

DISTRICT COURT, El Paso County, Colorado Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	DATE FILED: February 23, 2023 4:15 PM
People of the State of Colorado vs. Defendant: Anderson Lee Aldrich	▲ COURT USE ONLY ▲
District Attorney: Michael J. Allen, #42955 Chief Deputy District Attorney: Reginald Short #35656 Chief Deputy District Attorney: Jennifer Viehman, #33163 105 E. Vermijo Colorado Springs, CO 80903 Phone Number: 719-520-6000	Case #: 2022CR6008 Division #: 21 Courtroom #: W450
[P-7] PEOPLE’S MOTION TO LIMIT PUBLIC ACCESS	

Comes now, Michael J. Allen, District Attorney for the Fourth Judicial District, and his duly appointed Chief Deputies, respectfully submits the following motion.

1. During the Proof Evident / Preliminary Hearing for the above-captioned case, the People admitted but did not publish Exhibit 1, the body worn camera for Officer Wallick, and Exhibit 69, the composite surveillance video from Club Q. Upon information and belief, the videos at issue are in the custody and control of the court reporter for the preliminary hearing.
2. Colorado Rule of Criminal Procedure 55.1 provides for public access to court records in criminal cases.
 - a. The rule begins by stating that court records in criminal cases are presumed to be accessible to the public. Crim P. 55.1 (a) (2022). However, the rule then goes on to outline a procedure where a party may petition the court to limit public access. Crim.P 55.1 (a)(1).
3. Chief Justice of the Supreme Court of Colorado Directive 05-01 also governs access to court records.
 - a. This directive defines “court record” as “[a]ny document, information, audio or video recording, or other item that is collected, received, and maintained by a

court or Clerk or Court that is related to a judicial proceeding.” Chief Justice Directive 05-01 Section 3.03(a).

- b. The policy applies to all court recos, regardless of the format or the method of storage. Id., at Section 4.00.
 - c. Information in the court record is accessible to the public except at prohibited by Section 4.60. Court records that are not publicly accessible pursuant to this policy, or federal statute or regulation, state statute, court rule, or court order shall not be released by any government or private entities with which the Department shares or transfers electronic court records. Id. at Section 4.10
 - d. Information in court records is not accessible to the public if federal statute or regulation, state statute, court rule, court order, or this policy prohibits disclosure of the information. Id. At Section 4.60 (a).
4. Pursuant to the procedure outlined in Crim.P. 55.1, the People are requesting that the Court limit public access to these exhibits at this time predicated on serving the following substantial public interests:
- a. The videos display the real-time mass shooting event at issue in this case as well as the immediate aftermath. Given the amount of human carnage involved, it would be impossible to redact the videos in a way to prevent any portion of the deaths of community members from being depicted. Additionally, the attendant medical treatment of other community members injured in the shooting event reveal embarrassing and sensitive personal details.
 - b. The victims in this case have a constitutional right to be treated with fairness, respect and dignity by the Court and the People. The limited purposes of the judicial determination of probable cause and proof evident in this case necessitated the introduction of the exhibits, however, no portion of that process includes the necessity to subject the already traumatized members of our victim community to mass release of these exhibits.
 - c. The trial process will unfortunately necessitate introduction of these same exhibits, along with the publishing of these events to ensure the trier of fact has the complete narrative available for review. Any premature release of these exhibits, in addition to the trauma to the victim community referenced above, would also likely have a claimed impact on the prospective jury pool, as well as a specific impact on the actual venire ultimately chosen. Delaying any release of these exhibits until the trial process still accommodates the public interest in this event while avoiding the dual natured harms of unnecessary victim trauma and potential impact on due process.
5. The People were only able to find limited case law addressing the issues raised in the instant motion.
- a. In People v. Zwahlen, 2022WL 678795 (2022), a Larimer County District Court dealt with the issue of medical and educational records sought to be protected in the context of a transfer hearing, ultimately concluding that limiting public access to these records was appropriate given the fact that the records related to a minor and concerned records specifically within federal privacy protections.

