



4. "Lit Packs" or Litigation Packets is a term which references the compilation of materials produced during forensic testing by a crime laboratory and, often includes, notes of the testers, underlying data produced through the testing process, calculations, and correspondence, etc.
5. This compilation of material is regularly discovered to defendant's through the normal discovery process. Generally, these materials are requested by the District Attorney from the crime laboratory at the end of all testing in a case and include the materials for testing in each discipline which was involved in the matter. Each litigation packet would include all materials maintained by the lab and multiple requests for these materials prior to completion of all testing would result in the same documents being released in discovery over and over again. This piecemeal approach to discovery would be confusing and redundant.
6. The People are aware of their discovery obligations and the associated deadlines under Colorado Criminal Rule of Procedure 16 and will comply with those requirements. Rule 16 sets deadlines for disclosure based on the type of document or evidence. Certain items must be furnished to the Defendant as soon as practicable but not later than 21 days after first appearance or filing of charges. *C.R.Cr.P 16(b)(1)*. The remaining discovery obligations must be met as soon as practicable but not later than 35 days before trial. *C.R.Cr.P 16(b)(3)*. The documents sought by the defense through the subpoena process fall into the latter category and, currently, no trial is scheduled in this matter.
7. Rather than follow the regular discovery process, the Defendant has subpoenaed these documents through the procedures outlined in Colorado Rule of Criminal Procedure 17 directly with the law enforcement agencies and prior to the preliminary hearing. The subpoena power under Rule 17 "was not intended to provide a means of discovery in criminal cases." *People v. Baltazar, 241 P.3d 941, 944 (Colo. 2010) quoting United States V. Nixon, 418 US 683, 698 (1974)*.

WHEREFORE, for the foregoing reasons, the People request the Court grant its motion and quash the subpoena.

Respectfully submitted on June 3, 2020.

/s/ Michael J. Allen  
Michael J. Allen, #42955  
Senior Deputy District Attorney

Martha McKinney, #28745  
Chief Deputy District Attorney

Angelina Gratiano, #50674

Deputy District Attorney

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing **[P-06] People's Motion to Quash Subpoena Duces Tecum directed to the Colorado Springs Police Department and the Colorado Bureau of Investigations** was served via ICCES on all parties who appear of record and have entered their appearances herein according to ICCES:

Date: June 03, 2020

By: /s/ Sara Eldridge  
Paralegal