

District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302 (303) 441-3674	DATE FILED: January 31, 2023 3:23 PM
<p>THE PEOPLE OF THE STATE OF COLORADO</p> <p>v.</p> <p>ALISSA, AHMAD AL ALIWI DEFENDANT</p>	<p>▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for the People:</i> Michael Dougherty, Adam Kendall, and Ken Kupfner</p> <p><i>Attorneys for Defendant:</i> Kathryn Herold, Samuel Dunn and Daniel King</p>	<p>Case Number: 2021CR497</p> <p>Division 13 Courtroom G</p>
<p align="center">MINUTE ORDER RE: COMPETENCY REVIEW HEARING</p>	

THIS MATTER comes before the Court for a Competency Review Hearing. On January 27, 2023, the following actions were taken in the above-captioned case. After considering the arguments by the parties, the Court enters the following findings and orders:

COURT REPORTER: FTR

APPEARANCES:

1. Kathryn Herold and Samuel Dunn appeared on behalf of Ahmad Al Aliwi Alissa (“Defendant”) who did not appear.
2. Michael Dougherty, Adam Kendall, and Ken Kupfner appeared on behalf of the People.

FINDINGS AND ORDERS:

1. On January 19, 2023, the Colorado Department of Human Services submitted a competency re-evaluation report that indicated that Defendant is currently incompetent to proceed but is likely restorable to competency within the reasonably foreseeable future.
2. The People informed the Court that it received an email response to a letter sent to Colorado Mental Health Institute at Pueblo (“CMHIP”) on December 21, 2022, requesting additional information regarding Defendant’s competency status. In the response CMHIP indicated that it did not object to permitting the People to have a board certified forensic neuropsychological expert perform testing on Defendant

provided that the State provides the hospital with the expert's report, raw data, and material generated as a result of the examination.

3. Consequently, the People moved to withdraw its *Motion for Court Order Regarding Additional Information Related to Defendant's Competency, or in the Alternative, People's Motion for Restoration Hearing (P-012)* filed on January 26, 2023.
4. Defense Counsel objected to the People's motion to withdraw on the grounds that Defendant's constitutional rights are being violated by allowing the State to choose a doctor to evaluate Defendant. Defense Counsel also questions whether the state hospital has the authority to grant the People's request. Defense Counsel moved to brief the matter further. The People agreed not to withdraw its motion and will file the correspondence from CMHIP as a supplement to its motion.
5. Defense Counsel is ordered to file a Response by the end of the day on February 17, 2023. The People are authorized to submit a Reply within 7 days of the receipt of the Response.
6. This matter is set for a Competency Review Hearing on **April 28, 2023, at 1:30 p.m. in Courtroom G.**

SO ORDERED this 31st day of January 2023
nunc pro tunc, January 27, 2023

BY THE COURT



Ingrid S. Bakke
District Court Judge