

District Court, Boulder County, Colorado Court Address: 1776 6 th Avenue Boulder, CO 80306	
THE PEOPLE OF THE STATE OF COLORADO v. Ahmad Alissa, Defendant.	DATE FILED: March 23, 2021 2:47 PM σ COURT USE ONLY σ
Megan Ring, Colorado State Public Defender Samuel Dunn #46901 Senior Deputy State Public Defender Kathryn Herold #40075 Supervising Deputy State Public Defender 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	Case No. 21CR497 Division 13
MR. ALISSA'S MOTION TO PRESERVE AND PRODUCE ON FOR PROTECTIVE ORDER (D-007)	

Pursuant to Crim.P. 16 and the due process clauses of the United States and Colorado Constitutions, Mr. Alissa moves for an order requiring the prosecution to preserve and provide Mr. Alissa with access to any and all items of evidence, including but not limited to the following items:

1. All recordings produced or seized in connection with this case.
2. All police notes. **Defense counsel is aware that it is the practice of law enforcement to destroy their notes. Defense counsel requests an order specifically ordering law enforcement agents to preserve all notes in this case. This includes any notes of conversations with Mr. Alissa.**
3. All scientific reports, memoranda or notes produced in connection with the events in this case.
4. All photographs made or seized in connection with this case.
5. All biological samples and physical evidence made or seized in connection with this case.
6. All correspondence, including email and text mail correspondence by or to law enforcement and the prosecution concerning the investigation of this case.

7. All records and logs and receipts pertaining to the storage and movement of physical evidence.

As grounds for this request Mr. Alissa states:

1. Mr. Alissa will be making independent evaluation of all items which are possible material evidence and potentially exculpatory in this case.

2. Due process and Alissa's Sixth Amendment right to confront his accuser require that he be allowed to obtain such evidence. People v. Harmes, 560 P.2d 470 (1976), People v. Norwood, 547 P.2d 273 (1973); People v. Sheppard, 701 P.2d 49 (Colo. 1985).

3. The evidence seized includes items that are material and potentially exculpatory, Brady v. Maryland, 373 U.S. 83, S.Ct. 1194, 10 L.Ed.2d 215 (1963), and are necessary to the effective defense of this case. Garcia v. District Court, 589 P.2d 924 (1979).

4. This discovery is authorized by the Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States, Article II, Section 16 and 25 of the Constitution of the State of Colorado, and Crim. P. 16, Part I(c) and (d), and People v. Garcia, 627 P.2d 255 (Colo. 1980); People v. Garries, 645 P.2d 1306 (Colo. 1982); People v. Thatcher, 638 P.2d 760 (Colo. 1981); People v. Gomez, 596 P.2d 1192 (Colo. 1979).

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER

_____/s/Samuel Dunn_____
Samuel Dunn #46901
Deputy State Public Defender

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

Certificate of Service

I hereby certify that on _March 23, 2021, I served the foregoing document by E filing same to all opposing counsel of record.

_____/s/ Sam Dunn____

Dated: March 23, 2021