

**From:** marroney, gerald

**Sent:** Monday, March 13, 2017 4:26 PM

**To:** coats, nathan; dailey, john; ryan, christopher; moore, jenny

**Subject:** Rule 16 recommended changes as passed unanimously by the Discovery task force.

Dear Justice Coats and Judge Dailey, Chris and Jenny, Below you will find the final version of the rule changes as recommended by the E- Discovery Task Force. The task force as you know has district attorneys, defense bar, and others on it. They have reviewed these recommended changes and approved them unanimously to go to the criminal rules committee and to be sent on to the Supreme Court. The changes that were made in this version is only a slight change from the recommendations already sent to the court by the criminal rules committee. Legislative staff made some suggestions about putting the actual statutory cite in the rule. Hopefully this can now be approved by the committee and the Court as it sees fit. The e-discovery process is expected to be in place across the state by June 30 2017. Thank you all for your help on this. Jerry

(1) THE PROSECUTION'S COSTS OF PROVIDING ANY DISCOVERABLE MATERIAL ELECTRONICALLY TO THE DEFENSE SHALL BE FUNDED AS SET FORTH IN SECTION 16-9-702 (2), C.R.S. THE PROSECUTION SHALL NOT CHARGE FOR DISCOVERY. FOR ANY MATERIALS PROVIDED TO THE PROSECUTION AS PART OF THE DEFENSE DISCOVERY OBLIGATION, THE COST SHALL BE BORNE BY THE PROSECUTION BASED ON THE ACTUAL COST OF DUPLICATION. COPIES OF ANY DISCOVERY PROVIDED TO A DEFENDANT BY COURT APPOINTED COUNSEL SHALL BE PAID FOR BY THE DEFENDANT.

(2) THE PLACE OF DISCOVERY FOR MATERIALS NOT CAPABLE OF BEING PROVIDED ELECTRONICALLY SHALL BE AT THE OFFICE OF THE PARTY FURNISHING IT, OR AT A MUTUALLY AGREEABLE LOCATION.

Gerald A. Marroney