

Affidavit In Support Of Improvement Of Conditions

Page 4.

(h) No music, radio, or television will be provided to me, although prisoners in other areas of the jail have radios and a television.

4. It has been suggested that since I was in maximum security at the Utah State Prison at the time of my extradition to the State of Colorado that there is justification for this extreme treatment. Sheriff Kienist and Undersheriff Meyers advanced this fact as virtually their only excuse for having me transferred on April 11, 1977. They failed, however, to mention why I was in maximum. On October 19, 1976, I was searched when I entered a sallyport. An Officer Dye found in my pocket a social security card belonging to a female friend of another inmate. I was charged with a major institutional violation (File No. 4193) and given a hearing. I plead guilty to possessing a social security card and was given 15 days in isolation in the maximum security facility. I spent that time and would have been returned to medium security, but for the Colorado extradition proceedings.

5. It is also inferred that "maximum security" inmates awaiting trial here in Colorado should be treated more harshly than others in the jail. While in maximum in Utah I could watch television and could listen to a radio in my cell. A window, through which came fresh air and sunlight, was but ten feet from my cell there. I was given three meals a day averaging 2,500 to 3,000 calories a day, and was allowed to buy protein and vitamin supplements. I was allowed outside once a week. I could work out in the weight room once a week. I could talk freely to a number of other inmates and trustees in the area of my cell. Maximum security in Utah was a picnic compared to the grossly indecent treatment I receive here. I also had sheets, pillow and pillow case, Access to barber shop and library in maximum security.

6. The type of cell I am in in the Garfield County Jail would be referred to as a punishment cell at the Utah State Prison. Inmates guilty of extremely serious offenses are placed in such cell, but Utah courts hold that anything over fifteen days in such a cell is cruel and unusual punishment. I am guilty of nothing in the State of Colorado yet I am to be kept in such a cell, not for fifteen days, but for months. I have been incarcerated continuously since March 1, 1976. Not once in fourteen months have I ever assaulted, attempted to assault or been assaulted by another inmate. I have never threatened or attempted to harm a guard or officer. I have always responded toward guards politely, obediently and non-violently. I have never had or been found in possession of any kind of weapon, drugs, or money. The only violation of institutional regulations I was cited for in the last fourteen months is possessing a social security card, and I did my time for that transgression. For what reason am I to be punished like this? What justification is there for being treated like a dangerous animal with a big sign over my door saying caution?

7. The denial of fresh air, sunlight, proper bedding writing facilities, exercise opportunities, and decent lighting causes a great strain on my health. The weight loss diet not only threatens my health but detracts from my ability to conduct my own defense. The denial of human contact and companionship under isolation conditions amounts to a most severe form of mental deprivation.

8. The total environment in which I live is cruel and unusual in my experience. My treatment contradicts the notion that I am guilty until proven innocent by subjecting me to

Affidavit In Support Of Motion To Improve Conditions

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extraordinary punishment without due process of law.

9. For the reasons listed in this Affidavit,

I believe I am entitled to the relief I am seeking in the Motion To Improve Jail Conditions In The Garfield County Jail.

I have exhausted what extra-judicial alternatives which were available to me, and now I come to this court in good faith for relief.

Theodore R. Bundy
Pro Se
Garfield County Jail
Glenwood Springs, Colorado

Sworn and subscribed to before me this _____ day of May, 1977.

Notary Public's Commission Expires: _____

Notary Public

IN THE DISTRICT COURT
IN AND FOR THE COUNTY OF PITKIN
STATE OF COLORADO

Criminal Action Number C-1616

PEOPLE OF THE STATE OF)
COLORADO,)

PLAINTIFF)

vs.)

THEODORE ROBERT BUNDY,)

DEFENDANT)

ORDER

This matter having come on to be heard this 9th day of May, 1977, upon the Defendant's Motion for Continuance and the Defendant having set forth that:

1. He has not been permitted access to the library as previously ordered by this court.
2. That procedures for making and receiving phone calls had not been established.

The court being so advised and the court being aware that library access has been limited and that it is necessary that the Defendant have adequate library access to prepare motions and meet filing deadlines.

IT IS THEREFORE ORDERED THAT the Sheriff of Garfield County arrange for the Defendant to have access to the law library for a period of three hours per day from Monday, May 9, 1977 through Thursday, May 12, 1977.

IT IS TO BE FURTHER ORDERED THAT the Sheriff of Garfield County and the Judicial Administrator of the 9th Judicial District file with the court a written statement not later than Friday, May 13, 1977, reflecting the actions taken or efforts

made to comply with this court's order of April 25, 1977. If compliance has not been accomplished an explanation shall be included along with a projected date by which compliance can be had.

Done this 9th day of May, 1977.

BY THE COURT

A/ GEORGE E. LOHR
Judge

These reports to include inventories, reports and correspondence with Robert Neal relating to the comparison of human hairs in the investigation of the deaths of Caryn Campbell and Melissa Smith and the abduction of Carol DaRonch.

These reports also to include the reports of autopsy of Caryn Campbell, Melissa Smith and any other victim of a transaction which the Prosecuting attorney intends to offer as a similar transaction.

4. All books, papers, documents, photographs and tangibles which the Prosecuting attorney intends to use in the hearing or trial which were obtained from or belonged to the Defendant, Theodore Robert Bundy.

5. Any known record of previous felony convictions of persons whom the Prosecuting attorney intends to call as witnesses at the hearing or trial.

6. Any material or information within his possession or control which tends to negate the guilt of the Defendant as to the offense charged or would tend to reduce the punishment therefore.

The Prosecuting attorney shall make good faith requests of Law Enforcing Agencies outside the state of Colorado to provide to him reports of investigations in connection with those cases which will be offered by the Prosecution as similar transactions and provide disclosure to the Defendant in accordance with the foregoing paragraphs of this Order.

The Prosecutor's obligations shall be performed by notifying the Defendant of a reasonable time and place for inspection of the material in his possession and control and providing for copying of material which has not previously been provided to the Defendant.

Physical evidence in the possession of the Prosecuting attorney shall be made available to any expert employed by the Defendant or appointed by the Court on the Defendant's behalf; for the purpose of scientific tests, comparisons or examination; providing however,

that the Prosecuting attorney shall have the right to be present or have a representative present during such examinations for the purpose of maintaining chain of custody and preventing contamination or destruction of evidence.

DONE this 15 day of May, 1977.

BY THE COURT



Judge

Theodore R. Bundy which the prosecution intends to present at hearing or trial.

(C) Any reports or statements of experts made in connection with the above-petitioned action, including results of physical or mental examinations; and of scientific reports, tests, experiments or comparisons. Said material should include, but not be limited to, the following:

(1) Copies of all documents which F.B.I. Agent Robert Neil used when refreshing his memory during testimony given at the preliminary hearing on April 5, 1977. Copies of all reports, inventories, correspondence, notes and other documents in the possession or control of Agent Neil which he has gathered in the course of his human hair comparisons involving Caryn Campbell, Carol DaRonch and Melissa Smith.

From documents thus far disclosed to the defense the pertinent F.B.I. file numbers where at least some of the material requested of Agent Neil may be found are 95-199166, 95-197664 and 95-203605. (C)

(2) Any reports, notes, preserved specimens, results of laboratory examinations, photographs or tangible objects in the possession or control of Dr. Donald M. Clark which were collected or developed relative to

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his autopsy of Caryn Campbell conducted on February 18, 1975. Records of correspondence Dr. Clark has had with Law Enforcement agencies in regard to this matter are also requested. The defense further requests Dr. Clark supply it with the blood type of Ms. Campbell since such information was not included in his autopsy report.

