|  |  |
| --- | --- |
| **COUNTY COURT**  COUNTY OF GILPIN, COLORADO  2960 Dory Hill Road Black Hawk, CO 80422 | DATE FILED: March 14, 2017 FILING ID: D68AFD44D4F40 CASE NUMBER: 2016T169 |
| **Plaintiff**: PEOPLE OF THE STATE OF COLORADO |
|  |  COURT USE ONLY  |
| v. |  |
| **Defendant:** ROBERT FRIEDLANDER |  |
|  | Case Number: 16T169 |
| ATTORNEYS FOR THE DEFENDANT FIFE LUNEAU, P.C.  Charles Fife, #17799  Danny Luneau, #43639 | Div.: 1 |
| 1873 S. Bellaire, Ste. 200  Denver, CO 80222  Ph: (303) 757-2200  Fax: (303) 756-6160 |  |
| **MOTION FOR OUT-OF-STATE WITNESS TO APPEAR BY PHONE** | |

4:08 PM

COMES NOW the Defendant, by and through his attorneys, Fife Luneau, P.C., and moves this Honorable Court to allow an out-of-state witness to appear by phone at the March 20, 2017 motions hearing. As ground, Defendant states as follows:

1. Pursuant to § 16-9-203, CRS, this Honorable Court ordered that Alan Triggs, an out-of- state person, was a material witness and subject to the subpoena power of the Court.
2. Counsel presented the Hamilton County Court Clerk this Honorable Court’s order. The order was brought to a Hamilton County judge who informed the clerk to refer the subpoena to the Hamilton County Sherriff for service.
3. The Hamilton County Sherriff personally served Mr. Triggs on March 14, 2017.
4. Due to the very short notice of the subpoena, it would be extremely difficult and expensive to acquire Mr. Trigg’s presentence at the March 20, 2017 hearing.
5. Mr. Triggs is willing to appear by phone.
6. No party would be prejudiced by Mr. Triggs appearing by phone.
7. Mr. Triggs is a material witness.
8. Counsel attempted to confer with opposing counsel about this motion, but was unable to reach him by phone.

WHEREFORE, Defendant respectfully requests this Honorable Court issue an order allowing Alan Triggs to testify by phone at the March 20, 2017 motions hearing.

Respectfully submitted,

/s/Danny Luneau Charles L. Fife Danny Luneau

Attorneys for Defendant

CERTIFICATE OF MAILING

I do hereby state and affirm that a copy of the foregoing **MOTION FOR OUT-OF- STATE WITNESS TO APPEAR BY PHONE** was served, via ICCES, this 14th day of March, 2017, addressed as follows:

Office of the District Attorney County of Gilpin

/s/Danny Luneau