

District Court, El Paso County, State of Colorado Address: 270 S. Tejon St., Colorado Springs, CO 80903	DATE FILED: March 26, 2023 2:38 PM
<hr/> People of the State of Colorado, Plaintiff, vs. LETECIA STAUCH, Defendant. <hr/> Attorneys for Defendant: BARKER & TOLINI, by Josh Tolini 115 E. Costilla, Colorado Springs, CO 80903 Phone Number: (719) 227-0230 E-Mail: joshuatolini@hotmail.com Atty. Reg. #: 30119	<hr/> <p style="text-align: center;">↑ COURT USE ONLY ↑</p> <hr/> Case Number: 20CR1358 Div.: 15
MOTION TO AUTOMATICALLY EXCLUDE JURORS WHO HAVE A PRECONCEIVED VIEW OF GUILT (D-51)	

COMES NOW the above-named Defendant, Ms. Leticia Stauch, by and through her attorney, Josh Tolini, Esq., in the above referenced matter, and moves this court to automatically exclude jurors who have a preconceived view of guilt. As grounds therefore, undersigned counsel states as follows:

1. Due to the pervasive, intensive, and prejudicial publicity and public commentary concerning the charges against Ms. Stauch and the public outcry against Ms. Stauch many of the jurors have expressed a preconceived opinion of her guilt.

2. It is fundamental to a defendant's constitutional right to a fair trial that he be provided with an impartial jury. People v. Loscutoff, 661 P.2d 274, 276 (Colo. 1983); accord Skilling v. United States, 561 U.S. 358, 377 (2010).

3. While some jurors have expressed a willingness to try to set aside their preconceived belief of her guilt, such assurances fall short of guaranteeing Ms. Stauch the presumption of innocence before an impartial jury. Most of the jurors expressing the belief Ms. Stauch is guilty have been following the case for over three years in the media. Meaning in most cases these jurors have held a belief in her guilt for that amount of time. The idea that a juror can wipe their mind clear and presume Ms. Stauch innocent is an illusion that flies in the face of science.

4. Despite a juror's best effort, those jurors who have previously formed an opinion of Ms. Stauch's guilt will unconsciously favor information from the prosecution that confirms this preexisting belief. "Confirmation bias is a type of unconscious bias that causes people to pay more attention to information that confirms their existing belief system and disregard that which is contradictory.....That is the insidious nature of unconscious bias--people are completely unaware of implicit biases they may harbor and how those biases leak into their decision-making and behaviors." Kathleen Nalty, Strategies for Confronting Unconscious Bias, Colo. Law., May 2016, at 45, 45–46 (2016).

5. Seating jurors that are unconsciously primed for guilt does not provide Ms. Stauch with an impartial jury. Further the situation is imminently preventable. Based upon the previous four days of jury selection, automatically removing any juror who expresses a preconceived belief of Ms. Stauch's guilt will still leave more than enough jurors by April 3, 2023.

Respectfully submitted this March 26, 2023

By: s/ Joshua Tolini
Joshua Tolini #30119