

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112	▲ COURT USE ONLY ▲
PEOPLE OF THE STATE OF COLORADO v. JAMES EAGAN HOLMES, Defendant	Case No. 12CR1522 Division: 201
ORDER AMENDING AUGUST 28, 2013 SEQUESTRATION ORDER (ORDER D-54B AND P-44) [C-184]	

In 2013, pursuant to Rule 615 of the Colorado Rules of Evidence, the defendant moved for sequestration of all the prosecution's endorsed witnesses from the pretrial hearings and the trial. *See* Motion D-54 at p. 1. The prosecution objected, largely because the motion sought to exclude the victims from all critical stages of the proceedings. *See generally* Motion D-54 Response. Through a separate motion, the prosecution requested that the Court allow the victims to be present during the critical stages of the criminal justice process, including but not limited to, pretrial motions hearings, trial, and any sentencing hearing. *See generally* Motion P-44.

On August 28, 2013, the Court issued an Order addressing Motions D-54 and P-44. The Court: (1) granted in part and denied in part the defendant's motion

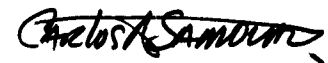
for sequestration; and (2) granted in its entirety the prosecution's motion for the victims to be present at all critical stages of the criminal justice process and to be exempt from sequestration. *See* Order D-54B and P-44 (hereinafter "August 28 Order"). The Court held that every "victim," as that term is defined in the August 28 Order, shall have the right to be present at all critical stages of these proceedings, including the trial, pretrial hearings on motions concerning evidentiary matters, and any sentencing hearings. *See* August 28 Order at p. 29. The Court sequestered all other prosecution witnesses from the pretrial hearings and the trial. *Id.* Accordingly, the Court directed such witnesses to: (1) withdraw from the courtroom except when they are called to testify; and (2) refrain from discussing their testimony or anticipated testimony with each other or in each other's presence before or after taking the witness stand or during a recess in the middle of their testimony. *Id.* at pp. 29-30. At the end of the August 28 Order, the Court indicated that "[i]f a party wishes to have any witnesses, including experts, exempt from sequestration . . . during part of the trial, an oral motion to that effect may be made." *Id.* at p. 30.

On October 4, 2013, the defendant asked the Court to reconsider the August 28 Order. *See generally* Motion D-181. On December 12, 2013, the Court denied that motion. *See generally* Order D-181.

Trial in this matter commenced on January 20, 2015. On February 3, 2015, the defense made an oral motion to exempt all expert witnesses from sequestration during the trial. The next day, the prosecution informed the Court that it had no objection to the defense's motion. Therefore, the Court granted the motion from the bench on February 4. By stipulation of the parties, all expert witnesses are exempt from the sequestration ordered by the Court on August 28, 2013. The August 28 Order is amended accordingly.

Dated this 9th day of February of 2015.

BY THE COURT:



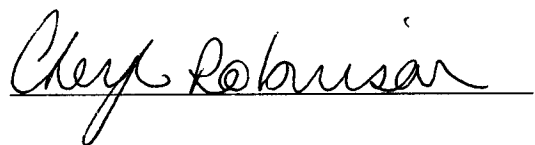
Carlos A. Samour, Jr.
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2015, a true and correct copy of the **Order amending August 28, 2013 sequestration order (Order D-54B and P-44) [C-184]** was served upon the following parties of record:

Karen Pearson
Christina Taylor
Rich Orman
Jacob Edson
Lisa Teesch-Maguire
George Brauchler
Arapahoe County District Attorney's Office
6450 S. Revere Parkway
Centennial, CO 80111-6492
(via e-mail)

Sherilyn Koslosky
Rhonda Crandall
Daniel King
Tamara Brady
Kristen Nelson
Colorado State Public Defender's Office
1290 S. Broadway, Suite 900
Denver, CO 80203
(via e-mail)


Cheryl Robinson