

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. TEJON, COLORADO SPRINGS, CO, 80903	DATE FILED: December 20, 2023 9:49 AM
THE PEOPLE OF THE STATE OF COLORADO v. Defendant(s) CARIE HALLFORD	<p style="text-align: center;">△ COURT USE ONLY △</p> Case Number: 2023CR4856 Division: 9 Courtroom:
<p style="text-align: center;">Order: Motion for Decorum Order that Precludes Spectators from Displaying Photographs in Court of Communicating with Ms. Hallford (D-03)</p>	

The motion/proposed order attached hereto: GRANTED WITH AMENDMENTS.

The court grants the attached motion, and a Decorum Order will enter. A copy of the Decorum Order will be filed into the case file, and a copy of the order will be posted outside the entrance to any courtroom in which proceedings are being held. The Decorum Order will also be filed into 23CR4849, and the order will apply to that case as well.

In granting the motion the court was guided by *People v. Aleem*, 149 P.3d 765 (Colo. 2007). That court adopted a two part analysis in determining whether any order designed to enforce decorum is free of an inappropriate abridgement of constitutional rights. Accordingly, a trial court must ensure an order addressing decorum encompasses an appropriate level of generality. Second, the court must ensure the order protects the purpose of the forum which is to ensure the People and the Defendant have a fair trial.

In reaching its decision the *Aleem* court said, "We conclude that on balance the court's obligation to maintain courtroom decorum and ensure parties' rights to a fair trial outweighs trial participants' and spectators' First Amendment rights to express political views. Hence, a court's restriction of political views within the courtroom will generally be reasonable."

In the present case all parties have acknowledged this is an emotionally charged matter. Accordingly, absent specific guidance concerning courtroom decorum this court believes the defendant's right to a fair trial will be harmed. Consequently, the court enters the following which will be entered as noted above:

Order

To the extent it is feasible, the prosecutors and defense attorneys shall instruct the victims, known family members, friends and supporters of the victims, and the defendant, concerning proper courtroom attire and behavior in accordance with this Order. A copy of this order will be posted outside the entrance to the courtroom in which proceedings in this case are being conducted.

SPECTATORS MUST OBSERVE PROPER COURTROOM DECORUM

Audible comments and emotional displays or outbursts are strictly prohibited. No individuals, other than those involved directly in the proceedings, are to attempt to communicate with the People's representatives, defense counsel, the defendant(s), or witnesses verbally or through the display of any object designed to convey a message.

If at any time during the proceedings you feel the onset of an emotional reaction that may violate the Court's Order, please quietly and discreetly exit the courtroom.

No audio or video recording devices may be used at any time in the courtroom without prior approval of the Court. Use of such items may result in its confiscation and the initiation of contempt proceedings against the user which could result in the imposition of a jail sentence. Additionally, any WEBEX or Livestream broadcast of the proceedings in this case may not be recorded or rebroadcast without permission of the court.

Any violators of this Order will be subject to contempt proceedings, sanctions, and may be barred from any proceeding in this case.

Issue Date: 12/20/2023

A handwritten signature in black ink, appearing to read 'W. H. Moller', written in a cursive style.

WILLIAM H MOLLER
District Court Judge

District Court, El Paso County, CO El Paso County Courthouse 270 South Tejon, Colorado Springs, CO 80903	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. CARIE HALLFORD, Defendant.	σ COURT USE ONLY σ
Michael A. Stuzynski #45665 Rector Stuzynski LLC 131 S. Weber St. Colorado Springs, CO 80903 (719) 578-1106 michael@rectorlawfirm.com	Case No. 2023 CR 4856 Division 9
MOTION FOR DECORUM ORDER THAT PRECLUDES SPECTATORS FROM DISPLAYING PHOTOGRAPHS IN COURT OR COMMUNICATING WITH MS. HALLFORD (D-03)	

CARIE HALLFORD, by and through counsel, respectfully moves this Honorable Court to issue a decorum order that specifically precludes any person, including victim representatives, from displaying photographs in court or otherwise communicating with Ms. Hallford. Counsel makes this motion pursuant to Ms. Hallford’s rights to due process of law and to a fair trial by an impartial jury guaranteed by the State and Federal Constitutions and states the following in support of this motion:

- 1) Counsel appeared with Ms. Hallford on December 5, 2023 in Division DST for her first appearance.
- 2) Counsel noted, both outside the courtroom and inside, that individuals who appeared to be alleged victim representatives were present in a large number, and many of them had in their possession large photographs depicting other people.
- 3) In the courtroom itself, Ms. Hallford’s co-defendant, Jon Hallford, had his case called first. Counsel noted that many spectators picked up the photographs and displayed them to Mr. Hallford when he was brought into court in custody.
- 4) Likewise, counsel took note that these same spectators displayed the photographs to Ms. Hallford when she was brought into custody as well as during the time her case was called. Counsel elected not to call attention to this at the time to avoid a greater disruption, but it appeared to counsel that the spectators were attempting, by their

display of the photographs and their general body language and demeanor, to communicate a message to Ms. Hallford while she appeared in custody.