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(D) Any books, papers, documents, photographs or tangible objects which the District attorney intends to use at hearing or trial which were obtained from or belong to the defendant, Theodore R. Bundy.

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(E) Any record of prior criminal convictions of any person, whom the district attorney intends to call as a witness at hearing or trial.

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(F) Any material within the district attorney's possession or control which tends to impeach the guilt of the defendant, Theodore R. Bundy, as to the offense charged. The defense also seeks an order that the district attorney or members of his staff make a reasonable effort to determine if Law Enforcement agencies in either Utah or Colorado possess such exculpatory material.

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(6) Any of the information or material described above which is in the possession or control of members of the district attorney's staff and of any others who have participated in the investigation or evaluation of the case and who either regularly report or with reference to the particular case have reported to his office. Such persons should include prosecutors and law enforcement officers from other jurisdictions who are so connected with the present case.

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2. That pursuant to Rule 16 Part 1, (b) the defendant seeks an order that the district attorney perform his obligation to disclose in the following manner:

(a) The prosecuting attorney shall make available the material and information sought in this motion for inspection, copying, testing or photographing by the defendant during specified times with a proviso that the disclosures sought be made at least two weeks prior to the date on which the court has scheduled pre-trial hearings on this matter, the date of the beginning of said hearings being June 7, 1977.

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(b) The prosecutor shall provide for the defendant personally, as per the counsel, facilities suitable for copying, testing, inspecting and photographing such material and information.

(c) The district attorney shall ensure that a flow of information is maintained between various investigative personnel and his office sufficient to place within his possession all material and information relevant to the defendant and other offense charged.

3. That pursuant to Rule 16 Part I, (d)(1) the defendant seeks an order requiring the district attorney and his staff to use diligent good faith efforts to cause information or material which is in the possession or control of the following governmental agencies and which is relevant to the investigation, valuation and prosecution of the instant case, to be delivered to the defendant:

(a) The Salt Lake County Sheriff's Office (SCLCSO). The district attorney shall seek from the SCLCSO generally and from Captain Pete Hayward, Detective Darrell Andrade, Detective Ben Forbes and Detective Jerry Thompson particularly the material and information which

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VIII Results and reports of all scientific analysis of evidence done on all motor vehicle owned at one time by Moore R. Bundy or contents played from that vehicle.

(2) All investigative reports, notes, statements of witnesses, photographs and other documentary evidence related to the investigation into the death of Melissa Smith. This material should include but not be limited to:

(I) The report of the autopsy performed upon Ms. Smith.

(II) The name, address and city written or recorded statement of witnesses in the Smith investigation particularly those persons who reportedly saw Mrs. Smith between the time she left home and the time she reached her residence.

(III) Reports of experiments and statements of agents involving any scientific tests, experiments or comparisons done in connection with the Smith investigation. This should include information concerning the collection, submission to the F.B.I. and the comparison of Melissa Smith's blood and public hairs.

(3) All investigative reports, notes, statements of witnesses, photographs and other documentary evidence

concerning a 1963 Volkswagen, Serial no 118731185, which had been owned by Theodore R. Bundy. This material should include but not be limited to following:

(I) The original Polaroid photographs taken of the vehicle by Detective Thompson and later exhibited to Carol Dabovich.
(II) Reports and notes pertaining to its seizure, its storage and the search and collection of specimens from that vehicle which specimens were later sent to the F.B.I.

(III) All EC-50 cover letters which were sent to the F.B.I. in connection with the aforementioned specimens

(IV) Reports and statements of agents involving any scientific test, experiment or comparison conducted upon specimens gathered from this car automobile.

(V) The Murray City Police Department, Murray, Utah. The District Attorney shall seek from the MCPD the material and information described as follows:

(1) The investigative reports filed by the following individuals in connection with the kidnapping of Carl Dabovich on November 8, 1964:

- (I) Officer Cummings
- (II) Officer Riet
- (III) Detective Paul Forbes

(2) Any written or recorded statement for the substance of any oral statement made to officers of the McPD by Carl DaRoch

(IV) Reports or notes describing the occasions upon Mr. DaRoch was shown photographs in an attempt to identify the abductor.

(V) Copies of agency bulletins sent out shortly after Mrs. DaRoch's abduction giving a detailed description of Mrs. DaRoch's abductor and his automobile.

(VI) Reports and statements of experts involving any scientific test done in connection with the DaRoch case. This material should include law comparisons and provide an account of the manner in which hair samples were obtained from Mrs. DaRoch.

(3) Any written or recorded statement or the substance of any oral statement made to McPD officers by other witnesses in the DaRoch case.

(c) The Chico City Police, Chico, California, Mrs. Josephine Hunter, an alleged eyewitness in the instant case reports that the Chico Police showed her a

Photographic lineup in connection with this case sometime in June, 1978.

The district attorney shall seek a full accounting of that display including pictures taken, correspondence or other communication authorizing the display and the suspects in the picture(s) was included in that display.

(1) The Federal Bureau of Investigation, Washington, D. C. Numerous Laboratory examinations have been conducted by the F. B. I. on items of physical evidence belonging to Theodore Bundy or on items of physical evidence obtained from a 1968 Volkswagen formerly owned by Theodore Bundy. In connection with these examinations the district attorney shall seek the following:

(1) All copies of file tags, experiments or comparisons conducted by the F. B. I. in connection with the investigation of cases where William Smith, Carl DuRoch and Camp Campbell are victims and Theodore R. Bundy is the suspect.

(2) Reports or correspondence indicated the date on which known hair samples from the above listed victims were submitted to the F. B. I.

(3) Copies of cover letters sent to the F. B. I. in connection with the

submission of physical evidence in
the Da Ronch, Campbell and Smith
cases.

(4) The identity of 9 specimens
Q2 thru Q12 submitted to the F.B.I.
by the Salt Lake County Sheriff's Office
in connection with Gordon Bundy,
suspect.

(5) Any of the above material or
information and any further material
or information received or items of
physical evidence obtained from Dr.
Viktor Valksvaya formerly owned by
Gordon Bundy which may be found
under F.B.I. file number 95-199166,
95-197664, or 95-203603.

(c) Bureau of Alcohol, Tobacco
and Firearms; Laboratory and Scientific
Services Division, Washington, D.C.
A Laboratory Examination Report of
the Bureau of Alcohol, Tobacco and
Firearms indicates that a neutron
activation analysis was performed
at the request of Michael Fisher.
The district attorney shall seek
and disclose to the defense:

- (1) the identity of exhibits K-1, K-2,
Q15 and Q-20 mentioned in the report, and
- (2) The correspondence through which
Mr. Fisher made the request for
examination.

4. Pursuant to Rule 16 Part III, (D) Crim P. the defendant seeks an order directing the district attorney to disclose additional relevant material promptly and in accordance with court orders and procedural standards regarding discovery. This order is to make the district attorney committed to a continuing duty to disclose.

5. Pursuant to Rule 16 Part III, (F) Crim. P. the defendant requests that a hearing on this discovery motion be held in camera. Defendant believes this would facilitate an informal but more rapid exchange of views on this rather lengthy motion.

6. In accordance with the intent of Rule 16 Part III, (G) defendant seeks an order banning the introduction at trial of evidence or testimony subject to court order or statutory disclosure which the prosecutor has a duty to disclose, and which is not disclosed. or testimony defendant seeks to be included in this order is that which the district attorney has knowledge of or through reasonable diligence should have had knowledge of prior to the commencement of the trial phase but which he fails to disclose to the defense prior to trial.

