

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, CO 80903	DATE FILED: November 22, 2021 4:41 PM DATE FILED: November 22, 2021
People of the State of Colorado vs. Defendant: Letecia Stauch	▲ COURT USE ONLY ▲
District Attorney: Michael J. Allen, #42955, Deputy District Attorneys: Dave Young, #21118 and Angelina Gratiano, #50674 Address: 105 E. Vermijo, Colorado Springs, CO 80903 Phone Number: 520-6000	Case #: 20CR1358 Division #: 15S Courtroom #: S403
[D – Unnumbered Defense Motion, filed on November 11, 2021] PEOPLE’S RESPONSE TO DEFENDANT’S MOTION TO SEAL AND HOLD CONFIDENTIAL JAIL RECORDS OF VISITS OR MEETINGS BETWEEN LETECIA STAUCH AND HER DEFENSE TEAM AND THEIR AGENTS	

The District Attorney of the Fourth Judicial District of the State of Colorado, through his duly appointed deputies, respectfully submits the following, [D – Unnumbered Defense Motion, filed on November 11, 2021] People’s Response to Defendant’s Motion to Seal and Hold Confidential Jail Records of Visits or Meetings Between Letecia Stauch and Her Defense Team and Their Agents. In support of this response, the People state as follows:

1. The Defendant fails to demonstrate how reviewing public records from the El Paso County Criminal Justice Center violates attorney work product, or how reviewing those public records gives the People access to confidential communications. The names of people visiting a defendant in jail are not work product. In People v. Small, 631 P.2d 148 (Colo. 1981), the Court addressed attorney work product, and stated:

[i]n contrast to the privilege against self-incrimination, the work product doctrine is not of constitutional origin and is considerably more limited in scope. Its purpose is to protect the attorney's thought processes from discovery, thereby affording him the opportunity to prepare a client's case free from unnecessary intrusion by opposing parties and their counsel. See, e. g., Hickman v. Taylor, 329 U.S. 495, 67 S.Ct. 385, 91 L.Ed. 451 (1947). Crim.P. 16 I(f)(1) provides that disclosure to the defendant “shall not be required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories, or conclusions of the prosecuting attorney or members of his legal staff.” The work product of a defense attorney is similarly protected from disclosure. People v. District Court, *supra*.

2. The attorney work product doctrine is limited. As stated by the Colorado Supreme Court in Richardson v. District Court, 632 P.2d 595 (Colo. 1981):
3. When an attorney claims that something is work product, the courts have held that there should be an in-camera review by the court to determine if the item is actually work product. See: People v. Ullery, 984 P.2d 586 (Colo. 1999).
4. Defense asserts that access to these public records and jail logs amounts to having access to confidential communications and work product. However, the jail visitor logs themselves contain no record of communications between the defendant and her defense team and their agents. Further, the People do not have access to any communications between the defendant and her defense team.

Respectfully submitted this 22nd day of November 2021.

/s/

Michael J. Allen, #42955
District Attorney

Dave Young, #21118
Senior Deputy District Attorney

Angelina Gratiano, #50674
Deputy District Attorney

Certificate of Service

I certify on the 22nd day of November 2021, a true and correct copy of [D – Unnumbered Defense Motion, filed on November 11, 2021] People’s Response to Defendant’s Motion to Seal and Hold Confidential Jail Records of Visits or Meetings Between Letecia Stauch and Her Defense Team and Their Agents, was served via Colorado Courts E-Filing on all parties who appear of record and have entered their appearances according to Colorado Court’s E-Filing.

_____/s/_____
Kim Daniluk, Paralegal