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| District Court, Criminal Matters Adams County, State of Colorado **Court Address**:  1100 Judicial Center Drive Brighton, Colorado 80601 | DATE FILED: February 23, 2017  FILING ID: E1F3CE56D9F23 CASE NUMBER: 2016CR2658 |
| THE PEOPLE OF THE STATE OF COLORADO,  Plaintiff, |  |
| v. |  |
| JAMES WALKER,  Defendant |  |
| **Attorney**:  Danielle M. McCarthy, #34573  **DANIELLE M. MCCARTHY P.C.**  1175 Osage Street, Suite 200  Denver, Colorado 80204  Telephone, 303-350-1550  Facsimile, 303-350-1555  E-m[ail: daniellemccarthy11@gmail.com](mailto:daniellemccarthy11@gmail.com) | Case Number: 16CR2658 Division: G  Courtroom: 406 |
| **MOTION FOR DISCLOSURE OF EXPERT WITNESSES** | |

Defendant, by and through counsel, moves this Court to direct the prosecution to disclose to the Defendant, in writing not less than thirty-five days before trial, the following information relating to the presentation of expert witness evidence:

1. The names and address of all witnesses that the prosecution intends to call as expert witnesses;
2. The specific field of expertise the expert will testify about;
3. All reports and written or oral statements of witnesses that the prosecution seeks to introduce as expert witnesses;
4. All documents, reports, or oral statements relating to physical or mental examinations, scientific tests, experiments, comparisons, or other procedures that the expert considered or conducted in formulating his opinion in this case;
5. The formal education, training, experience, or other factors that support the qualification of a witness as an expert; and
6. All books, manuals, articles, journal, reports, studies, or other literature used or relied upon in formulating an opinion by any expert witness the prosecution seeks to introduce in this case

AS GROUNDS for this request, Defendant states as follows:

* 1. The requested discovery is authorized under Crim. P. 16(I), (a)(1)(IV), (a)(2), (d)(1). People v. District Court, 790 P.2d 332, 338 (Colo. 1990); cf. Gray v. District Court, 884 P.2d 286 (Colo. 1994) (prosecution has the right to discovery of the defendant’s psychiatric treatment that occurred before the defendant’s crime where the defense of insanity was raised at trial).
  2. The discovery rules are intended to further the truth-seeking process. Lanari v. People, 827 P.2d 495 (Colo. 1992). “By permitting the prosecution and defense to obtain relevant information prior to trial, the rules also promote fairness in the criminal process by reducing the risk of trial by ambush.” Lanari, 827 P.2d 495.
  3. The use of discovery material for a defendant's impeachment purposes at trial implicates the due process and confrontation rights of the accused. People v. Thatcher, 638 P.2d 760, 768 (Colo. 1981); Goodwin v. District Court, 197 Colo. 6, 588 P.2d 874 (1979); U.S. Const., amends. V, VI, XIV; Colo. Const., art II, §§ 16, 25.
  4. The prosecution also has a duty to provide discovery of any material that may be meaningful to the defense, regardless of whether it is exculpatory or will relate to testimony the prosecution intends to present at trial. People v. Thatcher, 638 P.2d 760, 768 (Colo. 1981); People v. Smith, 185 Colo. 369, 524 P.2d 607 (1974).
  5. To render effective assistance of counsel, defense counsel must be given a reasonable time to investigate a case. See People v. Dillon, 739 P.2d 919 (Colo. App. 1987); U.S. Const., amends. VI; Colo. Const., art. II, { 16. As constitutional matter of due process, the defense must be given adequate time to investigate and prepare the defense to the charges in this case. U.S. Const., amends. XIV; Colo. Const., art. II, { 25.

Defendant requests discovery of the requested information and material.

Respectfully Submitted:

*s/ Danielle M. McCarthy*

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| Danielle M. McCarthy, #34573 | **Certificate of Service**  I hereby certify that on 2/23/17, I served the foregoing document to all opposing counsel of record via ICCES. By: DMM |