

5/21/2015 Minute Order (print)  
JURY TRIAL DAY 72  
MAY 21, 2015

Event ID: 000809 E-Filed: N

JUDGE SAMOUR

REPORTER: K. RINK 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:

THE PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-733A, P-TR-733B, P-TR-733C, P-TR-733D, P-TR-734, P-TR-735, P-TR-737, P-TR-756, P-TR-757, P-TR-758, P-TR-759, P-TR-760, P-TR-761, P-TR-761A, P-TR-762, P-TR-762A, P-TR-763, P-TR-770, P-TR-771, P-TR-772, P-TR-773, P-TR-774, P-TR-775, P-TR-776, P-TR-778, P-TR-780, P-TR-781, P-TR-782, P-TR-783, P-TR-784, P-TR-790, P-TR-1084A, P-TR-1084B, P-TR-1084C, P-TR-1118, P-TR-1124, P-TR-1220, P-TR-1221, P-TR-2652, P-TR-2658, P-TR-4051, P-TR-4052, P-TR-4053, P-TR-4054, P-TR-4055, P-TR-4056, P-TR-4869, D-TR-18, D-TR-19, D-TR-20, D-TR-21, D-TR-22, AND C-TR-32.

THE PROSECUTION HAS MADE THE MODIFICATION TO DEMONSTRATIVE EXHIBIT P-TR-1087 THAT WAS ORDERED BY THE COURT YESTERDAY. WITHOUT OBJECTION, MR. ORMAN WILL TAKE PHOTOGRAPHS OF THE EXHIBIT NOW THAT IT HAS BEEN MODIFIED AND SUBMIT THE PHOTOGRAPHS AS A COURT EXHIBIT.

AFTERNOON SESSION:

THE PROSECUTION IS ALLOWED TO RECALL A WITNESS FROM THIS MORNING TO ASK A FOLLOW-UP QUESTION TO A QUESTION SUBMITTED BY A JUROR. THE COURT INFORMS THE PARTIES THAT THE COURT'S BAILIFFS NOTICED THAT JUROR 378 APPEARED TO BE ASLEEP DURING THE TESTIMONY OF THE LAST WITNESS CALLED DURING THE MORNING SESSION. THE COURT THEN NOTICED THAT HER HEAD SEEMED TO BE DOWN. WITHOUT OBJECTION, THE COURT TALKS TO JUROR 378 OUTSIDE THE PRESENCE OF THE OTHER JURORS. JUROR 378 ASSURES THE COURT THAT SHE HAS NOT SLEPT DURING THE TRIAL. NO ACTION IS REQUESTED OR TAKEN. OUTSIDE THE PRESENCE OF THE JURY, THE DEFENSE RAISES AN OBJECTION UNDER RULE 403 TO A MANNEQUIN THAT THE PROSECUTION INTENDS TO USE WITH THE CORONER, PARTICULARLY GIVEN THAT THE DEFENSE DOES NOT DISPUTE THE CAUSE OF THE DECEASED VICTIMS DEATHS. FOR THE REASONS STATED ON THE RECORD, THE OBJECTION IS OVERRULED. THE USE OF THE MANNEQUIN IS RELEVANT UNDER RULE 401 AS IT WILL ASSIST THE CORONER IN EXPLAINING HER TESTIMONY, AND THE PROBATIVE VALUE OF HER TESTIMONY IS NOT SUBSTANTIALLY OUTWEIGHED BY ANY OF THE DANGERS LISTED IN RULE 403. THE PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-1002, P-TR-1024, P-TR-1086, P-TR-1157, P-TR-1219, P-TR-2514, P-TR-2516, P-TR-2519, P-TR-2522, P-TR-2523, P-TR-2524, P-TR-2525, P-TR-2594, P-TR-2595, P-TR-2596, P-TR-2597, P-TR-2601, P-TR-2602, P-TR-2604, P-TR-2605, P-TR-2609, P-TR-2610, P-TR-2611, P-TR-2614, P-TR-2615, P-TR-2616, P-TR-2617, P-TR-2618, P-TR-2619, P-TR-2631, P-TR-2632, P-TR-2633, P-TR-2634, P-TR-2635, P-TR-2636, P-TR-2637, P-TR-2638, P-TR-3058, P-TR-3059, P-TR-3060, P-TR-3061, P-TR-3065, P-TR-3066, P-TR-3067, P-TR-3068, P-TR-3069, P-TR-3070, P-TR-3071, P-TR-3072, P-TR-3073, P-TR-3074, P-TR-3079, P-TR-3080, P-TR-3081, P-TR-3082, P-TR-3083, AND P-TR-3084.

