

District Court, Weld County, Colorado Court address: 901 9 <sup>th</sup> Avenue, Greeley, CO 80631	DATE FILED: October 4, 2018 12:03 PM
<b>PEOPLE OF THE STATE OF COLORADO,</b> Plaintiff v. <b>CHRISTOPHER WATTS,</b> Defendant	▲ COURT USE ONLY ▲
John Walsh, Atty. Reg. No. 42616 Kathryn Herold, Atty. Reg. No. 40075 Deputy State Public Defenders 822 7th Street, Ste. 300 Greeley, CO 80631 Phone Number: (970) 353-8224 FAX Number: (970) 352-8293 E-mail address: john.walsh@coloradodefenders.us	Case Number: 18CR2003       Division: 5
<b>(D-039)</b> <b>MR. WATTS' NOTICE OF POSITION ON THE GOVERNMENT'S MOTION [L] TO SEAL THE AUTOPSY REPORTS IN THIS CASE</b>	

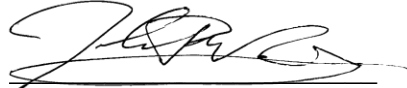
CHRISTOPHER WATTS, through his attorneys, hereby informs this Honorable Court of the following:

1. Counsel for Mr. Watts is now in receipt of the three autopsy reports in this case.
2. The government, through its Motion [L], states it is concerned about “tainting witnesses that have not yet been interviewed and impacting future jurors.” Motion [L] at ¶ 3.
3. With respect to the first justification about tainting witnesses, Mr. Watts must again inform the court that he doesn’t have enough information to take a reasoned position. Counsel for Mr. Watts notes that the government is working with multiple law enforcement agencies, to include numerous agents from the CBI and the FBI.
4. That said, the government has made no further proffer with respect to which witnesses it intends to interview that have not been interviewed nor how what those witnesses have to say could be impacted by the contents of the autopsies. Counsel moves for a hearing on this issue to determine whether the government’s position in Motion [L] has any merit.
5. With respect to the second justification about impacting potential jurors, it appears the government is claiming to be concerned with Mr. Watts’ constitutional rights. Counsel first parenthetically notes the apparent incongruity of that position with the government’s indignant objection to investigating prejudicial media leaks. *See* government’s response to Motions (D-029), (D-030), and (D-031), captioned Motion [J].

6. That said, Mr. Watts' rights to a fundamentally fair proceeding and, ultimately, a fair and impartial jury at trial, have been so substantially damaged in this case, it does not seem that any prophylactic order, at least on the narrow issue of whether the autopsies should be released, can serve to salvage the wreckage of those rights which may remain. U.S. CONST. amends. V, VI, and XIV; COLO. CONST. art. II, §§ 16, 23, and 25.
7. More to the point though, the contents of the autopsy reports will necessarily be revealed at the preliminary and proof-evident hearing, which will take place well in advance of any jury trial in this case.
8. Ultimately then, because counsel can see no reasonable way in which the contents of the reports will not be explored in court by the parties, Mr. Watts leaves the decision about releasing the reports to the discretion of the court. However, if the court finds the government's first proffered reason of not tainting witnesses to be compelling, Mr. Watts requests a hearing on that suspect claim.

WHEREFORE, Mr. Watts informs the court that he leaves the decision about sealing the autopsies in the discretion of the court.

Respectfully submitted,  
MEGAN RING  
COLORADO STATE PUBLIC DEFENDER



John Walsh, Atty. Reg. No. 42616



Kathryn Herold, Atty. Reg. No. 40075  
Deputy State Public Defenders

**CERTIFICATE OF SERVICE**

I hereby certify that on 10/4/18,  
I served the foregoing document by e-service  
through ICCES to all opposing counsel. TC

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