

District Court, Jefferson County, Colorado 100 Jefferson County Parkway, Golden, CO 80401	DATE FILED December 12, 2023 3:09 PM FILING ID: 6643D78CC4D0F CASE NUMBER: 2022CR3360  ◆ COURT USE ONLY ◆
<b>THE PEOPLE OF THE STATE OF COLORADO,</b> Plaintiff,  v.  <b>DESIREE GONZALEZ,</b> Accused.	
MEGAN A. RING, State Public Defender Chelsea Lauwereins, No. 55011 Deputy Public Defender Golden Regional Office 560 Golden Ridge Road, #100, Golden, CO 80401 Ph. (303) 279-7841 Fax. (303) 279-3082 Email: chelsea.lauwereins@coloradodefenders.us	Case Number: 22CR3360  Division: 7
<p align="center"><b>MOTION FOR ALL CRIMINALISTIC EVIDENCE TO BE PRESENTED IN THE FORM OF COMPETENT, IN PERSON TESTIMONY [D2]</b></p>	

**COMES NOW** the accused, Desiree Gonzalez, by and through counsel, provides notice pursuant to Colo. Rev. Stat. § 16-3-309(5):

1. Ms. Gonzalez requests that any employee or technician of any criminalistics laboratory or other laboratory, who may have been involved in any analysis, comparison, or identification related to this case and who issued or contributed to a report or was involved in findings of criminalistics related to this case, testify in person at any criminal trial on behalf of the prosecution in this matter.
2. Further, Ms. Gonzalez has the right to confront and cross-examine the actual analyst who performed the testing, not a surrogate witness. “If representation by substitute counsel does not satisfy the Sixth Amendment, neither does the opportunity to confront a substitute witness.” *Bullcoming v. New Mexico*, 131 S.Ct. 2705, 2716 (2011). “[The] Court’s holding means ‘the...analyst who must testify is the person who signed the certificate.’” *Id.* (citing *Melendez-Diaz*, 557 U.S. 305, 334 (2009) (Kennedy, J. dissent). C.R.E. 404(b) at trial be disclosed to defense counsel within fifteen (15) days of the receipt of this motion.

**WHEREFORE**, Ms. Gonzalez respectfully requests that all criminalistic evidence proffered against him be presented in the form of competent, in person testimony. Ms. Gonzalez brings this motion under the Due Process, Right to Counsel, Confrontation, Right to Remain Silent, Compulsory Process, Equal Protection, Right to Appeal and Cruel and Unusual Punishment clauses of the Federal and Colorado Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25

and 28 of the Colorado Constitution, and the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth and Fourteenth amendments to the United States Constitution.

Respectfully submitted,

*Chelsea Lauwereins*

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Chelsea Lauwereins, No. 55011  
Deputy State Public Defender

Dated: December 12, 2023

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CERTIFICATE OF SERVICE

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I hereby certify that on December 12, 2023, a true and correct copy of the foregoing document was served via ICCES on all parties who appear of record and have entered their appearance herein according to ICCES. //s// Chelsea Lauwereins