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Dated this 28th day of April, 1977

Theodore R. Bunway
Respectfully Submitted

THEODORE R. BUNWAY
Pro. se
Dunfield County Jail

In the District Court
and for the County of Pitkin
State of Colorado

Criminal Action Number C1616

People of the
State of Colorado,
Plaintiffs,

vs
Affidavit in support
of Motion for
Discovery

vs
Theodore R. Bundy,
Defendant.

Theodore R. Bundy, being first duly
sworn upon oath, deposes and says:

1. Having reviewed disclosures made to
date by the prosecution, having heard
the testimony at preliminary hearing I
felt it was time to seek a more
enforceable discovery procedure.
2. I believe extensive discovery is
necessary because of the extended
period of time since the offense
charged to trial has made
investigation difficult and because
the complex nature of the case has
further complicated investigation.
3. The long list of material
and information sought in the
motion is believed necessary to

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have in my possession before I can
properly prepare for further hearings
or trial.

4. According to guarantees of fair trial &
due process I believe I am entitled
to the relief I have sought in the
motion.

5. I have requested such court
ordered relief in good faith as the
defendant, who as in the above-
submitted action.

Dated this day 25th day of April, 1977

~~Theodore R. Bundy~~
THEODORE R. BUNDY

State of Colorado
County of Pitkin : ss

I hereby certify that the
foregoing Affidavit was acknowledged
before me this 25th day of April, 1977
by Theodore R. Bundy, a Person that
the information contained in the
above Affidavit is true to the
best of his knowledge and belief.

My Commission expires: NA

Harley W. Dui
Notary Public Clerk

In the District Court
and for the County of Pitkin
State of Colorado

Criminal Action Number C-1616

People of the
State of Colorado
Plaintiff,

Motion for Discovery

vs
Theodore R. Bundy,
Defendant.

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M. C. J. 10/10/01

Comes now the Defendant, prose,
Theodore R. Bundy, and states the
following:

1. That Rule 16(a)(1) Crim. P. provides
for certain disclosures by the prosecution
to the defense upon request of defense
counsel. Pursuant to Rule 16(a)(1) Crim. P.
the defendant, prose, seeks an order
for the following disclosures:

- (a) The names and addresses of
all persons whom the district attorney
intends to call at hearing or trial,
together with their relevant written,
recorded or summarized oral statements
- (b) Any written or recorded statement
and the substance of any oral statement
to have been made by the accused,

Theodore R. Bundy, which the prosecution intends to present at hearing or trial.

(c) Any reports or statements of experts made in connection with the above-entitled action, including results of physical or mental examinations; and of scientific reports, tests, experiments or comparisons. Said material should include, but not be limited to, the following:

(1) Copies of all documents which F. B. I. Agent Robert Neil used when refreshing his memory during testimony given at the preliminary hearing on April 5, 1977. Copies of all reports, inventories, correspondence, notes and other documents in the possession or control of Agent Neil which he has gathered in the course of his human hair comparisons involving Carolyn Campbell, Carol DaFonch and Melissa Smith.

From documents thus far disclosed to the defense the pertinent F. B. I. file numbers, where at least some of the material requested of Agent Neil may be found, are 95-199166, 95-197664 and 95-203603.

(2) Any reports, notes, preserved specimens, results of laboratory examinations, photographs or tangible objects in the possession or control of Dr. Donald M. Clark which were collected or developed relative to

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Toxicology

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his autopsy of Caryn Campbell
conducted on February 18, 1975.
Records of correspondence Dr. Clark
has had with Law Enforcement
agencies in regard to this matter
are also requested. The defense
further requests Dr. Clark supply it
with the blood type of Ms. Campbell
since such information was not
included in his autopsy report.

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(D) Any books, papers, documents,
photographs or tangible objects which
the District attorney intends to use
at hearing or trial which were
obtained from or belong to the
defendant, Theodore R. Bundy.

(6/10)

(E) Any record of prior criminal
convictions of any person whom the
district attorney intends to call as
a witness at hearing or trial.

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(F) Any material within the
district attorney's possession or control
which tends to negate the guilt of
the defendant, Theodore R. Bundy, as
to the offense charged. The defense
also seeks an order that the district
attorney or members of his staff
make a reasonable effort to determine
if Law Enforcement agencies in either
Utah or Colorado possess such
exculpatory material.

(6/10)

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(6) Any of the information or material described above which is in the possession or control of members of the district attorney's staff and of any others who have participated in the investigation or evaluation of the case and who either regularly report or with reference to the particular case have reported to his office. Such persons should include prosecutors and Law Enforcement officers from other jurisdictions who are so connected with the present case.

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2. That pursuant to Rule 16 Part 1, (b) the defendant seeks an order that the district attorney perform his obligation to disclose in the following manner:

(a) The prosecuting attorney shall make available the material and information sought in this motion for inspection, copying, testing or photographing by the defendant during specified times with a proviso that the disclosures sought be made at least two weeks prior to the date on which the court has scheduled pre-trial hearings on this matter, the date of the beginning of said hearings being June 7, 1977.

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(b) The prosecutor shall provide for the defendant personally, as pro se counsel, facilities suitable for copying, testing, inspecting and photographing such material and information.

(c) The district attorney shall ensure that a flow of information is maintained between various investigative personnel and his office sufficient to place within his possession all material and information relevant to the defendant and the offense charged.

3. That pursuant to Rule 16 Part I, (d)(1) the defendant seeks an order requiring the district attorney and his staff to use diligent good faith efforts to cause information or material which is in the possession or control of the following governmental agencies and which is relevant to the investigation, evaluation and prosecution of the instant case, to be delivered to the defendant:

(a) The Salt Lake County Sheriff's Office (SUCSO). The district attorney shall seek from the SUCSO generally and from Captain Pete Hayward, Detective Darrell Endrath, Detective Ben Forbes and Detective Jerry Thompson particularly the material and information which

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follows

① All investigative reports, notes, statements of witnesses, photographs and other documents related to the kidnaping of Carol DaRonch from the Fashion Place Mall, Murray, Utah, on November 8, 1974. This material should include but not be limited to:

① Police reports of Detective Thompson
② Police reports of Detective Forbes
③ Original photographs taken by Detective Thompson of a VW automobile owned at one time by Theodore R. Bundy.

④ Reports based on photographic linings taken to Carol DaRonch between November 8, 1974 and October 3, 1975 plus the actual photographs and in displays containing the picture of Theodore R. Bundy.

⑤ Any written or recorded statements and the substance of any oral statements made by Theodore R. Bundy made to secol officers.

⑥ Reports or notes based on contact and conversations with authorities investigating the death and disappearance of Canyon Campbell in Pitkin County, Colorado on January 12, 1978. Copies of letters and reports sent to Colorado authorities investigating the Campbell death

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Q2 - Q12
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VIII Results and reports of all scientific analysis of evidence done on all motor automobile owned at one time by Theodore R. Bundy or contents seized from that vehicle.

(2) All investigative reports, notes, statements of witnesses, photographs and other documentary evidence related to the investigation into the death of Melissa Smith. This material should include, but not be limited to:

(I) The report of the autopsy performed upon Mrs. Smith.
(II) The names, addresses and the written or recorded statements of witnesses in the Smith investigation particularly those persons who purportedly saw Mrs. Smith between the time she left home and the time her body was discovered.

(III) Reports of experiments and statements of Agents involving any scientific tests, experiments or comparisons done in connection with the Smith investigation. This should include information concerning the collection, submission to the F.B.I. and the comparison of Melissa Smith's hair and other hairs.

(3) All investigative reports, notes, statements of witnesses, photographs and other documentary evidence

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concerning a 1968 Volkswagen, Serial
no 18731185, which had been owned
by Theodore R. Bundy. This material
should include but not be limited
to following:

(I) The original Polaroid
photographs taken of the vehicle
by Detective Thompson and later
submitted to Carol DaRoch.

