

6/03/2015 Minute Order (print)  
JURY TRIAL - DAY 79  
JUNE 3, 2015

Event ID: 000822 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 HAVE MADE THE NEEDED REDACTIONS TO P-TR-1008. THE DEFENSE HAS REVIEWED THE REDACTIONS AND AGREES THEY COMPORT WITH ORDER D-264A-3. THE REDACTED DISC IS ADMITTED AS P-TR-1008. THE UNREDACTED DISC THAT WAS ADMITTED AND PUBLISHED, IN PART, TO THE JURY YESTERDAY IS MARKED AS COURT EXHIBIT C-TR-43. THE DEFENSE MAKES A MOTION FOR A MISTRIAL BECAUSE THE JURY HAS SEEN THE DEFENDANT DISCUSS THE OFFENSES IN GREAT DETAIL IN P-TR-1008. FOR THE REASONS STATED ON THE RECORD, THE COURT DENIES THE MOTION FOR MISTRIAL. THE LAST SEGMENT OF P-TR-1008 IS PUBLISHED TO THE JURY. THE PROSECUTION CALLS A WITNESS TO TESTIFY AND EXHIBIT P-TR-1009 IS ADMITTED AND PUBLISHED TO THE JURY. EXHIBIT P-TR-1010 IS ALSO ADMITTED AND PUBLISHED TO THE JURY. THE UNENHANCED VERSION OF P-TR-1010 IS MARKED AS C-TR-44. AT THE END OF THE DAY, THE COURT SUSTAINS THE DEFENSE'S OBJECTION TO THE ADMISSION OF P-TR-1087, THE DEMONSTRATIVE MODEL OF THE THEATER, AS SUBSTANTIVE EVIDENCE IN THIS CASE. THE COURT HAS MADE REVISIONS TO BOTH PARAGRAPHS OF DEFENSE TENDERED INSTRUCTION 1, A CONTEMPORANEOUS INSTRUCTION RELATED TO P-TR-1087, BUT THE COURT'S PREFERENCE WOULD BE TO ONLY USE THE FIRST PARAGRAPH (AS REVISED). IF THE DEFENSE WANTS THE SECOND PARAGRAPH (AS REVISED) AS WELL, THE COURT WILL INCLUDE IT IN THE INSTRUCTION. THE COURT PROPOSES TWO COURSES OF ACTION: 1) READING ONLY PARAGRAPH 1, WITH THE COURT'S REVISIONS, TO THE JURY; OR 2) READING PARAGRAPHS ONE AND TWO, WITH THE COURT'S REVISIONS, TO THE JURY. THE COURT TENDERS COPIES OF THE REVISED INSTRUCTION TO BOTH PARTIES. WITHOUT WAIVING THE SUBMISSION OF TENDERED DEFENSE INSTRUCTION NUMBER 1, THE DEFENSE CHOOSES OPTION 2: HAVING BOTH MODIFIED PARAGRAPHS INCLUDED IN THE INSTRUCTION. THE COURT WILL GIVE THE PEOPLE TIME TO CONSIDER WHICH OPTION THEY PREFER.

