

5/28/2015 Request Filed Event ID: 000813 E-Filed: N  
REQUEST FOR TRANSCRIPT RECEIVED FROM TAMARA BRADY,  
[TAMARA.BRADY@COLORADODEFENDERS.US](mailto:TAMARA.BRADY@COLORADODEFENDERS.US), 303-764-1400, FOR WILLIAM REID'S TRIAL  
TESTIMONY. REQUEST RECEIVED BY J. MARTIN AND FORWARDED TO C. TROYANEK  
FOR TRANSCRIPT PREPARATION. /JEM

5/28/2015 Minute Order (print) Event ID: 000815 E-Filed: N  
JURY TRIAL - DAY 75  
MAY 28, 2015

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 SESSION:  
THE COURT MAKES A RECORD THAT IT SKIPPED NUMBER 154 WHEN NUMBERING JUROR  
QUESTION FORMS. THE COURT HAS NUMBERED A BLANK JUROR QUESTION FORM 154 TO  
INDICATE THAT THE NUMBER WAS INADVERTENTLY SKIPPED. THE COURT ALSO MAKES  
A RECORD THAT YESTERDAY IT INADVERTENTLY NUMBERED TWO JUROR QUESTION  
FORMS AS 160. THE COURT HAS RENUMBERED THE QUESTION FORM SUBMITTED  
DURING THE LAST WITNESS'S TESTIMONY AS JUROR QUESTION FORM 161.  
FOR THE REASONS STATED ON THE RECORD, THE COURT STANDS BY ITS RULING  
YESTERDAY REQUIRING THE PEOPLE TO REDACT FROM P-TR-1076 THE DEFENDANT'S  
DECLARATION THAT HE WAS AGNOSTIC. THE PEOPLE INFORM THE COURT THEY HAVE  
24 REDACTED COPIES OF P-TR-1076 FOR PUBLICATION TO THE JURY. A COPY OF  
P-TR-1076 IS PUBLISHED TO EACH JUROR WHEN THE JURY RETURNS TO THE  
COURTROOM. THE DEFENSE HAS RECEIVED A REDACTED COPY OF THE VIDEOTAPE OF  
THE DEFENDANT'S INTERVIEW WITH DR. REID THAT WILL BE INTRODUCED TODAY BY  
THE PEOPLE AND THE DEFENSE BELIEVES THE REDACTIONS COMPORT WITH THE  
COURT'S ORDERS. THE DEFENSE NOTIFIES THE COURT THAT IT WILL OBJECT TO  
THE INTRODUCTION OF DR. REID'S REPORT. THE COURT WILL ALLOW THE DEFENSE  
TO MAKE A RECORD OUTSIDE THE PRESENCE OF THE JURY IF THE REPORT IS  
OFFERED INTO EVIDENCE. THE COURT MAKES A RECORD REGARDING A QUESTION THE  
PEOPLE ASKED SOME WITNESSES YESTERDAY (AND WHICH THE PEOPLE HAVE ASKED OF  
MULTIPLE WITNESSES BEFORE YESTERDAY) REGARDING WHETHER THE DEFENDANT  
APPEARED DETACHED FROM REALITY. UNTIL YESTERDAY, THE DEFENSE HAD NOT  
OBJECTED TO THE QUESTION. THE COURT OVERRULED THE DEFENSE'S OBJECTION TO  
THE QUESTION TWICE YESTERDAY. THE COURT HAS THOUGHT MORE ABOUT THIS  
ISSUE, AND BECAUSE THE COURT IS A LITTLE CONCERNED THAT JURORS MAY BE  
INTERPRETING THE QUESTION DIFFERENTLY THAN THE COURT, THE COURT PROPOSES  
READING A CAUTIONARY INSTRUCTION TO THE JURORS RELATED TO THIS QUESTION  
AND THE RESPONSES TO THE QUESTION. THE COURT WANTS TO MAKE SURE THAT THE  
JURY DOES NOT MISUNDERSTAND THE RESPONSES TO THE QUESTIONS TO BE OPINIONS  
OR COMMENTS ON THE DEFENDANT'S SANITY, BUT RATHER MERELY OBSERVATIONS  
RELATED TO THE DEFENDANT'S BEHAVIOR OR Demeanor. THE PARTIES DO NOT  
OBJECT AND THE CAUTIONARY INSTRUCTION IS READ TO THE JURORS WHEN THEY ARE  
IN THE COURTROOM. THE DEFENSE GIVES THE COURT PROPOSED DEFENSE TENDERED  
INSTRUCTION NUMBER 1 REGARDING THE DEMONSTRATIVE EXHIBIT, P-TR-1087. A  
COPY IS GIVEN TO THE PEOPLE. THE COURT WILL GIVE THE PEOPLE AN  
OPPORTUNITY TO RESPOND TO THE PROPOSED INSTRUCTION AT A LATER TIME. THE  
COURT TALKS TO JUROR 706 OUTSIDE THE PRESENCE OF THE OTHER JURORS. SHE  
INFORMS THE COURT THAT SHE MAY NEED MORE FREQUENT BREAKS TODAY. THE  
COURT WILL ACCOMMODATE HER. THE PROSECUTION CALLS WITNESSES TO TESTIFY  
AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-1225, P-TR-2569, P-TR-

