

District Court, Weld County, Colorado Court address: 901 9 <sup>th</sup> Avenue, Greeley, CO 80631	DATE FILED: October 12, 2018 5:15 PM
<b>PEOPLE OF THE STATE OF COLORADO,</b> Plaintiff v. <b>CHRISTOPHER WATTS,</b> 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
<b>(D-040)</b> <b>MR. WATTS' MOTION FOR LEAVE TO FILE A PLEADING UNDER SEAL          PURSUANT TO ADMINISTRATIVE ORDER 2016-04, AND FURTHER REQUEST          TO HOLD AN EX PARTE HEARING ON THE ISSUE</b>	

CHRISTOPHER WATTS, through his attorneys, hereby moves this Honorable Court, pursuant to Administrative Order 2016-04, to allow a filing of a sealed pleading in this case and to hold an *ex parte* hearing on the matter. As grounds for this motion, Mr. Watts states:

1. Counsel for Mr. Watts hereby respectfully requests the court authorize the filing of a sealed pleading in this case, pursuant to Administrative Order 2016-04. Counsel believes the motion will include information protected by the Health Insurance Portability and Accountability Act.
2. However, based on the court's Order (C-8), filed September 11, 2018, counsel for Mr. Watts is concerned the court may order the pleading unsealed if it doesn't believe the information in the filing is protected by Federal Law.
3. It must be remembered that counsel for Mr. Watts is not the privilege-holder of protected information. *Cf., People v. Sisneros*, 55 P.3d 797 (Colo. 2002)(holding that, even where the government called a witness whose memory of the crime was only elucidated after speaking with a psychologist, the privilege-holder herself did not waive the privilege with her testimony at the preliminary hearing.); and *Wesp v. Everson*, 33 P.3d 191, 199-200 (Colo. 2001)(noting that attorneys may not disclose attorney-client privileged information, even after the privilege-holder has died).
4. On top of that, any person who unlawfully discloses information protected by Federal Law is potentially subject to fines and imprisonment. *See e.g.*, 42 U.S.C.A. § 1320d-6. Thus, any further disclosure of protected health information, especially to the government, would potentially violate the law.

5. Because of this reality, counsel asks the court to order an *ex parte* hearing on this issue. In addition, if the court does not believe it has enough information to make its judgment, Mr. Watts requests an *ex parte* hearing to advise the court further.

Respectfully submitted,

MEGAN RING  
COLORADO STATE PUBLIC DEFENDER



John Walsh, Atty. Reg. No. 42616



Kathryn Herold, Atty. Reg. No. 40075  
Deputy State Public Defenders

**CERTIFICATE OF SERVICE**

I hereby certify that on  
\_10/22/18\_, I served the foregoing document  
by e-service through ICCES to all opposing  
counsel. TC

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