

## EXPANDED MEDIA COVERAGE, LIVE STREAMING AND DECORUM ORDER

THIS MATTER comes before the Court for consideration of multiple expanded media coverage requests in the above matter for coverage of the Jury Trial of the defendant beginning October 13, 2023, at 9:00 a.m. with jury selection. The Court received requests for still photography from The Denver Post, Reuters, The Associated Press, Law & Crime Trial Network, and KOAA. The Court received requests for audio/visual recordings of the Court's livestream from CNN, Denver 7/KMGH, KDVR/KWGN, 9News, CBS News Colorado, Colorado Public Radio, Reuters, The Associated Press, Law & Crime Trial Network, Topmark, and KOAA.

The Court has reviewed the motions and rules as follows:

### *Standards for Authorizing Coverage*

The Court has reviewed Colorado Supreme Court Rules, Chapter 38, Rule 3, which provides the standard of 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: and
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 Jury Trial of the defendant set to begin on October 13, 2023. After consideration of the above listed three factors, this Court believes that expanded media coverage should be permitted in part.

- **The following outlets are permitted to take still captures of the Court's livestream: The Denver Post, Reuters, The Associated Press, Law & Crime Trial Network, and KOAA.**
- **The following outlets are permitted to record (audio and visual) and rebroadcast the Court's livestreaming: CNN, Denver 7/KMGH, KDVR/KWGN, 9News, CBS News Colorado, Colorado Public Radio, Reuters, The Associated Press, Law & Crime Trial Network, Topmark, and KOAA.**
- **There shall be no cameras in the courtroom.**
- **Media outlets are not permitted to livestream the Court's livestream.**

The Court has also reviewed Chief Justice Directives 23-02 and 23-03, as well as § 13-1-132 C.R.S., (HB23-1182).

The Court is aware of the high level of public interest in the trial and seeks to provide public access to the trial proceedings in the spirit of the recently adopted statute and Chief Justice Directives. The Court's primary concern is to ensure a fair trial for the parties. The Court also endeavors to provide for a public trial where members of the public can view and listen to the proceedings.

To accommodate the expected public interest in the trial, the Court will be live streaming the trial except for the jury selection process, bench conferences, and in-camera hearings that are likely to occur during the trial. The address for the livestreaming may be found on the 17th Judicial District website.

For scheduling purposes and to accommodate a relatively large jury pool, the jurors will assemble and be provided with questionnaires on October 13, 2023. Thereafter, the first half of the pool will report for jury selection on October 16, 2023, and the second half, if necessary, on October 17, 2023.

The courtroom is likely to be filled with prospective jurors, court staff, the parties, and staff for the parties during the jury selection process. In addition, the Court finds that the public interest in the case along with in court media coverage of the jury selection process would tend to create an overly stressful environment for the prospective jurors. The Court seeks to protect prospective jurors from potential scorn or intense public scrutiny. The Court finds that ensuring the selection of a fair and impartial jury is paramount. The Court will require that the prospective jurors be addressed by counsel by either their assigned juror number or the seat number where the prospective jurors are seated in seats 1 – 34 for purposes of jury selection and there shall be no livestreaming of jury selection.

#### Decorum

Lastly, in an attempt to ensure a fair trial for all parties, the Court also enters the following orders. In addition to the livestream, the Courtroom will also be open to media and public wishing to view the proceedings in person.

1. All electronic devices, including but not limited to, computers, cameras, cell phones, video phones, tape recorders, iPads, or other recording or transmitting devices or any devices capable of communicating from the inside of courtroom 402 and the Jury Assembly Room to the outside of courtroom 402 and the Jury Assembly Room shall be barred except as otherwise stated. Any person who attempts to or does operate any recording or transmitting device within these areas in violation of the Court's Order shall be removed from the premises and the device(s) shall be confiscated and/or the person shall be subject to contempt of Court. This provision shall not apply to employees of the Court or the Adams County Sheriff's Office, or to other law enforcement personnel in the Adams County Justice Center for law enforcement purposes. Nothing in this Order shall prohibit prosecution attorneys or defense counsel and their respective staffs from having these devices to the extent necessary to further the prosecution or defense of the case, provided, however, that any communication and/or visual recordings or transmission capabilities of such devices shall be turned off and not used except by specific permission of the Court.
2. No interviews shall be conducted within the courtroom of any party (including the Defendant), designated witnesses, or attorneys engaged in the case within the courtroom or any of these individuals as they enter or exit the courtroom.
3. There shall be no photography, transmission, or recording of any kind within courtroom 402 or the Jury Assembly Room, except as stated in this order and permitted by this order in combination with Chief Judge Directive 10-02. This restriction includes photographs, transmissions, or recordings of persons inside the courtroom, the Jury Assembly Room, as well as through the livestream.
4. The media and members of the public may capture images of persons as they come and go from the courthouse, except that persons known or identified to be summoned or selected jurors may

not have their images captured. Selected jurors will be given a juror badge, and any such person displaying the badge shall not have his or her image captured. Any summoned juror who displays a jury summons upon entrance to the courthouse shall not have his or her image captured. If an image of a person is captured before that person is determined to be a summoned or selected juror, his or her image shall not be displayed, distributed, or identified as a juror.

5. Unless otherwise stated in this order, Chief Judge Directive 10-02 will govern the use of electronic devices and media conduct in the Courthouse. A copy of that order will be uploaded into the JPOD files.

ACCORDINGLY, This Court hereby GRANTS IN PART the petitioner(s) request for expanded media coverage for the Jury Trial on October 13, 2023. The Court authorizes still captures and video/audio recording of the live streaming of the proceedings by the aforementioned outlets pursuant to the requests made in accordance with Chapter 38, Rule 3, but there shall be no cameras in the courtroom itself. Under the Chief Justice Directives, the Court will allow the trial to be livestreamed, but any recording or rebroadcast of the Jury Trial is prohibited unless authorized by this order and any violations may be considered contempt of court. The Court may amend this order should the remote observation of the live streaming interfere with the parties' right to a fair trial or to ensure compliance with the sequestration order. The EMC and Decorum orders may be reconsidered at any time should it become appropriate.

Done this 10th day of October, 2023.