

REDACTED

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO

Arapahoe County Justice Center
7325 South Potomac Street
Centennial, CO 80112
(303) 649-6355

Filed

MAR 26 2015

CLERK OF THE COMBINED COURT
ARAPAHOE COUNTY, COLORADO

Petition to Compel Attendance of Out-of-State Witness in a Criminal Prosecution in the State of Colorado

COURT USE ONLY

**In the Matter of the Petition of:
PEOPLE OF THE STATE OF COLORADO,**

Case Number: **12CR1522**

v.

Div.: **201** Ctrm.:

JAMES EAGAN HOLMES

For an Order to Compel Attendance of an Out-of-State Witness Pursuant to Section 16-9-203, C.R.S.

Prosecuting Attorney(s), 18th Judicial District
For GEORGE H. BRAUCHLER, #25910, District Attorney
6450 S. Revere Parkway
Centennial, CO 80111-6492

Phone Number: 720-874-8500

Fax Number: 720-874-8501

**PROSECUTING ATTORNEY'S REQUEST FOR
THE ATTENDANCE OF AN OUT-OF-STATE WITNESS [P-121]**

CERTIFICATE OF CONFERRAL

The People's position is that the defense does not have standing to object to the defense's decision to seek out-of-state subpoenas *ad testificandum* for witnesses the People feel are material to the presentation of their case. Therefore, the People have not conferred with the defense with respect to its position on this pleading.

COMES NOW George H. Brauchler, District Attorney for the Eighteenth Judicial District, State of Colorado, and his duly-appointed Chief Deputy, Jacob Edson, and moves this Court for an order requesting that [REDACTED] be ordered to appear before the District Court, in and for the County of Arapahoe, State of Colorado, to show cause why he should not be required to appear as a witness at the trial in the above-captioned case.

As grounds, therefore, the District Attorney states as follows:

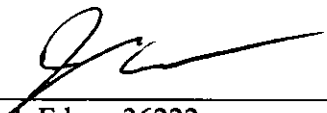
1. The defendant, JAMES EAGAN HOLMES, is charged in the above captioned case with multiple counts of Murder in the First Degree. This case is set for Trial on April 27, 2015 at 8:30.
2. [REDACTED] is a material witness in said prosecution in that [REDACTED] testimony is necessary and material to authenticate records and purchases related to the commission of the crimes charged in this case.
3. Although the District Attorney would like to have [REDACTED] return voluntarily to testify in this case, he may refuse to do so. [REDACTED] will be called as a witness on or about May 11, 2015 and will be required to travel from [REDACTED], [REDACTED], to Centennial, Colorado, and back, requiring a maximum travel time of one day, one way. The presence of [REDACTED] as a witness will be required for a minimum of 1 day(s), beginning on or about May 11, 2015.
4. If [REDACTED] comes into Colorado in obedience to an order directing him to attend and testify before this Court on May 11, 2015, the laws of the State of Colorado give him protection from arrest or service of process, either civil or criminal, in connection with matters which arose before his entrance into the State of Colorado pursuant to said order.
5. [REDACTED] would not experience undue hardship in being compelled to appear and testify in said Colorado Court.
6. Payments of \$20.00 per day will be tendered as required by law to [REDACTED] on a daily basis if he is required to remain in Colorado as a witness in this case for longer than one day. Reservations will be made for round-trip transportation from [REDACTED] [REDACTED] to Centennial, Colorado. Transportation and lodging information will be forwarded to [REDACTED]

WHEREFORE, it is requested for and on behalf of the People of the State of Colorado, that your Honor certify as to the above matters by issuing a certificate thereto under the seal of the District Court of the State of Colorado, in and for the County of Arapahoe, so that said certificate may be presented to a Judge of the [REDACTED], in a proceeding to compel [REDACTED] to be present in the State of Colorado on **May 10, 2015**, to testify as a witness on or about **May 11, 2015 at 8:30 a.m.** and to remain until released by the Court; in accordance with the provisions of Section 16-9-203, C.R.S.,
Witnesses From Another State.

