

DOUGLAS DISTRICT COURT STATE OF COLORADO 4000 Justice Way Castle Rock, CO 80109	Case Number: 19CR451 Div. 1
THE PEOPLE OF THE STATE OF COLORADO v. DEVON MICHAEL ERICKSON, Defendant	
SUPPLEMENTAL ORDER RE: P-1 and P-8	

On June 6, 2019, the People filed “P-8 People’s Motion to Unsuppress Court File” (“P-8 Motion”). In the P-8 Motion, the People argued that the record in this case should be unsuppressed because disclosure was no longer contrary to the public interest. *See* C.R.S. § 24-72-305(5). Previously, both the People and the Defendant had argued that the file should be suppressed. The Defendant maintains this position still. The People previously argued that suppression was necessary because of law enforcement’s ongoing investigation into the underlying crime. *See* “P-1 Motion To Suppress Court File And Affidavit.” The P-8 Motion informed the Court that the People had conferred with law enforcement and no longer believed that to be the case.

The P-8 Motion was filed late in the afternoon of June 6, 2019, on the eve of a status conference scheduled for the morning of June 7. Less than an hour later, Defendant filed a motion seeking the recusal of the judge in this case. *See* “D-9 Mr. Erickson’s Verified Motion To Recuse The Court From This Case And For Disclosure Of Basis For Recusal In Case No. 19CR467.” A motion to recuse, by law, stays any further substantive proceedings in the case. *See* Colorado Crim. P. Rule 21. The Court still held the scheduling conference on June 7 to address non-substantive scheduling matters. At that conference, however, the Defense made a request that the Court interpreted as a request for more information and for leave to supplement the recusal motion.

Consequently, the Court considered the recusal motion to be unperfected, and the stay to have not yet taken effect. The Court issued expedited deadlines for any further recusal pleadings. *See* “C-3 Scheduling Order Re: Defendant’s D-9.”

The night of June 7, the Court issued its Order Re: P-1 and P8, which, in consideration of the apparent completion of the investigation, essentially granted P-8 as to the court file in general. But that grant was subject to the resolution of certain different issues regarding statutorily-required redactions of specific information regarding the identity of minors and other protected information, and the order

required further action by the People. Given the public interest in the case, the order also provided practical information about when and how it intended to distribute information from the court file once the redaction issues were resolved and the proper redactions completed.

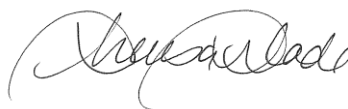
This order never took full effect. The People did file their “People’s Reply To The Court’s Order Regarding P-1 and P-8,” on June 11. This filing answered the outstanding questions the Court had regarding the statutory redactions. But a few hours after that filing—and before the reply could be considered, redactions completed, and the June 12 date the Court had initially set for the beginning of the public release of the file—the Defendant filed “D-11 Response to Scheduling Order C-3.” D-11 made clear that there was no intent on the part of Defendant to further supplement his recusal motion. Consequently, any further action in the case was again stayed under the provisions of Colorado Crim. P. Rule 21 and based on the briefing scheduling order, the soonest the Court could issue a rule on D-11 was June 19.

The Court has now ruled on the recusal motion, considered the People’s reply regarding redactions in full, and the distribution of the Court file may proceed pursuant to C.J.D. 05-01 (amended October 18, 2016). The public may access a copy of this Supplemental Order and redacted copies of the “Determination of Probable Cause to Detain and Affidavit in Support of Warrantless Arrest” and the “Complaint and Information” at:

https://www.courts.state.co.us/Media/Cases_of_Interest/Trial_Courts.cfm .

Requests for access to other filings in the court record should be made to the Douglas County Clerk of Court who will follow C.J.D. 05-01.

DONE this 20th DAY of JUNE 2019.



THERESA M. SLADE
DISTRICT COURT JUDGE