6/04/2015 Minute Order (print)  
JURY TRIAL - DAY 80  
JUNE 4, 2015

Event ID: 000824 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 GIVE THE COURT A COPY OF AN ANTICIPATED EXHIBIT, P-TR-1227, WHICH CONTAINS EMAILS ASSOCIATED WITH THE DEFENDANT'S UNIVERSITY OF COLORADO EMAIL ACCOUNT. THE PEOPLE EXPECT THAT THE DEFENSE WILL OBJECT TO SOME, IF NOT ALL, OF THE EMAILS BEING OFFERED. THE DEFENSE WILL REVIEW THE EXHIBIT AND LET THE COURT KNOW WHICH EMAILS THEY WILL BE OBJECTING TO. THE PEOPLE ASKS PERMISSION TO HAVE DR. REID, OUTSIDE THE PRESENCE OF THE JURY, LAY THE FOUNDATION FOR 13 VIDEO CLIPS THAT WERE REDACTED FROM THE VIDEOS OF THE COURT-ORDERED EXAMINATION PURSUANT TO ORDER D-264A-3. THE PEOPLE MAY WANT TO PLAY THESE CLIPS IF THERE IS A SENTENCING PHASE. THE PEOPLE WOULD LIKE TO LAY THE FOUNDATION FOR THOSE 13 REDACTED CLIPS TODAY SO THAT DR. REID DOES NOT HAVE TO COME BACK TO TESTIFY. THE DEFENSE OBJECTS. FOR THE REASONS STATED ON THE RECORD, THE COURT DENIES THE PEOPLE'S REQUEST TO LAY THE FOUNDATION FOR THE REDACTED CLIPS TODAY. THE COURT DENIES THE DEFENSE'S REQUEST FOR LEAVE TO

FILE A WRITTEN PROFFER TO CLARIFY THEIR RECORD MADE YESTERDAY REGARDING THE DEFENSE'S REQUEST FOR A MISTRIAL. THE PEOPLE MAKE A RECORD THAT THEY HAVE MARKED THE ORIGINAL COPY WITHOUT ENHANCED SOUND QUALITY OF P-TR-1011 AS C-TR-45. THE PEOPLE CALL ONE WITNESS TO TESTIFY TODAY AND EXHIBIT P-TR-1011 IS ADMITTED INTO EVIDENCE. /CMR

6/05/2015 Notice Filed Event ID: 000820 E-Filed: N  
PEOPLES SUPPLEMENTAL NOTICE OF ENDORSEMENT SUPPRESSED FILING (P-126)  
STD 201 6 5 15 /JR

6/05/2015 Minute Order (print) Event ID: 000825 E-Filed: N  
JURY TRIAL - DAY 81  
JUNE 5, 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 DEFENSE MAKES A RECORD THAT A MEMBER OF THE PROSECUTION TEAM SENT A TWEET WHILE COURT WAS IN SESSION YESTERDAY. THE PROSECUTOR APOLOGIZES TO THE COURT AND DEFENSE COUNSEL, AND TELLS THE COURT THAT THE TWEET WAS AN INADVERTENT MISTAKE THAT WAS QUICKLY DELETED. THE COURT REMINDS THE PARTIES OF ITS ORDER THAT PROHIBITS THEM FROM TWEETING FROM THE COURTROOM. NO ACTION IS REQUESTED BY EITHER PARTY AND NO ACTION IS TAKEN BY THE COURT. THE TWEET IS MARKED AS A COURT EXHIBIT, C-TR-46. FOR THE REASONS STATED ON THE RECORD, THE COURT SUSTAINS THE PEOPLE'S OBJECTION TO DEFENSE COUNSEL'S REQUEST TO ADMIT INTO EVIDENCE DISCS CONTAINING VIDEO CLIPS FROM DR. REID'S EVALUATION WHICH THEY MAY PLAY DURING CROSS-EXAMINATION OF DR. REID. THE DEFENSE MAY PLAY THE VIDEO CLIPS DURING A WITNESS'S EXAMINATION WITHOUT OBJECTION. HOWEVER, THOSE DISCS ARE CUMULATIVE OF THE VIDEO RECORDING OF THE EXAMINATION ALREADY ADMITTED. THEREFORE, THE REQUEST BY THE DEFENSE TO ADMIT THE VIDEO CLIPS INTO EVIDENCE IS DENIED. A WITNESS IS CALLED TO TESTIFY AND EXHIBIT D-TR-25 IS ADMITTED. AFTER THE LUNCH BREAK, THE COURT HEARS ARGUMENT ON THE DEFENSE'S OBJECTION TO THE PEOPLE'S ANTICIPATED REQUEST TO ADMIT EXHIBIT P-TR-1227. THE COURT TAKES THE MATTER UNDER ADVISEMENT AND WILL ISSUE A RULING ON MONDAY.  
THE COURT ASKS THE PEOPLE TO ADDRESS ANTICIPATED SCHEDULING FOR THE REMAINDER OF THEIR PRESENTATION OF EVIDENCE. THE PEOPLE STATE THAT THEY ANTICIPATE FINISHING TWO WEEKS FROM TODAY AND FINISHING ON JUNE 23 AT THE LATEST. THE COURT ASKS THE DEFENSE TO BE READY TO BEGIN PRESENTATION OF THEIR EVIDENCE ON JUNE 25. THE DEFENSE NOTIFIES THE COURT THAT THEY ANTICIPATE THEIR PRESENTATION TO TAKE LESS THAN TWO WEEKS. EXHIBITS OFFERED BY THE DEFENSE AND NOT ADMITTED ARE LABELLED AS COURT EXHIBITS AS FOLLOWS: D-TR-26 IS LABELLED C-TR-47; D-TR-27 IS LABELLED C-TR-48; D-TR-28 IS LABELLED C-CR-49; AND D-TR-29 IS LABELLED C-TR-50. /CMR

