

5/01/2015 Order Event ID: 000783 E-Filed: N
THE COURT ENTERS ORDER VACATING ORDER D-A (C-199). 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, RONALD CARL, AND ERIN POWERS. /CMR

5/02/2015 Order Event ID: 000784 E-Filed: N
THE COURT ENTERS AMENDED ORDER VACATING ORDER D-A (C-199-A). 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, RONALD CARL, AND ERIN POWERS./AG

5/04/2015 Filing Other Event ID: 000785 E-Filed: N
REPORT FROM DR. REID (C-143)- BROUGHT DOWN FROM THE DIVISION SUPPRESSED
ENVELOPE #209 /LKO

5/04/2015 Filing Other Event ID: 000786 E-Filed: N
REPORT FROM COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO (C-58) BROUGHT
DOWN FROM THE DIVISION SUPPRESSED ENVELOPE #210 /LKO

5/04/2015 Exhibits - Trial/Hearing Event ID: 000787 E-Filed: N
EXHIBIT ENVELOPE # 20 C-TR-9 FOR TRIAL DATE 5 4 15 /LKO

5/04/2015 Minute Order (print) Event ID: 000788 E-Filed: N
JURY TRIAL DAY 60
MAY 4, 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. THE PEOPLE REQUEST AN EXTENSION TO FILE A
REPORT FROM ONE OF THEIR EXPERTS, DR. PHILLIP RESNICK. MR. ORMAN TENDERS
A LETTER TO THE COURT FROM DR. RESNICK REGARDING HIS INABILITY TO
COMPLETE A REPORT BY THE DEADLINE SET IN ORDER P-123-A AND REQUESTING AN
ADDITIONAL TWO WEEKS TO PREPARE HIS REPORT. THE DEFENSE DOES NOT TAKE A
POSITION. THE COURT GRANTS THE PEOPLE'S REQUEST AND THE PEOPLE TENDER A
COPY OF DR. RESNICK'S LETTER TO THE COURT, WHICH IS ADMITTED AS EXHIBIT
C-TR-9. THE PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING
EXHIBITS ARE ADMITTED: P-TR-1079, D-TR-1, P-TR-1093A, P-TR-1093B, P-TR-
4742, AND P-TR-4830 THE COURT INFORMS THE PARTIES THAT JUROR 872 BROKE A
TOOTH AND IS IN SIGNIFICANT PAIN. THE COURT WILL TAKE AN EXTENDED LUNCH
BREAK TO ALLOW HER TO VISIT THE DENTIST. THE DEFENSE MAKES A FURTHER
RECORD REGARDING THE ADMISSIBILITY OF EVIDENCE OF THE NATURE, CHARACTER,
EXTENT, AND SEVERITY OF INJURIES SUSTAINED BY THE SURVIVING LISTED
VICTIMS. THE PEOPLE RESPOND. THE DEFENSE IS NOT ABLE TO TELL THE COURT
WHERE IT BELIEVES THE ADMISSIBILITY LINE SHOULD BE DRAWN. THE COURT
ELABORATES ON ITS RULING. THE DEFENSE ALSO ARGUES ABOUT TESTIMONY FROM
WITNESSES REGARDING KNOWLEDGE OF GUNS AND PERSONAL MILITARY BACKGROUND.
THE COURT INFORMS THE DEFENSE THAT OBJECTIONS TO EVIDENCE BELIEVED TO BE
CUMULATIVE OR OTHERWISE INADMISSIBLE (UNDER CRE 401, 402, AND 403) MUST
BE MADE IN A TIMELY MANNER. THE COURT WILL RULE ON OBJECTIONS AS THEY
ARE MADE. THIS OBJECTION HAS NOT BEEN RAISED BEFORE.
IN THE AFTERNOON SESSION: THE PROSECUTION CALLS WITNESSES TO TESTIFY AND

THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-539, P-TR-539A, P-TR-1105, P-TR-4518, P-TR-2660, P-TR-2661, P-TR-1104, P-TR-339, P-TR-718, P-TR-719, P-TR-720, P-TR-721, P-TR- 722, P-TR-723, AND P-TR-789.

