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| Alamosa District Court |  |  | |
| 702 4th St. |  |  | |
| Alamosa, CO 81101 | D | TE FILED: January 25, 2018 3:00 PM | |
|  | FI | LING ID: 16D196DB7373D | |
|  | C | SE NUMBER: 2016CR361 | |
| **Plaintiff: State of Colorado**  **v.**  **Defendant: RICKY MANZANARES** | |  |  |
| Beale C. Tejada #44851 CRANE & TEJADA, P.C.  1801 California St.  Suite 2400  Denver, CO 80202 | |  COURT USE ONLY   Case Number: 16CR361 | |
| Phone Number: 970.749.1066  Fax Number: 970.247.1538  Ema[il: btejada@craneandtejada.com](mailto:btejada@craneandtejada.com) | | Div.: 2 | |
| **MOTION TO PERMIT DEFENDANT TO DRESS IN CIVILIAN CLOTHES FOR TRIAL** | | | |

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Mr. Manzanares, by and through counsel, requests this Court to permit him to attend his trial in civilian dress clothes instead of his jail clothes. In support, he states:

1. Mr. Manzanares is set for a jury trial on January 29, 2018.
2. Mr. Manzanares is currently in-custody at the Alamosa County Jail.
3. “[C]ompelling a defendant to stand trial wearing identifiable prison clothing violates the right to wear the garb of innocence.” *People v. James*, 40 P.3d 36, 41 (Colo. App. 2001) (internal citations and quotations omitted). “Such a practice is inherently prejudicial.” *Id.* (citing *Estelle v. Williams*, 425 U.S. 501, 96 S.Ct. 1691, 48 L.Ed.2d 126 (1976)).
4. Defense counsel has bought clothing for Mr. Manzanares and requests this Court to permit him to “dress out” for trial in civilian clothing. Defense counsel will provide these clothes to the Alamosa County Jail on Sunday night.
5. Mr. Manzanares also requests this Court to permit him to attend his trial without any restraints. “Restraints are permitted when a court determines, in its discretion, that they are necessary to ensure that a defendant remains in custody, will not endanger court personnel or others in the courtroom, and will not disrupt the trial. Only use of restraints that is both unnecessary and prejudicial constitutes reversible error.” *James*, 40 P.3d at 42.
6. Here, the use of restraints is unnecessary. Mr. Manzanares is not a flight or violent risk at trial. He has likewise always been respectful and uninterruptive during court proceedings and to defense counsel. On the other hand, if the restraints are visible to a jury or the jury otherwise perceives clues suggesting that Mr. Manzanares is restrained either by a leg- brace or otherwise, there could be the very real possibility of that fact prejudicing Mr. Manzanares. It seems that the easiest solution to avoid any sort of prejudice, or even risk of prejudice, is to permit Mr. Manzanares to attend his trial without being restrained. This is especially so when weighed against the fact that Mr. Manzanares poses no threat to run or assault anyone during trial.
7. In conclusion, Mr. Manzanares requests this Court to permit him to attend his trial in

civilian clothing. To deny this right is a violation of Mr. Manzanares’ rights to a fair trial and presumption of innocence under both the United States and Colorado constitutions. Additionally, Mr. Manzanares requests this Court to permit him to attend his trial without restraints. While the law regarding this request requires prejudice, it seems to defense counsel it is “better safe than sorry” to allow Mr. Manzanares to attend his trial without restraints, especially because the use of restraints is unnecessary.

Respectfully submitted on January 25, 2018,

/s/ Beale C. Tejada Beale C. Tejada

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2018, I electronically filed a copy of this document, via ICCES, with the Clerk of the Court. All parties of record were also served.

/s/ Beale C. Tejada Beale C. Tejada