

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. TEJON, COLORADO SPRINGS, CO, 80903	DATE FILED: February 17, 2023 1:30 PM
THE PEOPLE OF THE STATE OF COLORADO v. Defendant(s) ANDERSON LEE ALDRICH	
△ COURT USE ONLY △	
Case Number: 2022CR6008 Division: 21 Courtroom:	
Order:OBJECTION TO EXPANDED MEDIA COVERAGE [D-24]	

The motion/proposed order attached hereto: MOOT.

The court has not granted expanded media coverage requests for the preliminary hearing and proof-evident hearing. The court has been notified of multiple media agencies seeking expanded media coverage, however the court has instructed court administration to deny all such requests. The court will live-stream the PH/Bond hearing, however no recording or rebroadcasting of the live-stream will be permitted. The next date at which the court is open to granting expanded media coverage is arraignment (if the charges are bound over). Any objection to expanded media coverage at arraignment must be filed at least ten (10) days prior to arraignment.

Issue Date: 2/17/2023



MICHAEL P MCHENRY
District Court Judge

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 Tejon Street Colorado Springs, Colorado 80903	σ COURT USE ONLY σ
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH, Defendant	
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. 22CR6008 Division 21
OBJECTION TO EXPANDED MEDIA COVERAGE [D-24]	

Mx. Anderson Aldrich¹, by and through counsel, informs the Court that they object to any requests for expanded media coverage in this case, specifically for the upcoming preliminary hearing/proof evident presumption great hearing on February 22-24, 2023. Mx Aldrich states:

1. Mx. Aldrich has not received any requests for expanded media coverage filed through ICCES, however Mx. Aldrich has received an email notification through the Colorado Judicial Branch website.
2. Media coverage of court proceedings is governed by Rule 3 of the Colorado Rules governing Public Access to Records and Information. The Rule does not specifically allow for expanded media coverage for hearings, but rather gives the Court factors to be considered if there is such a request. Colo. R. Pub. Acc. Rec. & Info. Rule 3.
3. Rule 3, applies to court proceedings which are defined as “(A) ‘Proceeding’ means any trial, hearing, or any other matter held in open court which the public is entitled to attend.” *Id.* at (1)(A).
4. Pursuant to Rule 3, "in determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

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.

- (A) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial;
- (B) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum, and dignity of the court; and
- (C) Whether expanded media coverage would create adverse effects which would be greater than those caused by traditional media coverage." Colo. R. Pub. Acc. Rec. & Info. Rule 2(a)(2).
5. Expanded media coverage would interfere with Mx. Aldrich's rights to a fair trial.
 6. Expanded media coverage would unduly detract from the solemnity, decorum, and dignity of the Court.
 7. Expanded media coverage would create adverse effects that would be greater than those caused by traditional media coverage. Mx. Aldrich is not objecting to traditional media coverage.
 8. Expanded media coverage would prejudice Mx. Aldrich as it would involve video recording and coverage of Mx. Aldrich in custody in jail clothes, which means a red or orange jail-issued jumpsuit, handcuffs, and shackled. Such an image is inherently prejudicial and unnecessary. Such images are often used over and over by media outlets in portraying a person accused of crimes. Once those video images are captured, or audio recordings are created, Mx. Aldrich has little to no recourse in how media outlets use those images. The repeated use of media to portray Mx. Aldrich as a person too dangerous to be at liberty, without shackles, and not in clothing of their own prejudices them to a substantial degree, and risks poisoning the potential jury pool and violating their right to a fair trial by impartial jurors. *See* U.S. Const. amends. VI, XIV; Colo. Const. art. II, §§ 16, 25. Considering the almost unfettered use of such media once it is captured by a media outlet, Mx. Aldrich cannot receive due process and a fair trial if the Court allows expanded media presence and coverage.
 9. Media intrigue has already directly led to deprivations of Mx. Aldrich's rights. The media, and agents of El Paso County Law enforcement violated Colorado's sealing statute to publicly air damaging information about Mx. Aldrich in case 21CR3485. These parties then used their violation of the statute as a basis to argue they needed to disseminate further this damaging information. *See* "Objections to All Petitions to Unseal," filed in 21CR3485 on 11/30/22, *see also* "Motion to Dismiss All Petitions to Unseal based on Law Enforcement Misconduct" filed in 21CR3485, on 12/07/22. Further expansion of media coverage beyond that which is normally permitted is neither necessary nor appropriate.
 10. If the Court were to grant expanded media coverage at the preliminary hearing, Mx. Aldrich requests that the Court take steps to ensure Mx. Aldrich's constitutional rights are protected and to preserve the dignity of the proceedings.
 11. Mx. Aldrich requests that they be permitted to dress in court appropriate "street" clothes. Mx. Aldrich makes this request to protect their right to presumption of

- innocence that affords them the right to a “garb of innocence.” *People v. James*, 40 P.3d 36, 41 (Colo. App. 2001) (citing to *Eaddy v. People*, 174 P.2d 717, at 719 (Colo. 1946) (“Every defendant is entitled to be brought before the court with the appearance, dignity, and self respect of a free and innocent person, except as the necessary safety and decorum of the court may otherwise require”); see also *Hoang v. People*, 323 P.3d 780, 784 (Colo. 2014).
12. A dignified courtroom requires the respectful treatment of an accused. See *Deck v. Missouri*, 544 U.S. 622, 631 (2005). A trial judge shall require that “every proceeding before him or her be conducted with unhurried and quiet dignity and should aim to establish such physical surroundings as are appropriate to the administration of justice.” ABA Standards for Criminal Justice, Special Functions of the Trial Judge, Standard 6-1.1(b) (3d ed. 2000).
 13. The presumption of innocence is an axiomatic and bedrock principle. U.S. Const. amends. V, XIV; Colo. Const. art II, §25; see also *In re Winship*, 397 U.S. 358, 363 (1970). “The presumption of innocence requires the garb of innocence[.]” *Hoang v. People*, 323 P.3d 780, 784 (Colo. 2014)(quoting *Eaddy*, 174 P.2d at 718).
 14. Should the Court grant Mx. Aldrich’s request to appear dressed out in the courtroom, counsel will get suitable clothing to the jail in advance of the hearing.
 15. Mx. Aldrich requests a hearing on this matter.

WHEREFORE, it is respectfully requested that this Court deny all media outlets' Requests for Expanded Media Coverage at the proof evident/ presumption great hearing.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy



Michael Bowman #48652
Deputy State Public Defender

Certificate of Service

I certify that on 2/17/23, I served the foregoing document electronically through Colorado Courts E-Filing to all opposing counsel of record.
s/skoslosky

Dated: February 17, 2023

Attachment to Order - 2022CR6008