

District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	<b>Filed</b>  JAN 10 2013
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff  v.  <b>JAMES HOLMES,</b> Defendant	<small>CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO</small>  σ COURT USE ONLY σ
DOUGLAS K. WILSON, Colorado State Public Defender Daniel King (No. 26129) Tamara A. Brady (No. 20728) Chief Trial Deputy State Public Defenders 1290 Broadway, Suite 900 Denver, Colorado 80203 Phone (303) 764-1400 Fax (303) 764-1478 E-mail: <a href="mailto:state.pubdef@coloradodefenders.us">state.pubdef@coloradodefenders.us</a>	Case No. <b>12CR1522</b>    Division 22
<b>OBJECTION TO EXPANDED MEDIA COVERAGE [D-025]</b>	

James Holmes, by and through counsel, respectfully objects to the requests by any media outlet and/or their agents for expanded media coverage for the January 11, 2013 hearing in this matter.

1. Following the conclusion of the preliminary hearing on Wednesday, January 9, 2013, multiple media outlets have requested this Court to authorize expanded media coverage to include video, audio, and still photography coverage of the pretrial hearing in this case scheduled for January 11, 2013 at 9:00 a.m.

2. The Court referred to Friday's hearing as a status hearing *or* arraignment. The defense has notified the District Attorney that it is not prepared to proceed to arraignment in this case by Friday, and therefore requests that the hearing on Friday serve only as a status hearing and not arraignment.

3. Rule 2 of Chapter 38 of the Colorado Court Rules, Public Access to Records and Information specifically bars "[e]xpanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments."

4. Because the defense is requesting that the proceeding on January 11, 2013 serve as a status hearing only, the rule prohibits this Court from allowing expanded media coverage of the hearing.

5. Granting such a request would not only violate the rules governing expanded media coverage, but would jeopardize Mr. Holmes' constitutional rights to due process, a fair trial, to be presumed innocent, and to a fair and impartial jury. U.S. Const. amends. V, VI, VIII, XIV; Colo. Const. art. II, secs. 16, 18, 20, 23, 25; *see also Sheppard v. Maxwell*, 384 U.S. 333 (1966); *Estes v. Texas*, 381 U.S. 532 (1965); *People v. Botham*, 629 P.2d 589 (Colo. 1981).

(R/A)

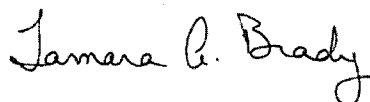
6. Mr. Holmes therefore respectfully objects to any request by any media outlet and/or their agents for expanded media coverage for the January 11, 2013 pretrial hearing in this matter and further objects to expanded media coverage at all future proceedings in this case. Mr. Holmes further requests a hearing before any such request is granted. Mr. Holmes further requests a court order requiring thirty days' notice in advance of any hearing for which such future requests are made.

Mr. Holmes files this motion, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, Equal Protection, Confrontation, and Compulsory Process, the Rights to Remain Silent and to Appeal, and the Right to be Free from Cruel and Unusual Punishment, pursuant to the Federal and Colorado Constitutions generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25 and 28 of the Colorado Constitution.



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Daniel King (No. 26129)  
Chief Trial Deputy State Public Defender



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Tamara A. Brady (No. 20728)  
Chief Trial Deputy State Public Defender



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Kristen M. Nelson (No. 44247)  
Deputy State Public Defender

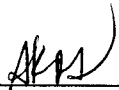
Dated: January 10, 2013

I hereby certify that on January 13, 2013, I

mailed, via the United States Mail,  
 faxed, or  
 hand-delivered

a true and correct copy of the above and foregoing document to:

George Brauchler  
Rich Orman  
Karen Pearson  
Office of the District Attorney  
6450 S. Revere Parkway  
Centennial, Colorado 80111  
Fax: 720-874-8501

  
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<b>ORDER RE: OBJECTION TO EXPANDED MEDIA COVERAGE [D-025]</b>	

Defendant's motion is hereby GRANTED \_\_\_\_\_ DENIED \_\_\_\_\_.

BY THE COURT:

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JUDGE

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Dated