

District Court, El Paso County, State of Colorado Court Address: P.O. Box 2980 270 South Tejon Colorado Springs, CO 80903-2203 Phone Number: (719)452-5000	DATE FILED: August 10, 2020 DATE FILED: August 10, 2020 1:22 PM
PEOPLE OF THE STATE OF COLORADO, Plaintiff, vs. Letecia Stauch, Defendant.	▲ COURT USE ONLY ▲ Case Number: 20CR1358 Div.:15S Ctrm: S403
<p align="center">[P-13, P-14, P-15, P-16 and P-17] ORDER QUASHING SUBPOENAS</p>	

This matter comes before the Court pursuant to a number of subpoenas issued by the People seeking a number of records regarding Stauch from various entities. Specifically, the People issued their P-13 subpoena directed to the Widefield School District seeking “any and all records relating” to Defendant. The People issued their P-14 subpoena to Academy School District seeking similar information. The People issued their P-15 and P-17 subpoenas to Fort Carson PPMO seeking similar information. Finally, the People issued their P-16 subpoena to Horry County Schools seeking similar information.

Stauch has raised her competency as an issue in this case. The Court conducted a hearing on the matter on June 5, 2020. At that time, the Court Ordered that Stauch be evaluated at the Colorado Mental Health Institute in Pueblo for competency. Notably, the issue of competency requires a determination of whether Stauch has the current mental capacity to understand the charges against her, has an ability to understand the proceedings and can assist her attorney in her defense. Competency is an issue separate from impaired mental capacity or sanity at the time the offense was allegedly committed. Incompetency is not a defense to a criminal act but merely relates to the mental capacity of the accused to defend against a criminal charge. *Blehm v. People*, 817 P.2d 988 (Colo. 1991). In contrast, impaired mental condition or insanity may be raised to negate a culpable mental state of the crime charged. *People v. Vanrees*, 125 P.3d 403 (Colo. 2005).

Even though the issue of competency only involves a limited determination regarding Stauch’s current mental capacity, the People issued a number of subpoenas requesting information from Stauch’s past employers and medical providers. There is no limit on the People’s request as they seek “any and all records relating to Letecia Stauch.” The People first argue that they seek this information in every case where competency has been raised as the evaluator can take into account social history and background of an individual when making a determination of competency. This Court has presided over a number of cases in the last 12 years in which

competency has been raised. This is the first case in the Court's experience where the People have issued such subpoenas. The People represented that they had obtained Orders from other Courts permitting them to obtain such information through the use of subpoena. The People specifically referenced an Order from Division 17. However, in their P-19 Notice of Prior Records Requests During Competency Proceedings, the People acknowledged in a footnote that this representation was inaccurate and they were only able to obtain such records after a second competency evaluation was ordered and a plea of Not Guilty by Reason of Insanity was entered. Obviously, that is not the case here.

In *Frank Goad*, 13CR2942, the People acknowledge that they pursued medical, behavioral, parole and probation records regarding the defendant from the Colorado Department of Corrections. The Court in that case did not release any mental health records beyond a previous competency evaluation. In *Kenneth Lankford*, 13CR4476, the People sought discovery of "the names, addresses, reports and statements of each physician or psychologist who has examined or treated the defendant for a mental disability." Obviously, the People seek far more information than that in this case. In *David Rhoads*, 18CR2417, the People sought the defendant's mental health treatment records. The Court in that case found the request to be premature, but, again, the People seek far more information than that in this case. In *James Papol*, 18CR5723, the issue was never decided as the defendant was determined to be competent and no one challenged that finding. In *Nashid Rivers*, 18CR2300, the Court initially granted the People's request for a whole host of records but then clarified that the defendant had "not waived privilege to records related to his entire medical and social history. Only those records which pertain to his mental health history or are otherwise given to the competency evaluators for their consideration." In short, none of the Orders referenced by the People permitted the broad range of discovery of "any and all records relating to" a defendant as they have requested in this case.

There is no constitutional right to discovery under either the United States Constitution or the Constitution of the state of Colorado. *Weatherford v. Bursey*, 429 U.S. 545 (1977)(federal constitution) and *People v. Spykstra*, 234 P.2d 662 (Colo. 2010)(Colorado constitution). The Colorado Supreme Court has also made it abundantly clear that a defendant has no right to use Rule 17 subpoenas as an investigative tool because there is no general constitutional right to discovery in a criminal case. *People v. Baltazar*, 241 P.3d 941(Colo. 2010). The Court is not aware of any authority, and the People have not cited any, which provides that the People can use Rule 17 as a similar investigative tool.

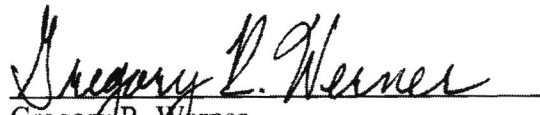
This Court previously issued its P-12 Order allowing discovery of mental health records from CJC. Records regarding previous competency evaluations would also be relevant and discoverable. Counsel for Stauch represents there have not been any prior competency evaluations. Records regarding prior mental health treatment could be relevant in determining competency, but none of the People's subpoenas contain such specific limitations. Again, the Court is not making any finding regarding the discovery of a wider range of records in the event

an Impaired Mental Condition defense is raised or an NGRI plea entered. The only issue the Court has before it at this time is the current competency of the Defendant.

For the reasons set forth herein, the People's subpoenas designated as P-13, P-14, P-15, P-16 and P-17 are QUASHED.

SO ORDERED this 10th day of August, 2020.

BY THE COURT:



Gregory R. Werner
District Court Judge