

DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Plaintiff: People of the State of Colorado v. Defendant: Holmes, James Eagan	Case No. 12CR1522 Division: 22
ORDER REGARDING REQUESTS FOR EXPANDED MEDIA COVERAGE OF ARRAIGNMENT ON MARCH 12, 2013 (C-21)	

This Matter comes before the Court pursuant to Petitioners', KUSA-9News, The Denver Post, and Colorado Public Radio, Requests for Expanded Media Coverage of the Arraignment of the Defendant on March 12, 2013, and Defendant's Response to Requests for Expanded Media Coverage of March Hearings (C-21). KUSA-9 News filed a request on January 11, 2013, requesting video and audio coverage. The Denver Post filed a request on January 15, 2013, requesting still photography. Colorado Public Radio filed a request on January 11, 2013, requesting audio coverage. Defendant filed his response on February 1, 2013, objecting to any expanded media coverage in this case. Having reviewed the requests, the response, and the applicable law, the Court issues the following Rulings:

Standards for Authorizing Coverage

Rules 1 and 2 of Chapter 38 of the Colorado Court Rules, Public Access to Records and Information, provide the standards for authorizing expanded media coverage. In determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

1. Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial;
2. Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum, and dignity of the Court;
3. Whether expanded media coverage would create adverse effects that would be greater than those caused by traditional media coverage.

Discussion/Analysis

The Petitioners seek expanded media coverage in this case for the Arraignment of the Defendant set on March 12, 2013. After consideration of the above-listed three factors, this Court believes that expanded media coverage should be permitted during the Arraignment as to

still and video coverage, no audio. Expanded media coverage will be permitted only during the Arraignment and is not allowed during any other part of the hearing set for March 12, 2013. Additionally, this Court will require strict adherence to the parameters outlined in Chapter 38, Public Access to Records and Information. As a reminder to Petitioners, the Court highlights the following limitations of expanded media coverage:

(3) Limitations on Expanded Media Coverage. Notwithstanding the authorization to conduct expanded media coverage of the proceeding, there shall be no:

- (A) Expanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments;
- (B) Expanded media coverage of jury voir dire;
- (C) Audio recording or "zoom" close-up photography of bench conferences;
- (D) Audio recording or close-up photography of communications between counsel and client or between co-counsel;
- (E) Expanded media coverage of *in camera* hearings;
- (F) Close-up photography of members of the jury.

Thus, this Order only authorizes expanded media coverage for the Arraignment (still photography and video, no audio) of Defendant with the full compliance of all applicable restrictions. The Court will allow only one representative to cover video footage, KUSA-9News, or its designated representative. The Court will allow one representative to cover still photography, The Denver Post, or its designated representative.

(4) Authority to Impose Restrictions on Expanded Media Coverage. A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, or jurors. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this Rule or additional rules imposed by the judges have been violated; or (2) substantial rights of individual participants or rights to a fair trial may be prejudiced by such coverage if it is allowed to continue.

Thus, the expanded media coverage granted for Petitioners is subject to revocation at any time by this Court.

Equipment Limitations.

1. **Video.** Only one person at a time shall be permitted to operate one videotape, television, or motion picture camera. This person shall be a representative of KUSA-9News (or its designated representative) for this proceeding in question. The camera operator may use a tripod and other necessary equipment to comply with this Order but shall not change location while court is in session.
2. **Audio.** There shall be no audio allowed for the proceeding in question.
3. **Still cameras.** Only one person at a time shall be permitted to operate one still camera, which shall make as little noise as possible. This person shall be a representative of The Denver Post (or its designated representative) for this proceeding in question. The still photographer may use a tripod but shall not change location while Court is in session.

4. **Lighting.** No movie lights, flash attachments, or sudden lighting changes shall be permitted without the permission of the judge. No modification or addition of lighting equipment shall be permitted without the permission of the judge.
5. **Operating Signals.** No visible or audible light or signal (tally light) shall be used on any equipment.
6. **Pooling Arrangements.** The media shall be solely responsible for designating one media representative to conduct each of the categories of expanded media coverage [listed above] and for arranging an open and impartial distribution scheme with a distribution point located outside of the Courtroom. If no agreement can be reached on either of these matters, then there shall be no expanded media coverage of the type for which no pooling arrangement has been made. Neither judges nor other court personnel shall be called upon to resolve any disputes concerning such pooling arrangements.
7. **Conduct of Media Representative.** Persons conducting expanded media coverage shall conduct themselves in a manner consistent with the decorum and dignity of the Courtroom. The following practices shall apply:
 - a. Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction;
 - b. Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment. Persons operating such equipment shall not wear clothing bearing any such identifying information;
 - c. Equipment used to provide expanded media coverage shall not be placed in, or removed from, the Courtroom while Court is in session. No film, videotape, or lens shall be changed within a Courtroom while Court is in session.

Procedures. The following procedures shall be followed in obtaining authorization for expanded media coverage:

1. **Request for Expanded Media Coverage.** A written request shall be submitted to the judge at least one day before expanded media coverage is requested to begin, unless a longer or shorter time is required or permitted by the judge. Copies of the request shall be given to counsel for each party participating in the proceeding. The request shall include the following:
 - a. The name, number, date, and time of the proceeding;
 - b. The type (audio, video, or still photography) of expanded media coverage requested and a description of the pooling arrangements [above], including the identity of the designated representatives.
2. **Objections.** Any party or witness may lodge with the judge a written objection to expanded media coverage of all or a portion of the proceeding.
3. **Judicial Authorization.** The judge shall rule on a request or objection within a reasonable time prior to the proceeding or promptly after the request or objection if the proceeding has begun. The ruling shall be made on the record and the reasons therefore set forth briefly.
4. The media or any witness may not appeal, or seek review by original proceeding, the granting or denial of expanded media coverage. A party may seek review of a ruling by original proceeding, if otherwise appropriate, or by post-trial appeal.

Other Use of Media.

1. A judge may authorize the use of electronic or photographic means for the perpetuation of a record, or for purposes of judicial administration.
2. A judge may authorize the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings.

ACCORDINGLY, this Court hereby PARTIALLY GRANTS Petitioners KUSA-9News' and The Denver Post's requests for expanded media coverage of the ARRAIGNMENT of the Defendant on March 12, 2013, subject to the terms and conditions of Chapter 38, Public Access to Records and Information, and this Order. KUSA-9News (or its designated representative) shall be the sole representative using one camera for video coverage, and The Denver Post (or its designated representative) shall be the sole representative using one camera for still photography. There shall be no audio coverage of the proceeding and, thus, the Court DENIES Petitioners Colorado Public Radio's and KUSA-9News' requests for audio coverage.

Done this 4th day of February, 2013.



WILLIAM BLAIR SYLVESTER
CHIEF JUDGE
EIGHTEENTH JUDICIAL DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2013, a true and correct copy of **Order Regarding Requests for Expanded Media Coverage of Arraignment on March 12, 2013 (C-21)** was served upon the following parties of record.

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