6/08/2015 Order Event ID: 000821 E-Filed: N  
THE COURT ENTERS ORDER SUPPLEMENTING ORDER D-246-A (D-246-B). 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

6/08/2015 Request Filed Event ID: 000823 E-Filed: N  
REQUEST FOR TRANSCRIPT RECEIVED FROM TAMARA BRADY,  
TAMARA.BRADY@COLORADODEFENDERS.US, 303-764-1400, FOR TESTIMONY OF DR. JEFFREY  
METZNER, HEARING DATES OF 6-8-15 AND 6-9-15. REQUEST RECEIVED BY J. MARTIN.

6/08/2015 Minute Order (print) Event ID: 000826 E-Filed: N  
JURY TRIAL - DAY 82  
JUNE 8, 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 DEFENSE OBJECTS TO SPECIFIC STATEMENTS MADE BY THE DEFENDANT TO THE FIRST  
COURT-APPOINTED EXAMINER, WHO IS SCHEDULED TO TESTIFY NEXT. THE COURT MAKES  
ORAL RULINGS CONSISTENT WITH ORDER D-264A-3 AND PREVIOUS RULINGS MADE DURING  
THE TRIAL. A WITNESS TESTIFIES AND EXHIBITS P-TR-1226 AND D-TR-56 ARE  
ADMITTED. THE PEOPLE HAVE REDACTED THE VICTIM-IMPACT VIDEOS PURSUANT TO ORDER  
C-204. THE PEOPLE WILL DISCOVER THE REDACTED VIDEOS TO THE DEFENSE. THE  
DEFENSE MAY RAISE TIMELY OBJECTIONS TO THE REDACTED VIDEOS ONCE IT HAS HAD A  
CHANCE TO REVIEW THEM. /CMR

