

DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	Filed APR 19 2013 <small>CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO</small>
THE PEOPLE OF THE STATE OF COLORADO vs. Defendant: JAMES EAGAN HOLMES	COURT USE ONLY
Attorney: GEORGE BRAUCHLER, 18 th Judicial District Attorney 6450 S. Revere Pkwy Centennial, CO 80111 Phone: (720) 874-8500 Atty. Reg. #: 25910	Case Number: 12CR1522 Division/Ctrm: 26
PEOPLE'S RESPONSE TO DEFENSE D-035 MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO C-33	

This Response is filed by the District Attorney for the 18th Judicial District.

CERTIFICATION PARAGRAPH

Because this Response is a non-objection and is not a pleading seeking relief against the Defendant, the People do not believe the court's order requiring certification that the matter has been discussed with opposing counsel is applicable.

PEOPLE'S RESPONSE TO DEFENSE MOTION FOR EXTENSION OF TIME

1. The People are in receipt of Defendant's request for a one-week extension of time in which to file a response to C-33 (Court's Order Regarding Revised Advisements).

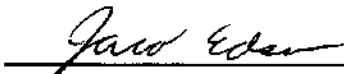
 Within such request, the defense claims they "will not be able to fulfill their obligation to provide Mr. Holmes with the effective assistance of counsel" unless such request is granted.

2. At the outset, the People note the crimes in this case occurred 9 months ago. Despite open court statements suggesting mental illness and ample opportunity to do so, to date

the Defendant has chosen not to tender a plea of not guilty by reason of insanity nor not guilty accompanied by a notice of intent to introduce expert opinion evidence concerning mental condition. Because of such open court statements, an advisement from the Court pertaining to pleas of not guilty by reason of insanity or not guilty accompanied by a notice of intent to introduce expert opinion evidence concerning mental condition, no matter the language, cannot be unanticipated by the defense.

3. Nonetheless, given the specific defense request for a one-week continuance in which to prepare a response to C-33, the People do not object. In not objecting, the People are by no means adopting any of the arguments presented by the defense in D-035.
4. The People would object to any further continuance beyond a deadline of April 29, 2013 for any response to C-33. Additionally, the People object to any request for a continuance of any previously scheduled dates in this matter; the People request this matter continue to move forward as expeditiously as possible.

George H. Brauchler, District Attorney

By 
Senior Deputy District Attorney
Registration No. 36221

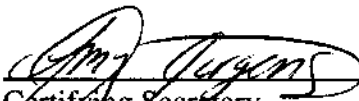
Case: 12CR1522
JAMES HOLMES

CERTIFICATE OF MAILING

I hereby certify that I have deposited a true and correct copy of the foregoing **PEOPLE'S RESPONSE TO DEFENSE D-035 MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO C-33 [PEOPLE'S PLEADING P-40]** in the Public Defender's Mailbox located at 6450 S Revere Pkwy Centennial CO 80111, addressed to:

TAMARA BRADY, ESQ.
DANIEL KING, ESQ.
OFFICE OF THE PUBLIC DEFENDER

Dated: 4/19/13

By 
Certifying Secretary