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DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	Filed AUG - 6 2012 CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO COURT USE ONLY
THE PEOPLE OF THE STATE OF COLORADO vs. Defendant: JAMES EAGAN HOLMES	
Attorney: CAROL CHAMBERS, 18 th Judicial District Attorney 6450 S. Revere Pkwy Suite 100, Centennial, CO 80111 Phone: (720) 874-8500 Atty. Reg. #: 14948	Case Number: 12CR1522 Division/Ctrm: 22
PEOPLE'S RESPONSE TO MOTION TO UNSEAL COURT FILE (INCLUDING DOCKET) [P-9]	

THE PEOPLE hereby respond to the July 27, 2012 Motion to Unseal Court File (Including Docket), filed by Steven Zansberg on behalf of numerous media organizations.

1. On July 20, 2012, this Court entered an "Order to Seal Search Warrants, Affidavits, Orders, and Case File" ("Motion") in the above case. The Order remains in effect to date.
2. On or around July 27, 2012, non-party attorney Steven Zansberg filed a "Motion to Unseal Court File (Including Docket)" in the above case. The Motion was filed on behalf of numerous media organizations requesting expanded access to documents associated with this matter. Specifically, the Motion requests this Court unseal the above case in its entirety, including the "Register of Actions, any affidavit(s) of probable cause in support of a warrant or order for production of records, and any other judicial record in the court file for which no showing of necessity for continued sealing has been made."
3. This issue was briefly addressed in Court on July 30, 2012. On that date, the People did not object to the unsealing of the Complaint and Information in this matter, with the exception of the release of witness information. The Court allowed the People to provide a written position regarding the remaining portions of Mr. Zansberg's order.
4. During the July 30, 2012 hearing, the defense objected to the unsealing of any portion of the above case, based in part to the fact they had yet to receive any discovery in the matter.¹

¹ As of the July 30, 2012 hearing, the People had yet to provide discovery to the defense. The People indicated on the record discovery would be provided as soon as practical. As of the filing of this Motion, the People have in fact provided the defense over 2600 pages of discovery.



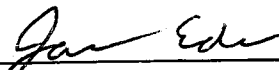
5. The People hereby join the defense in objecting to further unsealing of any portion of this matter at this state in the proceedings. The People recognize the constitutional issues relating to restrictions on information being disseminated to the general public through the media. However, the People note this case is very voluminous, with extensive investigation still ongoing. The crimes alleged in this case involve numerous victims and hundreds of potential witnesses, many of whom may still require contact by law enforcement, the prosecution, and/or defense. Further unsealing of any and all court documents related to this matter would hinder the ability for a full investigation. In addition, the People share the concern voiced by the defense that they need the opportunity to review discovery prior to any unsealing of this case.
6. The People recognize this case will likely be unsealed at some point. However, unsealing the case at this stage could impact the ability to fully investigate the matter. To put it simply, this is not a normal criminal investigation and this is not a normal criminal case. The sheer number of victims and witnesses demonstrate that the normal standards by which a court could judge that the police have had sufficient opportunity to conduct their investigation do not apply. The People respectfully request this case, and all documents associated with it not already released, remain sealed until there is a reasonable opportunity for the matter to be fully investigated by law enforcement and for discovery to be provided and reviewed by the defense.
7. If the Court is inclined to still unseal portions of this case, the People would take the following positions (noting the People's overall objection to unsealing of any further portions of the case) specific to the requests by made by the media organizations represented by Mr. Zansberg:
 - a. The People would have no objection to the unsealing of the Register of Actions, assuming that it does not contain any victim contact information.
 - b. The People would have no objection to unsealing all motions and orders in the case to date, with the exception of People's 5 – "Preliminary Bench Brief Relating to Defendant's Allegations that Certain Materials are Protected by Privilege", due to evidentiary and factual descriptions contained within such Motion and attachments.
 - c. The People would continue to object to the unsealing of any warrants or court orders for production of records, affidavits in support of warrants and records production orders, unless and until the warrant or records productions orders have been executed and the returns filed with the Court. The People have great concerns that the disclosure of such warrants and/or orders for production of records prior to the execution and returns being filed would compromise and hinder the ongoing law enforcement investigation. The People request

confidentiality of such actions unless and until execution with return to the Court has been achieved.

- d. The People believe there may be some personal privacy concerns with respect to respondents and/or persons named or involved in current and future affidavits for warrants and production of records. If the Court Orders the unsealing of any or all affidavits for warrants and/or court orders for production of records, the People would request leave to file a specific objection prior to such release, in order to evaluate any privacy and confidentiality concerns.

WHEREFORE, The People respectfully request the Court DENY the Motion to Unseal Court File (and Docket) in the above-captioned case.

Carol Chambers, District Attorney

By 
Senior Deputy District Attorney
Registration No. 36222

Case: 12CR1522
JAMES HOLMES

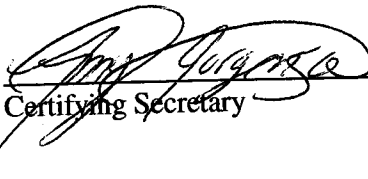
CERTIFICATE OF MAILING

I hereby certify that I have emailed to Daniel.King@coloradodefenders.us, Tamara.Brady@coloradodefenders.us and szansberg@lskslaw.com and deposited a true and correct copy of the foregoing **PEOPLE'S RESPONSE TO MOTION TO UNSEAL COURT FILE (INCLUDING DOCKET) [P-9]** in the Public Defender's Mailbox located at 6450 S Revere Pkwy Centennial CO 80111, addressed to:

TAMARA BRADY, ESQ.
DANIEL KING, ESQ.
OFFICE OF THE PUBLIC DEFENDER

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Dated: 8/16/12

By 
Certifying Secretary