(II) Reports and notes pertaining
to the seizure of the above described
vehicle, its storage and the
search and collection of specimens
from that vehicle which specimens
were later sent to the F.B.I.

(III) All EC-50 cover letters
which were sent to the F.B.I. in
connection with the aforementioned
specimens

(IV) Reports and statements
of experts involving any scientific test,
experiment or comparison conducted
upon specimens gathered from this
car automobile.

(V) The Murray City Police Department, (MCPD)
Murray, Utah. The District Attorney
shall seek from the MCPD the material
and information described as follows:

(1) The investigative reports filed
by the following individuals in connection
with the kidnapping of Carl DaRoch
on November 8, 1974:

John J. ...
in ...

- (I) Officer Cummings
- (II) Officer Piet
- (III) Detective Paul Forbes

(2) Any written or recorded statement for the substance of any oral statement made to officers of the MCPD by Carl DaRoch

(IV) Reports or notes describing the occasions upon Mr. DaRoch was shown photographs in an attempt to identify the abductor.

(V) Copies of agency bulletins sent out shortly after Mrs. DaRoch's abduction giving a detailed description of Mrs. DaRoch's abductor and his automobile.

John J. ...

(VI) Reports and statements of experts involving any scientific test done in connection with the DaRoch case. This material should include law comparisons and provide an account of the manner in which hair samples were obtained from Mrs. DaRoch.

(3) Any written or recorded statement or the substance of any oral statement made to any PD officers by other witnesses in the DaRoch case.

(c) The Chico City Police, Chico, California, Mrs. Elizabeth Hunt, an alleged eyewitness in the instant case reports that the Chico Police showed her a

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submission of physical evidence in the Da Rosh, Campbell and Smith cases.

(4) The identity of 9 specimens Q-2 thru Q-12 submitted to the F.B.I. by the Salt Lake County Sheriff's Office in connection with Harold Bundy, suspect.

(5) Any of the above material or information and any further material or information received by laboratory examinations conducted by items of physical evidence obtained from the 1968 Volkswagen formerly owned by Harold Bundy which may be found under F.B.I. file number 95-199166, 95-197664, or 95-203603.

(c) Bureau of Alcohol, Tobacco and Firearms, Laboratory and Scientific Services Division, Washington, D.C. A laboratory examination report of the Bureau of Alcohol, Tobacco and Firearms indicates that a neutron activation analysis was performed at the request of Michael Fisher. The district attorney shall seek and disclose to the defense:

- ① the identity of exhibits K-1, K-2, Q-15 and Q-20 mentioned in the report, and
- ② The correspondence through which Mr. Fisher made the request for examination.

4. Pursuant to Rule 16 Part III, (D) Crim P. the defendant seeks an order directing the district attorney to disclose additional relevant material promptly and in accordance with court orders and procedural standards regarding discovery. This order is to make the district attorney committed to a continuing duty to disclose.

5. Pursuant to Rule 16 Part III, (F) Crim. P. the defendant requests that a hearing on this discovery motion be held in camera. Defendant believes this would facilitate an informal but more rapid exchange of views on this rather lengthy motion.

6. In accordance with the intent of Rule 16 Part III, (G) defendant seeks an order barring the introduction at trial of evidence or testimony subject to court order or statutory disclosure which the prosecutor has a duty to disclose, and ^{which is not} ~~which is~~ evidence or testimony defendant seeks to be included in this order is that which the district attorney has knowledge of or through reasonable diligence should have had knowledge of prior to the commencement of the trial phase but which he fails to disclose to the defense prior to trial.

discovery
page 13

Dated this ~~24~~ day of April, 1977
Theodore R. Bundy
Respectfully Submitted

THEODORE R. BUNDY
Pro. se.
Dunfield County Jail

discovery
page 14

In the District Court
and for the County of Pitkin
State of Colorado

Criminal Action Number C1616

People of the
State of Colorado,
Plaintiff,

vs
Defendant.
Affidavit in support
of motion for
discovery

vs
Theodore R. Bundy
Defendant.

Theodore R. Bundy, being first duly
sworn upon oath, deposes and says:

1. Having reviewed disclosures made to
date by the prosecution, having heard
the testimony at preliminary hearing I
felt it was time to seek a more
enforceable discovery procedure.

2. I believe extensive discovery is
necessary because of the extended
period of time since the offense
charged to place the state
investigation difficult and because
the complex nature of the case has
further complicated investigation.

3. The long list of material
and information sought in the
motion is believed necessary to

discovery
page 15

have in my possession before I can
properly prepare for further hearings
or trial.

4. According to guarantees of fair trial &
due process I believe I am entitled
to the relief I have sought in the
motion.

5. I have requested such court
ordered relief in good faith as the
defendant, John C. in the above-
mentioned action.

Dated this day 25th day of April, 1977

~~Theodore R. Bundy~~
THEODORE R. BUNDY

State of Colorado
County of Pitkin : ss

I hereby certify that the
foregoing Affidavit was acknowledged
before me this 25th day of April, 1977
by Theodore R. Bundy, stating that
the information contained in the
above Affidavit is true to the
best of his knowledge and belief.

Notary Commissioner expires: 1/1/84

~~Anthony Parker~~ Clerk
Shirley W. Bell

THE COURT: The Court has considered the Motion For Equipment, Supplies, Research Material and Services Required by a Pro Se Defendant to Prepare his Defense and has considered the evidence and argument this morning bearing on that motion.

It is found that in order to make the constitutional right of the defendant to represent himself effective and meaningful, it is necessary to provide to him the supplies and ability to perform legal research that are necessary to prepare a defense. Consistent with that principle, the requests contained in paragraph three of the motion are ruled on as follows:

The application for the typewriter will be granted; the typewriter to be a manual typewriter.

The application for the table will be granted.

The application for the desk reading lamp will be denied. However, the Sheriff will be directed to do whatever is necessary to make the lighting situation in the cell as adequate as consistent with the available facilities, and I have in mind there specifically the Sheriff's suggestion that one of the bulbs could be increased in size.

The application for the chair will be denied, it appearing that the bunk could be used for that purpose.

The application for the typing paper, onion skin paper, will be granted. The various paper supplies may be kept by the Sheriff outside the cell and made available to the defendant as they may become needed by him so that the

total quantity of paper in the cell at one time would not exceed what he needs for the things that he is doing at that time.

The application for printed forms with the Pitkin County District Court caption will be denied, no such forms being available without special order, and it appears that the defendant could create necessary forms through typing.

The application for the box of carbon paper will be granted.

In lieu of the correction liquid, the defendant will be supplied correction tape.

The application for the index card file box for three by five cards will be granted, provided that the box be of cardboard construction.

The application for the 3 x 5 index cards will be granted.

The application for the legal size file folders will be granted, except that the clips requested there will not be provided with the folders.

The application for labels for the file folders will be granted.

The application for the two hole paper punch will be denied.

Application for legal pads will be granted.

Application for pencils will be granted.

Application for pens will be denied.

Application for envelopes will be granted.

In lieu of the stapler requested, defendant will

be supplied with a reasonable supply of paper clips.

Application for the appointment's calendar will be granted.

The application for permission to make out going calls from the Garfield County Jail will be granted.

Now, I suppose that the manner in which the costs of those calls will be borne will ultimately be decided by the Court. The Court -- or the defendant does have a need to, or may have a need to maintain confidentiality with respect to some of those calls. I'm going to require that the procedure that's set up for making the calls include a weekly report to the Court with respect to the total costs accumulated during that week, and the exact procedure for implementing that, I will leave to the Sheriff.

