

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	DATE FILED: February 17, 2023 FILED BY: 2155 JAM
<b>People of the State of Colorado</b> vs. <b>Defendant: LETECIA STAUCH</b>	<b>▲ COURT USE ONLY ▲</b>
District Attorney, Michael J. Allen, #42955 Senior Deputy District Attorney, Dave Young, # 21118 and Deputy District Attorney, Angelina Gratiano, #50674 105 E. Vermijo Colorado Springs, CO 80903 Phone Number: 719-520-6000	Case #: 20CR1358  Division #: 15S  Courtroom #: S403
<p>[P-43]</p> <p><b>PEOPLE'S MOTION FOR DISCOVERY CONCERNING DEFENSE'S          PRELIMINARY PSYCHIATRIC IMPRESSIONS OF LETECIA STAUCH</b></p>	

The District Attorney of the Fourth Judicial District of the State of Colorado, Michael J. Allen, and his duly appointed Deputy District Attorneys, respectfully moves as follows in **[P-43] PEOPLE'S MOTION FOR DISCOVERY CONCERNING DEFENSE'S PRELIMINARY PSYCHIATRIC IMPRESSIONS OF LETECIA STAUCH**, that was filed pursuant to the Court's order on February 2, 2023; and hereby petitions the court to order defense counsel to comply with this Court's order and Part II(b)(1) and (2) of Crim. P. 16 and CRS §16-8-106, to provide reports of experts' opinion regarding insanity forthwith. As grounds in support of this request states:

1. On March 11, 2020, the Defendant was charged with murder in the first degree, child abuse resulting in death, tampering with a deceased human body and tampering with physical evidence for the death of Gannon Stauch that occurred on or about January 27, 2020. The complaint was amended on March 20, 2020, adding several other counts related to the death of Gannon Stauch.
2. On November 4, 2021, the Defendant entered not guilty pleas to all counts and counsel for the defendant gave oral notice of their intent to introduce mental condition evidence specifically stating that she is not entering a not guilty by reason of insanity plea (NGRI). The court ordered an in-custody evaluation to be completed at the Colorado Mental Health Institute at Pueblo (CMHIP). The case was set for Jury Trial on March 28, 2022.

3. On February 11, 2022, the Defendant changed her plea to NGRI and counsel for the Defendant stated on the record that they had good cause to change the plea as they retained an expert that reviewed material and “there appears to be some sort of  
” The defense counsel did indicate that their expert had not yet done the insanity evaluation yet but did confirm that this expert was out of state and could complete a requested insanity evaluation. The court ordered another evaluation at CMHIP and vacated the Jury Trial date of March 28, 2022.
4. At that time, the defense counsel had ample opportunity to begin the evaluation process with their expert, Dr. Dorothy Lewis.
5. On August 4, 2022, the Court received the report from CMHIP finding the Defendant legally sane at the time of this crime. On August 23, 2022, defense counsel filed a Motion for Second Sanity Examination (D-46) pursuant to CRS §16-8-106, requesting that Dr. Lewis conduct the examination.
6. On August 25, 2022, the parties were in court to discuss the logistics of the second evaluation and defense counsel informed the court on the record that an evaluation report is expected to be completed within thirty days as their expert, Dr. Lewis, has been reviewing materials for a while.
7. On October 13, 2022, defense counsel withdrew their request to have an EEG and MRI done as part of their expert’s evaluation and stated in chambers to the court and the prosecution team that they anticipate that their expert’s evaluation would be completed by December 1, 2022. The parties agreed to set the case for its current jury trial date of March 20, 2023.
8. On November 15<sup>th</sup> through the 17<sup>th</sup> of 2022, the Defendant participated in video recorded forensic interviews with Dr. Lewis, which have been discovered to the People.
9. As of December 1, 2022, the Defense had not filed their expert’s evaluation report.
10. On February 2, 2023, the Court ordered defense counsel to produce the insanity evaluation report from Dr. Lewis no later than February 13, 2023, which is 35 days before trial, pursuant to Rule 16.
11. On February 13, 2023, after 5:00 pm, defense counsel filed a letter titled “Preliminary Psychiatric Impressions of Letecia Stauch.” This letter is merely “preliminary impressions” of the Defendant and is not an insanity evaluation report as was ordered by the Court. The letter does not render a conclusion as to whether or not the Defendant was legally sane at the time of this crime. Of note, defense counsel filed the letter “sealed” which prevented the People from reviewing the letter on February 13<sup>th</sup>.



12. In response to an email the People sent to counsel for the Defendant on February 14, 2023, at 9:09 am, requesting a copy of the letter, defense counsel responded that same day at 3:09 pm providing the People with a copy of the letter. (*Email Exchange Included - See Attachment A*).
13. The preliminary impressions letter notes the various sources of information Dr. Lewis relied upon in reaching these preliminary impressions, to include the below items which have not been turned over to the People:
  - Consultation with social worker and investigator for the defense;
  - Incarceration records;
  - Corrections psychiatric records;
  - Interviews by defense team with family and friends of Letecia's;
  - Nursing notes;
  - Handwriting samples and signatures of Letecia's produced prior to offense;
  - Medical records.
14. To date, the Defense has yet to comply with the Court order and Rule 16 providing the completed insanity evaluation report, including the above material, and numerous documents that were used during the forensic interviews, which their expert relied upon in reaching her findings.
15. Additionally, the letter recommends that additional neuropsychological testing be completed via a referral to Laura D. Leach, Ph.D. This additional testing has not been completed but the Defense has represented that it is scheduled to be conducted on Monday, February 20, 2023.
16. The letter states that Dr. Lewis cannot render an opinion as to insanity without the results of such testing.
17. The People are concerned given the posture of the case that all parties will not have the benefit of reviewing a completed insanity evaluation report prior to trial.
18. The People ask the Court to set a hearing forthwith to establish additional discovery deadlines and/or sanctions due to the delay in obtaining a completed insanity evaluation report by Dr. Lewis.
19. Further, the People ask the Court to enter an order compelling the Defense to disclose the material Dr. Lewis relied on in reaching her preliminary evaluation of the Defendant. To date, the People have not been provided those materials despite the Court's order compelling such discovery pursuant to Rule 16.