6/09/2015 Minute Order (print) Event ID: 000827 E-Filed: N  
JURY TRIAL - DAY 83  
JUNE 9, 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. WITHOUT OBJECTION FROM THE PEOPLE, THE COURT ORALLY  
AMENDS ITS AUGUST 28, 2013 SEQUESTRATION ORDER (ORDER D-54B AND P-44) TO ALLOW  
THE DEFENDANT'S SISTER TO BE IN THE COURTROOM WHILE SHE IS NOT TESTIFYING.  
DEFENSE COUNSEL ADMIT THAT SHE WAS PRESENT IN THE COURTROOM YESTERDAY BECAUSE  
THEY MISTAKENLY TOLD HER SHE COULD BE IN THE COURTROOM.  
THE COURT GRANTS THE DEFENSE'S REQUEST TO LABEL REJECTED EXHIBIT D-TR-57 AS  
COURT EXHIBIT C-TR-51. THE COURT MAKES A RECORD REGARDING THE DEFENSE'S  
OBJECTIONS TO EXHIBIT P-TR-1227. FOR THE REASONS ARTICULATED ON THE RECORD,  
THE DEFENSE'S GENERAL OBJECTIONS TO P-TR-1227 AND THE DEFENSE'S OBJECTIONS TO  
SPECIFIC EMAILS CONTAINED IN P-TR-1227 ARE OVERRULED. HOWEVER, THE COURT  
GIVES THE DEFENSE THE OPTION OF REDACTING SOME OF THE EMAILS CONTAINED IN THIS  
EXHIBIT. THE DEFENSE WILL LET THE COURT KNOW WHETHER IT WISHES TO HAVE THESE  
REDACTIONS MADE TO THE EXHIBIT. IN RESPONSE TO A NOTE SUBMITTED BY JUROR 673,  
THE COURT TALKS TO SEVERAL MEMBERS OF THE JURY INDIVIDUALLY OUTSIDE THE  
PRESENCE OF THE OTHER JURORS. AT THE REQUEST OF THE DEFENSE, AND WITHOUT  
OBJECTION BY THE PEOPLE, JURORS 872, 412, AND 495 ARE RELEASED FROM THE JURY.  
THE DEFENSE'S REQUEST TO DISMISS JUROR 673 IS DENIED. THE NOTE SUBMITTED BY  
JUROR 673 IS MARKED AS JUROR QUESTION FORM 173. AT THE REQUEST OF THE DEFENSE  
AND WITHOUT OBJECTION, THE COURT ALSO SPEAKS INDIVIDUALLY WITH JUROR 535.  
NEITHER SIDE REQUESTS HER DISMISSAL OR ANY FURTHER ACTION WITH RESPECT TO THIS  
JUROR. THE DEFENSE'S REQUEST TO QUESTION EACH MEMBER OF THE JURY PANEL IS  
DENIED BASED ON THE RECORD MADE BY THE COURT. HOWEVER, THE COURT WILL ADD TO  
ITS ADVISEMENTS ABOUT THE JURORS CONDUCT WHEN THEY ARE NOT IN THE COURTROOM  
THAT IF THEY HAVE EVER HEARD ANOTHER JUROR SPEAK ABOUT THE CASE OR SAY  
SOMETHING ABOUT THE CASE (OR IF EVER HEAR A JUROR DO SO IN THE FUTURE), THEY

MUST TELL THE COURT. THE COURT DOES SO IN THE ADVISEMENTS AT THE END OF THE DAY. IN THE AFTERNOON, WITNESSES TESTIFY. WITHOUT OBJECTION FROM THE DEFENSE, P-TR-1228 IS USED BY THE PEOPLE AS A DEMONSTRATIVE EXHIBIT. LATER, THIS EXHIBIT IS LABELED AS COURT EXHIBIT C-TR-52 FOR RECORD PURPOSES. AT THE END OF THE DAY, THE DEFENSE LETS THE COURT KNOW IT WILL BE OBJECTING TO ALL BUT ONE GMAIL CHAT IN EXHIBIT P-TR-649. A COPY OF THE EXHIBIT IS GIVEN TO THE COURT SO THAT THE COURT CAN REVIEW IT BEFORE TOMORROW. /CMR

