

<input type="checkbox"/> County Court <input type="checkbox"/> District Court Boulder County, State of Colorado 1777 Sixth Street, Boulder, CO 80302	DATE FILED: May 10, 2021 4:49 PM
PEOPLE OF THE STATE OF COLORADO v. AHMAD AL ALIWI ALISSA AKA: Defendant	▲ COURT USE ONLY ▲
Michael T. Dougherty, District Attorney Kenneth E. Kupfner, Assistant District Attorney Boulder County Justice Center 1777 Sixth Street Boulder, CO 80302 Phone Number: (303) 441-3700 FAX Number: (303) 441-4703 Attorney Reg. 29924	Case No. D0072021CR000497 Div: 13 Ctrm:
UNOPPOSED MOTION FOR PROTECTIVE ORDER AND PETITION TO SEAL AUTOPSY REPORTS	

The People, through District Attorney MICHAEL T. DOUGHERTY and Boulder County Coroner, EMMA HALL respectfully submit the following Motion for a Protective Order and Petition to Seal Autopsy Reports.

1. On March 22, 2021, ten people were murdered at the King Soopers in south Boulder.
2. The Boulder County Coroner conducted an investigation into the deaths, including determining cause and manner of death.
3. The death certificates will soon be completed for the ten victims. Once the death certificates are made available, the autopsy reports also become available.
4. Defendant has been charged with ten counts of murder in the first degree. Given the nature of the offense, the case has received significant media attention.
5. Maintaining the fairness and integrity of the prosecution is of the utmost importance. The People believe it is important for a defendant to be tried in the jurisdiction where a crime was committed. Releasing the ten autopsy reports associated to this case could compromise the defendant's right to a fair trial in this jurisdiction.
6. The People request that this Honorable Court enter a protective order pursuant to Rule 16(II)(d), restricting the release of the autopsy reports to the prosecution and defense teams.

7. An autopsy report is subject to Colorado's Open Record's Act. C.R.S. § 24-72-201, et seq. Freedom Newspapers, Inc. v Bowerman, 739 P.2d 881 (Colo. Ct. App. 1987).
8. C.R.S. § 24-72-204(6)(a) sets forth the procedure to be followed should the custodian of the record wishes to restrict release of the record. That procedure states, "[i]f, in the opinion of the official custodian of any public record, disclosure of the contents of said record would do substantial injury to the public interest, notwithstanding the fact that said record might otherwise be available to public inspection . . . the official custodian may apply to the district court of the district in which such record is located for an order permitting him or her to restrict such disclosure or for the court to determine if disclosure is prohibited."
9. The Boulder District Attorney's Office is filing this motion with the District Court. The Boulder County Coroner, the custodian of the records, joins in the motion.
10. Disclosure of the contents of the autopsy report would do substantial injury to the public interest. The public interest being maintaining the integrity of the prosecution in this case and assuring Defendant can receive a fair trial in Boulder County.
11. Mr. Alissa's counsel has reviewed this motion and has no objection to the relief requested by the Boulder District Attorney's Office and the Boulder County Coroner.

WHEREFORE, the District Attorney and the Boulder County Coroner jointly request that this Honorable Court enter an order restricting access to the ten autopsy reports associated with this case to the prosecution and defense teams. The request is made pursuant to the authority of the Court under Rule 16(II)(d) and C.R.S. 24-72-204(6)(a) to protect against a substantial injury to public interest.

Respectfully submitted,

MICHAEL T. DOUGHERTY
District Attorney

By: /s/ Kenneth E. Kupfner
Kenneth E. Kupfner
Assistant District Attorney
Registration No. 29924

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION was served on May 10, 2021 via

- Colorado Courts E-Filing
- First Class U.S. Mail, postage pre-paid
- Hand Delivery

Properly addressed to the following:

Kathryn Herold
2555 55th Street
Ste. D-200
Boulder, CO 80301
kathryn.herold@coloradodefenders.us
Samuel Dunn
2555 55th Street
Suite 200
Boulder, CO 80301
samuel.dunn@coloradodefenders.us

/s/ Kenneth E. Kupfner

*Original signatures on file at Boulder District Attorney's Office.