COLORADO SUPREME COURT 2 East 14th Ave. Denver, CO 80203 District Court, Weld County Hon. Vincente Vigil Case No. 20CR498	
THE PEOPLE OF THE STATE OF COLORADO, Petitioner, v. DANIEL EATINGER, Respondent.	**▲ COURT USE ONLY ▲**
Attorneys for *Amici Curiae*: Timothy R. Macdonald, No. 29180 Emma Mclean-Riggs, No. 51307 ACLU Foundation of Colorado 303 E. 17th Ave., Suite 350 Denver, CO 80203 tmacdonald@aclu-co.org emcleanriggs@aclu-co.org P: (720) 402-3114 | F: (303) 777-1773 Matthew R. Segal, DC No. 483486* American Civil Liberties Union Foundation 915 15th Street NW Washington, DC 20005 (202) 715-0822 msegal@aclu.org	Case No. 26SA270

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**Applications for pro hac vice admission forthcoming*

MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* THE AMERICAN CIVIL LIBERTIES UNION, THE AMERICAN CIVIL LIBERTIES UNION OF COLORADO, AND THE EXONERATION PROJECT IN SUPPORT OF RESPONDENT

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with all requirements of C.A.R. 27(a) and C.A.R. 32. I acknowledge that the Court may strike this motion if it fails to comply with any requirement of the foregoing rules.

/s/ Emma Mclean-Riggs
Emma Mclean-Riggs, No. 51307

Attorney for Amici Curiae

Pursuant to C.A.R. 27 and C.A.R. 29, the American Civil Liberties Union (ACLU), the ACLU of Colorado, and the Exoneration Project by and through counsel Emma Mclean-Riggs move for leave to file a brief of *amici curiae* in support of Respondent.

The ACLU is a nationwide, nonpartisan, nonprofit organization with more than six million members and supporters. The ACLU of Colorado, with over 45,000 members and supporters, is one of the ACLU's state affiliates. The ACLU and its affiliates regularly litigate cases aimed at preserving rights under state constitutions and state law, including before this Court and the Colorado Court of Appeals. *See, e.g.*, *Cisneros v. Elder*, 506 P.3d 828 (Colo. 2022); *Johnson v. Staab*, 571 P.3d 939 (Colo. App. 2025); *Feet Forward - Peer Supportive Servs. & Outreach v. City of Boulder*, 593 P.3d 348 (Colo. App. 2026). Of particular relevance to this case, the ACLU and its affiliates have experience litigating cases arising from systemic government misconduct that implicates thousands of wrongful convictions, including *Bridgeman v. District Attorney for Suffolk District*, 30 N.E.3d 806 (Mass. 2015), *Bridgeman v. District Attorney for Suffolk District*, 67 N.E.3d 673 (Mass. 2017), and *Committee for Public Counsel Services v. Attorney General*, 108 N.E.3d 966 (Mass. 2018).

The Exoneration Project is a not-for-profit organization established in 2007 to provide pro bono legal representation to individuals who are innocent of the crime for which they were convicted. It has offices across the country, including in Colorado. To date, the Exoneration Project's litigation has helped overturn over 250 wrongful convictions. Many of these cases have involved government misconduct and led to mass remedies for those affected, including 126 people exonerated of cases tied to corrupt Chicago Police Sergeant Ronald Watts, *see* Nat'l Registry of Exonerations, The Groups Registry, *Illinois 2016 (1)*, https://exonerationregistry.org/groups/4235; more than two dozen homicide convictions tied to disgraced Chicago police detective Reynaldo Guevara, *see* The Exoneration Project, *'Exoneration Day': Families Celebrate Mass Exoneration*, https://www.exonerationproject.org/stories/exoneration-day-families-celebrate-mass-exoneration/; and two different police scandals that led to mass dismissals of criminal convictions in Queens and Mount Vernon, New York, *see* Nat'l Registry of Exonerations, The Groups Registry, *New York 2021 (2)*, https://exonerationregistry.org/groups/4262; Nat'l Registry of Exonerations, The Groups Registry, *New York 2023*, https://exonerationregistry.org/groups/4276.

Based on the foregoing, proposed *amici curiae* the ACLU, the ACLU of Colorado, and the Exoneration Project respectfully request that this Court grant them leave to file the associated Brief of *Amici Curiae* in Support of Respondent.

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Dated: November 9, 2026

Respectfully submitted,

/s/ Emma Mclean-Riggs
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CERTIFICATE OF SERVICE

I certify that on November 9, 2026, a copy of the above **MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* THE AMERICAN CIVIL LIBERTIES UNION, THE AMERICAN CIVIL LIBERTIES UNION OF COLORADO, AND THE EXONERATION PROJECT IN SUPPORT OF RESPONDENT** was filed with the Court and served via the Colorado Courts E-Filing System, which notifies all counsel of record.

Respectfully Submitted,

/s/ Kara S. Narberes
Kara S. Narberes

Paralegal for Amici Curiae