

3. Thus, by raising the issue of competency via its written motion on June 4, 2020, and verbally on the record on June 5, 2020, the defense has waived any claim confidentiality or privilege as cited above in C.R.S. § 16-8.5-104(1) to material pertaining to the medical and social history of the Defendant.
4. While the People do not believe any further order of court is strictly necessary as per C.R.S. §16-8.5-104(1), it is nevertheless critical for us to obtain a written court order to facilitate our ability to subpoena the appropriate records from records custodians, who are often out of state, and who often request a written court order pertaining to a waiver. Any subpoena duces tecum issued by the People will have specific instructions to send or bring the records directly to the Court and not directly to the People. This will provide an opportunity for the Defendant to make any objections to the People reviewing these documents and may provide alternate options for providing these records to the competency evaluator.

Wherefore, the People respectfully request this Court find that the defendant has waived any claim of confidentiality or privilege to records concerning her medical and social history pursuant to C.R.S. § 16-8.5-104(1) and § 16-8.5-105(3) and that the Court order the release of such records to the Court by the custodians of such records for further consideration.

Respectfully submitted on June 12, 2020.

/s/
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 **[P-09] People's Motion to Find Waiver of Confidentiality or Privilege for the Defendant's Medical and Social History Records Pursuant to C.R.S. § 16-8.5-104(1) and §16-8.5-105(3)** was served via ICCES on all parties who appear of record and have entered their appearances herein according to ICCES:

Date:

By: /s/
Paralegal