4636, P-TR-1178, P-TR-2562, P-TR-2563, P-TR-367, P-TR-1081A, P-TR-1081B, AND P-TR-1224.

AFTERNOON SESSION:

THE COURT MAKES A RECORD REGARDING A MOTION TO STRIKE AND A MOTION FOR MISTRIAL MADE BY THE DEFENSE DURING A BENCH CONFERENCE TO AN ANSWER PROVIDED BY DR. REID. FOR THE REASONS STATED ON THE RECORD, THE COURT FINDS THAT THERE HAS NOT BEEN A VIOLATION OF ORDER D-246 AND THERE HAS BEEN NO IMPROPER TESTIMONY. THEREFORE, THE DEFENDANT'S MOTION TO STRIKE DR. REID'S ANSWER IS DENIED AND THE DEFENDANT'S MOTION FOR A MISTRIAL IS DENIED. HOWEVER, THE COURT CAUTIONS THE PROSECUTION THAT IT SHOULD FRAME FUTURE QUESTIONS AND IT SHOULD INSTRUCT ITS EXPERT WITNESSES TO FRAME FUTURE TESTIMONY IN TERMS OF THE DEFENDANT'S CAPACITY TO DISTINGUISH RIGHT FROM WRONG AND/OR TO FORM A CULPABLE MENTAL STATE REQUIRED BY A CRIME CHARGED. THE COURT ALSO ASKS THE PROSECUTION TO CLARIFY THE ANSWER PROVIDED BY DR. REID EARLIER SO THE JURY IS NOT CONFUSED. THE DEFENSE NOW RAISES AN ADDITIONAL ISSUE WITH RESPECT TO A DIFFERENT QUESTION WHICH THE DEFENSE IS CONCERNED MAY ALLOW THE JURY TO INFER AN INCORRECT DEFINITION OF INCAPABLE OF DISTINGUISHING RIGHT FROM WRONG. THE DEFENSE ASKS THE COURT TO INSTRUCT THE JURY ON THE CORRECT DEFINITION UNDER THE LAW. WITHOUT OBJECTION FROM THE PROSECUTION, THE COURT AGREES TO DO SO AND GIVES THE JURY THE DEFINITION OF INCAPABLE OF DISTINGUISHING RIGHT FROM WRONG SET FORTH IN PEOPLE V. SERRAVO, 823 P.2D 128 (COLO. 1992). WITHOUT OBJECTION, THE COURT PREFACES THAT DEFINITION BY READING (AGAIN) THE LEGAL TEST FOR INSANITY IN COLORADO. DR. REID RESUMES HIS TESTIMONY AND EXHIBIT P-TR-1003 IS ADMITTED. THE COURT ASKS THE PARTIES IF THEY WANT THE COURT TO GIVE THE JURY A LIMITING INSTRUCTION REGARDING REDACTIONS TO THE VIDEOTAPED INTERVIEW OF THE DEFENDANT BY DR. REID SINCE DR. REID MENTIONED IN HIS TESTIMONY THAT THE VIDEO HAS BEEN REDACTED. THE DEFENSE DOES NOT WANT AN INSTRUCTION REGARDING REDACTIONS, BUT ASKS THAT DR. REID AND ANY OTHER WITNESSES BE INSTRUCTED TO REFRAIN FROM MENTIONING THAT A VIDEO OR EXHIBIT HAS BEEN REDACTED. THE PEOPLE HAVE NO OBJECTION TO THAT REQUEST. THAT REQUEST IS GRANTED. MR. ORMAN ADVISES THE COURT THAT THE PEOPLE HAVE PROVIDED THE DEFENSE A REBUTTAL REPORT FROM DR. RESNICK, BUT DR. WELNER IS ASKING FOR AN ADDITIONAL FOUR DAYS TO COMPLETE HIS REBUTTAL REPORT. THE CURRENT DEADLINE FOR THE REPORT IS MAY 31, 2015. FOR THE REASONS STATED ON THE RECORD, THE REQUEST IS GRANTED OVER THE DEFENSE'S OBJECTION. THE DEADLINE FOR DR. WELNER'S REPORT IS NOW JUNE 4.

