## REDACTED

DISTRICT

District Court, El Paso County, Colorado

Court Address: 270 S. Tejon St.

Colorado Springs, Colorado 80903

People of the State of Colorado

VS.

Defendant: Robert Lewis Dear, Jr.

District Attorneys: Daniel H. May, #11379, Jeffrey Lindsay, #24664, Donna Billek, #30721, 105 E.

Vermijo Colorado Springs, CO. 80903

Phone Number: 719-520-6000

District Attorney: Daniel H. May, #11379

DATE FILED: May 30, 2017 3:06 PM

**▲** COURT USE ONLY **▲** 

Case #: 15CR5795

Division #: 10

P-016

PEOPLE'S NOTICE OF SUBMISSION OF PROPOSED ORDER FOR CONTINUATION OF THE COURT'S NOVEMBER 21, 2016 ORDER TO THE MAY 19, 2017 SUBPOENA DUCES TECUM ISSUED BY THE PROSECUTION TO THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO AND REQUEST FOR CONTINUATION OF THE NOVEMBER 21, 2016 ORDER TO ALL FUTURE SUBPOENAS DUCES TECUM ISSUED BY THE PROSECUTION TO THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO UNTIL FURTHER ORDER OF THE COURT

COMES NOW, DANIEL H. MAY, by and through his duly appointed deputy and hereby submits the following Proposed Order for the Continuation of the Court's November 21, 2016 Order to the May 19, 2017 Subpoena Duces Tecum issued by the Prosecution to the Colorado Mental Health Institute at Pueblo and Request for Continuation of the November 21, 2016 Order to all Future Subpoenas Duces Tecum Issued by the Prosecution to the Colorado Mental Health Institute at Pueblo Until Further Order by the Court.

To summarize the Court proceedings on May 25, 2017:

- 1. The People notified the Court that a subpoena duces tecum had been issued to the Colorado Mental Health Institute at Pueblo for records relating to the Defendant. The subpoena duces tecum included a copy of the November 21, 2016 Order by the Court outlining the limitations or redactions that were to be made on the Defendant's records.
- 2. The People provided a copy of the May 19, 2017 subpoena duces tecum that was issued to the Colorado Mental Health Institute at Pueblo to the Defendant. Defendant's counsel, Dan King, confirmed for the Court he had received a copy of the subpoena duces tecum.

- 3. The Defendant, through his counsel, verbally objected to subpoenaed records of the Defendant being produced and provided to the prosecution.
- 4. The People requested the Court's Order of November 21, 2016 continue to apply to all future subpoenas duces tecum issued to the Colorado Mental Health Institute at Pueblo until further Order of the Court.
- 5. The People informed the Court that the Attorney General's Office, acting as the legal representative of the Colorado Mental Health Institute at Pueblo, notified the parties that they were requesting until June 15, 2017 to comply with the records request.
- 6. The Court granted the Attorney General's Office an extension of time to produce and redact the records until June 15, 2017. The Court did not require the prosecution issue an additional subpoena duces tecum for that specific return date.
- 7. The Court granted the request to continue the parameters as outlined in the November 21, 2016 Order and asked the prosecution to submit a proposed order.
- 8. Following the court hearing, the Attorney General's Office was notified of the proceedings that occurred in Court. The Defendant's attorneys were included in the email communication with the Attorney General's Office and, therefore, have notice of the content of the communication.

Respectfully submitted this 30<sup>th</sup> day of May, 2017.

DANIEL H. MAY, #11379 DISTRICT ATTORNEY

By:	/s/_	
·	Donna Billek, #30721	
	Senior Deputy District Attorney	

## **CERTIFICATE OF SERVICE**

I certify that on this 30<sup>th</sup> day of May, 2017, a true and correct copy of the foregoing P-016 PEOPLE'S NOTICE OF SUBMISSION OF PROPOSED ORDER FOR CONTINUATION OF THE COURT'S NOVEMBER 21, 2016 ORDER TO THE MAY 19, 2017 SUBPOENA DUCES TECUM ISSUED BY THE PROSECUTION TO THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO AND REQUEST FOR CONTINUATION OF THE NOVEMBER 21, 2016 ORDER TO ALL FUTURE SUBPOENAS DUCES TECUM ISSUED BY THE PROSECUTION TO THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO UNTIL FURTHER ORDER OF THE COURTwas served via Colorado Courts E-Filing on all parties who appear of record and have entered their appearances herein according to the Colorado Courts E-Filing.

By:	/s/	
	Melissa Sears	
	Paralegal	