

03/06/2015 Motion Event ID: 000675 E-Filed: N
MOTION BY MEDIA PETITIONERS TO UNSUPPRESS THE JURY QUESTIONNAIRE.
STD 3 6 15 /LKO

03/06/2015 Order Event ID: 000676 E-Filed: N
THE COURT ENTERS ORDER SETTING BRIEFING SCHEDULE ON MOTION BY MEDIA
PETITIONERS TO UNSUPPRESS THE JURY QUESTIONNAIRE (C-187). 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. /AG

03/09/2015 Order Event ID: 000677 E-Filed: N
THE COURT ENTERS ORDER SETTING BRIEFING SCHEDULE ON PEOPLE'S MOTION TO
LIMIT THE PUBLIC DISPLAY OF SOME ADMITTED EXHIBITS, SPECIFICALLY AUTOPSY
PHOTOGRAPHS, CRIME SCENE PHOTOGRAPHS CONTAINING IMAGES OF HOMICIDE
VICTIMS, AND CRIME SCENE VIDEOS CONTAINING IMAGES OF HOMICIDE VICTIMS,
AND TO LIMIT VIEWING TO THE PARTIES, TO THE COURT, AND TO THE JURY (P-
118). 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

03/09/2015 Motion Event ID: 000678 E-Filed: N
DEF/ HOLMES, JAMES EAGAN
EX PARTE DEFENSE MOTION B SEALED ENVELOPE #184 STD 201 3 9 15 /LKO

03/09/2015 Order Event ID: 000679 E-Filed: N
THE COURT ENTERS ORDER REGARDING DEFENSE'S MOTION FOR ORDER AUTHORIZING
THE TRANSPORT OF MR. HOLMES (EX PARTE DEFENSE MOTION B). COPIES SENT VIA
EMAIL TO SHERILYN KOSLOSKY, RHONDA CRANDALL, DANIEL KING, TAMARA BRADY,
KRISTEN NELSON. REDACTED VERSION OF ORDER SENT VIA EMAIL TO KAREN
PEARSON, RICH ORMAN, JACOB EDSON, LISA TEESCH-MAGUIRE, GEORGE BRAUCHLER
AND CHRISTINA TAYLOR. BY COURT ORDER UNREDACTED ORDER WILL BE KEPT UNDER
SEAL. /CMR

03/09/2015 Minute Order (print) Event ID: 000680 E-Filed: N
JURY TRIAL - DAY 31
MARCH 9, 2015
JUDGE SAMOUR REPORTERS: TROYANEK MORNING; AMATO AFTERNOON
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS DAN KING, TAMARA BRADY,
REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE
REPRESENTED BY GEORGE BRAUCHLER, KAREN PEARSON, RICH ORMAN, LISA TEESCH
MAGUIRE, AND JACOB EDSON.
MORNING SESSION:
THE COURT INFORMS THE PARTIES THAT PROSPECTIVE JUROR 575 HAS NOT SHOWN UP
THIS MORNING. WITHOUT OBJECTION, THE COURT STAFF WILL RESCHEDULE
PROSPECTIVE JUROR 575 TO APRIL 13, 2015 IN THE AFTERNOON. THE COURT
GIVES COPIES OF PROSPECTIVE JUROR EMAILS 84 AND 85 TO THE PARTIES.
BASED ON COMMUNICATIONS RECEIVED, THE PARTIES STIPULATE TO RELEASE
PROSPECTIVE JURORS 5204 AND 6191. THE PARTIES PROVIDE THE COURT
STIPULATED RESPONSES TO EMAILS FROM PROSPECTIVE JURORS 397, 169, AND 470.
THE COURT WILL RESPOND TO THOSE EMAILS AS PROPOSED. THE PARTIES ALSO
STIPULATE TO EXCUSE PROSPECTIVE JURORS 639 AND 1280.

