

6/18/2015 Minute Order (print)
JURY TRIAL - DAY 89
JUNE 18, 2015

Event ID: 000845 E-Filed: N

JUDGE SAMOUR

REPORTER: CHAN ALL DAY

DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING, REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, AND LISA TEESCH-MAGUIRE.

MORNING SESSION:

AT THE REQUEST OF THE JUROR, THE COURT SPEAKS TO JUROR 661 OUTSIDE THE PRESENCE OF THE JURY. JUROR 661 INFORMS THE COURT THAT SHE INADVERTENTLY RAN INTO ONE OF THE JURORS WHO HAS BEEN RELEASED THIS MORNING IN THE COURTHOUSE. THE RELEASED JUROR IS JUROR 901, WHO IS IN THE COURTROOM THIS MORNING WATCHING THE PROCEEDINGS. COURT STAFF HAVE REMINDED JUROR 901 THAT SHE IS NOT TO HAVE CONTACT WITH ANY JURORS AND THAT THE PARTIES AND THE MEDIA HAVE BEEN PROHIBITED FROM SPEAKING WITH HER. THE PARTIES DO NOT REQUEST ANY FURTHER ACTION AND NO FURTHER ACTION IS TAKEN BY THE COURT. THE COURT SUPPLEMENTS THE RULING IT MADE YESTERDAY ADMITTING P-TR-1249 AND P-TR-1250 AS BUSINESS RECORDS. FOR THE REASONS STATED ON THE RECORD, THE COURT WILL ALLOW A VIDEOTAPE OF THE DEFENDANT IN THE JAIL, P-TR-1089, TO BE ADMITTED. HOWEVER, THE COURT WILL GIVE THE JURY A LIMITING INSTRUCTION THAT THE VIDEO MAY ONLY BE USED AS EVIDENCE RELATED TO THE ISSUES RAISED BY THE DEFENDANT'S NOT GUILTY BY REASON OF INSANITY PLEA. THE COURT MAKES RULINGS ADDRESSING THE DEFENSE'S OBJECTIONS TO SPECIFIC STATEMENTS AND ISSUES REGARDING THE TESTIMONY OF VICTIM ASHLEY MOSER, WHO WILL BE CALLED TO TESTIFY ON FRIDAY OF THIS WEEK. THE PEOPLE GIVE COPIES TO THE COURT OF ANTICIPATED EXHIBITS P-TR-1254 AND P-TR-1255, AN APPLICATION FOR ADMISSION TO CU GRADUATE SCHOOL AND AN APPLICATION FOR IN-STATE RESIDENCY. THE DEFENSE OBJECTS TO THE ADMISSION OF BOTH P-TR-1254 AND P-TR-1255 UNDER RULES 401, 402, 403, AND 802. THE PEOPLE ALSO PROVIDE A COPY OF ANTICIPATED EXHIBIT P-TR-1054, THE DEFENDANT'S TRANSCRIPT FROM HIS FIRST YEAR OF GRADUATE SCHOOL. THE DEFENSE ASSERTS THAT P-TR-1054 IS CUMULATIVE AND INADMISSIBLE UNDER RULES 401, 402, AND 403. THE COURT WILL REVIEW THE EXHIBITS OVER THE LUNCH HOUR. THE DEFENSE ASKS THAT THE COURT TO NOT RELEASE P-TR-1254 AND P-TR-1255 TO THE MEDIA, AS BOTH CONTAIN SENSITIVE INFORMATION. THAT REQUEST IS GRANTED. GIVEN THE DISCUSSION RELATED TO THE AUTHENTICITY OF P-TR-1227 (AND THE RULING ON THAT ISSUE), THE COURT ASKS THE PEOPLE TO SUBMIT ALL THE EMAILS INCLUDED IN P-TR-1227 ON A DISC. THAT DISC IS MARKED AS COURT EXHIBIT C-TR-70. A WITNESS TESTIFIES AND THE FOLLOWING EXHIBITS ARE ADMITTE: P-PT-4704, P-PT-1253, P-TR-4661, P-TR-4664, P-TR-4665, P-TR-1254A, P-TR-1254B, P-TR-1255, P-TR-1054, P-TR-1089. THE PEOPLE INFORM THE COURT THEY HAVE GIVEN TWO DOCUMENTS GENERATED BY THEIR INVESTIGATOR TO THE DEFENSE THIS MORNING: (1) A STATEMENT REGARDING JOSE LOPEZ; AND (2) A STATEMENT FROM A WITNESS FROM 24-HOUR FITNESS.

