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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   COURT USE ONLY  |
| 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  Phone: (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 PRESERVATION AND PRODUCTION** | |

4:13 PM

Mr. James Walker, by and through undersigned counsel, moves this Court to Order the Office of the District Attorney to preserve and provide him with access to the following:

1. All physical evidence.
2. All written statements of witnesses, all tape recorded and/or video taped statements of witnesses, and all notes, reports, or other memoranda containing information concerning statements of witnesses.
3. All police dispatch tapes and emergency telephone ("911") tapes containing communications related to the reporting or investigation of this case.
4. All photographs of the scene of the alleged offense, the person of the alleged victim, or physical evidence obtained in connection with this case.
5. Samples of the Defendant's blood, breath, or urine obtained at or after the time of his arrest.
6. Samples of the alleged victim's blood, breath, or urine obtained in connection with his or her treatment which are in existence at the time of filing of this motion.
7. All other material or information which may reasonably be expected to be of material aid to the defendant or his counsel in the preparation of the defense, including, but not limited to exculpatory evidence.

As grounds therefore, Mr. Walker states:

1. Defendant will be making independent evaluation of such items which are possibly material evidence in the within case and potentially exculpatory.
2. Due process and Defendant's Sixth Amendment right to confront his accusers require that he be allowed to obtain such evidence. Further, the People have a duty to preserve such evidence. *People v. Harmes*, 560 P.2d 470 (1976), *People v. Norwood*, 547 P.2d 273 (1973).
3. Such items are material, potentially exculpatory evidence, *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), and necessary to the effective defense of the within action. *Garcia v. District Court*, 589 P.2d 924 (1979).
4. Upon information and belief, counsel is informed that such items exist as of the date of filing of this motion.
5. Such items are presently in the possession of the various Adams county law enforcement departments and any other agency or person who regularly reports, or with respect to this particular case has reported to the prosecuting attorney or law enforcement.

Dated: February 23, 2017. Respectfully submitted, DANIELLE M. MCCARTHY P.C.

*s/ Danielle McCarthy*

Danielle McCarthy, #34573

**Certificate of Service**

I hereby certify that on Thursday, February 23, 17, I served the foregoing document via ICCES to all opposing counsel of record.

By: DMM