6/10/2015 Minute Order (print)  
JURY TRIAL - DAY 84  
JUNE 10, 2015

Event ID: 000828 E-Filed: N

JUDGE SAMOUR

REPORTER: AMATO 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 PROSECUTION CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: P-TR-1021, P-TR-1159, P-TR-2548, P-TR-2547, P-TR-4885, P-TR-4886, P-TR-425, P-TR-426, P-TR-428, P-TR-423A, P-TR-423B, P-TR-424A, P-TR-424B, P-TR-2518, P-TR-2643, P-TR-2644, P-TR-2645, P-TR-2646, P-TR-2647, P-TR-2648, P-TR-3035, P-TR-3036, P-TR-3037, P-TR-3038, P-TR-2515, P-TR-2606, P-TR-2607, P-TR-2608, P-TR-3039, P-TR-3040, P-TR-2520, P-TR-2521, P-TR-2620, P-TR-2621, P-TR-2622, P-TR-2623, P-TR-2624, P-TR-2625, P-TR-2626, P-TR-2627, P-TR-2628, P-TR-3041, P-TR-3042, P-TR-3043, P-TR-3045, P-TR-2527, P-TR-2639, P-TR-2640, P-TR-2641, P-TR-2642, P-TR-4871, P-TR-4872, P-TR-4873, P-TR-3046, P-TR-3047, P-TR-3048, P-TR-3049, P-TR-2517, P-TR-2598, P-TR-2599, P-TR-2600, P-TR-3050, P-TR-3051, P-TR-3052, P-TR-3053, P-TR-2603, P-TR-3055, P-TR-3056, P-TR-1243, AND P-TR-649. THE PEOPLE LABEL THE FOLLOWING REJECTED EXHIBITS AS COURT EXHIBITS: P-TR-2526 IS LABELED C-TR-53 AND P-TR-3054 IS LABELED C-TR-54. THE PARTIES CONFIRM THAT THEY HAVE CONFERRED AND THE PEOPLE HAVE MADE THE REDACTIONS TO P-TR-1227 OFFERED BY THE COURT IN ITS JUNE 9 RULING ON THE ADMISSIBILITY OF THE EXHIBIT. THE COURT LEFT IT UP TO THE DEFENSE AS TO WHETHER THE REDACTIONS SHOULD BE MADE, AND THE DEFENSE OPTED TO HAVE THE REDACTIONS MADE. THE COURT RULES ON THE ADMISSIBILITY OF P-TR-649, CONTAINING GMAIL CHATS, AN EXHIBIT THE PEOPLE ANTICIPATE INTRODUCING INTO EVIDENCE TODAY. THE COURT DENIES THE DEFENSES OBJECTION TO P-TR-649 AND INCORPORATES BY REFERENCE ITS LENGTHY RULING YESTERDAY ON THE ADMISSIBILITY OF P-TR-1227. THE DEFENSE MAKES AN ADDITIONAL OBJECTION TO EXHIBIT P-TR-1000, THE CRIME SCENE VIDEO, WHICH THE PEOPLE ANTICIPATE OFFERING INTO EVIDENCE TOMORROW, JUNE 11. THE DEFENSE STANDS BY ITS ARGUMENTS MADE IN MOTION D-98 AND MAKES AN ADDITIONAL OBJECTION ON THE GROUND THAT THE VIDEO IS CUMULATIVE. THE DEFENSE ASKS THE COURT TO REVIEW THE VIDEO AGAIN AND THE PEOPLE TENDER A COPY OF P-TR-1000 TO THE COURT. THE COURT WILL REVIEW THE VIDEO TONIGHT AND WILL ISSUE A RULING ON THE OBJECTION TOMORROW. PURSUANT TO THE COURT'S OFFER, THE DEFENSE ASKS FOR A LIMITING INSTRUCTION WITH RESPECT TO 2 EXHIBITS: REGARDING EXHIBIT P-TR-1227 (EMAILS) AND EXHIBIT P-TR-649 (GMAIL CHATS). THE LIMITING INSTRUCTION WILL INFORM THE JURY THAT ANY STATEMENTS NOT MADE BY THE DEFENDANT ARE BEING INTRODUCED FOR THE LIMITED PURPOSE OF PLACING THE DEFENDANT'S STATEMENTS IN CONTEXT AND MAKING THEM INTELLIGIBLE. /CMR

End of Case: 2012 CR 201522