

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 REGARDING MOTION TO RESCHEDULE VIDEO DEPOSITION TESTIMONY (D-295)	

The Court started selecting a jury on January 20, 2015. Yesterday, July 16, the jury returned its verdicts. Because the jury found the defendant guilty of 24 counts of Murder in the First Degree, the Court will hold a capital sentencing hearing starting July 22. Yesterday, during a bench conference, the Court granted the defense's motion for the video deposition of a sentencing hearing witness, Paul Carrer.¹ In Motion D-295, the defense moves to reschedule that deposition from July 21 at 8:30 a.m. to July 20 in the afternoon. The prosecution takes no position on the motion. The motion is granted.

¹ The Court initially denied the defense's motion for video deposition testimony. See Order D-293-A. However, thereafter, the defense filed submission D-294, which is an affidavit in support of the motion. Based on the affidavit, the Court orally granted the motion on July 16.

The video deposition of Paul Carrer will take place on Monday, July 20, at 2:00 p.m. Pursuant to Crim. P. 15(b), the Court directs the defense to issue a subpoena for this witness. The deposition will be taken, video recorded, and transcribed in division 201. The defense must make arrangements for the video recording of the deposition. Upon completion, the video recording shall be lodged with the clerk of the court.

The Court notes that during a hearing on July 13, the prosecution made the defense aware that the video deposition of a witness will prevent the jury from asking that witness questions. The defense nevertheless moved for the video recorded deposition of the aforementioned witness.²

Dated this 17th day of July of 2015.

BY THE COURT:



Carlos A. Samour, Jr.
District Court Judge

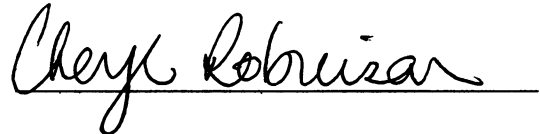
² Given that Mr. Carrer will testify on Monday in a public proceeding, the Court discloses his name in this Order.

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2015, a true and correct copy of the **Order regarding motion to reschedule video deposition testimony (D-295)** was served upon the following parties of record:

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