5/29/2015 Minute Order (print)

Event ID: 000817 E-Filed: N

JURY TRIAL - DAY 76

MAY 29, 2015

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.

THE COURT ASKS THE PARTIES WHAT THEY WOULD LIKE TO DO WITH THE 24 EXTRA COPIES OF VARIOUS EXHIBITS THAT HAVE BEEN USED TO EXPEDITE PUBLICATION TO THE JURY. NEITHER PARTY OPPOSES THE PROCEDURE SUGGESTED BY THE COURT-TO RETURN THE EXTRA COPIES TO THE PEOPLE. THE COURT WILL KEEP THE ORIGINAL EXHIBITS AND RETURN THE COPIES TO THE PEOPLE TODAY. THE PROSECUTION CALLS A WITNESS TO TESTIFY AND EXHIBITS P-TR-1004 AND P-TR-1005 ARE ADMITTED. THE COURT MAKES A RECORD THAT JUROR 378 APPEARS TO HAVE BEEN

ALERT, AWAKE, AND PAYING ATTENTION SINCE THE COURT SPOKE TO HER OUTSIDE THE PRESENCE OF THE OTHER JURORS ABOUT A WEEK AGO. AT TIMES, HER HEAD IS DOWN, BUT SHE IS NOT SLEEPING. SHE IS READING OR WRITING THINGS IN HER NOTEBOOK. THIS OBSERVATION IS CONSISTENT WITH WHAT JUROR 378 TOLD THE COURT DURING THE CONVERSATION FROM A WEEK AGO.

THE COURT MAKES A RECORD REGARDING DEFENSE TENDERED INSTRUCTION NUMBER 1. THE PEOPLE ASK FOR THE WEEKEND TO CONSIDER IT. THE COURT WILL ADDRESS IT ON MONDAY. THE COURT EARLIER OFFERED THE DEFENSE TO GIVE THE JURY AN INSTRUCTION REGARDING REDACTIONS TO THE VIDEOTAPED INTERVIEW OF THE DEFENDANT BY DR. REID. THE COURT NOW READS INTO THE RECORD A SAMPLE INSTRUCTION REGARDING REDACTIONS IT WOULD BE HAPPY TO GIVE THE JURY. THE COURT ABSTAINS FROM DOING SO AT THE DEFENDANT'S REQUEST. THE COURT MAKES A RECORD THAT IT WOULD BE A GOOD IDEA FOR THE PARTIES AND THEIR EXPERT WITNESSES TO TAKE SOME TIME OVER THE WEEKEND TO REVIEW ITS ORDERS REGARDING MENTAL HEALTH EVIDENCE IN THIS CASE: D-250, D-241, D-246, D-248, AND D-264A-3. THE DEFENSE WOULD ADD TO THIS LIST ORDERS D-240 AND D-247, WHICH SIMILARLY RELATE TO MENTAL HEALTH EVIDENCE. /CMR

