

7/20/2015 Notice Filed Event ID: 000888 E-Filed: N  
THE COURT ENTERS NOTICE OF LABELING AS "C-215-A" COURT'S SECOND DRAFT OF  
THE INTRODUCTORY INSTRUCTIONS FOR PHASE I OF SENTENCING HEARING. 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, AND CHRISTINA TAYLOR. /CMR

7/20/2015 Notice Filed Event ID: 000889 E-Filed: N  
THE COURT ENTERS NOTICE OF LABELING AS "C-216" COURT'S DRAFT JURY  
INSTRUCTIONS - PHASE I SENTENCING HEARING. 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, AND CHRISTINA TAYLOR. /CMR

7/20/2015 Notice Filed Event ID: 000890 E-Filed: N  
THE COURT ENTERS NOTICE OF LABELING AS "C-216-A" COURT'S SECOND DRAFT JURY  
INSTRUCTIONS - PHASE I SENTENCING HEARING. 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, AND CHRISTINA TAYLOR. /CMR

7/20/2015 Minute Order (print) Event ID: 000891 E-Filed: N  
JURY TRIAL - DAY 107  
JULY 20, 2015

JUDGE SAMOUR REPORTER: RINK ALL DAY  
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, REBEKKA  
HIGGS, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY JACOB EDSON,  
KAREN PEARSON, RICH ORMAN, LISA TEESCH-MAGUIRE, AND DAN EDWARDS.  
MORNING SESSION:  
THE COURT MAKES AN ADDITIONAL RECORD REGARDING DEFENSE PROPOSED  
INSTRUCTION NO. 38 WHICH WAS TENDERED TO THE COURT ON JULY 16 FOLLOWING  
THE JURY'S VERDICTS. THE COURT HEARS FURTHER ARGUMENT ON THE FINAL  
PARAGRAPH OF THE TENDERED INSTRUCTION. FOR THE REASONS STATED ON THE  
RECORD, THE COURT WILL NOT READ THAT PORTION OF THE TENDERED INSTRUCTION.  
AS FOR THE PENULTIMATE PARAGRAPH IN THE TENDERED INSTRUCTION, THE COURT  
WILL ADDRESS THAT ISSUE IN ITS INTRODUCTORY SENTENCING HEARING  
INSTRUCTIONS, AS WELL AS ITS FINAL PHASE 1 INSTRUCTIONS. THE COURT IS  
ALSO LIKELY TO INCLUDE A SIMILAR INSTRUCTION IN ANY SUBSEQUENT PHASE OF  
THE SENTENCING HEARING. THE COURT DISTRIBUTES TO THE PARTIES UPDATED  
FINAL PHASE 1 INSTRUCTIONS, WHICH WILL BE LABELED C-216-A. THE FIRST  
DRAFT, WHICH WAS EMAILED TO THE PARTIES SATURDAY NIGHT, WILL BE LABELED C-  
216. THE COURT HOLDS A JURY INSTRUCTIONS CONFERENCE ON THE FINAL PHASE 1  
JURY INSTRUCTIONS. THE COURT NOW HOLDS A JURY INSTRUCTIONS CONFERENCE ON  
THE INTRODUCTORY SENTENCING HEARING INSTRUCTIONS. THE INITIAL SET OF  
THESE INSTRUCTIONS IS LABELED C-215, WHILE THE AMENDED SET (WHICH WAS  
AMENDED SPECIFICALLY TO ADDRESS THE DEFENSE'S TENDERED INSTRUCTIONS AND  
THE DEFENSE'S COMMENTS ON THE PROSECUTION'S TENDERED INSTRUCTIONS) IS  
LABELED C-215-A. BOTH PARTIES CONSENT TO THE COURT DISPENSING WITH THE  
REQUIREMENT TO ORDER A PSI PURSUANT TO CRS SECTION 16-11-102(1)(A). THE  
COURT NOTES THAT IT HAS ALREADY RULED ON THE ALLOCUTION ADVISEMENT IN  
ORDER P-47. EVERYONE APPEARS TO BE IN AGREEMENT THAT THE COURT SHOULD  
GIVE THIS ADVISEMENT IN PHASES 2 AND 3 OF THE SENTENCING HEARING. THE  
COURT WILL ALSO GIVE A CURTIS ADVISEMENT IN ALL 3 PHASES OF THE SENTENCING  
HEARING. THE DEFENSE TENDERS DVDS OF ITS OPENING STATEMENT AND CLOSING

ARGUMENT POWERPOINT SLIDES; THESE ARE MARKED AS C-TR-89 AND C-TR-90, RESPECTIVELY.