OUTSIDE THE PRESENCE OF THE JURY, THE PEOPLE REQUEST THAT THE COURT SLIGHTLY MODIFY ITS DECORUM ORDER AS IT PERTAINS TO THE OVERFLOW ROOMS TO ALLOW PEOPLE TO COME AND GO FROM THOSE ROOMS AT TIMES OTHER THAN DURING A RECESS. THE DEFENSE AGREES WITH THE REQUEST AND THE REQUEST IS GRANTED. THE DEFENSE GIVES THE COURT NOTICE THAT THEY WILL BE OBJECTING TO A TRANSCRIPT OF AN AUDIO RECORDED INTERVIEW THAT THE PEOPLE INTEND TO INTRODUCE DURING SPECIAL AGENT GUMBINNER'S TESTIMONY TOMORROW. THE PEOPLE TENDER A COPY OF THE TRANSCRIPT AND A COPY OF THE CD, LABELED AS P-TR-1023A AND P-TR-1023B, TO THE COURT FOR ITS REVIEW THIS EVENING. THE COURT WILL GIVE THE PARTIES ITS RULING TOMORROW MORNING. /AG

5/05/2015 Order Event ID: 000789 E-Filed: N
THE COURT ENTERS ORDER SUPPLEMENTING THE COURT'S RULING RELATED TO EVIDENCE OF THE NATURE, CHARACTER, EXTENT, AND SEVERITY OF THE SURVIVING VICTIMS' INJURIES (C-200). 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.

5/05/2015 Minute Order (print) Event ID: 000790 E-Filed: N
JURY TRIAL DAY 61
MAY 5, 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. THE COURT MAKES A RECORD ABOUT THE OBJECTION RAISED BY THE DEFENSE YESTERDAY TO THE PEOPLE'S TRANSCRIPT CORRESPONDING TO AN AUDIO RECORDING THAT WILL BE OFFERED THROUGH AGENT GUMBINNER'S ANTICIPATED TESTIMONY TODAY. THE PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-4514, P-TR-4515, P-TR-1108, P-TR-4509, P-TR-4513, P-TR-1107, P-TR-2984, P-TR-2985, P-TR-2986, P-TR-2987, P-TR-2176, P-TR-2180, P-TR-2182, P-TR-2183, P-TR-4856, P-TR-4857, P-TR-4858, P-TR-4859, P-TR-4860, P-TR-3951, P-TR-4138, P-TR-4143, P-TR-4144, P-TR-4145, P-TR-4156, P-TR-4148, P-TR-4162, P-TR-4163, P-TR-1023A, P-TR-1023B, D-TR-2, D-TR-3, D-TR-4, D-TR-5, AND D-TR-6. EXHIBIT P-TR-4585 WAS OFFERED BUT NOT ADMITTED. IN THE AFTERNOON SESSION, THE COURT ASKS THE PARTIES IF THEY HAVE A POSITION ON PROVIDING THE TRANSCRIPT (P-TR-1023B) TO THE MEDIA. THE PEOPLE HAVE NO POSITION. THE DEFENSE OBJECTS BECAUSE THE TRANSCRIPT WAS NOT PUBLISHED ON THE SCREENS IN THE COURTROOM. THE COURT DEFERS RULING ON THIS ISSUE. THE PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-2549, P-TR-2550, P-TR-1117, P-TR-1195, P-TR-1200, D-TR-7, AND D-TR-8.
THE COURT MAKES A RECORD THAT, OVER THE DEFENSE'S OBJECTION, IT WILL PROVIDE TO THE MEDIA A COPY OF THE TRANSCRIPT CORRESPONDING TO THE AUDIO RECORDING PLAYED IN COURT EARLIER TODAY (P-TR-1023B). THE PEOPLE REQUEST TO HAVE DETECTIVE APPEL MEASURE POINTS IN THE COURTROOM AND LATER HAVE AN OPPORTUNITY TO TESTIFY ABOUT THOSE DISTANCES IN ORDER TO CLARIFY PAST TESTIMONY OF WITNESSES WHO HAVE REFERENCED DISTANCES OF POINTS IN THE COURTROOM. THE DEFENSE HAS NO OBJECTION AND THE COURT GRANTS THE REQUEST. THE PEOPLE MAKE A RECORD THAT THEY RECEIVED SUPPLEMENTAL