DATED this 25th day of March, 2015.

Respectfully submitted,

GEORGE H. BRAUCHLER
District Attorney
Eighteenth Judicial District
State of Colorado



Jacob Edson 36222
Chief Deputy District Attorney
6450 S. Revere Parkway
Centennial, CO 80111-6492
Telephone: 720-874-8500

CERTIFICATE OF MAILING

I hereby certify that I have deposited a true and correct copy of the foregoing in the Public Defender's Mailbox located at 6450 S. Revere Pkwy. Centennial, CO 80111, addressed to:

TAMARA BRADY, ESQ.
DANIEL KING, ESQ.
KRISTEN NELSON, ESQ.
OFFICE OF THE PUBLIC DEFENDER

Dated: 3/26/15

By 

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO

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**In the Matter of the Petition of:
PEOPLE OF THE STATE OF COLORADO,**

v.

JAMES EAGAN HOLMES

For an Order to Compel Attendance of Out-of-State Witness Pursuant to Section 16-9-203, C.R.S.

COURT USE ONLY

Case Number: **12CR1522**

Div.: **201** Ctrm.:

**CERTIFICATE OF JUDGE OF REQUESTING STATE
FOR ATTENDANCE OF A PERSON IN [REDACTED]
AS A WITNESS IN A COLORADO CRIMINAL ACTION [P-121]**

TO ANY JUDGE OF THE STATE OF [REDACTED]:

I, Carlos Samour, Chief Judge of the District Court, Eighteenth Judicial District, in and for the County of Arapahoe, State of Colorado, a court of record, do hereby certify as follows:

1. That the above-captioned case in Arapahoe County, State of Colorado, is presently set for Trial on April 27, 2015.
2. That although the District Attorney would like to have [REDACTED] return voluntarily to testify as a witness in the above-captioned matter, he may refuse to do so.
3. That [REDACTED] is believed to be residing at [REDACTED]
[REDACTED].

4. That [REDACTED] is a material witness in this prosecution in that [REDACTED] testimony is necessary and material to authenticate records and purchases related to the commission of the crimes charged in this case.
5. That [REDACTED] will be called as a witness before this Court in the State of Colorado, on or about May 11, 2015, at 8:30 a.m.. [REDACTED] will be required to travel from [REDACTED] to Centennial, Colorado, and back, requiring a total maximum travel time of one day, one way; the presence of [REDACTED] as a witness will be required before said Court for a minimum of one day and will remain until released by the Court.
6. That if [REDACTED] comes into Colorado in obedience to an order directing him to attend and testify at said Trial on or about May 11, 2015, the laws of the State of Colorado give him protection from arrest or service of process, either civil or criminal, in connection with matters which arose before his entrance into the State of Colorado pursuant to said order. Section 16-9-204, C.R.S., as amended.
7. That [REDACTED] would not experience undue hardship in being compelled to appear and testify in said Colorado Court.
8. Payments of \$20.00 per day will be tendered as required by law to [REDACTED] on a daily basis if he is required to remain in Colorado as a witness in this case for longer than one day. Round-trip transportation will be provided, and transportation and lodging information will be forwarded to [REDACTED]

WHEREFORE, pursuant to the provisions of Section 16-9-203, C.R.S., I respectfully request that a Judge of a Court of Record of [REDACTED], order [REDACTED] of [REDACTED], to appear in said Court for a hearing on my request, which I now make, that [REDACTED] be compelled to appear and testify in the

Trial of the above-captioned matter at 7325 South Potomac Street, Centennial, Colorado, on or about **May 11, 2015** and will remain until released by the Court.

WITNESS, the Honorable Carlos Samour, Chief Judge of the District Court, Eighteenth Judicial District, in and for the County of Arapahoe, State of Colorado, this _____ day of _____, 2015.

District Judge