

District Court, Weld County, Colorado Court address: 901 9 th Avenue, Greeley, CO 80631	DATE FILED: September 4, 2018
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. CHRISTOPHER WATTS, Defendant	▲ COURT USE ONLY ▲
John Walsh, Atty. Reg. No. 42616 Kathryn Herold, Atty. Reg. No. 40075 Deputy State Public Defenders 822 7th Street, Ste. 300 Greeley, CO 80631 Phone Number: (970) 353-8224 FAX Number: (970) 352-8293 E-mail address: john.walsh@coloradodefenders.us	Case Number: 18CR2003 Division: 5
<p style="text-align: center;"> (D-031) MR. WATTS' ADDITIONAL SUPPLEMENT AND ARGUMENTS RELATED TO (D-029) AND (D-030) </p>	

CHRISTOPHER WATTS, through his attorneys, hereby makes additional supplements to his previous two motions. In support of and in addition to these motions, Mr. Watts states:

1. After the filing of both (D-029) and (D-030), counsel for Mr. Watts again became aware of additional, police-source leaks to the media.
2. Counsel advises the court that the defense has still not received a single page of discovery from the government. Meanwhile though, a source from the Frederick Police Department continues to feed the media materially prejudicial, extrajudicial “information” about the ongoing investigation.
3. Mr. Watts includes with this motion Exhibit E, and, for ease, relates it to his last two pleadings in CCE, as well.
4. While any leak of extrajudicial, prejudicial information is extremely concerning to the defense and continues to undermine Mr. Watts’ right to a fair and impartial jury under the Colorado and Federal Constitutions, the police sources seem to be becoming more brazen in the face of inaction on the part of this Honorable Court.
5. Mr. Watts reminds this court that COLO. R.P.C. 3.8(f) requires government prosecutors exercise reasonable care to prevent prosecution agents from making extrajudicial statements that the prosecutors themselves would be prohibited from making under the Rules. The rules provide examples of statements that “are more likely than not to have a material prejudicial effect on a proceeding” including: the character or credibility of the accused, the performance or results of any examination of test, the identity or nature of physical evidence expected to be presented, and *any* opinion as to the guilt or innocence of the accused. *See* COLO. R.P.C. 3.6, COMMENT [5]; COLO. R.P.C. 3.8(f).

6. The rules specifically note what is otherwise quite obvious: “Criminal jury trials will be most sensitive to extrajudicial speech.” COLO. R.P.C. 3.6, COMMENT [6].
7. Now, quite audaciously, the “Frederick police source” has made commentary on the alleged motive for the alleged crimes, the supposed truth of the government’s claims, the character for truthfulness of the accused, the identity and nature of supposed physical evidence, and the performance of supposedly scientific testing that may be taking place. *See Exhibit E*.
8. Even worse, the source seems fully aware of his or her complicity in the violation of this Honorable Court’s order and the Rules of Professional Conduct. In the words of the author of Exhibit E: “The police source . . . asked for anonymity because the officer is not authorized to speak to the press . . .” *Exhibit E* at 55.
9. The court must take immediate action to prevent further, irreparable damage to the fundamental fairness of these proceedings.
10. With every day that passes where the defense still does not have discovery, the government’s prejudicial extrajudicial statements have the effect of taking the parties off level footing and skewing the case in favor of the government. The failure to exercise diligence in stopping these extrajudicial statements undermines the basic tenets of fundamental fairness, irreparably taints the jury pool, and denies Mr. Watts his most basic rights to a fair and impartial trier of fact. U.S. CONST. amends. V, VI, XIV; COLO. CONST. art. II, § 16, 23, and 25. The leaks continue to violate these bedrock rights.
11. And so, counsel for Mr. Watts incorporates these arguments and authorities into his Motions (D-029) and (D-030). Due to the increasingly audacious nature of these unlawful, extrajudicial statements, Mr. Watts must demand this Honorable Court take immediate action.
12. Mr. Watts moves for a hearing on this and the related motions.

Respectfully submitted,
MEGAN RING
COLORADO STATE PUBLIC DEFENDER



John Walsh Reg. No. 42616

CERTIFICATE OF SERVICE

I hereby certify that on
9/4/18, I served the foregoing
document by e-service through
ICCES to all opposing counsel. TC



Kathryn Herold Reg. No. 40075
Deputy State Public Defenders