

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 SIXTH STREET P.O. BOX 4249, BOULDER, CO, 80306-4249	DATE FILED: July 12, 2024 11:50 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:Mr. Alissa's Motion for Information Related to Jury Venires and Service (D-060)	

The motion/proposed order attached hereto: NO ACTION TAKEN.

DA response due no later than July 26, 2024.

Issue Date: 7/12/2024



INGRID SEFTAR BAKKE
 District Court Judge

District Court, Boulder County, Colorado Court Address: 1776 6 th Avenue Boulder, CO 80306	<p style="text-align: center;">σ COURT USE ONLY σ</p>
THE PEOPLE OF THE STATE OF COLORADO v. AHMAD AL ALIWI ALISSA Defendant.	
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 FOR INFORMATION RELATED TO JURY VENIRES AND SERVICE (D-060)	

AHMAD ALISSA, by and through counsel, moves this Court to provide information that it is within its possession related to how jurors are summoned to serve in the 20th Judicial District, and what information is used to summon potential jurors. In support of this motion, counsel asserts the following:

1. Mr. Alissa has a right to trial by a jury chosen from a fair cross section of his community. *Duren v. Missouri*, 439 U.S. 357 (1979); C.R.S. §§ 13-71-101-145 (2023).
2. Mr. Alissa is of Syrian descent. He is accused of killing ten white people, including a white police officer. According to the most recent and accessible census information available to counsel, people who identify as “Other” compose 0.4% of the Boulder County population, while people who identify as “White alone” comprise 78.3% of the county population.
3. While a fair-cross section challenge and finding does not require the existence or showing of actual bias or prejudice, it is important to note that racial bias and prejudice plays a role in trials without sufficient safeguards and transparency. *Taylor v. Louisiana*, 419 U.S. 522 (1975); See D-046 “Mr. Alissa’s Motion for a Fair and Impartial Jury- Inclusion of Unconscious Bias Juror Video Prior to Jury Selection.”

4. C.R.S. § 18-1-406(5) requires the Court, upon the defense's request, to furnish counsel with a list of prospective jurors who will be subject to call in the trial.
5. C.R.S. § 18-1-406(6) allows the defense to challenge the array (of prospective jurors) on the ground that there has been a material departure from the requirements of the law governing the selection of jurors, and such challenge shall be made in writing setting forth the particular grounds upon which it is based.
6. For Mr. Alissa to make such a challenge, he needs the information that the Court and 20th Judicial District possesses, including that proscribed within C.R.S. §§ 13-71-107- 111 (2023).
7. Mr. Alissa cannot effectuate his statutory and constitutional rights to evaluate potential jurors, and whether or not a trial would have a jury representing a fair-cross section of the community without this information.
8. No specific statistical measure should be excluded in a court's analysis of a claimed violation of a Sixth Amendment right to a jury selected from a representative cross-section of the community, and as such, reason and logic dictates that the raw data within the Court's possession should be provided in order to inform such a challenge. *Washington v. People*, 186 P.3d 594 (Colo. 2008).
9. This Sixth Amendment guarantee requires that the jury wheels, pools of names, panels, or venires from which juries are drawn must not systematically exclude distinctive groups, such as ethnic minorities, in the community and thereby fail to be reasonably representative. *Id.* at 600 citing *Taylor* at 538.
10. Mr. Alissa, to establish a prima facie violation of the fair cross-section guarantee, would need to show:
 - a. that the group alleged to be excluded is a "distinctive" group in the community;
 - b. that the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community; and
 - c. that this underrepresentation is due to systematic exclusion of the group in the jury-selection process.

Duren at 364.
11. There can be no dispute the first prong is met. Syrian people are distinctive groups for the purposes of a fair-cross section analysis.
12. The information required to show and establish the other two prongs is within the possession of the 20th Judicial District. In order to effectuate Mr. Alissa's constitutional and statutory rights, the Court must provide this information to the defense.

Mr. Alissa files this motion, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to

Counsel, Equal Protection, Confrontation, and Compulsory Process, the Rights to Remain Silent and to Appeal, and the Right to be Free from Cruel and Unusual Punishment, pursuant to the Federal and Colorado Constitutions generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25 and 28 of the Colorado Constitution. Mr. Alissa cross-references and incorporates by reference all pleadings filed or to be filed in this case, and caselaw cited therein and at oral argument.

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 Jul 8,
2024, I served the foregoing document
through Colorado E filing to all opposing
counsel of record.

KH

Dated: July 8, 2024