

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO Court Address: Lindsey-Flanigan Courthouse 520 W. Colfax Ave. Denver, CO 80204	DATE FILED: March 29, 2018 3:23 PM
THE PEOPLE OF THE STATE OF COLORADO  v.  <b>LAURENCE GOODMAN,</b> Defendant	▲ COURT USE ONLY ▲
Attorney: BETH MCCANN, 2nd Judicial District Attorney ROBERT S. SHAPIRO, Special Deputy District Attorney 1300 Broadway, 9 <sup>th</sup> Floor Denver, CO 80203 Phone: (720) 508-6000 Atty Reg.#: 26869	Case No: 17CR10088  Division/Ctrm:

**MOTION AND INCORPORATED CERTIFICATE FOR COMPETENCY  
 EVALUATION PURSUANT TO C.R.S. § 16-8.5-102(2)(b)**

BETH MCCANN, District Attorney in and for the Second Judicial District, County of Arapahoe, State of Colorado, by and through the undersigned Special Deputy District Attorney, respectfully raises the issue of Defendant's competency moves this Court to order a competency evaluation of the Defendant. As grounds therefor, the People state the following:

1. The Defendant is charged with numerous felony offenses, including the Class 2 felony crimes of Violation of the Colorado Organized Crime Control Act and Violation of the Colorado Organized Crime Control Act-Conspiracy, for his role as participant in an Enterprise that engaged in a Pattern of Racketeering Activity for well over 1.5 years that targeted public servants.
2. During various times in this matter Mr. Goodman has been both unrepresented, by choice, and represented by counsel. Mr. Goodman's first counsel, Kevin Evans, entered his appearance on May 2, 2017 and was appearing to provide Mr. Goodman with zealous and competent representation. Then on May 25, 2017 Mr. Evans filed a Motion to Withdraw as counsel which was granted by the Court on June 7, 2017. Mr. Goodman did not object. From that time period while Mr. Goodman was again pro se he has submitted a variety of filed documents in this matter that usually relied upon spurious legal arguments and/or sought remedies that were procedurally and legally not viable. Then on, January 8, 2018, the morning of the start of the last trial setting, Mr. Goodman appeared with counsel, Diedre Braverman, who entered her appearance as counsel. Based on Ms. Braverman's entry the two week jury trial beginning on January 8, 2018 was continued. During this period when Ms. Braverman was representing Mr. Goodman the Defendant was unilaterally sending the prosecution faxed

documents that were apparently done without the knowledge of Ms. Braverman. Then on February 27, 2018 Ms. Braverman filed a Motion to Withdraw as counsel for Mr. Goodman. This Motion has yet to be ruled on and will be addressed on April 4, 2018 at 10:00 am.

3. This matter is currently set for jury trial beginning May 14, 2018.
4. The People are now in receipt of a new faxed correspondence that was received from Mr. Goodman on March 29, 2018 that the People find concerning with respect to Mr. Goodman's competency to stand trial. That correspondence is attached hereto as "Exhibit 1" and is incorporated by reference. It should be noted that the fax that was received by the prosecution only contained 6 pages not the full 10 pages as is reflected in the header for the faxed document. Regardless of this omission and more importantly, the People are concerned with the Defendant's assertions, his proposed nature of defense, and his perceptions of reality. Therefore the People, by and through the certification of the undersigned Special Deputy District Attorney, now have a good faith basis and "reason to believe that the defendant is incompetent to proceed" in this matter at this time.
5. The basis for the undersigned's certified statement is that this latest correspondence, now serves as the proverbial tipping point for the People having doubts, especially when this latest document is viewed in the aggregate with the Defendant's prior filings and his repeated in-court statements and behavior. The "reason to believe" standard is a low threshold, as set forth in People v. Nagi, 396 P.3d 60 (Colo. App. 2014).
6. Based on the record in this matter the People hereby assert a good faith doubt that the Defendant is competent to proceed under C.R.S. 16-8.5-102(2)(b).
7. The Court and counsel are duty bound to raise the issue of competency when competency is in doubt. Jones v. District Court, 617 P.2d 803 (Colo. 1980) and Bresnahan v. People, 487 P.2d 551 (Colo. 1971).
8. Under People v. Mondragon, "a defendant's factual understanding of the proceedings, proper orientation as to time, place, and person, and his ability to furnish accurately information as to his past history and the events at issue are not alone sufficient to establish the defendant's competence." People v. Mondragon, 217 P.3d 936, 940 (Colo. App. 2009) (citing Lafferty v. Cook, 949 F.2d 1546 (10<sup>th</sup> Cir.1991)). To be found competent, the Court of Appeals said, "the defendant's perceptions and understandings must also be rational and grounded in reality." Id.

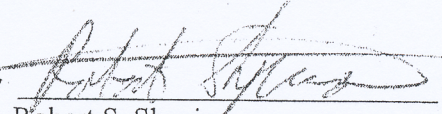
CERTIFICATION OF UNDERSIGNED PROSECUTOR, as required by C.R.S.  
§16-8.5.102(2)(b)

I, Robert S. Shapiro, the assigned prosecutor in the matter of the People of the State of Colorado vs. Laurence Goodman, Denver District Court Case 17CR10088, hereby certify that to the best of my ability and based on a review of the totality of the documents received by the People and the statements uttered by Mr. Goodman in this matter, especially Mr. Goodman's latest faxed document, Exhibit 1, dated 3/27/18, that I have doubts as to the competency of Laurence Goodman and as a result now have reason to believe that he may be incompetent to proceed in this matter.

WHEREFORE, based on the foregoing, including the Certification above, the People respectfully now raise the issue of Defendant's competency and as such moves this Court to order a competency evaluation of the Defendant pursuant to Colorado law.

DATED this 29<sup>th</sup> day of March, 2018.

Respectfully submitted,  
Beth McCann, District Attorney

By   
Robert S. Shapiro  
Special Deputy District Attorney

Case: Laurence Goodman, 17CR10088, Denver District Court


CERTIFICATE OF MAILING

I hereby certify that I have e-filed via ICCES and deposited in the United State Mail a true and correct copy of the foregoing PEOPLE'S MOTION AND INCORPORATED CERTIFICATE FOR COMPETENCY EVALUATION PURSUANT TO C.R.S. § 16-8.5.102(2)(b), to:

Diedre Braverman, Esq.  
1823 Folsom Street, Suite 101  
Boulder, CO 80302

Counsel of Record

Dated: 3/29/18

By:  \_\_\_\_\_