The defendant does have some need for incoming calls, but the Sheriff has a problem in accommodating incoming calls. The Sheriff will be required to permit incoming calls to the defendant one hour per day, three days per week, sometime during ordinary working hours of a typical business, working hours between 8:00 a.m. and 5:00 p.m. The defendant will need an ability to maintain confidentiality with respect to those calls, and the exact method of implementing that requirement will be left to the Sheriff.

The defendant will be allowed to consult with attorneys, investigator, expert witnesses, between 8:00 a.m. and 5:00 p.m., seven days a week, the Sheriff having expressed no objection to that request.

Defendant does need access to a law library.

I don't believe that the request for two three hour sessions per week is unreasonable, and I will require that he be permitted access for such periods, the exact days of the week and times of day to be arranged by the Sheriff; the law library to be the Garfield County Law Library.

Now, the defendant may also have check-out privileges from the Garfield County Law Library. The Sheriff may impose reasonable requirements on the number of books that the defendant has in his cell at any one time, and the defendant shall be provided with copying services so that he might have the ability to copy out a case rather than taking and holding a book.

As to the matters of law to be -- or legal materials to be kept in the defendant's cell, the request is quite unspecific, except for the Colorado Revised Statutes. I don't see the need for more than the statutes relating to criminal law and the Rules of Criminal Procedure. Those volumes will be permitted to be kept by the defendant in his cell.

The other requests reflect needs that can be fully accommodated by the access to the law library and the check-out privilege.

The request with respect to the copying of non-confidential documents will be granted.

The request with respect to notarization will be granted.

The request with respect to service of process

will be granted.

Some of the rulings require the -- that the defendant be provided with materials which the Sheriff has indicated are not presently available to him. Those materials include some of the paper materials and also the desk. I will direct the Court Administrator for the Ninth Judicial District to work with the Sheriff in obtaining those materials and making them available to the defendant. I'm thinking also of the typewriter in that regard.

As to the Motion to Release the Office of the Public Defender, State of Colorado, as Advisory Counsel and to Appoint Replacement Advisory Counsel, the Court has heard the expression of the Public Defender that the Public Defender's office is reluctant to assume that role. I believe Mr. Dumas expressed some question about ethical considerations and how they would be handled. However, the Court is aware that the Public Defender's office has been associated with this case from a time prior to the time that the defendant was brought to the State of Colorado in connection with the charges which he now faces and so has considerable background with respect to this particular case. Also, based upon Mr. Leidner's testimony this morning, it's clear that many of the matters that will arise with respect to the legal issues in the defense are matters which have been the subject of research in the Public Defender's office in connection with other cases, and although the Public Defender's office and the deputies in it are all very busy, there is a total office capability

substantially similar legal issues as they might consider useful to him in preparing his defense in this case. That order, of course, does not require the furnishing of any material that is confidential in any other case. I'm thinking of documents filed with a court in some other case and a matter of public record.

I will also require the Public Defender to make an attorney familiar with the case available to consult with the defendant with respect to strategy and suggestions with respect to areas of legal research that might need to be accomplished to pursue his defense. In doing that, I don't intend to require that the Public Defender's office perform any additional legal research, and in providing information to the defendant, they may indicate to him, to the extent they think appropriate, that additional legal research might be needed in the areas in which he is consulting them. I think that availability of the public defender to consult with the defendant for these purposes once a week for a period of up to two hours should adequately accomplish the purposes that I -- roles that I presently see for performance by advisory counsel, and I will require that the Public Defender make such time available to the defendant.

MR. LEIDNER: Your Honor, perhaps I should advise the Court this week in particular, I will be out of Glenwood -- the Glenwood Springs area all five days of the week, and next week, I will be out of the State. I don't know what Mr. Dumas' schedule is regarding his time. Again,

be possible to set a hearing on it sometime in early May or as soon as the Court has the opportunity to hear it?

THE COURT: What about Monday, May 9?

MR. BUNDY: I'm free.

THE COURT: You're here, Mr. Leidner, on something else at 9:00.

MR. LEIDNER: Yes.

THE COURT: Set this for 8:00 on Monday, May 9. Also, I would hear at that time any other motions that Mr. Bundy might have filed prior to the end of this week.

MR. BRYANT: Your Honor, I have one further question. Will the Court prepare this order? If not, I had better have a transcript, because this is a pretty lengthy order and I don't want to leave anything out.

THE COURT: A copy of the transcript will be made available to the District Attorney.

MR. BRYANT: Thank you.

MR. BUNDY: Your Honor, just two final matters. Very briefly, does the Court have any objection to setting an arraignment date for the defendant in this matter?

THE COURT: We will set an arraignment after a ruling on the -- what I understand -- I understand that a motion to suppress may be filed and perhaps other motions to be heard at a date early in June that I don't recall.

MR. BUNDY: Seventh.

THE COURT: After a ruling on those motions, we will set an arraignment.

MR. BUNDY: And it is my understanding that the

transcript of the preliminary hearing is to include your Honor's full comments on probable cause delivered on April 6, 1977. On that date, your Honor found probable cause and made a lengthy statement. Will that be part of the preliminary hearing transcript?

THE COURT: Application to include that matter will be granted.

MR. BUNDY: And finally, introduced into evidence at the preliminary hearing on April the 5th was a ski brochure -- I can't remember the exact title -- and I would like to ask the Court if it would be possible for court personnel to make copies -- a couple copies of the pages in question. I can't remember the exact pages, but these pages have marks on them, and I would like to have a Xerox copy made just for my own records at this time.

THE COURT: That application will be granted and the materials will be delivered or mailed to Mr. Bundy down in Garfield County.

We will pass to the next matter.

(Whereupon, the hearing was concluded at 10:10 a.m.)

* * * * *

REPORTER'S CERTIFICATE

I, Elizabeth Johnston, Certified Shorthand Reporter within and for the State of Colorado, do hereby certify that the above and foregoing is a full, true and complete transcript of the proceedings requested as fully as the same is shown in the original stenotype notes taken

by me at the time.

Dated this 25th day of April, 1977.

Elizabeth Johnston CSR
Elizabeth Johnston, CSR

Please make three copies

1. to D.A. Tucker

2. Public defender and

3. for my files

Richard Bundy

DEPARTMENT OF JUSTICE
I certify that a copy of
this document was mailed to all
members of the
Council of Record

This 19th day of April 1977

Richard N. Bartholomew

Recorder

Regular U.S. Mail

Dumms

Dist. Atty

RECEIVED

APR 19 1977

OFFICE OF THE DISTRICT ATTORNEY
FRANK G. E. TUCKER

In the District Court
In and for the County of Pitkin
State of Colorado

Criminal Action Number C1616

People of the
State of Colorado,

Plaintiff,
Motion for
equipment, supplies,
research material,

vs.

Theodore R. Bundy,
Defendant.
and services required
by a pro se defendant
to prepare his defense

Comes now the Defendant, pro se,
Theodore R. Bundy, and states the
following:

1. That having been granted permission from the court to proceed in the above captioned matter without counsel that defendant now moves for the services and material support needed to exercise the right to proceed without counsel.
2. That the ability of a defendant in a criminal trial to conduct his own defense is meaningful only when the tools, traditionally employed by defense counsel, are provided to him. Defendant hereby seeks these tools.

