Deputy State Public Defender



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



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

Dated: July 17, 2015

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff  v.  <b>JAMES HOLMES,</b> Defendant	σ COURT USE ONLY σ
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: <a href="mailto:state.pubdef@coloradodefenders.us">state.pubdef@coloradodefenders.us</a>	Case No. <b>12CR1522</b>      Division 201
<b>ORDER RE: MOTION TO RESCHEDULE VIDEO DEPOSITION TESTIMONY          [D-295]</b>	

Defendant's motion is hereby GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_.

BY THE COURT:

\_\_\_\_\_

JUDGE

\_\_\_\_\_

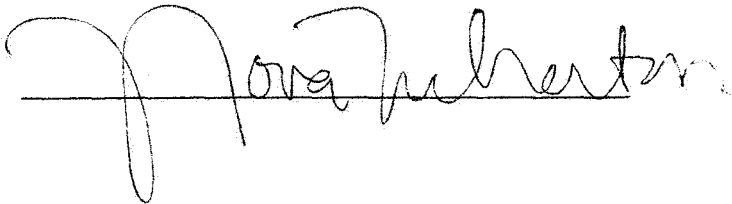
Dated

I hereby certify that on July 17, 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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Jacob Edson  
Rich Orman  
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Office of the District Attorney  
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Nora Schubert