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| District Court, Arapahoe County, Colorado Arapahoe County Courthouse  7325 S. Potomac St., Englewood, CO 80112 DATE | FILED: October 3, 2017 3:46 PM NG ID: 29C91C6351460  NUMBER: 2017CR988   * COURT USE ONLY  |
| **THE PEOPLE OF THE STATE OF COLORADO**,FILI  Plaintiff CASE  v.  **ANGELA INGA**,  Defendant. |
| Katie Telfer, #41720  Deputy State Public Defender  Douglas K. Wilson, Colorado State Public Defender Arapahoe County Public Defenders  12350 E. Arapahoe Road, Suite A, Centennial, CO 80112 Phone (303) 799-9001 Fax (303) 792-0822  E-[mail: katie.telfer@coloradodefenders.us](mailto:katie.telfer@coloradodefenders.us) | Case No.: **2017CR988**  Division: **309** |
| **DEFENSE MOTION #1:**  **MOTION FOR PRE-TRIAL NOTICE AND HEARING PRIOR TO THE INTRODUCTION OF CHARACTER, BAD ACTS, AND *RES GESTAE* EVIDENCE AT TRIAL** | |

Ms. Inga, through counsel, respectfully moves this Court to (1) require the prosecution to provide notice as to any character or bad conduct evidence that it wishes to admit at trial with the purpose and evidentiary basis for the admission of this evidence and (2) set a pre- trial hearing to determine the admissibility of any such evidence.

AS GROUNDS for this motion, Ms. Inga states as follows:

1. Effective September 27, 2007, C.R.E. 404(b) was amended to require the defense to request notice of any “bad acts” evidence, including res gestae. The language added to the end of the rule states that “…upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, or during trial, if the court excuses pretrial notice on good cause shown, of the general nature of such evidence it intends to introduce at trial.” See, People v. Pratt, 759 P.2d 676, 684-85 (Colo. 1988).
2. In general, evidence of bad conduct of a criminal defendant is not allowed per C.R.E. 404. This rule goes to the heart of a defendant's constitutional right to a fair trial before an impartial jury. See Oaks v. People, 150 Colo. 64, 68-69, 371 P.2d 443, 447 (1962); U.S. Const., amends. V, VI, XIV; Colo. Const., art. II, §§ 16, 25. The introduction of evidence of a prior criminal act, *or other prior bad acts or accusations or arrests*, may constitute grounds for a mistrial. See People v. District Court, 767 P.2d 239, 241 (Colo. 1989); People v. Goldsberry, 181 Colo. 406, 509 P.2d 801 (1973); Salas v. People, 177 Colo. 264, 493 P.2d 1356 (1972).
3. “A defendant on trial for a specific offense should not be expected or required to meet anything other than the specific accusation made against her.” People v. Pratt, 759 P.2d at 682 (citing Edmisten v. People, 176 Colo. 262, 275, 490 P.2d 58, 64 (1971); Stull v. People, 140 Colo. 278, 283, 344 P.2d 455, 458 (1959). “An accused has the right to know the allegations against which he must defend.” People v. Pratt, 759 P.2d at 682 (citations omitted).
4. Defense requests the Court order the prosecution provide notice to the defense of intent to submit any 404(b), res gestae, or other similar evidence, under the conditions set forth herein, no later than two weeks prior to the motions hearing.

WHEREFORE, Ms. Inga moves this Court to (1) require the prosecution to provide notice as to any character or bad conduct evidence that it wishes to admit at trial with the purpose and evidentiary basis for the admission of this evidence, (2) set a deadline for the disclosure of such notice, and (3) set a pre-trial hearing to determine the admissibility of any such evidence.

DOUGLAS K. WILSON

COLORADO STATE PUBLIC DEFENDER

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| /s/ Katie Telfer Katie Telfer, #41720  Deputy State Public Defenders Dated: October 3, 2017 | **Certificate of Service**  I hereby certify that on October 3, 2017, I served the foregoing document through ICCES to opposing counsel of record.  /s/ Katie Telfer |