

<p>DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112</p>	<p>▲ COURT USE ONLY ▲</p>
<p>PEOPLE OF THE STATE OF COLORADO</p> <p>v.</p> <p>JAMES EAGAN HOLMES, Defendant</p>	<p>Case No. 12CR1522</p> <p>Division: 26</p>
<p align="center">ORDER REGARDING DEFENDANT’S MOTION TO BE DRESSED IN CIVILIAN CLOTHING FOR TRIAL (D-94)</p>	

The defendant requests an Order allowing him to wear civilian clothing during the trial. According to the defendant, the People object. Although the deadline for the People’s response has not yet expired, the Court grants the motion based on United States Supreme Court precedent and Colorado case law.

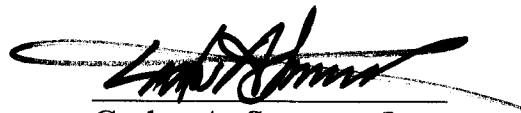
In *People v. James*, 40 P.3d 36, 41 (Colo. App. 2001), the Colorado Court of Appeals observed that “[t]he presumption of innocence requires the garb of innocence.” The Court concluded that “compelling a defendant to stand trial wearing identifiable prison clothing violates the right wear the ‘garb of innocence.’” *Id.* (quoting *Eaddy v. People*, 115 Colo. 488, 492, 174 P.2d 717, 718-19 (1946)). Such a practice has been held by the United States Supreme Court to be inherently prejudicial. *Estelle v. Williams*, 425 U.S. 501, 507, 96 S.Ct. 1691, 48

L.Ed.2d 126 (1976); *see also People v. Romero*, 694 P.2d 1256, 1266-67 (Colo. 1985) (relying on *Estelle* for the proposition that, if a defendant objects to being tried in identifiable prison clothes, a state cannot compel him to stand trial in such clothes).

Pursuant to this authority, the defendant's motion is granted. Because the Court grants the motion, the defendant's request for a hearing is denied as moot.

Dated this 10th day of June of 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Carlos A. Samour, Jr.', written over a horizontal line.

Carlos A. Samour, Jr.
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2013, a true and correct copy of **Order regarding defendant's motion to be dressed in civilian clothing for trial (D-94)** was served upon the following parties of record:

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