

DISTRICT COURT, BOULDER COUNTY, COLORADO		<p>DATE FILED June 5, 2025 1:39 PM</p> <p>⚠ COURT USE ONLY ⚠</p>
Court Address: 1777 SIXTH STREET P.O. BOX 4249, BOULDER, CO, 80306-4249		
THE PEOPLE OF THE STATE OF COLORADO v. Defendant(s) MOHAMED SABRY SOLIMAN		
		Case Number: 2025CR785 Division: 5 Courtroom:
<p align="center">Order:MR. SOLIMAN'S MOTION FOR DISCOVERY (D-004)</p>		

The motion/proposed order attached hereto: SEE ATTACHED ORDER.

The People shall comply with Crim. P. 16, Part 1(a) and their obligations pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny.

As to the request for an Order requiring that all hearsay statements be reduced to writing and provided to counsel prior to introduction at trial, the Court finds that such broad disclosure is neither contemplated by Crim. P. 16 nor reasonably practicable. However, the People shall disclose in writing any hearsay statements to which a statutory or constitutional provision contemplates or permits a pretrial hearing on admissibility (i.e. statements implicating confrontation issues surrounding a non-testifying declarant.)

Issue Date: 6/5/2025



NANCY WOODRUFF SALOMONE
District Court Judge

COUNTY COURT, Boulder County, Colorado Court Address: 1776 6 th Avenue Boulder, CO 80306	
THE PEOPLE OF THE STATE OF COLORADO v. MOHAMED SOLIMAN, Defendant.	
Megan Ring, Colorado State Public Defender Kathryn Herold #40075 Supervising Deputy State Public Defender Nicole Collins #33122 Office Head, Boulder Regional Office Boulder Regional Public Defenders 2555 55TH Street D-200, Boulder, CO 80301 Phone: (303) 444-2322 Fax: (303) 449-6432 E-mail: boulder.defenders@state.co.us	<div style="text-align: center;">□ COURT USE ONLY □</div> Case No. 25CR785 Division 8
MR. SOLIMAN'S MOTION FOR DISCOVERY (D-004)	

Pursuant to Colo. R. Crim. P. 16, the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Article II, Section 16 and 25 of the Colorado Constitution and *Brady v. Maryland*, 373 U.S. 83 (1963), Mr. Soliman moves for an order directing the prosecution to make inquiry and disclose all of the following within their possession, custody and control, or the existence of which is known or by the exercise of due diligence could become known to the prosecution:

Witness Information

1. Mr. Soliman requests current names, addresses, and telephone numbers of all prosecution witnesses.
2. Mr. Soliman requests all records, police reports and information regarding prior criminal convictions, guilty verdicts, juvenile adjudications, or pending criminal or juvenile cases of all prosecution witnesses in Colorado or other states. This information is discoverable under Colorado law, as outlined below:
 - a. Colo. R. Crim. P. 16 (I)(a)(I) requires production of "prior criminal convictions" of all prosecution witnesses. This rule is not by its terms limited to felony convictions.

- b. Felony convictions may be used for impeachment purposes. Section 13-90-101.
 - c. Juvenile adjudications may be used for impeachment purposes. *People v. Pate*, 625 P.2d 369 (Colo. 1981).
 - d. Misdemeanor convictions probative of untruthfulness or dishonesty may be used for impeachment purposes. C.R.S. 608; *People v. Armstrong*, 704 P.2d 877 (Colo. App. 1985).
 - e. The fact of probation or parole at any time during the pendency of this case is probative of bias or motive, and is admissible regardless of the type of underlying conviction. *Davis v. Alaska*, 415 U.S. 308 (1974); *Pate*, supra; *People v. Bowman*, 669 P.2d 1369 (Colo. 1983).
 - f. The existence of cases pending at any time during the investigation of pendency of this case is admissible as to bias or motive. *People v. Jones*, 675 P.2d 9 (Colo. 1984); *People v. King*, 179 Colo. 94, 498 P.2d 1142 (1972).
 - g. Mr. Soliman has no reasonable means to obtain such information other than through the government. Only the prosecution has access to the various sources for establishing their witnesses' criminal records or the existence of a pending charge, such as thorough F.B.I. records, NCIC, CCIC, and COSIN listings, and the prosecution's own records, and Mr. Soliman has no access to the juvenile records of any of the prosecution witnesses.
3. Any and all records or information revealing prior misconduct or bad acts attributed to any prosecution witnesses. Such misconduct may be admissible under C.R.E. 608(b) even though no conviction resulted, or may lead to the discovery of character evidence admissible under C.R.E. 608(a).

Oral Statements of Witnesses

- 4. Counsel requests discovery of all oral statements made to any government entity or agent by witnesses or other involved parties.
- 5. Mr. Soliman requests that this Court order the government to disclose any and all hearsay statements which the prosecution intends to offer as evidence at trial and the basis for their admission.
- 6. Said discovery is authorized by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, by Article II, Sections 16 and 25 of the Colorado Constitution, and by Colo. R. Crim. P. 16. Rule 16 provides for discovery in the Court's discretion of any relevant material not specifically described in Rule 16.
- 7. Without this discovery, defense counsel will be unable to adequately confront prosecution witnesses and to properly prepare for trial.

8. A pretrial hearing would be necessary to determine the admissibility of any hearsay statements. *People v. Dement*, 661 P.2d 675 (Colo. 1983). Defense counsel needs notice of the District Attorney's intent in order to prepare for this hearing.
9. Defense counsel cannot effectively defend against the admission of hearsay statements unless notified that the District Attorney intends to introduce such statements at trial. This implicates Mr. Soliman's Constitutional rights to due process of law, and effective assistance of counsel.
10. Mr. Soliman requests that all such statements be reduced to writing and be provided to counsel prior to introduction.

Exculpatory Statements and Evidence

Rule 16 requires that the prosecution provide to the accused all potentially exculpatory information and material in its possession. This includes potential impeachment or contradiction of the state's witnesses and evidence. *People v. Thatcher*, 638 P.2d 760 (Colo. 1981). Non-recorded statements could also fall into this category and are therefore discoverable. Mr. Soliman requests discovery of all such materials in the possession of the prosecution or agents of the prosecution, including investigators, victim advocates, etc.

Respectfully Submitted,

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER

_____/s/Kathryn Herold_____
Kathryn Herold #40075
Supervising Deputy State Public Defender

_____/s/ Nicole Collins
Nicole Collins #33122
Office Head, Boulder Regional Office

Dated: June 2, 2025

Certificate of Service

I hereby certify that on June 2, 2025, I served the foregoing document by E filing same to all opposing counsel of record.

_____/s/ Kathryn Herold ____