AFTERNOON SESSION:

A DEFENSE MITIGATION WITNESS TESTIFIES OUTSIDE THE PRESENCE OF THE JURY. THE TESTIMONY IS VIDEO-RECORDED PURSUANT TO THE COURT'S JULY 16 ORAL RULING AND ORDER D-295. THE COURT RESUMES THE JURY INSTRUCTIONS CONFERENCE. THE COURT WILL GIVE THE PARTIES 40 MINUTES TO MAKE THEIR ARGUMENTS IN PHASE 1 OF THE SENTENCING HEARING; THE PEOPLE WILL GO FIRST AND HAVE AN OPPORTUNITY FOR REBUTTAL. THE COURT HAS NOT DETERMINED TIME LIMITS FOR THE POTENTIAL PHASE 2 OF THE SENTENCING HEARING. THE COURT DEFERS ON SUCH TIME LIMITS. THE PEOPLE MAKE AN ORAL MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF A MITIGATION WITNESS, J.J. THE DEFENSE OBJECTS BUT WOULD LIKE UNTIL TOMORROW MORNING TO CONSIDER THE MOTION. THE COURT WILL DEFER RULING ON THE MOTION UNTIL TOMORROW, BUT GIVEN THE OFFER OF PROOF BY THE DEFENSE, THE COURT IS INCLINED TO EXCLUDE THE TESTIMONY AS IRRELEVANT AND INADMISSIBLE. THE DEFENSE ASKS FOR LEAVE TO FILE A WRITTEN MOTION FOR A DELAY IN THE SENTENCING HEARING AT A LATER POINT DUE TO THE POTENTIAL UNAVAILABILITY OF WITNESSES. THE REQUEST TO FILE A WRITTEN PLEADING IS DENIED, BUT THE DEFENSE MAY MAKE AN ORAL MOTION. THE COURT NOTES, HOWEVER, THAT IT IS BEING VERY FLEXIBLE WITH DEFENSE WITNESSES TO ACCOMMODATE THEIR SCHEDULES, AND IT IS DIFFICULT TO IMAGINE THAT THESE WITNESSES CANNOT MAKE THEMSELVES AVAILABLE AT SOME POINT DURING THE TIME WHEN THE DEFENSE IS PRESENTING ITS MITIGATION CASE. THE JURY INSTRUCTIONS CONFERENCE WILL RESUME TOMORROW, TUESDAY, JULY 21 AT 10:30 A.M. THE COURT WILL ALSO ADMINISTER THE CURTIS ADVISEMENT AND WILL DISCUSS FURTHER WITH THE PARTIES AN ADVISEMENT ON THE DEFENDANT'S RIGHT TO MAKE AN ALLOCUTION STATEMENT.

/CMR

7/20/2015 Review  
Officer: MARILYN LEONARD ANTRIM  
Status.: HELD-Hearing Held

6/22/2015 08:30 AM 207  
Length: 1.00 Hour(s)  
Note.: SUBPOENA RETURN

7/21/2015 Order  
THE COURT ENTERS NOTICE OF LABELING AS "C-217" COURT'S: (1) DRAFT PHASE 1 INTRODUCTORY INSTRUCTIONS; (2) DRAFT PHASE 1 FINAL INSTRUCTIONS; AND (3) DRAFT PHASE 2 INTRODUCTORY INSTRUCTIONS. 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, AND CHRISTINA TAYLOR.

Event ID: 000892 E-Filed: N

/CMR

7/21/2015 Order  
THE COURT ENTERS SUPPLEMENTAL ORDER REGARDING NOTICE TO THE COURT (P-107-B). SUPPRESSED ENVELOPE #219. 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, AND CHRISTINA TAYLOR.

