

Redacted

| | |
|---|---|
| District Court, El Paso County, Colorado El Paso County Combined Courts 270 South Tejon Street, Colorado Springs CO 80903 | FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO TB DEC 02 2015 DR. LYNETTE CORNELIUS CLERK OF COURT σ COURT USE ONLY σ |
| THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ROBERT LEWIS DEAR, Defendant | |
| DOUGLAS K. WILSON, Colorado State Public Defender Daniel King (No. 26129) Chief Trial Deputy State Public Defender 1300 Broadway, Suite 400 Denver, Colorado 80203 Phone (303) 764-1400 Fax (303) 764-1478 E-mail: state.pubdef@coloradodefenders.us | Case No. 15CR5795 Division 10 |
| SUBMISSION OF AMENDED PROPOSED ORDER LIMITING PRETRIAL PUBLICITY AND REQUEST FOR IMMEDIATE RULING [D-009] | |

Pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and article II, section 16, 23, and 25 of the Colorado Constitution, Robert Dear, through counsel, hereby submits an amended proposed order to limit pretrial publicity. Mr. Dear further moves for an immediate ruling on this issue. In support of this motion, he states the following:

1. On November 30, 2015, Mr. Dear filed a Motion to Limit Pretrial Publicity. *See* Order D-001. Mr. Dear submitted a proposed order attached to that pleading. The Court deferred ruling on that motion until a later date, and no order limiting pretrial publicity is currently in place.

2. An amended proposed order is attached to this pleading.

3. In addition to submitting the amended proposed order, counsel request an immediate ruling on this issue. It is imperative that the Court issue the attached order limiting pretrial publicity forthwith. It appears from media accounts that law enforcement sources have already leaked damaging, case-sensitive information about Mr. Dear, such as the fact that Mr. Dear supposedly told police investigators _____ during his contact with law enforcement. *See, e.g.,* Exhibit A. Release of such information would be prohibited under Sections I(B)(2) and II(A)(1) of the attached proposed order.

4. This case has attracted an enormous amount of media attention, and is precisely the type of “rare” instance “in which pretrial publicity alone” has the potential to “actually deprive[] a defendant of the ability to obtain a fair trial.” *Gannett Co., Inc. v. DePasquale*, 443 U.S. 368, 404 n.1 (1979) (Rehnquist, J., concurring). Unless an order limiting pretrial publicity is issued without delay, it is highly likely that additional information will be leaked to the public and to prospective jurors that may later be determined to be inadmissible, untrue, privileged or