THE COURT GRANTS THE DEFENSES REQUEST FOR LEAVE TO FILE A NOTICE OF INTENTION TO INTRODUCE EVIDENCE PURSUANT TO THE RESIDUAL HEARSAY EXCEPTION UNDER CRE 807. SPECIFICALLY, THE DEFENSE IS ASKING TO INTRODUCE A RECORDING OF A WITNESS'S INTERVIEW BECAUSE THAT WITNESS IS NOW DECEASED. THE DEFENSE ALSO ASKS TO FILE AN EX PARTE MOTION WITH THE COURT. THE PEOPLE OBJECT. THE DEFENSE EXPLAINS THAT THE MOTION WOULD BE A REQUEST FOR A COURT ORDER TO TRANSPORT THE DEFENDANT SO THAT HE MAY UNDERGO A PROCEDURE. THE DEFENSE EXPLAINS THAT ANY FURTHER INFORMATION WOULD INVOLVE ONGOING WORK PRODUCT COMMUNICATION AND INFORMATION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE. THE TRANSPORTATION WOULD NOT CAUSE ANY DELAY IN THE TRIAL. THE COURT TAKES THE MATTER UNDER ADVISEMENT. THE COURT MAKES A RECORD RELATED TO A QUESTION ASKED LAST WEEK BY A PROSPECTIVE JUROR ABOUT WHO MAKES THE DECISION WHETHER ANY CREDIBLE EVIDENCE OF INSANITY HAS BEEN PRESENTED BEFORE THE PROSECUTION HAS THE BURDEN TO PROVE SANITY BEYOND A REASONABLE DOUBT. THE COURT FINDS THAT THE INFORMATION BEING GIVEN TO PROSPECTIVE JURORS THUS FAR IS NOT IMPROPER; HOWEVER, THE COURT CONCLUDES THAT THE BETTER WAY TO PROCEED IS TO TELL PROSPECTIVE JURORS THAT THE PEOPLE HAVE THE BURDEN TO PROVE SANITY BEYOND A REASONABLE DOUBT. THIS IS CONSISTENT WITH A COMMENT IN INSTRUCTION B:01 IN THE MODEL CRIMINAL JURY INSTRUCTIONS. THE COURT GRANTS THE DEFENSE LEAVE TO FILE A WRITTEN MOTION FOR CHANGE OF VENUE. THE DEFENSE WILL FILE THEIR MOTION LATER THIS WEEK. THE PEOPLE WILL BE GIVEN AN OPPORTUNITY TO RESPOND, AND THE COURT WILL DECIDE AT THAT TIME WHETHER TO SET ORAL ARGUMENT ON THE MOTION. THE COURT CONDUCTS VOIR DIRE WITH THE GROUP OF FIVE PROSPECTIVE JURORS WHO APPEAR THIS MORNING. THE COURT AND THE PARTIES CONDUCT INDIVIDUAL VOIR DIRE WITH THE FIVE PROSPECTIVE JURORS. BY STIPULATION OF THE PARTIES, PROSPECTIVE JURORS 458, 576, AND 577 ARE EXCUSED FROM JURY SERVICE IN THIS CASE. WITHOUT OBJECTION, PROSPECTIVE JURORS 574 AND 579 ARE ASKED TO RETURN FOR GROUP VOIR DIRE ON APRIL 13, 2015. AFTER THE MORNING BREAK, THE DEFENSE CLARIFIES THAT THE REQUEST TO FILE AN EX PARTE MOTION WITH THE COURT IS JUST REQUESTING AN ORDER FOR TRANSPORT. THE PEOPLE DID SOME RESEARCH DURING THE BREAK AND DO NOT OBJECT TO AN EX PARTE MOTION BEING FILED.

AFTERNOON SESSION:

THE DEFENDANT AND THE SAME ATTORNEYS ARE PRESENT, WITH THE EXCEPTION OF MR. BRAUCHLER. PROSPECTIVE JUROR 596, WHO IS SCHEDULED THIS AFTERNOON, IS UNABLE TO APPEAR TODAY DUE TO A PERSONAL ISSUE. HE HAS BEEN RESCHEDULED TO 3/16/15 IN THE MORNING. THE COURT CONDUCTS VOIR DIRE WITH THE GROUP OF FIVE PROSPECTIVE JURORS WHO APPEAR THIS AFTERNOON. THE COURT CONDUCTS INDIVIDUAL VOIR DIRE WITH THE FIVE PROSPECTIVE JURORS. PROSPECTIVE JURORS 580, 583, 586, 590, AND 387 ARE EXCUSED BY STIPULATION OF THE PARTIES. THE PEOPLE ACKNOWLEDGE THEY RECEIVED THE COURTS ORDER SETTING A BRIEFING SCHEDULE ON THE PEOPLE'S MOTION TO LIMIT THE PUBLIC DISPLAY OF SOME ADMITTED EXHIBITS (ORDER P-118), WHICH WAS ISSUED WHILE THE COURT WAS IN SESSION THIS AFTERNOON. THE PEOPLE HAVE RECEIVED AN EMAIL FROM ATTORNEY ZANSBERG INFORMING THE PEOPLE THAT HIS MEDIA CLIENTS DO NOT OBJECT TO MOTION P-118. BECAUSE MR. ZANSBERG DOES NOT REPRESENT ALL THE MEDIA MEMBERS THAT MAY HAVE AN INTEREST IN MOTION P-118, THE COURT WILL KEEP THE BRIEFING SCHEDULE SET BY ORDER P-118. IF NO OBJECTIONS TO THE MOTION ARE FILED BY MARCH 13, THE COURT WILL VACATE THE MARCH 19 HEARING ON THE MOTION.

