

DISTRICT COURT, WELD COUNTY, COLORADO Court Address: 915 10th Street, Greeley, CO, 80632	DATE FILED: August 17, 2018 10:32 AM
The People of the State of Colorado v. CHRISTOPHER LEE WATTS	
<b>△ COURT USE ONLY △</b> Case Number: 2018CR2003 Division: CO                      Courtroom:	
<b>Order: MOTION TO COMPEL THE PROSECUTION TO TAKE DNA SWABS CONSISTENT WITH WHAT IS DESCRIBED IN DEFENSE EXPERT OPINION INDICATED IN (D-20) OR IN THE ALTERNATIVE, ALLOW THE DEFENSE EXPERT TO TAKE THESE DNA SWABS (D-21)</b>	

The motion/proposed order attached hereto: DENIED.

The Defendant's motion to allow their proposed expert to collect DNA evidence is denied. Furthermore, Defendant's request to order prosecution to collect evidence in the manner described by defense expert is denied. This court cannot order the prosecution and/or coroner how to conduct their investigation. No evidence exists that the prosecution and/or coroner will destroy evidence, improperly collect evidence, or not collect evidence.

Issue Date: 8/17/2018



MARCELO ADRIAN KOPCOW  
 District Court Judge

District Court, Weld County, Colorado Court Address: 901 9th Avenue, Greeley, CO 80631	
<b>THE PEOPLE OF THE STATE OF COLORADO</b> Plaintiff v. <b>CHRISTOPHER WATTS,</b> Defendant	σ COURT USE ONLY σ
James E. Merson - 36996 Deputy State Public Defender 822 7th Street, Suite 300 Greeley, CO 80631 Phone: (970) 353-8224 Fax: (970) 352-8293 E-mail address: <a href="mailto:james.merson@coloradodefenders.us">james.merson@coloradodefenders.us</a> Attorney Registration Number: 36996	Case Number: 18CR2003  Division: 5
<b>MOTION TO COMPEL THE PROSECUTION TO TAKE DNA SWABS CONSISTENT WITH WHAT IS DESCRIBED IN DEFENSE EXPERT OPINION INDICATED IN (D-20) OR IN THE ALTERNATIVE, ALLOW THE DEFENSE EXPERT TO TAKE THESE DNA SWABS (D-21)</b>	

1. Mr. Watts, through counsel, asks that this Court allow Mr. Eikelenboom to take DNA swabs consistent with what is recommended in the expert opinion that was filed in (D-20) at the autopsies.
2. Alternatively, Mr. Watts moves this Court to order that the prosecution have an expert present at the autopsies to take swabs consistent with what Mr. Eikenboom recommends:

This DNA can be retrieved with a double swab technique. DNA scientists are familiar with this technique and an experienced person should take this samples. In my opinion the presence of oil will not destroy the DNA. The hands and nails of the mother should be sampled as well. After samples are taken the nails should be cut preserved. I have a lot experience taking samples from dead bodies getting good results after strangulation. The hands of the children should be sampled as well.

(D-20, Exhibit A, Expert opinion of Richard Eikenboom.)

3. Mr. Watts makes this request pursuant to his right to a fair trial, his right to present a defense, and his right to due process under the United States and Colorado Constitutions. U.S. Const. amends. V, VI, XIV; Colo. Const. art. II, §§ 16, 25.

MEGAN A. RING  
COLORADO STATE PUBLIC DEFENDER



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James E. Merson - 36996  
Deputy State Public Defender

**Certificate of Service**

I hereby certify that on 8/17/18, I served the foregoing document by e-service through ICCES to all opposing counsel.

Attachment to Order - 2018CR0003