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| Jefferson County District Court State of Colorado | uly 21, 2017 9:40 AM 5EB0D83B6CB  R: 2016CR1463  **COURT USE ONLY** |
| Court Address: |
| 100 Jefferson County Parkway DATE FILED: J  Golden, Colorado 80401-1070 FILING ID: BB CASE NUMBE |
| **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) [jen@longtinlaw.com](mailto:jen@longtinlaw.com) | Case No: 16CR1463  Division: 12 |
| **MOTION FOR SPECIFIC DISCOVERY** | |

Defendant Gary Nickal, by and through his attorneys Patrick J. Mulligan and Jennifer Longtin, moves this Court for an Order requiring the prosecution to disclose certain specific discovery in this case, beyond that already provided in the ordinary course of the proceedings. As grounds, Defendant states:

1. Mr. Nickal requests an updated address, telephone number, and criminal history on the alleged victim in this case.
2. Mr. Nickal further requests production of all notes, documents, memoranda, emails, or reports pertaining to any witness interviews of the alleged victim, and any witnesses.
3. As grounds for this request, Mr. Nickal asserts that upon information and belief that the addresses and phone numbers of family members of the alleged victim and certain of the witnesses have changed since the start of the proceedings in this case.
4. Mr. Nickal further requests production of all oral statements made by any witness or potential witness in this case to law enforcement, to investigators employed by the office of the District Attorney, or to victim advocates, to mental health professionals, counselors, or therapists, or to any other entity involved in the investigation or prosecution of this case.
5. Mr. Nickal further requests copies of the original notes and tapes from any police office, investigator, forensic interviewer, child advocate, or victim’s advocate who participated in any meeting, interview or discussion with any witness or potential witness in this case.
6. Mr. Nickal further requests production of any statement from any witness to any investigator, mental health professional, counselor, therapist, or victim advocate that suggests an opinion or concern on the part of the witness for Mr. Nickal’s mental health. Such evidence is obviously

exculpatory and subject to mandatory disclosure.

1. The requested discovery is specifically relevant to issues which may arise during cross-examination of the key witnesses for the prosecution. C.R.Cr.P. 16(I)(d)(1) provides for discovery in the Court's discretion of relevant material not specifically covered by the rule.
2. Without this information, the Defendant will be deprived of his right to confrontation of the People's witnesses. *U.S. Const., Amend. VI, XIV; Colo. Const., Art. II, Sec. 16, 25.*
3. Mr. Nickal requests a hearing on this motion.
4. Mr. Nickal cites as authority for this motion [and all other motions and objections during proceedings in this case, whether or not explicitly stated at the time of the making of the motion or objection] federal and state constitutional rights to due process of law, effective assistance of counsel, confrontation, equal protection, trial by jury, compulsory process, privilege against self-incrimination, appeal of any conviction, protection from ex post facto legislation, and protection from cruel and unusual

punishment. **U.S.CONST.** Art. I, § 9, and Amends. I, IV, V, VI, VIII, IX, X, and XIV; **COLO.CONST.** Art. II, §§ 3, 6, 7 10, 11, 16, 18, 20, 23, 25,

and 28.

*/s/ Patrick J. Mulligan*

\_\_\_\_\_ Patrick J. Mulligan, #16981

Jennifer Longtin #43509

1801 Broadway, Suite 1203

Denver, CO 80202

(303) 295-1500

CERTIFICATE OF MAILING

I hereby certify that on 7-21-17, 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*

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