

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 SIXTH STREET P.O. BOX 4249, BOULDER, CO, 80306-4249	DATE FILED: May 28, 2024 11:07 AM
THE PEOPLE OF THE STATE OF COLORADO v. Defendant(s) AHMAD AL ALIWI ALISSA	<p style="text-align: center;">⚠ COURT USE ONLY ⚠</p> Case Number: 2021CR497 Division: 13 Courtroom:
Order:Response to [Defendant's] Motion to Suppress Illegally Seized Evidence from the Unconstitutional Second Search of [Defendant's] Home (D-034)	

The motion/proposed order attached hereto: MOOT.

Pursuant to the People's Response, they do not intend to attempt to admit any evidence seized from the Defendant's home pursuant to the search warrant. Based upon this representation, any attempt to do so during the course of the trial shall be denied.

Issue Date: 5/28/2024



INGRID SEFTAR BAKKE
 District Court Judge

DISTRICT COURT, BOULDER COUNTY, COLORADO 1777 Sixth Street Boulder, CO 80302	
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

Attachment to Order - 2021CR497