

District Court, Jefferson County, Colorado 100 Jefferson County Parkway, Golden, CO 80401	<div> DATE FILED December 12, 2023 3:09 PM FILING ID: 6643D78CC4D0F CASE NUMBER: 2022CR3360 </div> <div> σ COURT USE ONLY σ </div>
PEOPLE OF THE STATE OF COLORADO Plaintiff, v. DESIREE GONZALEZ, Accused	
MEGAN A. RING, State Public Defender Chelsea Lauwereins, No. 55011 Deputy State Public Defender Golden Regional Office 560 Golden Ridge Road, #100, Golden, CO 80401 Phone: (303) 279-7841 Fax: (303) 279-3082 E-mail: chelsea.lauwereins@coloradodefenders.us	Case No. 22CR3360 Division: 7
MOTION TO REQUEST EXPERT ENDORSEMENTS AND DISCLOSURES [D3]	

The Accused, Ms. Gonzalez, by and through undersigned counsel, moves this court to order the following discovery regarding any witness which the prosecution intends to present as an expert at trial:

1. Ms. Gonzalez requests the following:
 - a. All opinions that such witness will testify to at trial.
 - b. The prosecution shall designate any endorsed experts as experts in their endorsement and to state the area in which the prosecution will seek to qualify the expert as an expert at least 35 days in advance of trial.
 - c. The prosecution shall provide a curriculum vitae or summary of the qualifications of any endorsed expert per the guidelines set out in R.16.
 - d. The prosecution shall disclose any impeachment information relating to any endorsed expert which it possesses or is as aware of per the guidelines set in R.16.
 - e. The prosecution shall disclose the underlying facts and data supporting the opinion of any expert endorsed as a witness in this case.
 - f. The prosecution shall disclose a full report or written summary of the testimony describing the witness's opinions and the bases and reasons therefore, including the results of physical examinations, scientific tests, experiments, or comparisons at least per the guidelines set by R.16.
 - g. Any reports or notes produced by the witness for use in trial.

- h. Any books, texts, articles, specific scientific principals, or other materials that the witness is relying on to support any expert opinion the witness intends to offer at trial.
 - i. A list of all case names, numbers, and counties in which the witness has previously testified as expert.
- 2. The defense intends to investigate any opinion and the basis for that opinion that any witness intends to present at trial. The defense might object to the opinion or hire its own experts depending on the opinion of the prosecution witnesses. Additional motions may need to be filed. The defense cannot properly prepare without the information requested above being received in a timely manner from the prosecution.
- 3. This request is pursuant to Crim. P. 16(I)(a)(1)(III), mandatory disclosures: “The prosecuting attorney shall make available to the defense...any reports or statements of experts made in connection with the particular case, including results of...scientific tests, experiments, or comparisons.”
- 4. The additional information should be ordered pursuant to the court’s power to order discretionary disclosures. Reasonable requests should be granted to “allow the defense sufficient meaningful information to conduct effective cross-examination under CRE 705.” Crim. P. 16(I)(d)(3).
- 5. Both the Colorado and the United States Constitutions guarantee a defendant the right to confront the witnesses against him. *United States Constitution*, Amendments VII and XIV. *Constitution of the State of Colorado*, Article II, Section 16.
- 6. The constitutional right to confront the witnesses against a defendant includes the right to effectively cross-examine witnesses. *Davis v. Alaska*, 415 U.S. 308 (1965).
- 7. The Confrontation Clause of both the United States and Colorado Constitutions guarantee a defendant the right to effectively cross examine witnesses testifying against him. *Pointer v. Texas*, 380 U.S. 400, 404, 85 S.Ct. 1065, 1068, 13 L.Ed.2d 923 (1965); *People v. Bowman*, 669 P.2d 1369, 1375 (Colo.1983).
- 8. Without the information requested, counsel for Ms. Gonzalez cannot adequately prepare to cross-examine an expert witness at trial. Counsel for Ms. Gonzalez intends to review and investigate the opinions of any expert witnesses prior to trial, including the basis for those opinions. In order to guarantee Ms. Gonzalez’s constitutional right to effective assistance of counsel and due process, these disclosures must be made prior to trial and with enough time for counsel to review and investigate the information.

WHEREFORE, Ms. Gonzalez respectfully moves this Honorable Court to order the prosecution to discover to the defense the requested disclosures, pursuant to Crim. P. 16 and the Due Process, Fair Trial, Right to Counsel, and Equal Protection Clauses of the United States and Colorado Constitutions.

Respectfully submitted,

Chelsea Lauwereins

Chelsea Lauwereins, No. 55011
Deputy State Public Defender

Dated: December 12, 2023

Certificate of Service

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