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| DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, CO 80903 | DATE FILED January 12, 2023 1:15 PM DATE FILED January 12, 2023 |
| People of the State of Colorado vs. Defendant: Letecia Stauch | ▲ COURT USE ONLY ▲ |
| District Attorney, Michael J. Allen, #42955 Senior District Attorney, Dave Young, #21118 Deputy District Attorney, Angelina Gratiano, #50674 Address: 105 E. Vermijo Colorado Springs, CO 80903 Phone Number: 520-6000 | Case #: 20CR1358 Division #: 15S Courtroom #: S403 |
| [P-34] PEOPLE’S MOTION FOR DISCOVERY CONCERNING DEFENSE EXPERTS PURSUANT TO CRIM. P. 16(II)(b) and CRS §16-8-106(2) | |

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-34] People’s Motion for Discovery Concerning Defense Experts Pursuant to Crim. P. 16(II)(b) and CRS §16-8-106(2) and hereby petitions the court to order the Defendant pursuant to Part II(b)(1) and (2) of Crim. P. 16 and CRS §16-8-106, to provide reports of experts, curriculum vitae and the underlying facts or data supporting the expert’s opinion, as soon as practicable. 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 have good cause to change the plea as they have an expert that reviewed material and “there appears to be some sort of _____” Counsel did indicate that his expert has not done the insanity evaluation yet. The court ordered another evaluation at CMHIP and vacated the Jury Trial date of March 28, 2022.

4. 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 the Defendant filed a Motion for Second Sanity Examination (D-46) pursuant to CRS §16-8-106, requesting that Dr. Dorothy Lewis conduct the examination. 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.
5. On October 13, 2022, defense counsel withdrew their request to have an EEG be 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.
6. On December 27, 2022, the undersigned sent an email to both defense counsel requesting when a sanity report would be available from Dr. Lewis. *See Attachment A*. The undersigned also left a phone voice message for Mr. Tolini on January 11, 2022 regarding this case. The undersigned referenced email and phone call message have not been returned as of the time of the filing of this motion.
7. "A copy of any report of examination of the defendant made at the instance of the defense shall be furnished to the prosecution a reasonable time in advance of trial." CRS §16-8-106(2).
8. Colorado Rule of Criminal Procedure 16, Part II(b)(1) and (2) provide that the Court may require that the prosecuting attorney be informed of any reports made by experts in connection with a case as well as the underlying facts or data supporting the expert's opinion. "The intent of this section is to allow the prosecution sufficient meaningful information to conduct effective cross-examination under CRE 705." Crim. P. 16, Part II (b).
9. To the extent that the defense intends to call experts at the trial, the People are requesting to have the names, curriculum vitae, notes, reports, and the underlying facts for the expert's opinion, sufficiently in advance of trial to conduct an effective cross-examination and retain potential rebuttal experts if necessary.
10. The jury trial is set for March 20, 2023, over three years after the death of Gannon Stauch. The People respectfully request this Honorable Court enter its Order requiring the defense to provide the People with such information contemplated by Rule 16 and CRS §16-8-106(2) as soon as practicable.
11. The People request this court enter an order requiring the defendant 1) to provide the People with a *curriculum vitae* or other summary of the expert witness' training, education, experience, and qualifications to provide an expert opinion; 2) to inform the People of the existence of and provide any reports or statements of experts made in connection with this case, including Power Point presentations to be used in trial; 3) to discover to the People the underlying facts, data, studies, articles, or other written materials supporting the opinion of the defense expert. As grounds the People cite Crim.P. 16(II)(b).

WHEREFORE, the People urge this Court to order the disclosures of the names, curriculum vitae, notes, reports, and the underlying facts for any proposed expert's opinion, sufficiently in advance of the jury trial set on March 20, 2023 to allow the People enough time to prepare to conduct an effective cross-examination on these experts and retain potential rebuttal experts if necessary.

Respectfully submitted on this 12th day of January 2023.

/s/

Dave Young, #21118
Senior Deputy District Attorney

Michael J. Allen, #42955
District Attorney

Angelina Gratiano, #50674
Deputy District Attorney

Certificate of Service

I hereby certify that on this 12th day of January 2023, a true and correct copy of the foregoing **[P-34] People's Motion for Discovery Concerning Defense Experts Pursuant to Crim. P. 16(II)(B) and CRS §16-8-106(2)** was served via Colorado Courts E-Filing on all parties who appear of record and have entered their appearances according to Colorado Court's E-Filing.

/s/

Kim Daniluk, Paralegal