AFTERNOON SESSION:

AFTER LUNCH, WITNESSES CONTINUE TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-532A, P-TR-361A, AND P-TR-1100. JUROR 527 SUBMITS A NOTE TO THE COURT INDICATING THAT HE KNOWS WITNESS JOSE LOPEZ. THE JUROR IS QUESTIONED BY THE COURT OUTSIDE THE PRESENCE OF THE OTHER JURORS. THE PARTIES DO NOT ASK THE COURT TO TAKE ANY FURTHER ACTION. NO FURTHER ACTION IS TAKEN. JUROR 527 IS INSTRUCTED NOT TO HAVE ANY CONTACT WITH THE WITNESS WHILE THE TRIAL IS ONGOING AND NOT TO DISCUSS HIS KNOWLEDGE OF THE WITNESS WITH THE OTHER JURORS.

THE COURT ALSO ORDERS THE PEOPLE TO INSTRUCT THE WITNESS THAT HE MAY NOT HAVE ANY CONTACT WITH THIS JUROR OR ANY OTHER JURORS. THE COURT SUSTAINS THE DEFENSES HEARSAY OBJECTION TO ANTICIPATED EXHIBIT P-TR-347A. THE COURT ASKS THE PARTIES TO LET IT KNOW IF THEY WOULD LIKE A LIMITING INSTRUCTION WITH REGARD TO P-TR-1227. /CMR

6/19/2015 Motion Event ID: 000842 E-Filed: N
MOTION BY THE DENVER POST FOR ACCESS TO VIEW (AND COPY) ALL EXHIBITS ADMITTED INTO EVIDENCE AND PUBLISHED TO THE JURY DURING THE TRIAL BUT NOT SHOWN TO THE PUBLIC IN ATTENDANCE IN THE COURTROOM (PARTIAL TRIAL CLOSURE) FILED BY NON-PARTY MOVANTS, THE DENVER POST STD 201 6 19 15 /LKO

6/19/2015 Minute Order (print) Event ID: 000846 E-Filed: N
JURY TRIAL - DAY 90
JUNE 19, 2015

JUDGE SAMOUR REPORTER: MARTIN ALL DAY
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING, REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, AND LISA TEESCH-MAGUIRE.
WITNESSES TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED:
P-TR-1256, P-TR-2036, P-TR-2668, P-TR-1046, P-TR-1094A, P-TR-1094B, P-TR-1088, D-TR-66, P-TR-347A, P-TR-1146, P-TR-4852, P-TR-2041, P-TR-4884, AND P-TR-4880. THE PEOPLE HAVE MODIFIED P-TR-347A, WHICH WAS REJECTED YESTERDAY BY THE COURT, AND WILL ATTEMPT TO ADMIT THE EXHIBIT TODAY. THE COURT REVIEWS THE MODIFIED EXHIBIT AND, BASED ON THE RECORD MADE AT THE BENCH, THE PEOPLE HAVE AGREED TO MAKE ADDITIONAL MODIFICATIONS. FOR THE REASONS STATED ON THE RECORD, THE COURT OVERRULES THE DEFENSE'S OBJECTIONS TO THE MODIFIED EXHIBIT P-TR-347A. WITH THE MODIFICATIONS FROM YESTERDAY AND TODAY, THE EXHIBIT IS ADMITTED. THE COURT ALSO CLARIFIES ITS RULING REGARDING MS. MOSER'S TESTIMONY. P-TR-2035, WHICH WAS A REJECTED EXHIBIT, IS LABELED C-TR-72. THE JURY IS EXCUSED UNTIL THURSDAY, JUNE 25, 2015. THE DEFENSE WILL SEND THEIR PROPOSED JURY INSTRUCTIONS TO THE COURT AND THE PEOPLE BY NOON ON TUESDAY, JUNE 23, 2015. A JURY INSTRUCTION CONFERENCE IS SCHEDULED FOR 9:00 A.M. ON WEDNESDAY, JUNE 24, 2015. DURING THE JURY CONFERENCE, THE COURT AND THE PARTIES WILL ALSO ADDRESS THE CURTIS ADVISEMENT. AFTER ARGUMENT BY THE PARTIES, THE COURT DENIES THE DEFENSE'S MOTION FOR A JUDGMENT OF ACQUITTAL. THE HOTMAIL EMAILS AND ATTACHMENTS REMOVED FROM P-TR-347A YESTERDAY ARE MARKED AS C-TR-73. THE HOTMAIL EMAILS REMOVED FROM P-TR-347A BASED ON THE BENCH CONFERENCE THIS MORNING ARE MARKED AS C-TR-74. P-TR-347 (THE CD CONTAINING ALL THE HOTMAIL EMAILS), WHICH WAS NOT OFFERED INTO EVIDENCE, IS MARKED AS C-TR-75. THE DEFENSE INFORMS THE COURT THAT IT HAS A WITNESS WITH A SUBPOENA RETURN FOR MONDAY, JUNE 22, 2015. THE COURT WILL FIND A JUDICIAL OFFICER TO CONTINUE THAT SUBPOENA AND THE DEFENSE WILL WAIVE THE DEFENDANT'S APPEARANCE AT THAT HEARING. THE COURT GIVES THE PARTIES SIX WEEKS TO RESPOND TO THE MOTION FILED BY THE DENVER POST THIS AFTERNOON FOR MORE ACCESS. /CMR