Event ID: 000893 E-Filed: N

/CMR

7/21/2015 Minute Order (print)  
JURY TRIAL - DAY 108  
JULY 21, 2015  
JUDGE SAMOUR

Event ID: 000894 E-Filed: N

REPORTER: AMATO ALL DAY

DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, REBEKKA HIGGS, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY KAREN PEARSON, RICH ORMAN, LISA TEESCH-MAGUIRE, AND DAN EDWARDS. THE COURT RESUMES THE

JURY INSTRUCTIONS CONFERENCE FOR PHASE 1 AND PHASE 2 OF THE SENTENCING HEARING. LAST NIGHT, THE COURT EMAILED DRAFTS OF THE INTRODUCTORY INSTRUCTIONS FOR PHASE 1, FINAL INSTRUCTIONS FOR PHASE 1, AND INTRODUCTORY INSTRUCTIONS FOR PHASE 2 TO THE PARTIES. THE COURT HAS MADE ONE SUBSTANTIVE CHANGE TO THE DRAFT INTRODUCTORY INSTRUCTIONS FOR PHASE 1: THE COURT CORRECTED THE REFERENCE TO THE OTHER 134 COUNTS, AS THE OTHER COUNTS TOTAL 141 COUNTS. AT THE DEFENSE'S REQUEST, THE COURT WILL DISTRIBUTE COPIES OF THE COURTS INTRODUCTORY INSTRUCTIONS FOR PHASE 1 TO THE JURORS, BUT WILL RETRIEVE THOSE COPIES ONCE IT IS DONE READING THEM. WHEN THE PARTIES INDICATE THEY HAVE NO EVIDENCE, THE COURT WILL DISTRIBUTE THE PHASE 1 FINAL INSTRUCTIONS TO THE JURY. THE COURT WILL THEN READ THOSE INSTRUCTIONS TO THE JURY. COUNSEL CAN THEN MAKE THEIR ARGUMENTS. THE COURT HOLDS AN ADDITIONAL JURY INSTRUCTIONS CONFERENCE. THE COURT ADDRESSES EACH OBJECTION, ARGUMENT, AND SUGGESTION ADVANCED BY THE PARTIES. THE COURT ALSO CONSIDERS THE TENDERED INSTRUCTIONS SUBMITTED BY EACH PARTY. THE COURT ASKS THE DEFENSE IF IT HAS A POSITION ON WHETHER THE DEFENDANTS HAS THE RIGHT TO ALLOCUTION IN PHASE 1. THE DEFENSE BELIEVES THAT THE DEFENDANT WOULD HAVE THE RIGHT TO MAKE AN ALLOCUTION STATEMENT AT ALL PHASES OF THE SENTENCING HEARING IF THE JURY IS GOING TO DELIBERATE AT THE END OF EACH PHASE. THE COURT AGREES. ACCORDINGLY, THE COURT WILL GIVE THE DEFENDANT AN OPPORTUNITY TO MAKE AN ALLOCUTION STATEMENT AT THE END OF PHASE 1. THE COURT GIVES THE DEFENDANT A CURTIS ADVISEMENT. THE DEFENDANT DECIDES NOT TO TESTIFY IN PHASE 1 OF THE SENTENCING HEARING. THE COURT FINDS THE DEFENDANT'S DECISION IS KNOWING, VOLUNTARY, AND INTELLIGENT. THE COURT ADVISES THE DEFENDANT ABOUT HIS RIGHT TO ALLOCUTION IN PHASE 1 OF THE SENTENCING HEARING. THE DEFENDANT DECIDES NOT TO MAKE AN ALLOCUTION STATEMENT DURING PHASE 1 OF THE SENTENCING HEARING. THE COURT FINDS THAT THIS DECISION IS KNOWING, VOLUNTARY, AND INTELLIGENT. A DVD OF THE JULY 20, 2015 VIDEOTAPED DEPOSITION OF WITNESS PAUL KERRER IS MARKED AS COURT EXHIBIT C-TR-91 AND LODGED WITH THE CLERK OF THE COURT. THE DEFENSE TENDERS TWO INVESTIGATION REPORTS RELATED TO WITNESS JANE JOSEPH. THE REPORTS ARE MARKED AS C-TR-92. THE DEFENSE IS NOT PRESENTING ANY ADDITIONAL ARGUMENT REGARDING THE RELEVANCE OF THIS WITNESS TESTIMONY. BASED ON THE RECORD MADE YESTERDAY AND TODAY, THE COURT RULES THAT THE WITNESS TESTIMONY IS NOT RELEVANT OR ADMISSIBLE BECAUSE IT GOES TO THE CHARACTER AND BACKGROUND OF THE DEFENDANT'S MOTHER, NOT THE DEFENDANT. TO THE EXTENT THE TESTIMONY GOES TO THE IMPACT OF THE CRIMES ON THE DEFENDANT'S FAMILY, THE DEFENDANT HAS NOT PRESENTED ANY AUTHORITY THAT SUCH EVIDENCE IS RELEVANT OR ADMISSIBLE. THE PEOPLE SEEK CLARIFICATION REGARDING TESTIMONY BY OTHER DEFENSE WITNESSES WHO THE PEOPLE ANTICIPATE WILL ATTEMPT TO TESTIFY ABOUT THE IMPACT OF THE CRIMES ON THE DEFENDANT'S FAMILY. THE COURT EXPLAINS THAT ITS RULING APPLIES THROUGHOUT THE SENTENCING HEARING. THE DEFENSE MAKES A RECORD THAT IT IS RELYING ON ITS RESPONSE TO MOTION P-52 AS IT RELATES TO THE IMPACT EVIDENCE ISSUE. THE COURT STANDS BY ORDER P-52, WHICH DEALT WITH EXECUTION IMPACT EVIDENCE. THE DEFENSE MARKS MEDIA REPORTS ABOUT MEMORIAL CEREMONIES FOR THE VICTIMS AS C-TR-93. YESTERDAY WAS THE THIRD ANNIVERSARY OF THE SHOOTING. THE DEFENSE REQUESTS THAT THE COURT ASK THE JURY ABOUT MEDIA COVERAGE OF THESE CEREMONIES AND OTHER MEDIA COVERAGE OF THE CASE IN THE SAME WAY IT ASKED THE JURY ABOUT THE BOSTON MARATHON BOMBING VERDICT. THE COURT PROPOSES A QUESTION. THE DEFENSE REJECTS THE PROPOSAL AND NOW ASKS THE COURT TO QUESTION THE JURORS ABOUT EXPOSURE TO ANY MEDIA COVERAGE. THE COURT DENIES THIS REQUEST BECAUSE THE COURT HAS BEEN ADVISING THE JURORS THROUGHOUT THE TRIAL THAT THEY ARE TO AVOID ANY

