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DATE FILED: December 28, 2021

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, CO 80903	FILED: December 28, 2021 4:51 PM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. LETECIA STAUCH, Defendant	
Attorney or Party without Attorney (Name and Address): BARKER & TOLINI, P.C. JOSHUA TOLINI, ESQ. 720 S. Tejon Colorado Springs, CO 80903 Phone Number: (719)227-0230 FAX Number: (719)227-0964 Atty. Reg. #: 30119	Case No. 20CR1358 Division 15
MOTION FOR DISCOVERY OF EXPERTS WHO MAY BE CALLED AT TRIAL OR SENTENCING (D-40)	

COMES NOW Ms. Stauch, by and through counsel, and asks this Court to order the prosecution to provide defense counsel with the following material and information:

1. The names and address of all witnesses the prosecution intends to qualify as experts.
2. The specific field of expertise about which the witness will testify.
3. All reports and statements, including oral statements made in connection with this case of all expert witnesses, and in particular the precise opinions the expert witnesses will offer, whether it relates to this case or any other case.
4. All documents, reports and information on this case which the witness is considering the formulation of expert opinion.
5. The formal education, technical training, experience and other factors which serve as a basis for the witness' qualification as an expert.
6. Any grades, evaluations, transcripts or rating received by the witness as to education, training or practical experience in the field of expertise.
7. All books, manuals, articles, journals, reports, studies or other literature used or relied upon by the witness in the formulation of expert opinions concerning this case.

8. Any compensation received for work on this case, regardless of the source of the compensation.
9. All of the above information, for any expert consulted by the prosecution or law enforcement and who has performed work on the case or an evaluation, but whom the prosecution does not intend to call to testify at trial or sentencing.

AS GROUNDS, Ms. Stauch states:

1. Such discovery is mandated or authorized by C.R.Crim.P. 16(I)(a)(I)(III) and (IV), (a)(2) and (d)(I), as well as relevant portions of Crim. P. 32.1 and, C.R.S. §18-1.3-1201, and indirectly by CRE 703 and CRE 705, as well as other rules and statutes that may govern this case.
2. This discovery request is relevant, potentially exculpatory and necessary to prepare and present a defense and mitigation in this case. *Brady v. Maryland*, 373 U.S. 83 (1963); *Chambers v. People*, 682 P.2d 1173 (Colo. 1984).
3. Ms. Stauch will be denied his state and federal constitutional guarantees of due process, confrontation and effective assistance of counsel if the requested material is not provided.
4. The arguments for production in this case are particularly compelling in light of this Court's authority under Rule 16, which provides:

(3) Where the interests of justice would be served, the court may order the prosecution to disclose the underlying facts or data supporting the opinion in that particular case of an expert endorsed as a witness. If a report has not been prepared by that expert to aid in compliance with other discovery obligations of this rule, the court may order the party calling that expert to provide a written summary of the testimony describing the witness's opinions and the bases and reasons therefor, including results of physical or mental examination and of scientific tests, experiments, or comparisons. The intent of this section is to allow the defense sufficient meaningful information to conduct effective cross-examination under CRE 705.

Crim. P. Rule 16 (1)(d)(3).

5. Of course, “[a] court may, upon motion, require disclosure to the defense of relevant material underlying facts or data supporting the opinion of an expert, which the prosecutor is not otherwise compelled to disclose.” *People v. Greer*, 262 P.3d 920, 930 (Colo. App. 2011). The rule provides that a court may, upon motion, require disclosure to the defense of relevant material which the prosecutor is not otherwise compelled to disclose. *Ibid.* Ms. Stauch has a right to develop mitigation and to prepare to meet the prosecution's case. This court should order the discovery as requested.
6. Ms. Stauch makes this demand, and all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: federal and state constitutional rights to bail, due process, to defend life, to the equal administration of justice, trial by jury, right to counsel, equal protection, cruel and unusual punishment, confrontation, compulsory process, right to remain silent, privileges and immunities, and right to appeal clauses of the federal and Colorado Constitution, and article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25, and 28 of the Colorado Constitution. Ms. Stauch also

relies upon the Rules of Criminal Procedure, including Crim.P. 16(I), as well as *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Bagley*, 473 U.S. 667 (1985), *Smith v. Cain*, 132 S. Ct. 627, 630 (2012), *Giglio v. United States*, 405 U.S. 150 (1972), and *Kyles v. Whitley*, 514 U.S. 419 (1995), and CRE's 703 and 705. Ms. Stauch cross-references and incorporates by reference all pleadings filed in this case, and caselaw cited therein and at oral argument.

s/ Joshua Tolini
Joshua Tolini #30119
Dated: December 28, 2021