3. That in order that the defendant may be able to properly and efficiently prepare motions, briefs legal memoranda and correspondence, maintain neat and organized working case files; and read and make a record of telephone conversations, witness interviews and research material surveyed the following list of equipment and office supplies is essential and minimal:

quantity	item *
one	typewriter (preferably electric)
one	table for typing and writing
one	desk reading lamp
one	chair
one ream	8 1/2 x 14 bond typing paper
one ream	8 1/2 x 14 union label paper
two doz	printed forms with the Pitkin County District Court caption
one box	8 1/2 x 14 carbon paper
one bottle	correction liquid for typing errors
one	index card file box for 3x5 cards
four packs	3x5 lined index cards
two doz	legal size file folders equipped with two hole clips
one box	labels for file folders
one	two hole paper punch
one doz	8 1/2 x 14 legal note pads (50 sheets each)
one box	#2 pencils
one box	Bic fine point account pens (black)
one box	#10 envelopes
one	stapler with staple
one	A77 appointments calendar

* Defendant seeks to keep these items in his jail cell.

4. Not in order for the defendant to communicate effectively and regularly with those addressing and advising him in the preparation of his defense the following procedures should be established:

a) Twice each day Monday, thru Friday (at 9 a.m. and again at approximately 3 p.m.) the defendant be given 45 minutes in the Garfield County jail inmate telephone to call attorneys, investigators, witnesses, expert witnesses, courts or others who are in some capacity related to the defense or prosecution of the above captioned matter.

The defendant shall charge long distance calls to a credit account number keeping a daily record of parties called, their numbers and the length of each call.

b) The Garfield County Sheriff's Office shall allow incoming calls to the defendant from attorneys and his field investigator only. Defendant shall give the Sheriff a complete list of other people. Such calls shall be permitted between 8 a.m. and 5 p.m. seven days a week.

c) The defendant will be allowed to consult with attorneys, his investigator, and expert witnesses in his cell in the Garfield County jail between 8 a.m. and 5 p.m. seven days

a week and as many times and for such period each time as is reasonable.

5. That in order for the defendant to research, study and understand the law as it applies to criminal cases in Colorado he must be allowed frequent and prolonged access to a complete law library. Ability to research the law will be particularly crucial in preparation for general excruciating and other pre trial hearings where legal briefs are required. The defendant seeks that they have research sessions in a local law library such as well.

6. Easy access to Colorado law and less voluminous research texts will be accomplished by permitting defendant to maintain the following books in his cell:

- Colorado Revised Statute annotated
- A complete set
- Wyant's series on criminal law
- A legal form book
- Legal research and bibliographical citation texts
- Legal dictionary
- Special texts (search, & seizure and expert witness identification for example)

7. Finally, that the following services be provided defendant in the manner prescribed below:

a) Copying of non-confidential documents such as motions, discovery material, case opinions and investigator reports shall be done at the request of the defendant by delivering such documents to the copying center in the Garfield County Courthouse. Garfield County Sheriff's personnel shall be directed to deliver and return copied documents within the same day as the request of the defendant.

b) Retardation of documents for the defendant shall be accomplished in the same manner as the copying of documents.

The papers to be photocopied shall be delivered, notarized and, if necessary, filed the same day as requested by the defendant by the Garfield County Sheriff's Office.

c) Service of process and the filing of legal documents with the court shall be done without delay through the use of Sheriff's office personnel.

Motion for equipment
pages

Wherefore, Defendant requests
this Court to grant him the records,
equipment, supplies and procedure
obtained in the preceding two sections
of this motion and such other and
further relief as the Court deems
necessary and proper.

Respectfully Submitted

Theodore R. Bundy

THEODORE R. BUNDY

PRO SE

In the District Court
In and for the County of Pitkin
State of Colorado

Criminal Action Number C1616

People of the
State of Colorado,
Plaintiff,

vs. Defendant in support
of motion for
equipment, supplies,
research materials

vs.
Herb R. Bundy,
Defendant.

and services by
prose defendant

I, Hershel R. Bundy, being duly
sworn upon oath, deposes and
says:

1. That I am the defendant in the
above captioned case.

2. That the court has granted me
leave to proceed without counsel in
this matter.

3. That in the motion supported by
this affidavit I seek a court order
granting me the tools I require to
prepare a defense, as it is
commonly prepared in accordance
with the provisions of the Sixth
Amendment to the U.S. Constitution.

4. That the services, equipment, supplies,
special procedures, and access to
research material which I seek in
the aforementioned motion are

affidavit for equipment

page 2

essential to my defense, minimal in both number and scope, and designed generally to effectuate my need as a pro se defendant.

5. That the relief brought in this matter I believe I am entitled to and the relief is sought in good faith.

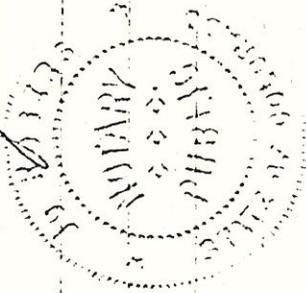
Dated this 19th day of April, 1977.

THEODORE R. BUNDY

State of Colorado,
County of Pitkin: ss

I hereby certify that the foregoing Affidavit was acknowledged before me this 19th day of April, 1977, by Theodore R. Bundy, stating that the information contained in the above Affidavit is true to the best of his knowledge and belief.

My Commission Expires: Jan. 21, 1979



Joe Rogers
Notary Public

In the District Court
In and for the County of Pitkin
State of Colorado

Criminal Action Number - C1616

People of the
State of Colorado,
Plaintiffs,

Motion to release
the office of the
Public Defender, State
of Colorado, as

vs.

Theodore R. Bunch,
Defendant.

Advisory Council
and to appoint
replacement
Advisory Council

Comes now the Defendant, prose,
Theodore R. Bunch and states the
following:

1. That on April 15, 1977 the court
granted defendant's motion to
represent himself in the above-captioned
case and appointed the Colorado
Public Defender as advisory counsel.
2. That the Colorado Public Defender,
represented by Mr. James Dunbar and
Mr. Charles Leiber, has expressed a
strong unwillingness to accept the role
of advisory counsel in this case
and has threatened further court action
to remove itself from the case.

3. That while the defendant had originally sought the appointment of the Public Defender as adversary counsel because like attorneys, who have been involved in the case for several months, are most familiar with the case, it appears that from the statements of Mr. Downs the Public Defender has adopted a hostile, uncooperative and uncomproising attitude toward defendant's attempt to defend himself.

4) That such an attitude would be an insurmountable barrier to a meaningful working relationship under the circumstances and would effectively deny the defendant the legal skill and advice which he has requested and which he seems to be indispensable.

5. That the defendant has an acute awareness of the need for legal counsel who is willing to unconditionally assist the defendant and who is psychologically and professionally secure enough to work in partnership with a criminal defendant.

Wherefore, the Defendant moves the court for the writ of habeas corpus!

a) An order releasing the Colorado Public Defender as advisory counsel to the defendant.

b) An order directing the Public Defender to immediately turn over to the defendant (all files, documents, court transcripts, affidavits, notes, legal research and other data developed and accumulated ~~with~~ in association with Harold R. Bundy and the charge against him) in Pitkin County Colorado.

c) An order directing Jamie Demas, Charles Seicher and Wallace Barrett as the Public Defender's Office all to meet with defendant on a specific date for the purpose of providing defendant with interpretations of their work product in the case, as well as opinions, ideas, and information not specifically contained in their work product.

d) An order appointing advisory counsel to replace the Public Defender. It should be noted, somewhat parenthetically, that such a person will have to be someone smart and humble enough to fill the undignified role of advisory counsel.



Respectfully Submitted

THEODORE R. BUNAY
PRO SE
GARFIELD COUNTY, AIR
GLENWOOD SPRINGS, CO

Dated this _____ day of April, 1977.

In the District Court
and for the County of Pitkin
State of Colorado

Criminal Action Number - C1616

People of the State of Colorado,
Plaintiff,
vs
Affidavit in support
of Motion to release
Colorado Public Defender
as advisory counsel
and appointment
replacement advisory
counsel.

vs
Robert R. Bundy,
Defendant.