6/01/2015 Order Event ID: 000816 E-Filed: N  
THE COURT ENTERS ORDER AMENDING ORDER D-246 REGARDING DEFENDANTS MOTION TO STRIKE REPORT OF SECOND SANITY EXAMINER, OR ALTERNATIVELY, TO LIMIT THE OPINIONS AND TESTIMONY OF SECOND SANITY EXAMINER (D-246-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, AND CHRISTINA TAYLOR. /AG

6/01/2015 Minute Order (print) Event ID: 000818 E-Filed: N  
JURY TRIAL - DAY 77  
JUNE 1, 2015

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.  
THE COURT MAKES A RECORD REGARDING TWO PROPOSED INSTRUCTIONS IT HAS DRAFTED FOR THE PARTIES TO CONSIDER RELATED TO: (1) RULE 703; AND (2) ORDER D-241 REGARDING TESTIMONY BY MENTAL HEALTH EXPERTS ABOUT THE RELIABILITY OF INFORMATION PROVIDED BY THE DEFENDANT. THIS SECOND PROPOSED INSTRUCTION WOULD BE USED IN PLACE OF THE INSTRUCTION OUTLINED IN ORDER D-276. A COPY OF THE SECOND PROPOSED INSTRUCTION IS GIVEN TO THE PARTIES. THE DEFENSE WILL REVIEW THE PROPOSED INSTRUCTION AND LET THE COURT KNOW IF IT HAS ANY OBJECTIONS OR REVISIONS. THE LAST SEGMENT OF P-TR-1005, A VIDEO OF THE DEFENDANT'S INTERVIEW WITH DR. REID, IS PUBLISHED TO THE JURY. THE PROSECUTION CALLS A WITNESS TO TESTIFY AND EXHIBIT P-TR-1006 IS ADMITTED AND PUBLISHED TO THE JURY. EXHIBIT P-TR-1007 IS ALSO ADMITTED AND THE FIRST PORTION OF THE VIDEO IS PUBLISHED TO THE JURY. AFTER THE AFTERNOON BREAK, JUROR 901 ASKS TO SPEAK TO THE COURT OUTSIDE THE PRESENCE OF THE OTHER JURORS. JUROR 901 TELLS THE COURT THAT SOMEONE WHO WAS IN THE COURTROOM GALLERY THIS MORNING SPOKE TO HER AT LUNCHTIME (BY ASKING HER IF SHE WAS HOT AND INDICATING SHE JUST RETURNED FROM FLORIDA, WHERE IT IS REALLY HOT). JUROR 901 DID NOT ENGAGE IN A CONVERSATION AND WALKED AWAY FROM THE PERSON. JUROR 901 TELLS THE COURT THE PERSON WHO SPOKE TO HER IS NOT IN THE COURTROOM AFTER THE BREAK, BUT THAT SHE WAS IN THE COURTROOM BEFORE THE BREAK. SHE WILL LET

THE COURT'S STAFF KNOW IF SHE SEES THE PERSON IN THE COURTROOM AT A LATER TIME. AT THE END OF THE DAY, THE COURT MAKES A RECORD THAT THE COURT'S PUBLIC INFORMATION OFFICER RECEIVED AN EMAIL FROM A MEMBER OF THE MEDIA, WHO IDENTIFIES HERSELF AS THE WOMAN WHO SPOKE TO JUROR 901 IN LINE AT THE CAFETERIA AT LUNCH TIME TODAY. SHE DID NOT REALIZE THAT JUROR 901 WAS A JUROR IN THIS CASE. NO FURTHER ACTION IS REQUESTED OR TAKEN. THE PEOPLE MAKE A RECORD REGARDING PROPOSED DEFENSE INSTRUCTION NO. 1. THE PEOPLE DO NOT OBJECT TO THE FIRST PARAGRAPH OF THE PROPOSED INSTRUCTION, BUT OBJECT TO THE SECOND PARAGRAPH OF THE PROPOSED INSTRUCTION BECAUSE THEY ARE REQUESTING THAT THE DEMONSTRATIVE MODEL, P-TR-1087, BE ADMITTED INTO EVIDENCE. THE COURT GRANTS THE DEFENSE'S REQUEST FOR MORE TIME TO RESPOND. /CMR

6/02/2015 Minute Order (print)  
JURY TRIAL - DAY 78  
JUNE 2, 2015

Event ID: 000819 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.

