

DISTRICT COURT, TELLER COUNTY, COLORADO 101 West Bennett Ave., PO Box 997 Cripple Creek, CO 80813	DATE FILED: January 2, 2019 10:30 PM
THE PEOPLE OF THE STATE OF COLORADO, v. PATRICK FRAZEE, Defendant.	▲ COURT USE ONLY ▲
	Case No. 2018CR330 Division: 11
ORDER RE: NOTICE OF INVOCATION OF ALL STATUTORY, CASELAW AND CONSTITUTIONAL PRIVILEGE (DEF 04)	

This matter comes before the Court on the defendant’s Notice of Invocation of All Statutory, Caselaw and Constitutional Privilege filed on December 21, 2018 and the prosecution’s Response thereto.

The prosecution acknowledges the defendant has the authority to invoke his medical privilege for “all medical and psychiatric, including drug or alcohol treatment privileges.” Therefore, the prosecution shall not seek to obtain such privileged records. However, the court finds the defendant may not have the right or authority to invoke “all privileges in school, military, probation, prison, social services, or other records in which the Defendant has a confidentiality expectation.” The Criminal Justice Records Act applies to some of these records pursuant to C.R.S. §24- 72-301 and §24-72-304(1) which specifically provides that these records “may be open to inspection to any person at reasonable time except as otherwise provided by law.” Further C.R.S. §19-1-307, C.R.S. §22-1-123, and 20 USC Section 1232(g) addresses the accessibility of social service records and school records. Any military records are similarly subject to open records request under the Freedom of Information Act. 5. The parties have the power to request records under the Criminal Justice Records Act as well as pursuant to the subpoena power under the Colorado Rules of Criminal Procedure Rule 17. The defendant’s request is overly broad, given statutory protections already in effect and exceeds the provisions afforded by C.R.S. §13-90-107 and R. Crim. P. 17(c). The court finds it unnecessary to enter any further orders. Any party who requests a further hearing on a specific record shall file a motion with the court.

Done this 31st day of December, 2018.

BY THE COURT:

Linda Billings Vela

Linda Billings Vela
District Court Judge