Robert R. Bundy, being duly sworn,
deposes and says:

1. That I am the defendant in the above captioned case.
2. That the court has granted me leave to proceed without counsel in this matter.
3. That the opposition of my present advisory counsel to that full quantity interferes with their ability to substantially assist me in the preparation of my defense.
4. That I believe the release of the Colorado Public Defender as advisory counsel with the appointment of someone else in that position would prove beneficial to me.

affidavit for release of P.O.

page 4. That I believe I am entitled to the relief sought by motion which relief I seek in your court.

Deed this 19th day of April, 1977.

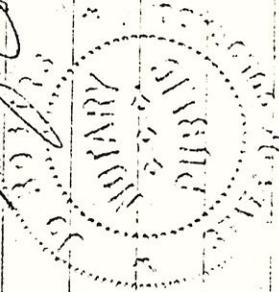
George R. Bunsby
GEORGE R. BUNSBY

State of Colorado

County of Pitkin: 55

I hereby certify that the foregoing affidavit was acknowledged before me this 19th day of April, 1977 by George R. Bunsby, stating that the information contained in the above affidavit is true to the best of his knowledge and belief.

My Commission Expires: Jan. 21, 1979



Jo Rogers
Notary Public

In the District Court
In and for the County of Pitkin
State of Colorado

Criminal Action Number - C1616

People of the
State of Colorado,
Plaintiff,

Certificate of
delivery

VS

Thomas R. Bunker,
Defendant.

I hereby certify that a true
and correct copy of the
motion and affidavit for equipment,
supplies, research material and
services, required by a pro se defendant
as well as the motion and affidavit
to release the office of the Colorado
Public Defender as advisors, counsel
and to appoint replacement counsel
have been mailed to the following
parties:

Frank Tucker
Pitkin County District Attorney
Coyote, Colorado 81611

James Demas
Colorado Public Defender
718 State Social Services Building
Denver, Colorado 80203

page 2

Dated this _____ day of April, 1977

THEODORE R. BUNAY

should be prepared to address the question of whether there are less restrictive, less oppressive facilities that are still consistent with his security and other requirements in the jail.

We will be in recess.

(Whereupon, the hearing was concluded at 2:50

P.M.)

* * * * *

REPORTER'S CERTIFICATE

I, Elizabeth Johnston, Certified Shorthand Reporter within and for the State of Colorado, do hereby certify that the above and foregoing is a full, true and complete transcript of the proceedings requested as fully as the same is shown in the original stenotype notes taken by me at the time.

Dated this 18th day of April, 1977.

Elizabeth Johnston

that we may not be used as an investigative research tool on behalf of the Defendant at face value and act accordingly until that's made an issue before the Court and brought to hearing by either counsel or Mr. Bundy, pro se?

THE COURT: All right. You understand you're not prohibited from doing that, but I'm simply not imposing on you an obligation to be a research tool at Mr. Bundy's behest.

MR. DUMAS: That's all I have, your Honor, thank you.

MR. SHAW: Your Honor, would the Court put a line on the form of the order you wish.

THE COURT: I will withdraw the request in view of the granting of the application for a transcript.

(Whereupon, Mr. Bundy made some requests of the Court, to which the Court ruled as follows:)

THE COURT: I think we have set up a schedule which is as compressed as possible, consistent with permitting the Sheriff to express his own point of view with respect to the appropriateness of the facilities. Without making any specific order to the Sheriff, for I lack the informational basis to do that, some facilities will have to be made available to permit Mr. Bundy to prepare the motions that are required of him in this case, or permit them to be filed by him in this case, and I suppose that in preparation for the hearing on the motion that Mr. Bundy indicates he contemplates with respect to the

draw to the Court's attention the appropriations bill introduced in the Senate on Tuesday of this week, which provides, as it has in the past, that all the copying by the public defender's office be furnished by the judicial department. This has historically been the case, and I would just suggest that that somehow be worked out with the Court so it can be done directly by the Court. We don't have money to do it, and we don't have copying machines is the problem.

THE COURT: The order is, copies would be made through the Court's facilities and not your's.

MR. DUMAS: Excuse me. I misunderstood the Court's order.

THE COURT: The only difficulty presented by that, if there should be some confidential materials and I have left that open for future order.

MR. DUMAS: So that counsel is required to be here on April the 25th for the -- whatever further hearing is to be held at that time?

THE COURT: On April 25th, the hearing on the motions to be filed by Mr. Bundy on Wednesday next week.

MR. DUMAS: And again on June the 7th, some representative of the public defender's office is again to be present?

THE COURT: Yes, and that's the way to put it. I'm not requiring any particular person.

MR. DUMAS: Your Honor, in the interim period,

Is there anything else we haven't covered that is pending before the Court at this time?

MR. DUMAS: Yes, your Honor. First of all, I would request orally at this time that the Court ask the reporter, at her convenience, to prepare a transcript of this afternoon's hearing, basically to get the gist of the Court's rulings.

THE COURT: That application will be granted.

MR. DUMAS: Your Honor, the second item that I would bring up is the date -- I believe it's May 6th when all of Defendant's motions are due; is that correct? As I understand it, there will be no hearing and no need for our presence before the Court?

THE COURT: That's correct.

MR. DUMAS: And I would request at this time that Mr. Bundy, of course, send copies of all motions that are filed to our office so we can at least have a chance to look at them in case he asks our advice prior to the hearing.

THE COURT: Anything that is filed in this case on behalf of the People or the Defendant should be served on Mr. Dumas' office.

MR. DUMAS: You say "on behalf of the Defendant", you mean by the Defendant, pro se?

THE COURT: Or by any other counsel that he might bring into the matter.

MR. DUMAS: Your Honor, in regard to the Court's

MR. LEIDNER: As of this time, your Honor. I'm scheduled here in the morning at 9:00, I believe, on somebody named Wilson and I'm supposed to be in Eagle by 1:00 to start the other matter and we have a motion to suppress on Wilson, which I would anticipate would take somewhere between an hour and an hour and a half, two hours.

THE COURT: What free days do you have between now and the time you go on vacation?

MR. LEIDNER: My calendar doesn't reflect any, your Honor. The 22nd Mr. Bundy advised he would have the motions prepared by that date. The 25th, I'm scheduled to be here in a preliminary hearing on another matter scheduled to be in Glenwood Springs in the afternoon on four different cases. Tuesday, I'm scheduled to be in Eagle. Wednesday, I'm supposed to be here and Eagle. Thursday and Friday, I'm scheduled in Eagle.

THE COURT: All right. I'm going to compress the schedule a little bit and require Mr. Bundy to have his motions filed by Wednesday, April 20, and set the hearing for Monday, April 25th, at 8:00 a.m. That seems to be about the only possibility.

The only other matter I believe that was pending was the application of the District Attorney to have the hearings in Glenwood Springs, over the objection of the Defendant. I don't believe that the Court could do that even if it were otherwise inclined. That application will

hand the various motions that you might be making in response to the Court's ruling this afternoon?

MR. BUNDY: Today is the 15th or 16th? I don't have a calendar before me.

THE COURT: I believe it's the 15th.

MR. BUNDY: These would be the motions regarding my --

THE COURT: Well, particularly the conditions of your confinement and your access to research materials, things of that kind.

MR. BUNDY: I would have those motions available and filed with the Court and copies served upon the District Attorney by next Friday. This will be difficult for me, your Honor, and I know this is my own choice, but my longhand is some of the worse longhand in the world and some of the slowest. So, I will do my best and I will of course need copying facilities sometime next week to make copies of those motions.