THE COURT HAS COMPLETED AN IN CAMERA REVIEW OF THE DOCUMENTS PROVIDED BY THE UNIVERSITY OF COLORADO YESTERDAY. BASED ON THAT REVIEW, THE COURT PROVIDES MOST OF THE DOCUMENTS PRODUCED TO THE PROSECUTION. THE COURT WILL ISSUE A SHORT ORDER RELATED TO ITS IN CAMERA REVIEW TOMORROW.

THE COURT MAKES A FURTHER RECORD ABOUT JUROR 378. THE COURT HAD A CHANCE TO OBSERVE THE JUROR FURTHER THIS AFTERNOON, AND WHILE AT TIMES SHE DID HAVE HER HEAD DOWN, SHE APPEARED TO BE AWAKE AND ALERT. AS J. SAMOUR STOOD NEXT TO THE JURY DURING SOME OF THE PRESENTATION OF EVIDENCE, HE OBSERVED THAT WHEN THIS JUROR HAD HER HEAD DOWN, SHE WAS ACTUALLY LOOKING AT HER NOTEBOOK AND/OR WRITING. MR. BRAUCHLER MAKES A RECORD ABOUT THE STATUS OF SCHEDULING IN THIS CASE. THE PEOPLE BELIEVE THAT THEY ARE STILL ON TRACK TO FINISH ON SCHEDULE. MR. KING ASKS THAT THE DEFENSE BE NOTIFIED IF THE PEOPLE EXPECT TO FINISH EARLIER THAN ANTICIPATED BECAUSE THAT WILL IMPACT THE SCHEDULING OF THE DEFENSE'S WITNESSES. AT THIS POINT, THE DEFENSE IS PREPARED TO BEGIN ITS CASE ON JULY 1. THE PEOPLE BELIEVE IT MAKES SENSE FOR DEFENSE TO PLAN TO BEGIN ITS CASE ON MONDAY, JUNE 29. HOWEVER, THE PEOPLE WILL BE ABLE TO MAKE A BETTER ASSESSMENT AT THE END OF TWO MORE WEEKS. FOR NOW, THE DEFENSE SHOULD PLAN ON BEGINNING ITS CASE SOMETIME BETWEEN JUNE 23 AND JUNE 29. /AG

5/22/2015 Order Event ID: 000806 E-Filed: N  
THE COURT ENTERS ORDER REGARDING IN CAMERA REVIEW OF UNIVERSITY OF COLORADO RECORDS (C-202). 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.

5/22/2015 Filing Other Event ID: 000807 E-Filed: N  
ATTACHMENT TO ORDER (C-202) SUPPRESSED ENVELOPE #213 /LKO

5/22/2015 Filing Other Event ID: 000808 E-Filed: N  
RECORDS PRODUCED BY THE UNIVERSITY OF COLORADO ON 5 20 2015 DESIGNATED C-203 SEALED ENVELOPE #214 /LKO

5/27/2015 Order Event ID: 000810 E-Filed: N  
THE COURT ENTERS ORDER REGARDING DEFENDANT'S ORAL MOTION TO EXCLUDE VICTIM IMPACT VIDEOS (C-204). 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

5/27/2015 Filing Other Event ID: 000811 E-Filed: N  
ATTACHMENT TO ORDER (C-204) SUPPRESSED ENVELOPE #215 /LKO

5/27/2015 Minute Order (print) Event ID: 000812 E-Filed: N  
JURY TRIAL - DAY 74  
MAY 27, 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 FURTHER RECORD REGARDING RULINGS ON TWO OF THE DEFENDANT'S OBJECTIONS DURING TESTIMONY YESTERDAY. IN ADDITION, THE COURT ADDRESSES SOME HOUSEKEEPING ISSUES RELATED TO SCHEDULING. THE PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE

