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DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903	DATE FILED: March 4, 2020 DATE FILED: March 04, 2020 1:15 PM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. LETECIA STAUCH, Defendant	σ COURT USE ONLY σ
MEGAN A. RING, Colorado State Public Defender Kathryn Strobel No. 42850 Deputy State Public Defender 30 East Pikes Peak Ave Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: kathryn.strobel@coloradodefenders.us	Case No. 20CR1358 Division 5
MOTION FOR IMMEDIATE PRODUCTION, PURSUANT TO PROTECTIVE ORDER, OF ANY AND ALL WARRANTS AND ARREST AFFIDAVITS (D-6)	

Pursuant to Crim. P. 16, the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Article II, Sections 16 and 25 of the Colorado Constitution; *Brady v. Maryland*, 373 U.S. 83 (1963), and *Kyles v. Whitley*, 514 U.S. 419, 115 S. Ct. 1555 (1995), and Crim.P. 16, Letecia Stauch, by and through her counsel, moves this court to enter an Order requiring the District Attorney to immediately provides copies to the defense of any and all search warrants, arrest warrants and any related affidavits. This motion is made on the following grounds:

1. Crim.P.16(I)(a)(1) provides that the prosecution shall make available to the defense the following material:
 - (1) Police, arrest and crime or offense reports, including statements of all witnesses.
2. Crim.P. 16(I)(a)(2) requires the material to be provided “as soon as practicable”
3. “As soon as practicable” means as soon as the item can be copied and provided to the defense.
4. If the prosecution is withholding materials in violation of its obligation under Rule 16 it must notify the defense in writing what materials are being withheld and why it believes those materials are not discoverable.
5. Crim.P. 16 and the cases that have interpreted it are clear on the discovery obligations of the prosecution. CrimP. 16(I)(a) requires automatic disclosure of a number of different kinds of materials. Among other things, the prosecution is to provide statements of all witnesses. This section does not make a distinction between endorsed witnesses and non-endorsed witnesses.

6. In addition to the mandates of Crim. P. 16 and the cases interpreting it, and the due process clauses, the prosecution has an overall ethical duty to provide discovery to the defense. *See in the Matter of Attorney c.*, 47 P. 3d 1167 (Colo. 2002).

7. The defense has no objection to keeping the probable cause affidavit under seal, and would consent a protective order so that the affidavit is only available to Ms. Stauch's defense team to include deputy state public defenders Kathryn Strobel, Kimberly Chalmers, public defender investigator Katie Carlyle, and legal assistant Elizabeth McNeilsmith to be able to review it with Ms. Stauch.

8. Failure to allow the defense access to probable cause affidavit and arrest warrant will prevent Ms. Stauch's attorneys from properly advising her thus depriving her of her Constitutional right to effective assistance of counsel pursuant to Article II Section 16 of the Colorado Constitution and Amendments 5 and 14 of the United States Constitution. Failure to allow access will also block the defense team's investigative efforts. It is essential to Ms. Stauch's defense that the defense be allowed to begin investigating this case as soon as possible. Memories fade and people move away. Preventing Ms. Stauch's defense team from access to this information will degrade and stymie investigation efforts and will lead to the loss of exculpatory evidence and an unfair trial for Ms. Stauch.

9. Given the time-sensitivity of this matter, the defense requests a hearing on this issue as soon as possible.

WHEREFORE Letecia Stauch, by and through her counsel, moves this Court to enter an Order requiring the District Attorney to immediately provides copies to the defense of any and all search warrants, arrest warrants and any related affidavits.



Kathryn Strobel No. 42850
Deputy State Public Defender
Dated: March 4, 2020

Certificate of Service

I hereby certify that on March 4, 2020, a true and correct copy of the motion was served via ICCES on all parties who appear of record and have entered their appearances herein according to ICCES.

/s/ Kathryn Strobel