

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>Lindsey-Flannigan Building 520 W. Colfax Ave., Denver, CO 80204</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>BRUCE DOUCETTE, STEPHEN NALTY, JANIS BLEASE, STEVEN BYFIELD, LAURENCE GOODMAN, DAVID COFFELT, HARLAN SMITH, BRIAN BAYLOG, and STEVEN CURRY</p> <p>Defendants,</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>BETH MCCANN, DISTRICT ATTORNEY ROBERT S. SHAPIRO, Special Deputy District Attorney 1300 Broadway, 9th Floor Denver, CO 80203 720-508-6000 Registration Number: 26869</p>	<p>District Court Case Nos.:</p> <p>17CR10089, 17CR10085, 17CR10086, 17CR10087, 17CR10088, 17CR10090, 17CR10091, 17CR10092, 17CR10124</p> <p>Courtroom: 5D Assigned to Judge Michael Spear</p>
<p style="text-align: center;">MOTION TO AMEND THE SUPERSEDING INDICTMENT AS TO FORM, TIME, PLACE OR NAMES, PURSUANT TO CRIM. P. RULE 6.8</p>	

COMES NOW, BETH MCCANN, District Attorney, by and through her duly appointed Special Deputy District Attorney, Robert S. Shapiro, respectfully moves the Court to amend the Superseding Indictment based on the following:

1. Upon the Defendants having been charged following the issuance of an Indictment and now a Superseding Indictment, the People have observed that Count 1, Violation of the Colorado Organized Crime Control Act (COCCA) is currently charged as follows:

VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT - PATTERN OF RACKETEERING - PARTICIPATION IN AN ENTERPRISE, C.R.S. §18-17-104(3) (F2)

On or about January, 2014 through March 30, 2017, and initially discovered on or about May 1, 2014, in the State of Colorado, **Bruce Doucette, Stephen Nalty, Steven Byfield, Laurence Goodman, David Coffelt, Janis Blease, Harlan Smith, Brian Baylog and/or Steven Curry** while employed by or associated with an enterprise, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity; in violation of section 18-17-104(3), C.R.S.

2. Count 2, Violation of the Colorado Organized Crime Control Act-Conspiracy is currently charged as follows:

VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT- CONSPIRACY, C.R.S. §18-17-104(4) (F2)

On or about January 1, 2014 through March 30, 2017, and initially discovered on or about May 1, 2014, in the State of Colorado, **Bruce Doucette, Stephen Nalty, Steven Byfield, Laurence Goodman, David Coffelt, Janis Blease, Harlan Smith, Brian Baylog, Steven Curry** and/or others to the Grand Jury and the Attorney General known or unknown, did unlawfully, knowingly, and feloniously conspire or endeavor to conduct and participate, directly or indirectly, in an enterprise, through a pattern of racketeering activity; in violation of section 18-17-104(4), C.R.S.

3. During the time period since the return of both the Indictment and the Superseding Indictment the undersigned has observed a typographical error in Count 1 regarding the date of the charged offense. As can be seen with the date of "January, 2014" the "1" for the first day of January was left off in error. This inadvertent typographical error did not occur in Count 2 which did include the number "1" in the listed date of January 1, 2014.
4. In addition to Count 2 the date of January 1, 2014 already was used and exists in the Superseding Indictment because the tax related counts in Counts 35 and 36 of the Superseding Indictment includes that start date as part of the alleged dates of offense.
5. Pursuant to Rule 6.8(a) of the Colorado Rules of Criminal Procedure matters of form, time, place and names of persons can be amended in an Indictment if the substance of the charge is not changed and if it does not prejudice the defendants on its merits. This typographical error is exactly what was contemplated by this rule which has been interpreted in the case of People v. James, 40 P.3d 36 (Colo. App. 2001).

6. As a result of the above representations and the established law the People respectfully move this Court to amend Count 1 of the Superseding Indictment to appear as follows:

VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT - PATTERN OF RACKETEERING - PARTICIPATION IN AN ENTERPRISE, C.R.S. §18-17-104(3) (F2)

On or about January 1, 2014 through March 30, 2017, and initially discovered on or about May 1, 2014, in the State of Colorado, **Bruce Doucette, Stephen Nalty, Steven Byfield, Laurence Goodman, David Coffelt, Janis Blease, Harlan Smith, Brian Baylog and/or Steven Curry** while employed by or associated with an enterprise, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity; in violation of section 18-17-104(3), C.R.S.

Respectfully Submitted day 16th of May, 2017

BETH MCCANN
DISTRICT ATTORNEY

/s/ Robert S. Shapiro
Robert Shapiro
Special Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **People's Motion to Amend the Superseding Indictment as to Form, Time, Place or Names, Pursuant to Criminal P. Rule 6.8** was electronically filed through Colorado Courts E-filing System and either electronically served or mailed to the below named defendants and/or their counsel of record this **16th** day of **May, 2017**:

Kevin Evans Attorney for Laurence Goodman	Shawn Mitchell Attorney for Janis Blease	Lonn Heymann Attorney for David Coffelt
Peter Menges Attorney for Brian Baylog	Steven J. Nalty	Bruce Doucette
Harlan Smith	Steven Byfield	Steven Curry

Defendant's: BETH MCCANN, DISTRICT ATTORNEY ROBERT S. SHAPIRO, Special Deputy District Attorney 1300 Broadway, 9 th Floor Denver, CO 80203 720-594-6000 Registration Number: 26869	* COURT USE ONLY * District Court Case No.: 17CR10089, 17CR10085, 17CR10086, 17CR10087, 17CR10088, 17CR10090, 17CR10091, 17CR10092, 17CR10124 Courtroom: 5D Assigned to Judge Michael Spear
--	--

MOTION TO AMEND THE SUPERSEDING INDICTMENT AS TO FORM, TIME, PLACE OR NAMES, PURSUANT TO CRIM. P. RULE 6.8

COMES NOW, BETH MCCANN, District Attorney, by and through her duly appointed Special Deputy District Attorney, Robert S. Shapiro, respectfully moves the Court to amend the Superseding Indictment based on the following:

1. Upon the Defendants having been charged following the issuance of an Indictment and now a Superseding Indictment, the People have observed that Count 1, Violation of the Colorado Organized Crime Control Act (COCCA) is currently charged as follows: