

REDACTED

District Court, El Paso County, Colorado El Paso County Combined Courts 270 South Tejon Street, Colorado Springs CO 80903	DATE FILED: April 6, 2020 2:32 PM
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. LETECIA STAUCH, Defendant	
MEGAN A. RING, Colorado State Public Defender Kathryn Strobel (No. 42850) Deputy State Public Defender Kimberly Chalmers (No. 37860) Deputy State Public Defender 30 E Pikes Peak Ave Suite 200 Colorado Springs, Colorado 80903 Phone (720) 475-1235 Fax (719) 7475-1476 E-mail: Kathryn.strobel@coloradodefenders.us	Case No. 20CR1358 Division 15S
D-09 MOTION TO RECONSIDER O-7	

Leticia Stauch, through counsel, hereby moves the Court to reconsider the Order to Reschedule the Status Conference, O-7, filed on April 2, 2020.

1. Leticia Stauch is being held in the Colorado Springs Criminal Justice Center with no bond due to two charges of First Degree Murder (F1) in this case.
2. Ms. Stauch was arrested on March 3, 2020, in South Carolina. She was extradited to Colorado, and appeared for Advisement on March 5, 2020, and First Appearance on March 11, 2020.
3. On March 11, 2020, due to the large amount of discovery expected, the parties agreed to set a Status Conference for April 14, 2020. The purpose of the Status was to ensure that the delivery of discovery to the defense was well underway prior to setting the Preliminary Hearing.
4. On April 2, 2020, citing the ongoing public health crisis and public interest in this case, the Court *sua sponte* ordered that the April 14, 2020 status conference was vacated. The Court rescheduled the Status in this case to June, 2020.
5. CJO 20-16 indicates in Paragraph III: “This order shall not affect **defendants who remain in custody**, except that no jury trial shall be held between April 6, 2020 and April 17, 2020, and no trial shall be held thereafter unless the speedy trial period expires on or before May 8, 2020.”
6. Supreme Court of Colorado issued an “Order Regarding COVID-19 and Operation of Colorado State Courts” on March 11, 2020 that similarly directed courts that “Proceedings

necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals” ... “cannot be suspended and will continue in the state courts throughout this period.” (Attached Exhibit A) There are no indications that high profile cases should be treated any differently in any COVID-19 related Court Order or directive.

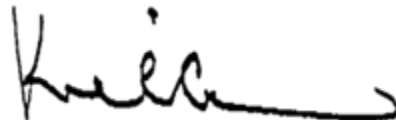
7. Ms. Stauch is also aware that a concern of the Court in its decision making is Ms. Stauch’s Constitutional Right to a Public Proceeding under the 6th Amendment to the United States Constitution and Article II Section 16 of the Colorado Constitution. The Court cannot hold a proceeding open to the public at this time due to the ongoing public health crisis. In order to ensure that her case proceeds without delay, Ms. Stauch hereby waives her right to a public proceeding for the limited purpose of the Status Conference on April 14, 2020, and she requests that the Court hold that hearing as scheduled.
8. In the alternative, Ms. Stauch requests that rather than setting a Status in June, the Court schedule a Preliminary Hearing and Proof Evident and Presumption Great Hearing in June of this year. At the First Appearance hearing on March 11, 2020, Ms. Stauch, through counsel, asserted that she was waiving the 35 day requirement to schedule Preliminary Hearing, but that she was not waiving her right to the hearing itself.
9. Because Ms. Stauch is going to be held in custody without bond at least until the Court makes findings regarding Proof-Evident, Presumption Great, she wishes to now request a Preliminary Hearing and Proof-Evident Hearing. It was her intention to request that this case be scheduled for that hearing when she appeared in court for Status on April 14th .
10. THEREFORE, if the Court declines to reconsider its Order Vacating the Status Hearing, then, in the alternative, Ms. Stauch requests that the Court reconsider setting the case for a Status Conference in June and instead provide Counsel with times that the Court is available in June of 2020 to conduct the Preliminary Hearing and Proof-Evident Hearing in this case.

Ms. Stauch 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.

RESPECTFULLY SUBMITTED,



Kathryn Strobel (No. 42850)
Deputy State Public Defender



Kimberly Chalmers (No. 37860)
Deputy State Public Defender

Dated: April 6, 2020

Certificate of Service

I hereby certify that on April 6, 2020, a true and correct copy of the motion was served via ICCES on all parties who appear of record and have entered their appearances herein according to ICCES.

/s/ Kathryn Strobel