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| <p><b>DISTRICT COURT, EL PASO COUNTY,<br/>COLORADO</b><br/>Court address: <b>270 S. Tejon<br/>Colorado Springs, CO 80903</b><br/>Phone Number: <b>(719) 452-5285</b></p> | <p>DATE FILED: December 3, 2021<br/>DATE FILED: December 3, 2021</p>                                |
| <p><b>Plaintiff:</b><br/>THE PEOPLE OF THE STATE OF COLORADO,<br/><br/>vs.<br/><br/><b>Defendant:</b><br/>Letecia Stauch</p>   | <p>Court Use Only<br/><br/>Case Number: 20CR1358<br/>20CR3170<br/><br/>Division: 15S Ctrm: S403</p> |
| <p><b>[O-17] ORDER RE CONFIDENTIALITY OF JAIL RECORDS</b></p>  |   |


1. This matter comes before the Court pursuant to Stauch’s Motion to Seal and Hold Confidential Jail Records of Visits or Meetings Between Letecia Stauch and [her] Defense Team and Their Agents. Despite this Court’s O-2 Order setting forth the procedure for filing motions, Stauch’s Motion was not numbered as required. Defense counsel are reminded to number their motions in the future. This promotes clarity in the record.
2. Stauch argues that “Allowing the prosecution or its agents access to the visitation logs or other such information related to visits is tantamount to allowing the prosecution access to work product and privileged information.” As such, Stauch requests this Court enter an Order prohibiting the prosecution from obtaining “records of any visitation by Ms. Stauch’s attorneys or their agents” and also prohibiting the El Paso County Sheriff’s Office or the El Paso County Detention Center from revealing “any information to the prosecution or its agents about visits Ms. Stauch may have with defense counsel, any members of the defense team, or any agents, experts, associates, assistants, or other persons affiliated with the defense. This includes visitor logs, entries, or any other records or information.”
3. Visitation by anyone with a prisoner is generally available at certain times. However, visitors must identify themselves to jail authorities for security reasons. A record is kept which identifies who visited the inmate, the date and time of the visitation and the length of stay. Logs of all visits are accessible for every inmate.
4. The starting point for the Court’s analysis is recognizing the El Paso County Sheriff’s Office and Criminal Justice Center are “criminal justice agencies” as that phrase is defined in C.R.S. §24-72-302(3) and the jail visitor logs are Criminal Justice Records as defined in C.R.S §24-72-302(4). As such, jail visitor logs are required to be “open for inspection by any person at reasonable times” pursuant to C.R.S. §24-72-303(1) and C.R.S. §24-72-304(1). Both of those statutes would prohibit disclosure of certain information related to internal investigations, crimes involving sexual assault or certain records involving child victims. Otherwise, denial of inspection of such records can only

occur on the grounds that such inspection would be contrary to state statute, rules promulgated by the Colorado Supreme Court or by the Order of any court, or disclosure would be contrary to the public interest.

5. The Court FINDS that disclosure of the visitor logs, entries or other records or information referenced by Stauch are not prohibited by state statute or any rule or Order of any Court. Neither side has argued that disclosure of such information would be contrary to the public interest. There is no indication that disclosure would somehow jeopardize an ongoing investigation. The Court FINDS disclosure of visitor logs, entries or other records or information would not be contrary to the public interest.
6. Stauch argues that investigators and experts must be able to communicate with Stauch. The Court understands that the visitor logs, entries or other records or information referenced by Stauch do not contain any communications by defense counsel or its agents to Stauch or vice versa. Rather, the logs only detail who saw Stauch on what day and perhaps detail how much time was spent with her. None of this is a disclosure of communications or even the substance thereof. Stauch cites *Shillinger v. Haworth*, 70 F.3d 1132 (10<sup>th</sup> Cir. 1995) for the proposition that disclosure of this information violates Stauch's Sixth and Fourteenth Amendment rights. *Shillinger* involved a situation where a deputy was in an interview room with the defendant and defense counsel and heard the conversation between them. The deputy then relayed that information to the prosecution. *Shillinger* has no application to the facts of this case. While the fact that Stauch may have seen someone would be discovered, no communications are reflected in the visitor logs, entries or other records or information. The attorney client privilege only applies to statements or communications by or to the client in the course of obtaining counsel, advice or direction with respect to the client's rights or obligations. *Gordon v. Boyles*, 9 P.3d 1106 (Colo. 2000). Inspection of the visitor logs, entries or other records or information referenced by Stauch do not implicate the attorney client privilege.
7. The Court DENIES Stauch's Motion to Seal and Hold Confidential Jail Records of Visits or Meetings Between Letecia Stauch and [her] Defense Team and Their Agents for the reasons set forth herein.

SO ORDERED this 3<sup>rd</sup> day of December, 2021.

BY THE COURT:

  
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Gregory R. Werner  
District Court Judge