

Boulder District Court, Boulder County, State of Colorado 1777 Sixth Street Boulder, Colorado 80302	DATE FILED: November 16, 2023 2:00 PM
People of the State of Colorado, v. AHMAD AL ALIWI ALISSA, Defendant.	▲ COURT USE ONLY ▲
<i>Attorney for the People:</i> Michael Dougherty, Esq., Ken Kupfner, Esq., and Adam Kendall, Esq. <i>Attorney for Defendant:</i> Kathryn Herold, Esq., and Sam Dunn, Esq.	Case Number: 2021CR497 Division 13 Courtroom G
MINUTE ORDER RE: PRELIMINARY HEARING AND ARRAIGNMENT	

This matter comes before the Court for a Preliminary Hearing. Michael Dougherty, Esq., Ken Kupfner, Esq., and Adam Kendall, Esq., appear on behalf of the People. Kathryn Herold, Esq. and Sam Dunn, Esq. appear on behalf of Defendant, Ahmad Alissa, who also appears. The proceedings were recorded on the FTR. The Court reviewed the evidence, the case file, and applicable law, and considered the testimony and arguments of counsel. The findings and rulings made on the record are incorporated herein, and the Court now issues the following findings and orders.

SWORN TESTIMONY

1. Detective Sarah Cantu, Boulder Police Department.

ADMITTED EXHIBITS

The People: Exhibits 1, 2, 3, 4, 5, 6, 7, 8, and 9.

BACKGROUND

Defendant is charged with ten counts of Murder in the First Degree (F1), forty-seven counts of Attempted Murder in the First Degree (F2), one count of Assault in the First Degree (F3), ten counts of Possession of a Large-Capacity Magazine During the Commission of a Felony (F6), and forty-seven

counts of Crime of Violence with a Semiautomatic Assault Weapon as a Sentence Enhancer. On September 1, 2021, Defendant's counsel raised the issue of Defendant's competency to stand trial. On October 1, 2021, Defendant was found not competent to proceed to adjudication. After a second competency evaluation was completed on November 26, 2021, the Court found Defendant incompetent to proceed and referred him for in-patient restoration treatment, eventually transferring him to the Colorado Mental Health Institute in Pueblo ("CMHIP") in December 2021. The Court held a Restoration Review Hearing on September 27, 2023. On October 6, 2023, the Court issued a ruling, finding Defendant competent to proceed to adjudication and set the matter for a preliminary hearing on November 14, 2023.

MATTERS DURING PRELIMINARY HEARING

1. The People call their first witness, Det. Sarah Cantu, at 9:00am.
2. People's Exhibits 1, 2, 3, 4, 5, 6, 7, 8, and 9 are admitted into evidence without objection.
3. Defendant rests their argument on the record made and the People present argument regarding findings of probable cause at 11:00am, including that they concede that four counts of Possession of a Large-Capacity Magazine During the Commission of a Felony (F6) should be dismissed since only six of the rifle magazines recovered after the incident were found to have a prohibited, increased capacity.

PRELIMINARY HEARING RULINGS AND ORDERS

The Court finds that the evidence is sufficient to induce a person of ordinary prudence and caution to have a reasonable belief that Defendant committed all the crimes charged as set forth in the complaint, with the exception of four of the ten charges of Possession of a Large-Capacity Magazine During the Commission of a Felony (F6). Accordingly, the Court dismisses Counts 65, 66, 67, and 68. All remaining counts are bound over for trial. After brief argument on the matter from both parties, the Court sets Defendant's bond at \$100 million as a cash, property, or surety bond. Defendant's bond conditions include that Defendant must report to pre-trial supervision, that Defendant must surrender his passport, that Defendant may have no contact with any victims or relatives of the deceased victims, and that Defendant shall be subject to electronic home monitoring.

MATTERS DURING ARRAIGNMENT

1. At the conclusion of the Court's orders from the preliminary hearing regarding the probable cause of the charges, Defendant's counsel requests that Defendant immediately be arraigned with the intention of entering a plea of not guilty by reason of insanity ("NGRI").
2. Prior to the Court's acceptance of Defendant's plea of NGRI, the People request that the Court advise Defendant regarding his rights and the potential consequences of a NGRI plea. The Court advises Defendant regarding his rights and the potential consequences of a NGRI plea and accepts Defendant's plea of NGRI.

3. The Court orders that Defendant shall be transported back to CMHIP, where he will be examined pursuant to C.R.S. § 16-8-106, and that Defendant's resulting mental condition evaluation shall be completed and filed with the Court by January 8, 2024.
4. The Court sets the matter for a 3-week jury trial starting the week of August 12, 2024, with jury selection in the matter beginning during the week of August 5, 2024. The Court additionally sets the matter for a status conference on January 12, 2024, at 1:30pm.
5. At the request of Defendant's counsel, the Court orders that Defendant shall be transported from CMHIP to attend the January 12, 2024, status conference in-person.
6. The Court notes that there shall be a motion filing deadline 35 days prior to the motions hearing, which is scheduled to take place for one week, starting on Monday, June 3, 2024, at 9:00am. Pursuant to the parties' joint request, a court reporter shall be utilized not only for jury selection and trial, but also for the motions hearing.

Dated November 16, 2023,
nunc pro tunc November 14, 2023.

BY THE COURT

A handwritten signature in black ink, appearing to read 'Ingrid S. Bakke', with a stylized flourish at the end.

Ingrid S. Bakke
District Court Judge