

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Action No. 07-cr-00462-JLK-1

UNITED STATES OF AMERICA,

Plaintiff,

vs.

1. CORY VOORHIS,

Defendant.

**JOINT STATUS REPORT REGARDING
JANUARY 14, 2008 HEARING**

The United States of America and Defendant Cory Voorhis (“Voorhis”), through their counsel, submit this joint status report in anticipation of the January 14, 2008 motions hearing. At the suggestion of Court staff, the parties have conferred and submit their proposed order on which to take up pending matters. The parties state as follows:

1. The motions hearing is set for January 14, 2008 at 10:00 a.m. (“Hearing”).

Minute Order Setting Trial Date and Other Deadlines (Docket Entry # 23).

2. The following motions are pending before the Court to take up at the Hearing:
 - A. Defendant’s Motion to Suppress Statements and Evidence, filed December 20, 2007. (Docket Entry # 30) (“Motion to Suppress”).
 - B. Defendant’s Motion to Dismiss Based Upon Selective Prosecution, Motion for Discovery, and Motion for an Evidentiary Hearing, filed November 6, 2007. (Docket Entry # 6) (“Motion to Dismiss”).¹

¹ In its December 7, 2007 Order, the Court granted Voorhis’s Motion for an Evidentiary Hearing and ruled that evidence will be taken at the Hearing. (Docket Entry # 26).

- C. Defendant's Motion for a Bill of Particulars, filed November 30, 2007. (Docket Entry # 24).
- D. Defendant's Motion for Discovery and Preservation of Evidence, filed December 20, 2007. (Docket Entry # 32).

3. The parties anticipate that evidence will be taken on the Motion to Suppress and on the Motion to Dismiss. Subpoenas have been issued for witness testimony at the Hearing. Some of the subpoenas are also for documents or records. All of the witnesses subpoenaed by the defense are expected to give testimony regarding either the Motion to Suppress or the Motion to Dismiss. The parties anticipate that evidence and argument regarding the Motion to Suppress can be completed during the Hearing.

4. As to witnesses subpoenaed on the Motion to Dismiss, earlier today, counsel for the defense spoke with counsel for three of the witnesses, all employees of the Denver District Attorney's Office. The District Attorney's Office informed the defense that it intends to file a motion to quash as to all or part of the information sought in those subpoenas. The motion to quash is anticipated to raise issues related to the work-product doctrine and executive privilege, at minimum.

5. Given the potentially complex issues raised by the anticipated motions to quash, the parties believe that, even given the time available, it is unlikely that the taking of evidence and argument on the Motion to Dismiss can be completed on January 14, 2008. The parties would propose that a hearing on the Motion to Dismiss (including any related motion to quash matters) be addressed in a separate hearing at a time convenient for the Court. This proposal will not unduly impede the administration of justice in this matter for two reasons. First, even given the trial date now set in the case, February 11, 2008, there would be time to fully consider the

Motion to Dismiss. Second, as the defense has informed the Government already, it is likely that the defense will seek a continuance of the trial date, based on the late production of discovery and consistent with the ends of justice, pursuant to 18 U.S.C. Section 3161(h)(8)(A), (B)(i) and (iv). Speedy trial has been tolled in this matter since before the defendant's initial appearance in the case by the filing of defendant's Motion to Dismiss. Neither party would be prejudiced by bifurcating the hearing in the manner proposed. In addition, an early decision on this matter would allow the defendant to excuse many witnesses subpoenaed to appear until the date to be set for the hearing on the Motion to Dismiss, avoiding undue inconvenience to the witnesses and cost savings to the defendant.

6. Therefore, the parties respectfully request that the Court address the motions in the following order: (1) Motion to Suppress; (2) Motion for a Bill of Particulars; and (3) Motion for Discovery and Preservation of Evidence.

7. The parties agree that this proposed order of motions will be the most efficient use of the Court's, witnesses' and parties' time.

WHEREFORE, the parties respectfully requests that at the January 14, 2008 hearing the Court hear argument and evidence on the pending motions in the following order: (1) Motion to Suppress; (2) Motion for a Bill of Particulars; and (3) Motion for Discovery and Preservation of Evidence, and that the Court set a separate hearing date to address the Motion to Dismiss and all related matters.

Dated: January 11, 2008

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2008, I have caused to be electronically filed the foregoing with the Clerk of Court using CM/ECF system which will send notification of such filing to the following via e-mail.

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