SENTENCING HEARING DISCLOSURES FROM THE DEFENSE THIS MORNING. THE PEOPLE DO NOT OBJECT TO THE LATE DISCLOSURES, BUT ARGUE THAT THE COURT SHOULD CONSIDER THE DEFENSES LATE DISCLOSURES WHEN IT RULES ON THE DEFENDANT'S MOTION TO EXCLUDE LATE-DISCLOSED VICTIM IMPACT EVIDENCE VIDEOS. THE DEFENSE DISAGREES THAT ITS LATE DISCLOSURES SHOULD BE CONSIDERED BY THE COURT BECAUSE MITIGATION EVIDENCE IS DIFFERENT FROM VICTIM IMPACT EVIDENCE. /JRZ

5/06/2015 Minute Order (print)
JURY TRIAL DAY 62
MAY 6, 2015

Event ID: 000792 E-Filed: N

JUDGE SAMOUR

REPORTER: TROYANEK 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:

THE COURT ADVISES THE PARTIES THAT AS THE JURY WAS EXITING THE COURTROOM YESTERDAY, JUROR 527 MADE A STATEMENT TO ONE OF THE BAILIFFS THAT THE JURY DID NOT SEE AN ADMITTED EXHIBIT. THE JUROR MADE THIS COMMENT BEFORE THE BAILIFF COULD STOP HIM. WITHOUT OBJECTION, THE COURT WILL INSTRUCT THE JURORS THAT NOT ALL EXHIBITS WILL BE PUBLISHED AS THEY ARE BEING ADMITTED, BUT THE JURORS WILL HAVE AN OPPORTUNITY TO REVIEW THEM DURING DELIBERATIONS. OUTSIDE THE PRESENCE OF THE JURY, THE DEFENSE OBJECTS TO THE ADMISSION OF P-TR-1231, AN EXHIBIT THE PEOPLE PLAN TO INTRODUCE DURING THE TESTIMONY OF THE NEXT WITNESS. THE DEFENSE ALSO OBJECTS TO SPECIFIC SLIDES WITHIN THAT EXHIBIT. BOTH OBJECTIONS ARE OVERRULED. THE PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-1201, P-TR-1231, P-TR-1197, P-TR-1199, P-TR-1196, P-TR-1203, AND P-TR-1204, D-TR-9.

AFTER THE MORNING BREAK, JUROR 557 SPEAKS WITH THE JUDGE OUTSIDE THE PRESENCE OF THE OTHER JURORS. ONE OF THE JUROR'S FAMILY MEMBERS HAS BEEN ADMITTED TO AURORA SOUTH HOSPITAL. JUROR 557 WANTS GUIDANCE FROM THE COURT REGARDING WHETHER SHE CAN VISIT HER RELATIVE SINCE SOME OF THE VICTIMS IN THIS CASE WERE TREATED AT THAT HOSPITAL. WITHOUT OBJECTION, JUROR 557 IS ALLOWED TO VISIT HER FAMILY MEMBER AND IS INSTRUCTED THAT SHE CANNOT DO ANY INVESTIGATION RELATED TO THE CASE DURING HER VISITS.

AFTERNOON:

THE DEFENDANT AND THE SAME ATTORNEYS ARE PRESENT.

