

District Court, Boulder County, Colorado Court Address: 1776 6 th Avenue Boulder, CO 80306	
THE PEOPLE OF THE STATE OF COLORADO v. AHMAD AL ALIWI ALISSA Defendant.	DATE FILED: July 30, 2024 3:00 PM σ COURT USE ONLY σ
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
MOTION TO RETURN MR. ALISSA TO THE BOULDER COUNTY JAIL FORTHWITH (D-062)	

AHMAD ALISSA, by and through counsel, moves this Court to return Mr. Alissa to the Boulder County Jail forthwith and without delay. In support of this motion, counsel asserts the following:

1. This Court found Mr. Alissa competent to proceed in an order promulgated on October 6, 2023. Prior to this finding, Mr. Alissa was opined incompetent to proceed *nine* times by competency evaluators.
2. With trial fast approaching, the defense requires Mr. Alissa be brought to the Boulder County Jail. Mr. Alissa, consistent with this Court’s finding of competence and in order to assist in the preparation of trial, must return to the Boulder County Jail to reside as any other competent defendant would.
3. Despite him being found competent, Mr. Alissa continues to spend his pre-trial incarceration at the Colorado Mental Health Institute in Pueblo. Mr. Alissa is under a Court order to take antipsychotic medication, namely Clozaril.
4. Mr. Alissa’s placement in Pueblo violates the functional right to due process he has in understanding the nature and object of the proceedings against him, to consult with counsel, and to assist his counsel in preparing his defense. *Drope v. Missouri*, 420 U.S. 162, 171 (1975).

5. Mr. Alissa is charged with ten counts of Murder in the First Degree, forty-seven counts of Attempted Murder in the First Degree, one count of Assault in the First Degree, forty-seven Crime of Violence sentence enhancers, and six counts of Possessing a Large Capacity Magazine During the Commission of a Felony. The government seeks convictions of these charges, in the hope that Mr. Alissa dies in prison. Mr. Alissa cannot be properly apprised of the nature and object of these proceedings against him, as the government continues to submit materials into the case's discovery and endorse additional witnesses, while being a patient at Pueblo. Mr. Alissa must be transported without delay and forthwith to Boulder, so that he can access his attorneys and the new information they are receiving on a near daily basis. Further, with trial preparation in full effect, Mr. Alissa will need to be in closer proximity to his counsel as counsel strategizes on how to combat the government's case and proceed with its own case. To have Mr. Alissa remain in Pueblo will result in a deprivation of his ability to understand the nature and object of these proceedings.
6. Mr. Alissa needs to be returned to the Boulder County Jail to effectuate his right to consult with counsel. The magnitude of this case is plain and obvious. The breadth and complexity of the case has led this Court to schedule trial from August 25-October 3, 2024. Mr. Alissa must be allowed to consult with his counsel prior to trial commencing. Mr. Alissa must be allowed to ask questions of counsel, be available to counsel for necessary consultations, and for counsel to monitor Mr. Alissa's mental condition and well-being leading up to what will be an exhausting trial. *Medina v. California*, 505 U.S. 437, 450 & 455 (1992).
7. Mr. Alissa cannot assist his counsel in the preparation of his defense, and the myriad of decisions- waiving his privilege against compulsory self-incrimination, cross-examination of witnesses, what witnesses to call in his defense- that he must meaningfully participate in leading up to and in the course of trial. *Cooper v. Oklahoma*, 517 U.S. 348, 364-365 (1996).
8. Further, the continued separation of Mr. Alissa from his counsel impedes the attorney-client relationship Colo. RPC 1.1; Colo. RPC 1.3; Colo. RPC 1.4; U.S. Const., amend. VI, XIV; Colo. Const. Art. II §16.

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 ____ July
30 _____, 2024, I served the foregoing
document through Colorado E filing to all
opposing counsel of record.

KH

Dated: July 30, 2024