THE COURT: Would a hearing on those motions on Wednesday, April 27, fit your calendar, Mr. Leidner and Mr. Shaw?

MR. LEIDNER: It would not fit my calendar. I'm scheduled for trial in Eagle District Court.

THE COURT: What about the 28th?

MR. LEIDNER: It's the same three days -- last three days of that week.

THE COURT: Are you confident that case is going

accommodating these needs. I don't believe that I have sufficient information at this time to justify a specific order, nor do I feel that the Sheriff has had adequate opportunity to prepare and respond to the requests made orally by Mr. Bundy this morning in that regard.

Mr. Bundy had indicated this morning he wanted to take up something with respect to a preliminary hearing transcript. Can you advise me as to what that might be?

MR. BUNDY: Yes, your Honor. I simply wanted to inquire of the Court, if the Defendant wishes that a transcript of the preliminary hearing be prepared and available to the Defendant, let's say several weeks prior to the pre-trial hearings presently scheduled for June the 7th, -- I don't know if this is possible. I don't know what your reporter can do, but it would greatly facilitate my preparation for those hearings if I could have the testimony of the preliminary hearing witnesses before me. Does this require a motion?

THE COURT: The application for preparation of a preliminary hearing transcript will be granted. Mr. Bundy being indigent, the transcript will be prepared at State expense. I'm not going to set a timetable now, but in the event there should be a problem in getting that reasonably in advance of the hearing, we could take up at that time whether a continuance might be necessary. I would hope that we don't have to have a continuance for that purpose.

Defendant's request with respect to the following matters should be made the subject of a motion and reduced to writing and set for hearing, if he wishes to pursue them; the frequency and time of placing and receiving telephone calls and the manner of keeping content of telephone calls confidential as may be necessary in the preparation of his case; access to the law library and the use of law books in his cell; the use of a typewriter and typewriter supplies and two hole punch and other materials he referred to this morning in his cell; improvement of the lighting situation in his cell; the improvements of the other conditions of his cell and of his confinement, and I took it from your response this morning that your office would be representing the Sheriff in that regard, Mr. Shaw; is that correct?

MR. SHAW: That's correct, your Honor.

THE COURT: So, those motions should be filed with the Court and served on the District Attorney's office and the Sheriff should assist in facilitating that filing and service.

Now, I think it's pretty clear that in some manner the Defendant's concerns with respect to ability to do legal research, place and receive telephone calls and have material in his cell that would permit him to accomplish reading and writing must be accommodated in some way.

During the interim period pending the hearing of any motions to be filed, as previously indicated, I would

of an investigator from the public defender's office, at least over the objection of that office, is probably not an appropriate way to accomplish the activities that would be needed from that type of person.

Defendant's request to keep the work product of his legal research in trial preparation in his own possession, not to be examined by or seized by the Sheriff or the District Attorney's authorities will be granted.

Copying services relating to nonconfidential material can be obtained through the court upon written request. I don't know whether there will be confidential material that would require copying --

MR. BUNDY: Excuse me. Was that a question?

THE COURT: No, that's not a question at this point. That's a question you may wish to address in a motion if you believe that there would be material of that type and might wish to suggest where the copying might be accomplished, and the suggestion has been made today that it might be accomplished through the public defender's office. If that's your desire, then the public defender should be permitted to take a position with respect to it.

The same approach should be taken with respect to typing services. I don't immediately foresee the need for typing services. Permission will be granted to file motions and briefs handwritten.

Until further order of Court, the Sheriff should make writing materials available to the Defendant to

request. Defendant may keep counsel advised of his preparations to the extent he wishes to do so. Counsel may offer advice to the extent they're willing to do so. For those purposes and for all purposes of communications between the attorneys and the Defendant in this case, the Court will recognize an attorney-client relationship and the protections attendant thereto will be recognized.

I anticipate that there may be many other specific questions and problems with respect to the role of counsel, advisory counsel in this case. As you will note, the role that I have carved out to cover this interim period is a narrow one. I invite application by Mr. Bundy or by the public defender's office to have the nature and scope of the relationship more precisely defined upon written motion and hearing. I don't require that; I just suggest that you may find it helpful to you in defining your responsibilities and authorization.

It may be that the Defendant may need an investigator or someone to do various kinds of things that require being outside a jail. I don't feel at this time well enough informed to deal with that issue and it should be made the subject of a specific motion which should address the types of activities that the investigator would engage in and how the Court might go about selecting an investigator. My preliminary view is that it is not appropriate to make the public defender's office a research tool or an investigative tool, simply to follow the directions of

counsel have objected to acting in that role. The Court concludes that the appointment of advisory counsel is a matter in the Court's discretion and concludes that because of the matters previously referred to with respect to the seriousness and difficulty involved in this case and Mr. Bundy's past vacillation with respect to whether or not he desired the services of counsel, it would be in the best interests of the Defendant and of the administration of justice that advisory counsel be appointed in this case.

The Court knows that the public defender's office has been involved in this case even before the case was filed in this court and because of that background, I think it is appropriate that the Public Defender of the State of Colorado be and hereby is appointed to act in the capacity as advisory counsel. As counsel has so well pointed out, the role of advisory counsel is not defined in the law. Until further order of Court, counsel shall assist the Defendant, or rather advise the Defendant with respect to the nature of the motions and the legal memoranda which counsel had intended to file on his behalf, on or before May 6, 1977, in response to the prior orders of Court. This order shall not impose upon counsel the obligation to prepare those motions or the briefs.

In addition, counsel shall attend all court hearings in this matter, covering the contingency that the Defendant may again request to be represented by counsel

a defense. The Court has also advised the Defendant that the seriousness of the charge and the complexity of the legal issues indicate the desire -- high degree of desirability of representation by counsel in this matter. Defendant's argument to the Court establishes that he has understood the concerns expressed by the Court and the difficulties that he will face without the services of counsel.

The Court has also advised the Defendant that, in the Court's view, to dispense with the services of counsel would be highly unwise, particularly where present counsel have in the proceedings of this case demonstrated a high degree of competence and ability to protect the Defendant's interests.

Notwithstanding this, as Mr. Bundy points out, the case of Faretta v. California, to be found in 43 U.S. Law Week, page 5004, establishes that a defendant has the constitutional right to proceed without counsel when he voluntarily and intelligently elects to do so. The test is whether the defendant is literate, competent in understanding and is voluntarily exercising his own free will.

The evidence demonstrates, and I do find that Defendant is literate, competent in understanding and that he is voluntarily exercising his own free will, and that accordingly, he has a constitutional right to proceed without counsel and his motion to do so will be granted.

Defendant also asks that present counsel be

appointed to act in an advisory capacity and present

THE COURT: This is a continuation of the hearing in People v. Bundy, C-1616. I note that all counsel that were present this morning are here and Mr. Bundy is present in court as well.

Upon considering this matter over the noon hour, it appears that there are a number of requests that Mr. Bundy is making that reasonably should require some preparation on the part of the Sheriff and perhaps the present counsel. It seems to me that what we need is a schedule to have formal requests filed and heard and a set of ground rules to control the situation between now and the time of the hearing.

Accordingly, I have made some notes from which I'm going to read some rulings. Mr. Shaw, I'm going to ask that at the conclusion, you prepare a proposed form of order reflecting these matters.

First, with respect to Defendant's motion to represent himself in this matter, I find that Defendant has addressed the Court on several occasions. He has prepared handwritten letters and motions appearing in the Court file. He has demonstrated through these means that he is an intelligent and articulate person. He has also demonstrated that he understands that he has the right to counsel to represent him at each and every stage of the proceedings in this case. The Court has advised the Defendant of the difficulties a lay person faces in defending against criminal charges, and of the particular