JUROR 267 SPEAKS WITH THE JUDGE OUTSIDE THE PRESENCE OF THE OTHER JURORS. A PROSECUTION WITNESS WHO TESTIFIED YESTERDAY RECOGNIZED THE JUROR AS AN EMPLOYEE OF THE SCHOOL THE WITNESS'S SON ATTENDS. JUROR 267 CONFIRMS THAT SHE RECOGNIZED THE WITNESS AND THAT SHE HAS HAD SOME INTERACTION WITH THE WITNESS AND THE WITNESS'S SON IN THE PAST. SHE SPOKE ABOUT SOME STUDENTS IN HER SCHOOL BEING INVOLVED IN THE SHOOTING. BASED ON THE RECORD MADE AT THE BENCH, THE COURT TAKES NO ACTION WITH RESPECT TO JUROR 267 AT THIS TIME. JUROR 737 SPEAKS WITH THE JUDGE OUTSIDE THE PRESENCE OF THE OTHER JURORS ABOUT HIS KNOWLEDGE OF A PROSECUTION WITNESS. JUROR 737 STATES THAT HE RECOGNIZES THE PROSECUTION WITNESS WHO JUST TOOK THE STAND; HE HAS RECENTLY BECOME FRIENDS WITH THE WITNESS AND THE WITNESS'S WIFE AND HAS HAD BUSINESS DEALINGS WITH THE WITNESS. NEITHER PARTY ASKS THE COURT TO RELEASE THE JUROR. BASED ON THE RECORD MADE, THE COURT ADVISES JUROR 737 THAT HE CAN HAVE NO CONTACT WITH THE WITNESS OR HIS WIFE DURING THE TRIAL. THE COURT TAKES NO FURTHER ACTION WITH RESPECT TO

JUROR 737 AT THIS TIME. AT THE REQUEST OF THE DEFENSE, THE COURT WILL FOLLOW UP WITH JUROR 737 AFTER THE WITNESS'S TESTIMONY. THE PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-1123, P-TR-638, P-TR-1155, P-TR-2653, P-TR-306, P-TR-2109, AND P-TR-2132. THE DEFENSE OBJECTS TO P-TR-306 WHICH BRIEFLY SHOWS A BLOODY BACK BOARD WITHIN THE FIRST 20 SECONDS OF THE VIDEO. THE COURT WATCHES THE BEGINNING OF THE VIDEO IN CHAMBERS AND OVERRULES THE OBJECTION. P-TR-306 IS ADMITTED. AFTER THE AFTERNOON BREAK, THE COURT FOLLOWS UP WITH JUROR 737. NEITHER PARTY IS ASKING TO HAVE THE JUROR RELEASED. FURTHER, THE TESTIMONY OF THE WITNESS WAS BRIEF, UNEMOTIONAL, AND, PER THE DEFENSE'S OPENING STATEMENT, GENERALLY UNCONTESTED (NONE OF THE VICTIMS, INCLUDING THIS WITNESS, HAS BEEN CROSS-EXAMINED BY THE DEFENSE). THE COURT UNDERSTOOD THE COMMENTS FROM THE JUROR TO INDICATE THAT HE VIEWED THE TESTIMONY OF THE WITNESS AS BRIEF AND AS HAVING NO EMOTIONAL EFFECT ON HIM. THE COURT TAKES NO ACTION. AFTER THE JURY HAS BEEN DISMISSED FOR THE EVENING, THE PEOPLE ADVISE THE COURT THAT YESTERDAY THEY RECEIVED A NEW REPORT FROM A DEFENSE EXPERT. THE PEOPLE NEED TO PROVIDE THIS REPORT TO THEIR EXPERTS TO SEE IF THE PEOPLE'S CASE WILL BE PREJUDICED BY THE LATE DISCLOSURE. THE PEOPLE MAY FILE A MOTION TO PRECLUDE THE DEFENSE EXPERT'S TESTIMONY AT A LATER DATE.

/AG

End of Case: 2012 CR 201522