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| DISTRICT COURT, EL PASO COUNTY, COLORADO 270 Tejon Street Colorado Springs, Colorado 80903 | DATE FILED: February 19, 2023 10:46 AM |
| PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH, Defendant | σ COURT USE ONLY σ |
| 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 |
| REQUEST FOR ORDER PERMITTING MX. ALDRICH TO WEAR CIVILIAN CLOTHES AT THE PRELIMINARY HEARING [D-25] | |

Mx. Anderson Aldrich¹, by and through counsel, moves this Court to order that they be allowed to wear civilian clothes during the upcoming preliminary hearing/proof evident presumption great hearing on February 22-24, 2023. In support, Mx. Aldrich states the following:

1. Mx. Aldrich is currently in custody at the El Paso County Jail.
2. The media and public in the courtroom will be able to view Mx. Aldrich. In addition the public and media who are not present in the courtroom will be able to view the proceedings via the Webex broadcast. This means that hundreds and even thousands of El Paso County residents and potential jurors will be able to view Mx. Aldrich throughout the three days of the preliminary hearing in this case.
3. Unless the Court allows Mx. Aldrich to wear civilian clothes, many potential jurors will see 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. The image of 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

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.

trial by impartial jurors. *See* U.S. Const. amends. VI, XIV; Colo. Const. art. II, §§ 16, 25.

4. Mx. Aldrich requests that they be permitted to dress in court appropriate “civilian” 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)). 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).
5. 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).
6. 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 to make it convenient for the Sheriff’s Office. Therefore there is no harm or even inconvenience to allow Mx. Aldrich to wear civilian clothes in the courtroom. Mx. Aldrich is facing multiple serious charges and therefore should be allowed to sit in the courtroom, dressed in the same way as every other human being inside the courtroom.

WHEREFORE, it is respectfully requested that this Court order that Mx. Aldrich be allowed to wear civilian clothes during the upcoming preliminary hearing/proof evident presumption great hearing on February 22-24, 2023.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy

Certificate of Service

I certify that on 2/19/23, I served the foregoing document electronically through Colorado Courts E-Filing to all opposing counsel of record.
s/skoslosky



Michael Bowman #48652
Deputy State Public Defender

Dated: February 19, 2023

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The Court being advised of the Defense’s motion “Request for Order Permitting Mx. Aldrich to wear Civilian clothes at the Preliminary Hearing,” rules as follows:

GRANTED: _____

DENIED: _____

 Judge