

District Court, El Paso County, State of Colorado Address: 270 S. Tejon St., Colorado Springs, CO 80903	DATE FILED: September 12, 2022 FILED: September 12, 2022 1:23 PM
<b>People of the State of Colorado,</b> Plaintiff,  vs.  <b>LETECIA STAUCH,</b> Defendant.	<hr/> <b>↑ COURT USE ONLY ↑</b>
Attorneys for Defendant:  <b>BARKER &amp; TOLINI, by Josh Tolini</b> 115 E. Costilla, Colorado Springs, CO 80903 Phone Number: (719) 227-0230 E-Mail: joshuatolini@hotmail.com Atty. Reg. #: 30119	<hr/> Case Number: <b>20CR1358</b>  Div.: 15
<b>MOTION FOR SECOND SANITY EXAMINATION TO BE CONDUCTED AT CMHIP          IN PUEBLO (D-47)</b>	

Attorneys for Defendant, Letecia Stauch, request this Honorable Court order the second sanity examination to take place at CMHIP in Pueblo.

The statute regarding the second sanity evaluation gives the Court authority to determine where it will take place. C.R.S. § 16-8-108(1)(a). The statute specifically says the Court may order the examination to take place at "the Colorado mental health institute at Pueblo." *Id.* C.R.S. § 16-8-106(1) expressly says in regards to **all** examinations ordered by the court, the court shall specify where the evaluation is to take place. In determining where the evaluation is to take place, the court shall take into account the nature and circumstances of the examination. *Id.* The court may order further "examination as is advisable under the circumstances." *Id.*

The defense has retained Dr. Dorothy Lewis to perform the second sanity evaluation. Dr. Lewis is a former Clinical Professor of Psychiatry at Yale University. She is nationally recognized as one of the preeminent experts in the nation regarding dissociative identity disorder(DID). Dr. Lewis has reviewed the sanity report from CMHIP that alleges Ms. Stauch is feigning symptoms of DID. As part of her sanity examination, Dr. Lewis is requesting to have Ms. Stauch monitored with an EEG for 72 hours and for an MRI to be performed. According to Dr. Lewis it is likely these tests will provide objective, concrete evidence Ms. Stauch legitimately suffers from DID. These tests are critical for Ms. Stauch to present a defense to the charges against her.

The Supreme Court "has long recognized that when a State brings its judicial power to bear on an indigent defendant in a criminal proceeding, it must take steps to assure that the defendant has a fair opportunity to present his defense. This elementary principle, grounded in significant part on the Fourteenth Amendment's due process guarantee of fundamental fairness, derives from the belief that justice cannot be equal where, simply as a result of his poverty, a defendant is denied the opportunity to participate meaningfully in a judicial proceeding in which his liberty is at stake." Ake v. Oklahoma, 470 U.S. 68, 76, 105 S. Ct. 1087, 1092, 84 L. Ed. 2d 53 (1985). Ake v. Oklahoma specifically recognized the need for expert psychiatry assistance in regards to a defense of not guilty by insanity.

As a pre-trial pretrial detainee, Ms. Stauch "has a constitutional right to adequate, effective and meaningful access to the courts to vindicate his fundamental constitutional rights." Love v. Summit Cnty., 776 F.2d 908, 912 (10th Cir. 1985). Without allowing Dr. Lewis access to perform the necessary testing, the risk of an inaccurate resolution of sanity issues is extremely

high. Only with such testing will Ms. Stauch fairly be able to present at least enough information to the jury, in a meaningful manner, as to permit it to make a just determination. Ake at 82

Respectfully submitted this September 12, 2022

By: s/ Joshua Tolini  
Joshua Tolini #30119