NEWS REPORTS ABOUT THE CASE. FURTHER, THE COURT WILL ADVISE JURORS THAT IF THEY ARE INADVERTENTLY EXPOSED TO ANY MEDIA COVERAGE OF THE CASE, THEY MUST NOTIFY A BAILIFF THAT THEY NEED TO SPEAK TO THE COURT ABOUT AN ISSUE. THEY CAN THEN RAISE THE ISSUE OUTSIDE THE PRESENCE OF THE OTHER JURORS.  
/CMR

7/22/2015 Request Filed Event ID: 000895 E-Filed: N  
REQUEST FOR TRANSCRIPT RECEIVED FROM KIM JUNSUNG, 917-330-7938, W3RW3R@HOTMAIL.COM, FOR 4-29-15 TRIAL DATE (TESTIMONY OF JOSHUA NOWLAN ONLY). REQUEST FORWARDED TO CATHY TROYANEK FOR TRANSCRIPT PREPARATION.  
/JEM

7/22/2015 Order Event ID: 000896 E-Filed: N  
THE COURT ENTERS ORDER SANCTIONING NINA BURLEIGH, POLLY MOSENDZ, AND NEWSWEEK FOR VIOLATING ORDER C-197 (C-218). 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, AND CHRISTINA TAYLOR. /JRZ

7/23/2015 Order Event ID: 000897 E-Filed: N  
THE COURT ENTERS ORDER REQUESTING THE DEFENSE'S FINAL PHASE 2 AND PHASE 3 TENDERED INSTRUCTIONS (C-219). 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, AND CHRISTINA TAYLOR. /CMR

End of Case: 2012 CR 201522