

<p>DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112</p>	<p>▲COURT USE ONLY▲</p>
<p>PEOPLE OF THE STATE OF COLORADO</p> <p>v.</p> <p>JAMES EAGAN HOLMES, Defendant</p>	<p>Case No. 12CR1522</p> <p>Division: 201</p>
<p>ORDER SUPPLEMENTING ORDER D-246-A (D-246-B)</p>	

Trial in this matter commenced on January 20, 2015. A jury was selected on April 14 and opening statements occurred on April 27. While Dr. William Reid, one of the two Court-appointed sanity examiners, was testifying on direct examination, the Court issued Order D-246-A, which amended pages 13 to 19 of Order D-246. This Order supplements Order D-246-A.

One argument addressed in Order D-246 was that Dr. Reid’s report reflected a misunderstanding of part (b) of the insanity test—whether the defendant suffered from a condition of mind caused by a mental disease or defect that prevented him from forming a culpable mental state that is an element of a crime charged. *See* Order D-246 at pp. 13-19. The defendant’s contention was based on part of a sentence included on page 20 of Dr. Reid’s lengthy report: “there is little or no

reasonable psychiatric evidence to suggest that [the defendant's] symptoms affected his ability to form the requisite 'culpable mental state' as I understand that phrase in Colorado (knowing and appreciating legal, social, and moral aspects of his acts)." *Id.* at p. 14.¹

In Order D-246, the Court stated that issues relating to criminal culpability involve moral, legal, and medical considerations or judgments. *Id.* at p. 16 (citing *Hendershott v. People*, 653 P.2d 385, 395 (Colo. 1982)); *see also King v. United States*, 372 F.2d 383, 389 (D.C. Cir. 1966) (cited in *Hendershott*; discussing "the complicated nature of the decision to be made" regarding an accused's mental condition, which includes "intertwining moral, legal, and medical judgments"). However, upon further review of the sentence at issue and the rest of Dr. Reid's report, the Court subsequently questioned whether it correctly understood the sentence. This is what led to Order D-246-A.

In Order D-246-A, the Court explained that, given the ambiguity surrounding the sentence in question, and given further the rest of Dr. Reid's report, the Court should not have inferred from the sentence that Dr. Reid

¹ The defendant also took issue with Dr. Reid's reference in the same sentence to the "voluntariness" of the defendant's actions. Motion D-246 at pp. 9-10. The Court did not read this phrase as referring to a "voluntary act," as that term is defined by Colorado law. § 18-1-501(9), C.R.S. (2014). Nor did the Court interpret this comment as reflecting Dr. Reid's understanding that "Colorado's insanity statute requires an assessment of whether a defendant's mental disease or defect impacted the 'voluntariness' of his actions." Motion D-246 at pp. 9-10. The rest of Dr. Reid's report and his testimony during the trial corroborate the Court's conclusions.

entertained moral, legal, and social considerations in reaching his opinion on the defendant's capacity to form the culpable mental states required by the offenses charged. *See* Order D-246-A at p. 2. Had the Court not drawn this inference, it would have been unnecessary to address whether Colorado law allows an expert to consider moral, legal, and social issues in rendering an opinion on the defendant's capacity to form the culpable mental states required by the offenses charged. *Id.* Therefore, in Order D-246-A, the Court concluded that it should not have reached this question of law. *Id.*

Now that Dr. Reid has completed his testimony, the Court supplements Order D-246-A. Nothing in Dr. Reid's testimony suggested that he relied on the legal, social, and moral aspects of the defendant's acts in concluding that he did not suffer from a condition of mind caused by a mental disease or defect that prevented him from forming the culpable mental states that are elements of the offenses charged. Nor was there any indication in Dr. Reid's testimony that he misunderstood part (b) of the insanity test, part (a) of the insanity test, any of the applicable insanity statutes, the governing legal standards and definitions, or any other aspect of pertinent Colorado law.²

Dated this 8th day of June of 2015.

² During the trial, neither party objected to any part of Dr. Reid's testimony on the ground that he misunderstood Colorado law.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Carlos A. Samour, Jr.", written over a horizontal line.

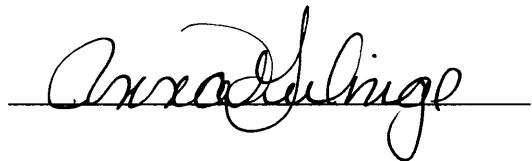
Carlos A. Samour, Jr.
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2015, a true and correct copy of the Court's **Order Supplementing Order D-246-A (D-246-B)** was served upon the following parties of record:

Karen Pearson
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A handwritten signature in cursive script, appearing to read "Alexandra D. King", is written over a horizontal line.