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DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	DATE FILED: November 22, 2022 9:21 AM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v.  <b>ANDERSON ALDRICH</b> , 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: <a href="mailto:springs.pubdef@coloradodefenders.us">springs.pubdef@coloradodefenders.us</a>	Case No. <b>22CR6008</b>   Division <b>21</b>
<p align="center"><b>MOTION TO LIMIT PRETRIAL PUBLIC COMMENT BY THE PARTIES TO THE LITIGATION, INCLUDING LAW ENFORCEMENT AGENTS, AND STAFF OF THE JUDICIAL DISTRICT</b></p> <p align="center"><b>[D-03]</b></p>	

Mx. Aldrich<sup>1</sup>, by and through counsel moves this Court to enter an order limiting the public dissemination of information by the attorneys, their agents, employees and all law enforcement investigators, personnel and employees, and all court personnel concerning this case. Grounds for this motion are as follows:

1. Mx. Aldrich is guaranteed the right to a trial by jurors who are fair and impartial. *Ross v. Oklahoma*, 487 U.S. 81 (1988); *Witherspoon v. Illinois*, 391 U.S. 510, 518 (1968); *Irvin v. Dowd*, 366 U.S. 717, 722 (1961); *People v. Sandoval*, 733 P.2d 319, 320 (Colo. 1987); *Oaks v. People*, 150 Colo. 64, 371 P.2d 433, 477 (1962); *Smith v. People*, 8 Colo. 457, 8 P.1045 (1885). Thus, while Mx. Aldrich is not entitled to jurors who will be sympathetic to them, they are guaranteed the right to a trial by jurors who “will hear the matter fairly and impartially.” *Edwards v. People*, 160 Colo. 395, 418 P.2d 174, 177-178 (1966).

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

2. Even as Mx. Aldrich is constitutionally entitled to a fair and impartial jury trial, however it may be impossible to obtain even one fair and impartial juror, if they are tried in the forum of public opinion before their case ever makes it to a jury.
3. Moreover, the dispersal of improper comments by those involved with the case through media not only negatively impacts potential jurors but can also taint the recollection of witnesses or negatively impact a witness' willingness to come forward with information vital to the truth seeking function. Such chilling effect on potential witnesses undermines Mx. Aldrich state and federal constitutional rights to compulsory service of process, to effective assistance of counsel, and prepare and present a defense.
4. Concerns about the negative impact on public comment by parties associated with the case are particularly salient where, as in there has already been considerable nationwide media coverage of the incident. In a case in which parties to the litigation make public comment on this evidence, witnesses may understandably be concerned how such broad public disclosure and comment may affect them or their reputations in the community and be less inclined to come forward.
5. Given the potential for a high level of prurient public interest in this case, and the resulting bombardment of potential witnesses and jurors with pervasive saturating media coverage via newsprint, radio, television, the internet, phone alerts, social media etc., the Court must take precautionary measures to keep prejudicial and damaging comments by the parties out of the public sphere.
6. The Court can mitigate the potential damage by entering an order limiting and regulating public comment by the parties within the court's control.
7. Both the American Bar Association and the Colorado Rules of Professional Conduct provide guidance to appropriate behavior relative to public pretrial comments about a criminal case. This court has the authority to order the parties within its control to adhere to these guidelines:
  - a. The American Bar Association sets forward Standards for Criminal Justice, Fair Trial and Fair Press that are designed to guide the practice of those involved in the litigation of criminal cases. Third Edition, sections 8-1.1, 8-2.1, 8-2.2 and 8-2.3.
  - b. The Colorado Rules of Professional Conduct, sections 3.6 and 3.8, similarly establish guidelines for appropriate conduct relating to extra-judicial commentary about a pending case.
8. The specifics of the order Mx. Aldrich seeks are set forward in the attached written order. Issuance of said order is imperative to protect Mx. Aldrich state and federal constitutional rights to due process of law, compulsory service of process, a fair and impartial jury, to prepare and present a defense, and to effective assistance of counsel.

9. Mx. Aldrich requests the court hear this motion at the next court appearance in this case.

MEGAN A. RING  
COLORADO STATE PUBLIC DEFENDER



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Joseph Archambault #41216  
Chief Trial Deputy



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Michael Bowman #48652  
Deputy State Public Defender

**Certificate of Service**

I certify that on November 22, 2022, I served the foregoing document electronically through Colorado Courts E-Filing to all opposing counsel of record.  
s/skoslosky

Dated: November 22, 2022