

DISTRICT COURT, BOULDER COUNTY, COLORADO 1777 Sixth Street Boulder, CO 80302	DATE FILED: May 24, 2024 4:39 PM
PEOPLE OF THE STATE OF COLORADO v. AHMAD AL ALIWI ALISSA Defendant	▲ COURT USE ONLY ▲
Michael T. Dougherty, District Attorney Adam Kendall, Chief Trial Deputy District Attorney 1777 Sixth Street Boulder, CO 80302 Phone Number: (303)441-3700 FAX Number: (303)441-4703 E-mail: akendall@bouldercounty.org Atty. Reg. #38905	Case No. 21CR497 Div.: 13
<p align="center">Response to [Defendant’s] Motion for Disclosure and Pretrial Determination of Admissibility of Lay Opinions (D-041)</p>	

Ahmad Al Aliwi Alissa (the “Defendant”), through [Defendant’s] Motion for Disclosure and Pretrial Determination of Admissibility of Lay Opinions (D-041) (the “Motion”), requests an “order requiring a preliminary determination of the admissibility of any evidence the prosecution may offer which potentially contains a lay opinion” from the Court. Defendant does not specify what “lay opinions” he is concerned about, what evidence is at issue, or what precisely he is asking to exclude. Without further clarification from Defendant as to what he is referring to, the People are unable to respond to Defendant’s Motion and the Motion should be denied.

Defendant requests that the Court review the undefined “lay opinion” evidence *in limine*. Generally, a motion *in limine* will contain – at a minimum – an explanation as to why there is reason to believe that the non-moving party will seek to admit the specific evidence in question; the grounds on which the evidence is either admissible or inadmissible; and a legal argument in

support of its position. Jason R. Prussman, *Motions in Limine*, Colo. Law., January 2006, at 73, 74. Defendant’s Motion is bereft of even these basic requirements.

Requesting the Court to rule on questions of evidence admissibility necessarily requires a detailed enough description of the evidence at issue, and the argument around such issue, to allow the non-moving party and the Court to assess the request. Because the Motion lacks citation to specific evidence Defendant seeks to include or exclude, it is impossible for the People to discern what Defendant is requesting. The People are bound by the Colorado Rules of Evidence and the Colorado Rules of Criminal Procedure during trial and intend on seeking the admission of evidence in accord with those rules.

I. CONCLUSION

WHEREFORE, the People hereby request that this Court DENY Defendant’s Motion.

Respectfully submitted,

MICHAEL T. DOUGHERTY
DISTRICT ATTORNEY

By:
s/Adam Kendall
Adam D. Kendall
May 24, 2024

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing served via the Colorado e-filing system/hand-delivered on May 24, 2024, and addressed as follows:

Kathryn Herold
Sam Dunn
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