

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
Response to [Defendant's] Motion to Suppress Illegally Seized Evidence from the Unconstitutional Second Search of [Defendant's] Home (D-034)	

Ahmad Al Aliwi Alissa (the “Defendant”) requests that the Court suppress all evidence obtained from the second search of his home.¹ As law enforcement recovered evidence from Defendant’s home pursuant to a lawful search warrant, Defendant’s request is without merit. Nonetheless, as the People do not intend to admit evidence at Defendant’s trial related to the search warrant attached as Exhibit B to [Defendant’s] Motion to Suppress Illegally Seized Evidence from the Unconstitutional Second Search of [Defendant’s] Home (D-34) (the “Motion”), the Motion is

¹ Defendant generally mentions evidence from the search, “as well as any additional evidence, statements, or other incriminating evidence obtained as a “result” thereof.” Defendant’s lack of specificity is defective, and the People are not required to address his claim with regard to supposed “additional evidence” at issue. *See People v. Dailey*, 639 P.2d 1068, 1075 (Colo. 1982) (“[F]airness to the prosecution requires that the motion to suppress specify [the evidence] challenged, so that the prosecution can prepare for the suppression hearing.”); *see also People v. Cunningham*, 2013 CO 71, ¶ 12 (“[T]he defendant, as the moving party, bears the burden of going forward to show a violation of his or her Fourth Amendment rights. If the defendant satisfies this burden, it is then upon the prosecution to show that defendant’s Fourth Amendment rights were not violated. [T]he prosecution does not have an initial burden of going forward at a suppression hearing.”).

moot and need not be addressed further.

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
Office of the Colorado State Public Defender – Boulder
2555 55th Street Suite. D-200
Boulder, CO 80301

s/Adam D. Kendall
Adam D. Kendall