/CMR

03/09/2015 Minute Order (No Print) Event ID: 000681 E-Filed: N
COURTROOM 202 MONITORS TODAY ARE XXX IN THE MORNING AND XXX IN THE
AFTERNOON. /CMR

03/10/2015 Notice Filed Event ID: 000682 E-Filed: N
DEF/ HOLMES, JAMES EAGAN
DEFENSE SUPPLEMENTAL NOTICE OF ENDORSEMENT OF WITNESS PURSUANT TO RULE
16(II)(B)&(C)(D-283) SUPPRESSED ENVELOPE #185 STD 201 3 10 15 /LKO

03/10/2015 Notice Filed Event ID: 000683 E-Filed: N
DEF/ HOLMES, JAMES EAGAN
NOTICE OF INTENT TO INTRODUCE HEARSAY EVIDENCE (D-282) SUPPRESSED
ENVELOPE #186 FILED BY COUNSEL FOR THE DEFENDANT STD 201 3 10 15 /LKO

03/10/2015 Minute Order (print) Event ID: 000687 E-Filed: N
JURY TRIAL - DAY 32
MARCH 10, 2015

JUDGE SAMOUR REPORTERS: FIKANY MORNING; AMATO AFTERNOON
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS DAN KING, TAMARA BRADY,
REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE
REPRESENTED BY GEORGE BRAUCHLER, KAREN PEARSON, RICH ORMAN, LISA TEESCH
MAGUIRE, AND JACOB EDSON.

MORNING SESSION:

THE COURT GIVES COPIES OF PROSPECTIVE JUROR EMAILS 87 AND 88 TO THE
PARTIES. THE COURT ALSO GIVES THE PARTIES COPIES OF THE STIPULATED
RESPONSES THAT WERE SENT BY COURT IN RESPONSE TO PROSPECTIVE JUROR EMAILS
80, 81, AND 82. THE PARTIES PROVIDE PROPOSED STIPULATED RESPONSES TO
PROSPECTIVE JUROR EMAILS 85 AND 86. THE COURT ADOPTS THOSE STIPULATED
PROPOSED RESPONSES. THE PARTIES STIPULATE TO EXCUSE PROSPECTIVE JUROR
3388. THE COURT CONDUCTS VOIR DIRE WITH THE GROUP OF SIX PROSPECTIVE
JURORS WHO APPEAR THIS MORNING. THE COURT AND THE PARTIES CONDUCT
INDIVIDUAL VOIR DIRE WITH THE SIX PROSPECTIVE JURORS. BY STIPULATION OF
THE PARTIES, PROSPECTIVE JURORS 602, 616, 622, 623, AND 626 ARE EXCUSED
FROM JURY SERVICE IN THIS CASE. THE COURT GRANTS THE DEFENSES CHALLENGE
FOR CAUSE WITH RESPECT TO PROSPECTIVE JUROR 597.

AFTERNOON SESSION:

THE DEFENDANT AND THE SAME ATTORNEYS ARE PRESENT. THE COURT INFORMS THE
PARTIES THAT ALL FIVE SCHEDULED PROSPECTIVE JURORS HAVE SHOWN UP THIS
AFTERNOON. THE PARTIES STIPULATE TO EXCUSE PROSPECTIVE JUROR 949 BASED
ON PROSPECTIVE JUROR EMAIL 88. THE PARTIES PROVIDE A STIPULATED PROPOSED
RESPONSE TO PROSPECTIVE JUROR EMAIL NO. 87. THE COURT ADOPTS THAT
PROPOSED RESPONSE. THE COURT CONDUCTS VOIR DIRE WITH THE GROUP OF FIVE
PROSPECTIVE JURORS WHO APPEAR THIS AFTERNOON. THE COURT AND THE PARTIES
CONDUCT INDIVIDUAL VOIR DIRE WITH THE FIVE PROSPECTIVE JURORS. WITHOUT
OBJECTION, PROSPECTIVE JUROR 732 IS ASKED TO RETURN FOR GROUP VOIR DIRE
ON APRIL 13. PROSPECTIVE JURORS 630, 631, AND 635 ARE EXCUSED BY
STIPULATION OF THE PARTIES. THE PROSECUTIONS CHALLENGE FOR CAUSE TO
PROSPECTIVE JUROR 633 IS DENIED. /CMR

