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| DISTRICT COURT, ARAPAHOE COUNTY,<br>STATE OF COLORADO<br>7325 S. Potomac St.<br>Centennial, Colorado 80112                                   | ▲ COURT USE ONLY ▲                                   |
| <b>PEOPLE OF THE STATE OF COLORADO</b><br><br>v.<br><br><b>JAMES EAGAN HOLMES,</b><br><b>Defendant</b>                                       | Case No. <b>12CR1522</b><br><br>Division: <b>201</b> |
| <b>NOTICE OF LABELING AS “C-222” COURT’S DRAFT<br/>         INTRODUCTORY INSTRUCTIONS FOR PHASE 3 OF THE<br/>         SENTENCING HEARING</b> |  |

The Court started selecting a jury on January 20, 2015. On July 16, the jury returned its verdicts. Because the jury found the defendant guilty of 24 counts of Murder in the First Degree, a capital sentencing hearing commenced on July 22. On July 23, the jury found that the prosecution proved beyond a reasonable doubt four aggravating factors for each of the 24 counts of Murder in the First Degree. On August 3, the jury found beyond a reasonable doubt that the mitigating factors that exist do not outweigh the statutory aggravating factors proven by the prosecution with respect to each of the 24 counts of Murder in the First Degree. Accordingly, the sentencing hearing proceeded to Phase 3. Phase 3 commenced on August 4.

Attached to this Order are the Court's **draft** introductory instructions for Phase 3 of the sentencing hearing. The Court provided copies of these **draft** instructions to the parties in open court on August 3 and discussed them on the record later that day. The Court has designated these **draft** instructions as "C-222."

Dated this 4<sup>th</sup> day of August of 2015.

BY THE COURT:



Carlos A. Samour, Jr.  
District Court Judge