- 5) Multiple news outlets published stories on December 5 in which the photographs of victim representatives were highlighted. One such article was published by the Gazette, and was entitled “Families in Return to Nature Funeral Home Case Share their Horrors as Hallfords Make First Court Appearance,” and is attached as Exhibit A to this motion.
- 6) Ms. Abby Swoveland is depicted photographically at the beginning of the Gazette article displaying a picture of her mother, Sally Swoveland, whose remains the Gazette reported were found at the Penrose building at issue in this case. The article confirms that “the courtroom was filled Tuesday with people holding photographs of family members identified or still missing from Return to Nature Funeral Home as Jon and Carie Hallford made their first in-person court appearance in El Paso County.” Ms. Swoveland “held up a photo of her late mother Sally Swoveland,” the Gazette reported, and counsel can confirm as accurate. She was quoted as saying “I will be at every single court appearance . . . I feel good about today because I was sure to hold my mom’s picture up, and I saw them see it. That meant everything to me, that they had to look at it.”
- 7) This behavior is troubling, taken in connection with the significant emotions experienced by alleged victims in this case, as evidenced by a further quotation in the Gazette article by Ms. Heather DeWolf, who stated the following in reference to Jon and Carie Hallford: “I don’t view them honestly as human at this point. I don’t believe a human could do this.”
- 8) Though counsel, and this Honorable Court, are sensitive to the emotions of alleged victims in this case, the behavior displayed in Court on December 5, 2023 cannot be allowed to continue, as it is detrimental to the impartial administration of justice, and threatens to run afoul of the solemnity of the judicial proceeding at issue. Counsel, in this motion, asks this Honorable Court to exercise its inherent powers to enable further proceedings to continue with dignity, independence, and integrity, and issue a decorum order prohibiting future displays of photographs by spectators in court, as well as communicating with Ms. Hallford while in custody.
- 9) “The inherent powers which courts possess consist of all powers reasonably required to enable a court to efficiently perform its judicial functions, to protect its dignity, independence, and integrity, and to make its lawful actions effective. These powers are inherent in the sense that they exist because the court exists; the court *is*, therefore it has the powers reasonably required to act as an efficient court.” *Pena v. District Court*, 681 P.2d 953, 956 (Colo. 1984) (internal citations omitted, emphasis in original). One of these inherent powers is to maintain order and decorum within the courtroom itself, which the present circumstances indicate are in jeopardy if spectators are not ordered to refrain from the behavior that was exhibited on December 5, 2023.

- 10) There are two reasons why spectators displaying photographs in Court are problematic; it is both a violation of the general prohibition against communications with persons in custody, and it also threatens to taint the jury panel and inject improper elements into the proceedings that could ultimately deprive Ms. Hallford of a fair trial and due process of law.
- 11) The first reason the Court should exercise its discretion and issue a decorum order is to prohibit spectators from violating, probably unknowingly, the prohibition against communications with persons in custody. Due to the high profile nature of this case and the emotional impact that it has already had on many community members, El Paso County Sheriff Deputies may not feel comfortable enforcing this prohibition themselves. The enforcement of this prohibition then must fall on this Honorable Court, as it is a prohibition that should apply equally to all defendants and spectators, if it is to be enforced at all.
- 12) The second reason the Court should issue a decorum order is to safeguard Ms. Hallford's right to a fair trial. "The right to a fair trial includes the right to a trial free from audience demonstrations which may contaminate or prejudicially affect the jury." *People v. McGuire*, 751 P.2d 1011, 103 (Colo. App. 1987). In certain circumstances, audience or spectator displays may justify declaration of a mistrial if the effect of the spectator's impropriety has an impact on the jury. *See Hafer v. People*, 492 P.2d 847 (Colo. 1972).
- 13) Further, the "court's obligation to maintain courtroom decorum and ensure parties' rights to a fair trial outweighs trial participants' and spectators' First Amendment rights to express political views." *People v. Aleem*, 149 P.3d 765, 778 (Colo. 2007). Accordingly, a Court's restriction of political views "within the courtroom will generally be reasonable." *Id.*
- 14) It would not run afoul of the spectators' First Amendment Rights to issue a decorum order prohibiting the future display of photographs, or to prohibit communication with persons in custody commensurate with the general prohibition that has historically been enforced by the El Paso County Sheriff deputies in other cases.
- 15) Accordingly, this Honorable Court is within its discretion, and should exercise its inherent authorities and powers, to issue a decorum order consistent with Counsel's request in the instant motion.

Dated: December 6, 2023

Respectfully,

/s/ _____
Michael A. Stuzynski

#45665

Certificate of Service

I certify that on the above date, the foregoing document was served via ICCES to opposing counsel.

/s/ _____
Michael A. Stuzynski

Attachment to Order - 2023CR4856