

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 TO EXTEND THE MOTIONS FILING DEADLINE (D-053)	

AHMAD ALISSA, by and through counsel, moves this Court to extend the motions filing deadline in this matter. In support Mr. Alissa states the following:

1. Mr. Alissa's case is set for hearing on motions the week of June 3, 2024, with trial scheduled for August 2024. This is the first motions setting. On February 9, 2024, the Office of the Public Defender suffered a system-wide malware attack. As of the writing of this motion, this malware event continues to compromise networks used by the Public Defender's office. Defense counsel maintains a "motions bank" on one of internal network drives that remains compromised. Defense counsel remains unaware as to when the internal drive with their motions bank will be restored to use.
2. Further, defense counsel received additional discovery on April 19, 2024 from the prosecution in the form of a forensic examination report from Mr. Alissa's phone. Counsel must review this material, and determine whether or not additional motions should be filed. Further, counsel requests leave to review the voluminous discovery received to date, to ensure that no issues that should be resolved prior to trial are overlooked or missed. The defense is still recovering for lost time attributable to the malware event, and must request more time in order to perform due diligence. The defense needs to review the discovery in full, determine what issues are presented that require the filing of motions, and time to draft those motions. This is critical to the continued, constitutionally adequate representation of Mr. Alissa.
3. As such, counsel must move to extend the motions filing deadline. U.S. Const., amend. VI, XIV; Colo. Const., Art. II §16; *United States v. Scott*, 11 F.4th 364, 370 (U.S Ct. App. 2021) (defense counsel has a duty to decide whether or not to file motions and make reasonable investigations or reasonable decisions with the information available to it); *Holsomback v. White*, 133 F.3d 1382

(11th Cir. 1998) (counsel failing to investigate evidence, and instead relying on the prosecution's reference to such evidence is not reasonable and constitutes deficient performance); *Strickland v. Washington*, 466 U.S. 688 (1984); *Ardolino v. People*, 69 P.3d. 73, 76 (Colo.2003) (an evidentiary hearing for ineffective assistance of counsel claims is appropriate when plausible options for a defense are not pursued); Colo. RPC 1.1; Colo. RPC 1.3.

Mr. Alissa makes these arguments and motions, and all motions 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 26, 2024

