

District Court, Boulder County, Colorado Court Address: 1776 6 th Avenue Boulder, CO 80306	
THE PEOPLE OF THE STATE OF COLORADO v. AHMAD AL ALIWI ALISSA Defendant.	DATE FILED: April 26, 2024 4:00 PM σ COURT USE ONLY σ
Megan Ring, Colorado State Public Defender Kathryn Herold #40075 Supervising Deputy State Public Defender Samuel Dunn #46901 Deputy State Public Defender Boulder Regional Public Defenders 2555 55TH Street D-200, Boulder, CO 80301 Phone: (303) 444-2322 Fax: (303) 449-6432 E-mail: boulder.defenders@state.co.us	Case No. 21CR497 Division 13
MR. ALISSA'S MOTION FOR DISCLOSURE AND PRETRIAL DETERMINATION OF ADMISSIBILITY OF LAY OPINIONS (D-041)	

AHMAD ALISSA, through counsel, moves this Court for an order requiring a preliminary determination of the admissibility of any evidence the prosecution may offer which potentially contains a lay opinion. As ground for this motion Mr. Alissa states the following:

1. The discovery in this case contains witness statements which contain possible lay opinions. The foundations of those lay opinions will clearly be at issue in this case as will the issue of whether or not these are proper lay opinions at all. In addition, there may be possible lay opinions which the prosecution intends to try and introduce which are unknown to the defense.
2. Colorado Rules of Evidence 103, 104 and 701 provide that questions surrounding the admissibility of evidence should be determined by the Court. This determination should be made outside of the presence of the jury should the interests of justice so require. *People v. Garner*, 806 P.2d 366 (Colo. 1991.) The interests of justice so require that these matters be heard outside the presence of the jury, as a pretrial determination by the Court is the only way to guarantee that the jury is not exposed to matters which might later be deemed inadmissible. The interests of justice further require these precautions as the charges pending against Mr. Alissa carry such severe consequences.
3. In granting this request for *in limine* review, the Court will, in addition to protecting Mr. Alissa's constitutional rights, shorten and simplify the jury trial, clarify the trial evidence, lessen the objections, lessen the number and length of bench conferences, reduce inconvenience to the jury by reducing the number of hearings outside their presence, and lessen the chances of mistrial and error.

4. An appropriate way to litigate these questions of admissibility is for the prosecution to specify which possible lay opinions it wishes to introduce. The defense can review these statements. If there are any objections, they can be litigated prior to trial.
5. Mr. Alissa moves for a hearing on this motion.

Mr. Alissa makes these arguments and motions, and all motions, requests and objections in this case, whether or not expressly stated at the time of the motion or objection, under the Due Process, Trial by Jury, Right to Counsel, Confrontation, Compulsory Process, Equal Protection Cruel and Unusual Punishment and Privilege Against Self Incrimination Clauses of the federal and Colorado Constitutions, and the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments of the U.S. Constitution, and Art. II, §§ 3,6,7,8,16,18,20,23 and 25 of Colorado's Constitution.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Kathryn Herold #40075
Supervising Deputy State Public Defender



Samuel Dunn #46901
Deputy State Public Defender

Certificate of Service

I hereby certify that on ___April
26_____, 2024, I served the foregoing
document through Colorado E filing to all
opposing counsel of record.

KH_____

Dated: April 23, 2024

