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DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	DATE FILED: January 9, 2023 9:44 PM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH , Defendant	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Megan Ring, Colorado State Public Defender Joseph Archambault #41216 Chief Trial Deputy Michael Bowman #48652 Deputy State Public Defender 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	Case No. 21CR3485 Division 19
RESPONSE TO BILL ELDER'S REPLY	

Mx. Anderson Aldrich¹, by and through counsel, pursuant to C.R.C.P. 107, respectfully submits this supplement to the Court to issue a citation to Bill Elder, Sheriff of the El Paso County Sheriff's Office, to appear before the Court to show cause as to why the Sheriff's Office should not be held in indirect contempt of this Court. As ground in support states the following:

Procedural History

1. Discovery and court filings in the above captioned matter demonstrate that the El Paso County Sheriff's office was the responding agency, and thereby the agency with access to records and reports related to this case.
2. On November 30, 2022, prior to Mx. Aldrich's first motion requesting Sheriff Elder be held in contempt, counsel requested records from CSPD to determine whether that organization was in possession of any documents related to the address in question. Representatives for CSPD responded that the address was not within their jurisdiction and suggested that counsel contact EPSO for records related to this case. *See Exhibit A*
3. In an effort to clarify, counsel again requested that and records or reports be provided despite the address falling outside the jurisdiction of CSPD. CSPD responded by

¹ Anderson Aldrich is non-binary. They use they/them pronouns, and for the purposes of all formal filings, will be addressed as Mx. Aldrich.

confirming that they had no records related to the above captioned matter. *See Exhibit B.*

4. In counsel's objection to Sheriff Elder's petition to unseal, Mx. Aldrich highlighted a press release from the El Paso County Sheriff's office date June 18, 2021. That press release details EPSO's involvement in 21CR3485. *See <https://www.epcsheriffsoffice.com/sites/default/files/news-releases/MR%2021-061%20Sheriff%27s%20Office%20Responds%20to%20Bomb%20Threat%20in%20Lors%20on%20Ranch%20Neighborhood.pdf>; Exhibit C.* The webpage was first accessed by investigators for the Office of the Public Defender on November 20, 2022, nearly three-weeks before the Court unsealed 21CR3485 and made the record public.
5. Sheriff Bill Elder's website provides an organizational breakdown of the Sheriff's office. It demonstrates that the Administrative Management Bureau falls under Elder's purview and the directory demonstrates Deborah Mynatt is a lieutenant within that division. *See Exhibit D-E.*

Law and Analysis

6. The judiciary has inherent authority to use all powers reasonably required to protect the efficient function, dignity, independence, and integrity of the court and judicial process. *People v. Aleem*, 149 P.3d 765 (Colo. 2007) (citation omitted). The power of contempt falls within a court's broad authority. *Id.* (citing *Illinois v. Allen*, 397 U.S. 337, 343-44 (1970); *In re J.E.S.*, 817 P.2d 508, 511 (Colo. 1991)).
7. "Contempt" includes not only disorderly, disruptive, boisterous, or violent conduct in the courtroom but also "conduct that unreasonably interrupts the due course of judicial proceedings; behavior that obstructs the administration of justice; [and] disobedience or resistance by any person to or interference with any lawful writ, process, *or order of the court*". C.R.C.P. 107(a)(1) (emphasis added).
8. 'Direct contempt' occurs in the presence of the court while 'indirect contempt' occurs out of the direct sight or hearing of the court. C.R.C.P. 107(a)(2),(3).
9. For indirect contempt proceedings, when "it appears to the court by motion supported by affidavit that indirect contempt has been committed, the court may ex parte order a citation to issue to the person so charged to appear and show cause at a date, time and place designated why the person should not be punished." C.R.C.P. 107(c). A verified motion is also sufficient in lieu of a motion plus an affidavit, so long as it states facts which, if true, would constitute contempt. *See Spencer v. Kelly*, 470 P.2d 606 (Colo. App. 1970).
10. The motion and citation, if granted by the court, must be served on the alleged contemnor at least 21 days before the person is ordered to appear. *Id.*

11. Mx. Aldrich is requesting that the Court issue a citation to show cause and set a hearing at least 21 days after the issuance of the citation.
12. In the Sheriff's responses to motions filed by defense counsel, he repeatedly makes efforts to distance himself from the behavior, and violations of the sealing statute. Sheriff Elder argues that, although, the AP articles cited reference law enforcement sources, none of them specifically mention the El Paso County Sheriff's Office or its deputies by name.
13. In an effort to clear up this issue, investigators for the Office of the Public Defender contacted journalists who authored these articles but were turned away and told they could not disclose their sources.
14. Any additional specificity is, nevertheless, unnecessary. Only one law-enforcement agency ever maintained or possessed records in the above captioned case – The El Paso County Sheriff's Office. There was no other point of access from which the media could have received the information.
15. Nevertheless, the Sheriff claims that the article itself is exculpatory to these allegations. The Sheriff flaunts the quote that, "Elder. . . declined to comment on Aldrich's 2021 case . . ." despite knowing full well that it was his agency with access to the information and no other.
16. The argument that no one is named with particularity is another attempt by Sheriff Elder to hide behind various walls of silence, while simultaneously creating the frenzy it sought relief from. It is concerning that the Sheriff's Office seems determined to try to get this Court to forget its obligation to be fair and impartial to Mx. Aldrich, and to not give special treatment to the Sheriff's Office, by excusing their violation of Court order and Colorado law, by being hoodwinked into not going through with the show cause hearing. There is no legal support in Colorado law to require the Court or another party who identifies contemptuous conduct to prove it via pleading, prior to the show cause hearing. Mx. Aldrich believes the Court will honor its duty and obligations by treating Mx. Aldrich the same as the anyone else that appears in front of the Court and apply the law. CO. ST CJC Rule 2.2 (*a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially*) ; 2.3 (A) (*a judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice*); 2.4 (a) (*a judge shall not be swayed by public clamor or fear of criticism*).
17. Regardless of the Sheriff's efforts to distance himself from the potential actions of his employees or agents, his office is responsible for the violation committed via leaving the press release from June 21, 2021 public and accessible. Despite his office being served with a sealing order, a simple google search of Mx. Aldrich's name on the morning of November 20, 2022, produced the press release which contained all of the information

that has been published by nearly every major international news outlet, including the charges that Elder argues, comes from “commonplace court documents.”

WHEREAS, Mx. Aldrich, through undersigned counsel and pursuant to C.R.C.P. 107, respectfully moves the Court to set a hearing and issue a citation to show cause to Bill Elder, Sheriff of El Paso County Sheriff’s Office, to appear before the Court and explain why his and his office should not be held in indirect contempt. Mx. Aldrich objects to the remote appearance of any party at any show cause hearing held pursuant to this motion.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy



Michael Bowman #48652
Deputy State Public Defender
Dated: January 9, 2023

Certificate of Service

I certify that on January 9, 2023, I served the foregoing document via email to the Court’s clerk and to the prosecution.
s/ jarchambault