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FILED IN THE DISTRICT AND  
COUNTY COURTS OF  
EL PASO COUNTY, COLORADO

DEC 01 2015

DR. LYNETTE CORNELIUS  
CLERK OF COURT

EM

District Court, El Paso County, Colorado  
El Paso County Combined Courts  
270 South Tejon Street, Colorado Springs CO 80903

THE PEOPLE OF THE STATE OF COLORADO,  
Plaintiff

v.

**ROBERT LEWIS DEAR,**  
Defendant

σ COURT USE ONLY σ

DOUGLAS K. WILSON, Colorado State Public Defender  
Daniel King (No. 26129)  
Chief Trial Deputy State Public Defender  
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Denver, Colorado 80203  
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Case No. **15CR5795**

Division 10

**MOTION TO PRECLUDE EXPANDED MEDIA COVERAGE OF DECEMBER 9, 2015  
HEARING [D-008]**

Robert Dear, by and through counsel, respectfully objects to the expanded media requests that have been made for the hearing in this case scheduled for December 9, 2015 at 1:30 p.m. He hereby moves to preclude such coverage.

1. Multiple media outlets, including, to date, 9News and The Denver Post, have asked this Court to authorize audio, visual, and still photography expanded media coverage of the pretrial hearing in this case scheduled for December 9, 2015 at which Mr. Dear is scheduled to make his first appearance in court and formal charges are scheduled to be filed against him.

2. Mr. Dear objects to the requests made by these media outlets and any future requests for expanded media coverage of the December 9, 2015 court date.

3. In addition to the arguments set forth in the motion Mr. Dear filed yesterday objecting to any and all expanded media coverage in this case, *see* Motion D-007, Rule 2 of Chapter 38 of the Colorado Court Rules, Public Access to Records and Information specifically bars “[e]xpanded media coverage of pretrial hearings in criminal cases, *except advisements and arraignments.*” (emphasis added).

4. Because the proceeding on December 9, 2015 is neither Mr. Dear’s advisement nor an arraignment, the rule prohibits this Court from allowing expanded media coverage of the hearing.

5. Granting such a request would not only violate the rules governing expanded media coverage, but would jeopardize Mr. Dear’s constitutional rights to due process, a fair trial, to be presumed innocent, and to a fair and impartial jury. U.S. Const. amends. V, VI, VIII, XIV; Colo. Const. art. II, secs. 16, 18, 20, 23, 25; *see also Sheppard v. Maxwell*, 384 U.S. 333 (1966); *Estes v. Texas*, 381 U.S. 532 (1965); *People v. Botham*, 629 P.2d 589 (Colo. 1981).

6. Mr. Dear therefore respectfully objects to the present requests for expanded media coverage by 9News and The Denver Post, as well as any future requests for expanded media coverage of this hearing or any other proceeding in this case.

7. Mr. Dear further requests a hearing before any request for expanded media coverage is granted. In addition, Mr. Dear requests a court order requiring thirty days' notice in advance of any hearing for which such future requests are made.

Mr. Dear files this motion, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, Equal Protection, Confrontation, and Compulsory Process, the Rights to Remain Silent and to Appeal, and the Right to be Free from Cruel and Unusual Punishment, pursuant to the Federal and Colorado Constitutions generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25 and 28 of the Colorado Constitution.



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Daniel King (No. 26129)  
Chief Trial Deputy State Public Defender



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Rosalie Roy (No. 26861)  
Deputy State Public Defender



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Kristen M. Nelson (No. 44247)  
Deputy State Public Defender

Dated: December 1, 2015

I hereby certify that on Dec. 1, 2015, I

mailed, via the United States Mail,  
 faxed, or  
 hand-delivered

a true and correct copy of the above and foregoing document to:

Dan May  
Donna Billek  
Jeff Lindsey  
Office of the District Attorney  
105 East Vermijo Avenue  
Colorado Springs, Colorado 80903  
Fax: 719-520-6185

Stevenson Richard

I further certify that a true and correct copy of the above and foregoing document was emailed to:

Jordan Steffen  
The Denver Post  
Email: [jsteffen@denverpost.com](mailto:jsteffen@denverpost.com)

Megan Jurgemeyer  
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Michelle