

1. Ms. Gonzalez is charged in the above captioned case with several counts of retaliation against an elected official, class six felonies, and several counts of violation of a protection order, class one misdemeanors.
2. The procedural history in this matter is lengthy including more than one hold related to resolving the issue of competency. Most recently, on August 23, 2024, Ms. Gonzalez' previous attorney, Chelsea Lauwereins, filed a motion seeking to suspend the proceedings due to concerns regarding Ms. Gonzalez' competency. On August 26, 2024, this Court granted the request and suspended the criminal proceedings. At the time of the suspension, only thirty-six days remained on the speedy trial clock.
3. Undersigned counsel entered on the case on September 3, 2024.
4. On December 23, 2024, Doctor Lubna Gewal, filed a report opining that Ms. Gonzalez is competent to proceed. On the same day, the mental health stay was lifted. Moreover, on the same day, Ms. Gonzalez appeared in court for a status hearing. Given that only a short time remained on speedy and the parties' and the Court's schedules, Ms. Gonzalez agreed to toll speedy trial, and the matter was scheduled for a three-day¹ trial to start on February 11, 2025.
5. When undersigned counsel began to more closely review the case given the lifting of the mental health stay and the impending trial, it became apparent that motions raising constitutional issues needed to be filed².
6. Additionally, counsel noticed missing discovery. Specifically, counsel does not have body worn camera from officers who investigated the alleged violation of the protection order on January 3, 2023, and then ultimately contacted and arrested Ms. Gonzalez the same day. Counsel does not have referenced emails between then Mayor of Lakewood, Adam Paul, and Ms. Gonzalez or between Detective

¹ When setting the trial, there was concern that the trial may actually take more than three days. Upon closer review and reflection, undersigned counsel does believe that four days will be needed to try the case.

² On January 15, 2025, undersigned filed a motion seeking to sever the violation of protection order counts from the retaliation counts. On January 20, 2025, undersigned filed a motion to seeking to suppress Ms. Gonzalez' statements.

Paisely and Ms. Gonzalez. Undersigned counsel requested the above missing discovery from the prosecution on January 12, 2025, and 19, 2025, respectively. As of the writing of this motion, counsel is not in receipt of these items.

7. Undersigned counsel is scheduled to begin a six-day homicide trial on January 31, 2025.
8. Given counsel's schedule, the outstanding discovery, and the need to litigate the above outlined evidentiary and constitutional motions, Ms. Gonzalez requests a continuance of the currently scheduled jury trial.
9. Ms. Gonzalez is prepared to waive her right to speedy trial in support of her request.

LAW & ARGUMENT

1. Ms. Gonzalez has the right to effective assistance of counsel and counsel has a duty to investigate and prepare her client's case. U.S. Const. amends. V, VI, XIV; Colo. Const., art. II, § 16, 25. *See People v. Davis*, 871 P.2d 769 (Colo. 1994); *People v. Dillon*, 739 P.2d 919 (Colo. App. 1987).
2. Due process further demands that Ms. Gonzalez have a fundamentally fair trial which in turn requires she be granted a fair opportunity to defend against the state's accusations. U.S. Const. amends. VI, XIV; Colo. Const., art. II, § 16, 25; *Chambers v. Mississippi*, 410 U.S. 284, 294 (1973).
3. In ensuring these rights are honored, Criminal Rule of Procedure 16, requires the prosecution disclose any written statements of the accused, including emails, as well as all police reports, including body worn camera. Crim. P. 16 (a) (1) (I), (IV), (VIII); *see also, People v. Armijo*, 179 P.3d 134 (Colo. App. 2007). The prosecution is also required to provide, "any material or information...which tends to negate the guilt of the accused as to the offense charged or would tend

to reduce the punishment therefor. Crim. P. 16 (a) (2); *Brady v. Maryland*, 373 U.S. 83 (1963).

4. Here, as outlined above, several items of discoverable materials are outstanding. Additionally, pretrial matters that raise constitutional issues are outstanding. These pending matters will necessarily impact counsel's ability to prepare and to effectively represent Ms. Gonzalez.

WHEREFORE, counsel for Ms. Gonzalez requests that this Court continue the jury trial currently scheduled for February 11, 2025.

Respectfully Submitted,

MEGAN A. RING
COLORADO STATE PUBLIC
DEFENDER

/s/ Sarah Varty

Sarah Varty, No. 45186
Deputy State Public Defender
Dated: January 27, 2025

Certificate of Service

I hereby certify that on January 27, 2025, I served the foregoing document to all opposing counsel of record by Integrated Courts E-Filing System. /s/ Sarah Varty