03/11/2015 Order Event ID: 000684 E-Filed: N
THE COURT ENTERS ORDER SUPPRESSING: (1) THE DEFENDANT'S NOTICE OF INTENT
TO INTRODUCE HEARSAY EVIDENCE (D-282); AND (2) THE DEFENDANT'S
SUPPLEMENTAL NOTICE OF ENDORSEMENT OF WITNESS PURSUANT TO RULE 16(II)(B)
& (C) (D-283) [C-189]. 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. /AG

03/11/2015 Minute Order (print) Event ID: 000688 E-Filed: N
JURY TRIAL - DAY 33
MARCH 11, 2015

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

MORNING SESSION:

THE COURT GIVES COPIES OF PROSPECTIVE JUROR EMAIL 87 TO THE PARTIES, ALONG WITH A COPY OF RESPONSE 86A RECEIVED FROM PROSPECTIVE JUROR 97, AND COPIES OF STIPULATED RESPONSES SENT BY THE COURT TO PROSPECTIVE JUROR EMAILS. THE COURT CONDUCTS VOIR DIRE WITH THE GROUP OF SIX PROSPECTIVE JURORS WHO APPEAR THIS MORNING. THE COURT AND THE PARTIES CONDUCT INDIVIDUAL VOIR DIRE WITH FIVE OF THE SIX PROSPECTIVE JURORS SCHEDULED FOR THIS MORNING. THE PARTIES STIPULATE TO EXCUSE PROSPECTIVE JUROR 644 PRIOR TO INDIVIDUAL VOIR DIRE. BY STIPULATION OF THE PARTIES, PROSPECTIVE JURORS 650 AND 647 ARE EXCUSED FROM JURY SERVICE IN THIS CASE. WITHOUT OBJECTION, PROSPECTIVE JUROR 640 IS ASKED TO RETURN FOR GROUP VOIR DIRE. THE DEFENDANTS CHALLENGE FOR CAUSE WITH RESPECT TO PROSPECTIVE JUROR 646 IS DENIED. PROSPECTIVE JUROR 641 WILL RETURN FOR INDIVIDUAL QUESTIONING THIS AFTERNOON.

AFTERNOON SESSION:

THE DEFENDANT AND THE SAME ATTORNEYS ARE PRESENT. THE COURT AND THE PARTIES CONDUCT INDIVIDUAL VOIR DIRE WITH PROSPECTIVE JUROR 641. PROSPECTIVE JUROR 641 IS RELEASED BY STIPULATION OF THE PARTIES. THE COURT CONDUCTS VOIR DIRE WITH THE GROUP OF FIVE PROSPECTIVE JURORS WHO APPEAR THIS AFTERNOON. THE COURT AND THE PARTIES CONDUCT INDIVIDUAL VOIR DIRE WITH THE FIVE PROSPECTIVE JURORS WHO REPORTED FOR THIS AFTERNOONS SESSION. PROSPECTIVE JURORS 651 AND 657 ARE EXCUSED BY STIPULATION OF THE PARTIES. THE DEFENDANTS CHALLENGES FOR CAUSE WITH RESPECT TO PROSPECTIVE JURORS 658 AND 661 ARE DENIED. PROSPECTIVE JUROR 723 IS QUALIFIED FOR GROUP VOIR DIRE WITHOUT OBJECTION. /CMR

03/12/2015 Response Event ID: 000685 E-Filed: N
PEOPLE'S RESPONSE TO MEDIA ORGANIZATIONS' MOTION FOR ORDER UNSUPPRESSING BLANK JUROR QUESTIONNAIRE (C-118) STD 201 3 12 15 /LKO

03/12/2015 Notice Filed Event ID: 000686 E-Filed: N
PEOPLE'S SUPPLEMENTAL AND AMENDED NOTICE OF ENDORSEMENT (P-119)
SUPPRESSED ENVELOPE #187 STD 201 3 12 15 /LKO

03/12/2015 Minute Order (print) Event ID: 000689 E-Filed: N
JURY TRIAL - DAY 34
MARCH 12 2015

JUDGE SAMOUR REPORTERS: TROYANEK MORNING; AMATO AFTERNOON
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS DAN KING, TAMARA BRADY, REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, KAREN PEARSON, RICH ORMAN, LISA TEESCH MAGUIRE, AND JACOB EDSON.