6/22/2015 Order Event ID: 000843 E-Filed: N
THE COURT ENTERS ORDER REGARDING MOTION BY THE DENVER POST FOR ACCESS TO
VIEW (AND COPY) ALL EXHIBITS ADMITTED INTO EVIDENCE AND PUBLISHED TO THE
JURY DURING THE TRIAL BUT NOT SHOWN TO THE PUBLIC IN ATTENDANCE IN THE
COURTROOM (PARTIAL TRIAL CLOSURE) (C-208), COPIES SENT VIA EMAIL TO KAREN
PEARSON, RICH ORMAN, JACOB EDSON, LISA TEESCH-MAGUIRE, GEORGE BRAUCHLER,
SHERILYN KOSLOSKY, RHONDA CRANDALL, DANIEL KING, TAMARA BRADY, KRISTEN
NELSON, CHRISTINA TAYLOR, AND STEVEN ZANSBERG. /CMR

6/22/2015 Minute Order (print) Event ID: 000848 E-Filed: N
SUBPOANA RETURN DATE IN DIVISION 207 FOR DIVISION 201
JUDGE ANTRIM FOR JUDGE SAMOUR CLERK SLM REPORTER T. BOOTH
DDA LISA TEESCH-MAGUIRE APPEARS FOR THE PEOPLE
COUNSEL MS. SPENGLER APPEARS FOR THE DEFENDANT
DEFENDANT'S APPEARANCE IS WAIVED FOR THIS MATTER
MS. SPENGLER INDICATES THAT WITNESS SUBPOENAED TO APPEAR DOES NOT APPEAR,
AND BY AGREEMENT OF COUNSEL, NO ACTION IS REQUESTED OF NOR ORDERED BY THE
COURT AT THIS TIME. /CMR

6/22/2015 Review 6/22/2015 08:30 AM 207
Officer: MARILYN LEONARD ANTRIM Length: 1.00 Hour(s)
Note..: SUBPOENA RETURN

6/23/2015 Filing Other Event ID: 000847 E-Filed: N
DEF/ HOLMES, JAMES EAGAN
DEFENDANT'S INITIAL SUBMISSION OF PRELIMINARY PROPOSED MERITS PHASE
INSTRUCTIONS (D-290) STD 201 6 23 15 /LKO

6/24/2015 Jury Instructions-Proposed Event ID: 000849 E-Filed: N
COURT'S DRAFT GUILT PHASE JURY INSTRUCTIONS (C-209). DISTRIBUTED TO THE
PARTIES IN OPEN COURT. /AG

End of Case: 2012 CR 201522