ADMITTED: P-TR-1222, P-TR-4870, P-TR-798, P-TR-799, P-TR-801, P-TR-802, P-TR-803, P-TR-804, P-TR-805, P-TR-806, P-TR-807, P-TR-808, P-TR-809, P-TR-810, P-TR-811, P-TR-813, P-TR-814, P-TR-815, P-TR-816, P-TR-838, P-TR-4855, P-TR-1181, P-TR-2555 AND P-TR-4660. THE COURT AND THE PARTIES DISCUSS THE PROCEDURE FOR PUBLISHING DR. REID'S VIDEOTAPED INTERVIEW OF THE DEFENDANT, WHICH THE PROSECUTION ANTICIPATES WILL BE OFFERED INTO EVIDENCE TOMORROW. THE PEOPLE WOULD LIKE TO PLAY ALL 22 HOURS OF THE VIDEOTAPED INTERVIEW, BUT WOULD LIKE TO INTERMITTENTLY INTERRUPT THE VIDEO TO ASK DR. REID QUESTIONS. THE DEFENSE OBJECTS TO BREAKING UP THE PUBLICATION OF THE VIDEO. THE DEFENSE BELIEVES THE VIDEO SHOULD BE PLAYED FROM START TO FINISH AND THEN THE PROSECUTION CAN DO ITS DIRECT-EXAMINATION. ALTERNATIVELY, THE DEFENSE ASKS FOR LEAVE TO CROSS-EXAMINE DR. REID AS EACH SEGMENT OF THE INTERVIEW IS PLAYED AND THE PEOPLE QUESTION DR. REID. THE COURT TAKES THE MATTER UNDER ADVISEMENT.

AFTERNOON SESSION:

THE COURT MAKES A RECORD THAT ATTACHED TO EXHIBIT P-TR-799 WAS P-TR-800, WHICH WAS NOT ADMITTED THIS MORNING. THE PEOPLE STATE THAT THIS WAS IN ERROR AND MOVE TO ADMIT P-TR-800. THE DEFENSE OBJECTS. THE PEOPLE REMOVE P-TR-800 AND WILL RETAIN CUSTODY OF IT UNTIL THEY MOVE TO ADMIT IT AT A LATER TIME. THE COURT RULES ON THE PROSECUTION'S REQUESTED PROCEDURE FOR PRESENTING DR. REID'S VIDEOTAPED INTERVIEW OF THE DEFENDANT. THE COURT RULES THAT THE PROSECUTION IS NOT REQUIRED TO PLAY THE VIDEO IN ITS ENTIRETY WITHOUT INTERRUPTION. THE COURT ALSO REJECTS THE DEFENSES ALTERNATIVE REQUEST THAT IT BE ALLOWED TO CROSS-EXAMINE DR. REID AFTER EACH SEGMENT OF THE VIDEO IS PUBLISHED. THE PROSECUTION MAY INTERRUPT THE PUBLICATION OF THE VIDEO TO ASK DR. REID QUESTIONS AND THE PROSECUTION IS ENTITLED TO COMPLETE ITS DIRECT-EXAMINATION OF DR. REID WITHOUT INTERRUPTION. THE PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-1111, P-TR-4519, P-TR-380, P-TR-1076, P-TR-3031, P-TR-3032, P-TR-1223, P-TR-4529, AND P-TR-4530. THE COURT MAKES AN ADDITIONAL RECORD REGARDING AN OBJECTION TO P-TR-1076. THE PEOPLE HAVE MADE THE REDACTIONS ON PAGES 9 AND 10 OF THE EXHIBIT. THE ORIGINAL UNREDACTED P-TR-1076 WILL BE MARKED AS A COURT EXHIBIT, C-TR-35. THE COURT TALKS TO JUROR 329 OUTSIDE THE PRESENCE OF THE OTHER JURORS. JUROR 329 GAVE THE COURT A NOTE INDICATING THAT SHE KNOWS A WITNESS WHO IS TESTIFYING THIS AFTERNOON. THE NOTE IS MARKED AS A COURT EXHIBIT, C-TR-36. NEITHER PARTY ASKS THE COURT TO TAKE ANY ACTION AT THIS TIME AND NONE IS TAKEN. THE PEOPLE MARK EXHIBIT P-TR-1126, WHICH THE COURT DECLINE TO ADMIT INTO EVIDENCE, AS C-TR-37. /JRZ

End of Case: 2012 CR 201522