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| Jefferson County District Court State of Colorado | uly 31, 2017 5:43 PM 277C7162B6  2016CR1463  **COURT USE ONLY** |
| Court Address: |
| 100 Jefferson County Parkway DATE FILED: J FILING ID: FB6  Golden, Colorado 80401-1070 CASE NUMBER: |
| **PEOPLE OF THE STATE OF COLORADO** |
| Plaintiff, |
| v. |
| **GARY NICKAL,**  Defendant |
| Patrick J. Mulligan, Atty. Reg. #16981 Jennifer Longtin #43509  1801 Broadway, Suite 1203  Denver, CO 80202  Phone Number: (303) 295-1500  FAX Number: (303) 296-3471  e-mail: [patrick@mulliganbreit.com](mailto:patrick@mulliganbreit.com) | Case No: 16CR1463  Division: 12 |
| **MOTION FOR CERTIFICATE OF COURT FOR APPEARANCE OF WITNESS UNDER UNIFORM LAW TO SECURE ATTENDANCE OF WITNESS FROM WITHOUT STATE IN CRIMINAL PROCEEDINGS** | |

Defendant Gary Nickal , by and through his attorneys Patrick J. Mulligan and Jennifer Longtin, hereby moves this Court for a certificate directing that a subpoena be issued to Jolynn Kurtz and minor children Alexandra Nickal and Kameryn Nickal, of Nicollet County, Minnesota, compelling their attendance at the trial in this case, and that the costs and fees of compelling such attendance be paid by the State pursuant to C.R.S. Sec. 16-1-203, Colo. R. Crim. P. 17(b) and the Colorado Constitution Art. II, Sec. 16. As grounds for this motion, Defendant states as follows:

1. That there is now pending in the Court the above-entitled criminal prosecution by the State of Colorado against Gary Nickal in which the defendant is charged with criminal offense against the laws of the State of Colorado, to-wit:

Count 1: Murder in the First Degree (after deliberation/with intent), in violation of C.R.S. § 18-3-102 (1)(a).

1. That the Jury Trial in this matter has been set by the Court to commence at 8:00 a.m. (MTD), October 5, 2017 in the District Court, Jefferson County Courthouse, Golden, Colorado.
2. That Jolynn Kurtz, and minor children Alexandra Nickal and Kameryn Nickal, are necessary and material witnesses for the defense in this criminal prosecution. Ms. Kurtz and the 2 minor children reside at 48818 Old River Bluff Road, St. Peter, MN 56003.
3. That the State of Minnesota, through M.C.L.A. Sec. 767.91 through 767.95, and the State of Colorado, through C.R.S. Sec. 16-9-201, et. seq., are parties to the Uniform Act to Secure the Attendance of Witness From Without a State in Criminal Proceedings. Specifically the Sates have adopted statues declaring recognition of the subpoenas, summons and court orders issued by their respective court as valid. See also, C.R.S. § 24-60-206.
4. That if said witness Jolynn Kurtz, and Minor children Alexandra Nickal and Kameryn Nickal come into the State of Colorado in obedience to an arrest warrant and subpoena directing them to attend and testify as said Jury Trial, the laws of the State of Colorado and of any other state though which they may be required to pass by the ordinary course of travel to attend the jury trial, will give to them protection from arrest in the service of criminal and civil process in connection with matters which arose before their entrance into the state pursuant to the subpoena for Jury Trial.
5. The presence of Jolynn Kurtz and Minor children Alexandra Nickal and Kameryn Nickal is required for 21 days, October 10-31, 2017.

WHEREFORE, it is requested that this Court certify to the foregoing by the issuance of a Certificate under the seal of the District Court of Jefferson County, Colorado, for the purpose of being presented to a judge of a court of record in the State of Minnesota, in a proceeding to compel the attendance of said Jolynn Kurtz and Alexandra and Kameryn Nickal as witnesses at the Jury Trial in People v. Gary Nickal, 16CR1463, Division 12, for the time and date set forth above, pursuant to law.

*/s/ Patrick J. Mulligan*

Patrick J. Mulligan #16981

Jennifer Longtin #43509

1801 Broadway, Suite 1203

Denver, CO 80202

CERTIFICATE OF SERVICE

I hereby certify that on 7-31-17, I sent via ICCES a copy of the foregoing motion to opposing counsel at the Office of the District Attorney, 500 Jefferson County Parkway, Golden, CO 80401.

*/s/ Patrick J. Mulligan*