

DISTRICT COURT, Arapahoe County, Colorado ARAPAHOE COUNTY JUSTICE CENTER 7325 S. POTOMAC ST CENTENNIAL, CO 80112	DATE FILED: August 10, 2018
THE PEOPLE OF THE STATE OF COLORADO vs. Defendant(s): ALEX CHRISTOPHER EWING	COURT USE ONLY
GEORGE H. BRAUCHLER Eighteenth Judicial District District Attorney, # 25910 By: John E. Kellner Chief Deputy District Attorney, # 37937 District Attorney's Office 6450 S Revere Parkway Centennial, CO 80111 Phone Number: 720-874-8500 Fax: 720-874-8501	Case Number: 2002CR1623 Division/Ctrm:
[DA-003] - MOTION TO UNSEAL AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WARRANT FILED IN 2002	

GEORGE H. BRAUCHLER, District Attorney in and for the Eighteenth Judicial District, respectfully moves this Court to unseal the original affidavit of probable cause for arrest warrant AND AS GROUNDS AND REASONS THEREFORE, states as follows:

1. On June 13, 2002, Chief Deputy District Attorney Eva Wilson filed a motion to Seal the Affidavit of Probable Cause for Arrest Warrant. In that motion, Chief DDA Wilson noted the following:

“The information contained in the indictment was sensitive to the ongoing investigation. The release of the information would jeopardize the ongoing investigation in that release of the information to the public may affect investigators’ abilities to locate and interview witnesses, may result in the destruction or concealment of evidence, may impact the statements of witnesses and may cause potential suspects to flee to avoid arrest or prosecution.”
Motion filed June 13, 2002, Paragraph 1.


2. Chief DDA Wilson concluded that “release of the said documents is therefore not in the public’s interest.”
3. The circumstances of this case have dramatically changed in the 16+ years since Chief DDA Wilson filed that motion. At the time, while the DNA profile of the subject was identified

using then-current technology, the name of the person identified in the information and arrest warrant remained unknown because the DNA profile had not yet been matched to a specific suspect. The investigation into these crimes remained ongoing despite the clear DNA profile that existed. As a result, the need to protect the integrity of the investigation outweighed the public interest in disclosure of the facts contained in the affidavit in 2002.

4. As the Court is aware through pleadings including DA-001 and DA-002, recent investigative efforts resulted in identifying the individual matching the DNA profile in the original case filing as Alex Christopher Ewing. While the People continue to follow-up on new information based on the identification of Mr. Ewing, there is no longer the same need to limit disclosure of facts contained in an otherwise public record. At this time, the People believe the circumstances now weigh in favor of unsealing the public documents contained in the Court file.
5. The People understand that redaction of information, such as any names of victims of sexual assault, or the actual genetic identifying information of the defendant, would be appropriate or even required under Colorado Law. The People do not object to redacting this information prior to making these records available to the public as they would be in any other case.
6. Therefore, the People move this Court to unseal the original Affidavit of Probable Cause for Arrest Warrant in the Court's file.

Respectfully submitted this 9th day of August 2018.

George H. Brauchler
District Attorney, #: 25910

By 
John E. Kellner
Chief Deputy District Attorney, #37937

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PROPOSED ORDER REGARDING [DA-003]	

Upon review of DA-003, the Court hereby orders as follows:

The People's Motion DA-003 is GRANTED. The 2002 order sealing the original Affidavit of Probable Cause For Arrest Warrant is rescinded. Court staff will redact the specific genetic markers and other information as required by law before releasing a copy of the affidavit to the general public.

The People's Motion is DENIED.

DONE this 9th day of August, 20 18.

BY THE COURT:

Magdalena Torrico
 District Court Judge

