

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, CO 80903	DATE FILED: April 6, 2020
People of the State of Colorado vs. Defendant: Letecia Stauch	▲ COURT USE ONLY ▲
Deputy District Attorney: Michael J. Allen, #42955 Martha McKinney, #28745 Angelina Gratiano, #50674 Address: 105 E. Vermijo Colorado Springs, CO 80903 Phone Number: 520-6000 District Attorney: Daniel H. May, #11379	Case #: 20CR1358 Division #: 15S Courtroom #: S403
[D-09]	
People’s Response to Defendant’s Motion to Reconsider Court Order O-7	

The District Attorney of the Fourth Judicial District of the State of Colorado, through his duly appointed Deputy District Attorney, respectfully responds as follows to the Defendant’s Motion to Reconsider Court Order O-7. In support of this response, the People state as follows:

1. The People were served with the Court’s Order [O-7] vacating the previously set status conference of April 14, 2020. The Defendant now requests reconsideration of the Court’s Order and asks that the status hearing be reinstated for April 14, 2020. The Defendant states she is waiving her right to a public hearing and appears to agree to a status hearing without the presence of the public.
2. During the COVID-19 Pandemic, the Colorado Supreme Court has revised Colorado Rule of Criminal Procedure 43 to address the effect of the public health crisis on a long-standing requirement that the Defendant be present in the courtroom. In so doing, the Colorado Supreme Court has created a Public Health Crisis Exception to this requirement and provided for alternatives to physical presence. Importantly, in these changes there is still a mandate that the courtroom be “open to the public or in a manner that allows members of the public, including victims to hear [or watch] and, where appropriate, participate in the proceedings.” *C.R. Cr. P 43 (f)(1) and (f)(2)*.
3. The Defendant may have waived her rights to a public hearing, but that waiver does not eliminate the rights afforded victims under the Colorado Victim’s Rights Amendment (VRA). While a status hearing may not be considered a critical stage under the VRA, vacating the hearing and then reinstating the hearing with one week’s notice could implicate the victim’s “right to be treated with fairness, respect and dignity.” *C.R.S. 24—4.1-302.5(1)(a)*. When the People were notified that the April 14, 2020 status hearing was vacated, we immediately notified the victim’s family members. These family members

are in various locations across the United States and the logistics of now attempting to arrange travel, given the current government orders regarding the public health crisis, would be a herculean task. The Court may attempt to allow the family members to participate through phone or other electronic means so the People would inform the Court that family members who have expressed a desire to be present are in South Carolina, Colorado, Texas and Pennsylvania.

4. The Defendant has suggested, in the alternative to reinstatement of the April 14, 2020 status hearing, that the Court proceed with setting a Preliminary and Proof-Evident Presumption Great Hearing in June of 2020 along with a status hearing. The setting of these dates would also require consultation with the victim's family members and are better addressed in an open courtroom. Further for planning purposes, the People inform the Court that a preliminary hearing and proof-evident presumption great hearing will likely take 2-3 days.
5. The Court Order [O-7] had proposed several dates in June for a status hearing and directed the parties to consult on selecting a date. The People have reached out to the defense with our availability but have not received a response.
6. The People object to the Defendant's Motion to Reconsider the Court's Order O-7 unless accommodations can be made for meaningful ability to observe and participate, if appropriate, by the victim's family.

Respectfully submitted on April 6, 2020.

/s/ Michael J. Allen

Michael J. Allen, #42955
Senior Deputy District Attorney

Martha McKinney, #28745
Chief Deputy District Attorney

Angelina Gratiano, #50674
Deputy District Attorney

Certificate of Service

I hereby certify that a true and correct copy of the foregoing [D-09] People's Response to Defendant's Motion to Reconsider Court Order [O-7] was served via ICCES on all parties who appear of record and have entered their appearances herein according to ICCES:

Date: April 6, 2020

By: /s/ Sara Eldridge
Paralegal