

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 σ COURT USE ONLY σ
PEOPLE OF THE STATE OF COLORADO, Plaintiff, v. DESIREE GONZALEZ, Accused.	
MEGAN 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 Email: chelsea.lauwereins@coloradodefenders.us	Case Number: 22CR3360 Division: 7
MOTION FOR DISCOVERY OF VIDEOS OBTAINED BY LAW ENFORCEMENT THROUGH THE USE OF BODY AND DASHBOARD CAMERAS [D7]	

Ms. Gonzalez, by and through counsel, hereby respectfully requests this Honorable Court to order the prosecution to timely inquire about and disclose to the defense counsel (1) the police department's policy regarding the use of video recording equipment such as body cameras and dashboard cameras; and (2) all police recorded videos related to this case that were obtained through the use of department issued body cameras or dashboard cameras. Furthermore, if any of the requested items are unavailable, Ms. Gonzalez requests notice of and reason for such unavailability. As grounds for this request, Ms. Gonzalez states the following:

1. Ms. Gonzalez has information and reason to believe that although the use of body and dashboard cameras has become more routine within police departments, the resulting videos are not always automatically turned over to the prosecution in the normal course of discovery unless specifically inquired about and requested.
2. Upon request, the prosecution has a duty to provide Ms. Gonzalez with all evidence that may be exculpatory and material to this case. *Brady v. Maryland*, 373 U.S. 83 (1963); *People v. Pope*, 724 P.2d 1323 (Colo. 1986). Further, the prosecution has a good faith duty to preserve evidence within its possession that is clearly relevant and discoverable by the defense. *People v. Harmes*, 560 P.2d 470 (Colo. 1976); *People v. Norwood*, 547 P.2d 273 (Colo. 1973).
3. Ms. Gonzalez is entitled to the requested evidence pursuant to Rule 16 of the Colorado Rules of Criminal Procedure.
4. Ms. Gonzalez's rights to due process of law, a fair trial, effective assistance of counsel, and his right to confront her accusers require that she be allowed to independently examine all material evidence against her. U.S. Const. amends. V, VI, XIV; Colo. Const. art. II, § 16, 25.

Respectfully submitted,

Chelsea Lauwereins

Chelsea Lauwereins, No. 55011
Deputy State Public Defender

Dated: December 12, 2023

CERTIFICATE OF SERVICE

I certify that the foregoing document was served on opposing counsel via the court's e-filing system on 12/12/23.
/s/Chelsea Lauwereins