

District Court, City and County of Denver, Colorado 520 W. Colfax Avenue Denver, CO 80204	
THE PEOPLE OF THE STATE OF COLORADO Plaintiff v. ELROY LEE, Defendant	DATE FILED: July 29, 2022 3:56 PM σ COURT USE ONLY σ
MEGAN A. RING, Colorado State Public Defender Sonja Prins, #50126 Deputy State Public Defender Denver Trial Office 1560 Broadway, Suite 300 Denver, CO 80202 Phone: (303) 620-4999 Fax: (303) 620-4987 E-mail: sonja.prins@coloradodefenders.us	Case Numbers: 22CR1916 Courtroom: 5F
OBJECTION TO REQUEST TO RELEASE ALL UNEDITED VIDEO AND AUDIO RECORDINGS OF THE INCIDENT INVOLVED IN THIS CASE PURSUANT TO § 24-31-901 [D08]	

Counsel for Mr. Elroy Lee hereby objects to the Denver Police Department (DPD) producing any and all records associated with and involving Mr. Emmanuel Amani relating to an accident involving Mr. Amani on April 4, 2022, as the records relate to the above-captioned pending criminal action against Mr. Lee. Releasing the records will violate Mr. Lee’s Rights to Counsel, Equal Protection, Cruel and Unusual Punishment, Confrontation, Compulsory Process, Right to Remain Silent, Due Process, a Fair Trial and Right to Appeal Clauses of the Federal and Colorado Constitutions, and the First, Fourth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitution and Article II, Sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25, and 28 of the Colorado Constitution.

As grounds, Mr. Lee asserts:

1. On May 20, 2022, Mari Newman filed a Colorado Open Records Act (CORA) and Colorado Criminal Justice Records Act (CCJRA) request with DPD, requesting “any and all records associated with and involving Mr. Emmanuel Amani within the possession, custody and/or control of the Denver Police Department (DPD) to an accident involving Mr. Amani on April 4, 2022, at 1601 Colorado Boulevard.” Records requested included BWC footage from the officers at the scene, dash camera footage, 911 recordings and CAD logs, probable cause statements and incident reports regarding response to the 911 calls and the arrest of Mr. Lee, communications from or to DPD officers regarding Mr. Amani’s

death, any and all records related to investigations of the circumstances of Mr. Amani's death and the arrest of Elroy Lee, including but not limited to all video and witness statements.

2. Ms. Newman requested this information be provided within 21 days of submission of the request (no later than June 10, 2022).
3. In her letter, Ms. Newman alleges police misconduct, pursuant to C.R.S. § 24-31-902(2)(a). It is unclear from her letter, however, what type of misconduct she is alleging the police committed.
4. It is also unclear from Ms. Newman's letter, who she is representing or what she plans to do with the requested information. Ms. Newman states: "Please expedite this request, as Mr. Amani's cultural and religious customs call for his body to be laid to rest as soon as possible. In addition, his wife cannot return to work until he has been buried, which will not occur until the family reviews the body camera footage." Given, this statement, it appears Ms. Newman is representing Mr. Amani's family and his wife. It should be noted that Mr. Amani's wife is a fact witness in this case, as she was on the phone with the decedent when he was shot.
5. On June 13, 2022, two days after the 21-day deadline, the prosecution filed a "Notice of Request to Release All Unedited Video and Audio Recordings of the Incident Involved in This Case Pursuant to C.R.S. § 24-31-902(2)(A).
6. C.R.S. § 24-31-902 (2)(c) states:

If criminal charges have been filed against any party to the incident, that party must file any constitutional objection to release of the recording in the pending criminal case before the twenty-one-day period expires. Only in cases in which there is a pending criminal investigation or prosecution of a party to the incident, the twenty-one-day period shall begin from the date of appointment of counsel, the filing of an entry of appearance by counsel, or the election to proceed pro se by the defendant, receipt of the criminal complaint, and the defendant's receipt of the video in discovery in the criminal prosecution made on the record before a judge. If the defendant elects to proceed pro se in the criminal case, the court shall advise the defendant of the twenty-one-day deadline for the defendant to file any constitutional objection to release of the recording in the pending criminal case as part of the court's advisement. The court shall hold a hearing on any objection no later than seven days after it is filed and issue a ruling no later than three days after the hearing. The hearing is considered a critical stage as defined in section 24-4.1-302 and gives victims the right to be heard pursuant to section 24-4.1-302.5.

7. Given the timeline of this request, and the notice provided to counsel, the defense could not respond within the statutory 21-day period. However, if the Court finds that counsel has responded out-of-time, Mr. Lee requests this Court to consider that there is good

cause to grant the defense's objection, because Mr. Lee's Constitutional rights will be violated if this information is released.

8. Releasing this information to a fact witness in this case could impact testimony during trial and impede on Mr. Lee's rights to Confrontation, Due Process, and a Fair Trial. U.S. Const. amends. V, VI, XIV; Colo. Const. art. II, § 16 and 25.
9. Releasing this information to the public will violate Mr. Lee's rights to a fair trial and an impartial jury. U.S. Const. amends. VI, XIV; Colo. Const. art. II, § 16.

WHEREFORE, Mr. Lee, through counsel, objects to releasing all unedited video and audio recordings of the incident involved in this case, pursuant to C.R.S. § 24-31-902.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER

Respectfully Submitted,



Sonja Prins, #50126
Deputy State Public Defender

Date: July 29, 2022

Certificate of Service

I hereby certify that on July 29, 2022, I served the foregoing document via Colorado Courts E-Filing to the court and opposing counsel. 