THE PEOPLE MAKE A RECORD THAT THEY HAVE MARKED ORIGINAL COPIES WITHOUT ENHANCED SOUND QUALITY OF P-TR-1006 AND P-TR-1007 AS COURT EXHIBITS.

P-TR-1006 IS MARKED AS C-TR-38 AND P-TR-1007 IS MARKED AS C-TR-39.

MS. NELSON ADDRESSES THE COURT'S SUGGESTED LIMITING INSTRUCTION REGARDING ORDERS D-241 AND D-246. THE COURT ADOPTS THE DEFENSE'S SUGGESTIONS AND ASKS THE PARTIES TO INDICATE WHEN THEY WANT THE INSTRUCTION READ TO THE JURY. THE PROSECUTION CALLS A WITNESS TO TESTIFY AND EXHIBITS P-TR-1008 AND P-TR-1009 ARE ADMITTED. THE PEOPLE MAKE A RECORD THAT THEY HAVE MARKED ORIGINAL COPIES WITHOUT ENHANCED SOUND QUALITY OF P-TR-1008 AND P-TR-1009 AS COURT EXHIBITS. P-TR-1008 IS LABELED AS C-TR-40 AND P-TR-1009 IS LABELED AS C-TR-41. THE COURT RECEIVED A NOTE FROM JUROR 901 REGARDING THE PERSON WHO SPOKE TO HER IN THE CAFETERIA YESTERDAY. THE NOTE IS LABELED AS C-TR-42. THE COURT TALKS TO HER OUTSIDE THE PRESENCE OF THE OTHER JURORS. THE COURT NOTIFIES JUROR 901 THAT THE PERSON WHO TALKED TO HER WAS NOT ASSOCIATED WITH EITHER THE PROSECUTION OR THE DEFENSE. THE COURT PROPOSES AN EXTENDED INSTRUCTION TO THE JURY REGARDING DR. REID'S RECORDED VIDEO TO FURTHER EXPLAIN WHAT THE ISSUES RAISED BY THE DEFENDANT'S PLEA OF NOT GUILTY BY REASON OF INSANITY REFER TO. NEITHER PARTY OBJECTS, AND THE COURT WILL READ THAT INSTRUCTION TO THE JURY. WHILE P-TR-1008 IS PLAYING, THE PEOPLE NOTIFY THE COURT THAT THEY JUST REALIZED THAT THEY FAILED TO MAKE REDACTIONS TO UPCOMING PORTIONS OF P-TR-1008 PURSUANT TO ORDER D-264A. THE DEFENSE MISSED THESE ERRORS WHEN IT REVIEWED THE DISC. THE DEFENSE ASKS TO RECESS FOR THE DAY SO THE PEOPLE CAN MAKE THE REDACTIONS AND THE DEFENSE CAN CHECK THE REDACTIONS. THE COURT WILL RECESS EARLY FOR THE DAY AND WILL MAKE UP THE TIME BY TAKING A ONE-HOUR LUNCH ON WEDNESDAY AND THURSDAY OF THIS WEEK. THE DEFENSE OBJECTS TO THE PEOPLE'S REQUEST YESTERDAY TO ADMIT P-TR-1087 AS A SUBSTANTIVE EXHIBIT. THIS IS THE PHYSICAL MODEL OF THE THEATRE. THE DEFENSE STANDS BY THEIR ARGUMENTS IN MOTION D-216 AND THE COURT'S RULINGS IN ORDER D-216. THE COURT TAKES THE MATTER UNDER ADVISEMENT. /CMR

End of Case: 2012 CR 201522