MORNING SESSION:

THE COURT INFORMS THE PARTIES THAT ALL SCHEDULED PROSPECTIVE JURORS HAVE APPEARED THIS MORNING. THE COURT GIVES COPIES OF PROSPECTIVE JUROR EMAIL 90 TO THE PARTIES. BASED ON PREVIOUS COMMUNICATIONS RECEIVED, THE PARTIES STIPULATE TO RELEASE PROSPECTIVE JURORS 4094 AND 97. THE COURT CONDUCTS VOIR DIRE WITH THE GROUP OF SIX PROSPECTIVE JURORS WHO APPEAR THIS MORNING. THE COURT AND THE PARTIES CONDUCT INDIVIDUAL VOIR DIRE WITH THE SIX PROSPECTIVE JURORS. BY STIPULATION OF THE PARTIES, PROSPECTIVE JURORS 667, 668, AND 670 ARE EXCUSED FROM JURY SERVICE IN THIS CASE. WITHOUT OBJECTION, PROSPECTIVE JURORS 662, 663, AND 673 ARE ASKED TO RETURN FOR GROUP VOIR DIRE ON APRIL 13, 2015.

AFTERNOON SESSION:

THE DEFENDANT AND THE SAME ATTORNEYS ARE PRESENT EXCEPT MR. EDSON. THE COURT CONDUCTS VOIR DIRE WITH THE GROUP OF FIVE PROSPECTIVE JURORS WHO APPEAR THIS AFTERNOON. THE COURT AND THE PARTIES CONDUCT INDIVIDUAL VOIR DIRE WITH THE FIVE PROSPECTIVE JURORS. PROSPECTIVE JUROR 679, 681, 686, AND 1432 ARE EXCUSED BY STIPULATION OF THE PARTIES. WITHOUT OBJECTION, PROSPECTIVE JUROR 692 IS ASKED TO RETURN FOR GROUP VOIR DIRE. MR. ORMAN MENTIONS THAT THE GENERAL VOIR DIRE COMMENTS OF THE COURT INDICATE THAT DURESS IS A DEFENSE TO FIRST DEGREE MURDER. MR. ORMAN ARGUES THAT UNDER CRS SECTION 18-1-708, DURESS IS NOT AN EXCUSE FOR A CLASS ONE FELONY CHARGE. THE COURT APPRECIATES THE COMMENT, AND RESPONDS THAT THE VOIR DIRE WITH THE GROUP OF JURORS IS NOT MEANT TO BE TECHNICAL AND IT IS DIRECTED TOWARD LAY PEOPLE. THE COURT ASKS THE PEOPLE FOR CLARIFICATION ON ONE ASPECT OF MOTION P-118. THE PEOPLE INDICATE THAT THEIR PREFERENCE WOULD BE TO HAVE THE COURT INSTALL A SCREEN ON THE LARGE PILLAR IN THE GALLERY WHERE THE CCTV CAMERA IS MOUNTED, INSTEAD OF ROLLING IN A MONITOR. THE DEFENSE HAS NO OBJECTION. ALTHOUGH MR. ZANSBERG DOES NOT INTEND TO OBJECT, THE COURT WILL WAIT UNTIL TOMORROW TO RULE ON THE MOTION SINCE ANY RESPONSE IS DUE TOMORROW. THE DEFENSE WILL FILE TOMORROW A SUPPLEMENT TO THEIR ORIGINAL CHANGE OF VENUE MOTION AND REPLY. AT THAT TIME, THE COURT WILL LIKELY ASK THE PEOPLE TO FILE A WRITTEN RESPONSE. THE COURT WILL THEN DECIDE HOW TO PROCEED.

/CMR

03/13/2015 Order

Event ID: 000690 E-Filed: N

THE COURT ENTERS ORDER SUPPRESSING PEOPLE'S SUPPLEMENTAL AND AMENDED NOTICE OF ENDORSEMENT (P-119). 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.

End of Case: 2012 CR 201522