

# REDACTED

<b>District Court, El Paso County, Colorado</b> Court address: <b>270 South Tejon</b> <b>Colorado Springs, CO 80903</b> Phone Number: <b>(719) 452-5446</b>	FILED-DISTRICT & COUNTY COURTS-EL PASO CO., CO
People of the State of Colorado, Plaintiff,  v  ROBERT LEWIS DEAR, JR, Defendant.	MAR 9 - 2016  DIVISION 10
Attorney or Party without Attorney(Name and Address): Phone Number:                      Email: FAX Number:                         Atty.Reg#:	Case Number: 15CR5795 Division 10 Courtroom W570
ORDER RE: (D-019) MOTION TO REMOVE UNREDACTED VERSION OF MOTION D-017 FROM CASES OF INTEREST SECTION OF COURT'S WEBSITE, AND TO RECONSIDER RULING ON MOTION D-011	

The Court has reviewed the above motion and attachments as well as the response and reply and pursuant to said review the Court issues the following order.

1. The defendant argues that the posting of the unredacted version of motion D-017 has placed them in a position of having to unwittingly generate more pre-trial publicity; thus, jeopardizing Mr. Dear's constitutional right to a fair trial. In addition the defense argues that continued posting of motions on the website increases the risk of negative publicity.

2. The district attorney's response states that the information that was not redacted was information that was already discussed in open court.

3. The Court notes that the minute order of December 23, 2015 states that the competency examination was to be conducted at the state hospital in Pueblo. The Court issued said order after hearing argument in open court. Thus, the unredacted version of the motion did not contain any information that was not already public knowledge.

4. The Court notes that posting the motions on the judicial website allows the

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judicial branch and the clerk's office a more convenient method to provide the public with the filings in the matter. The website merely saves the media from having to physically appear at the clerk's office. The information would be available to the media and public at the clerk's office

5. Absent an order to seal, the motions and pleadings are public record whether posted on the website or at the clerk's office.

6. The Court finds that the defendant's argument that the fact that Mr. Dear has been transferred to the state hospital created additional publicity is without merit. The unredacted paragraph in the motion in and of itself was not inflammatory and as stated earlier was already public knowledge.

7. The Court will continue to allow the website to be utilized.

WHEREFORE, the motion is DENIED.

DONE this 9<sup>th</sup> day of March, 2016.

BY THE COURT:

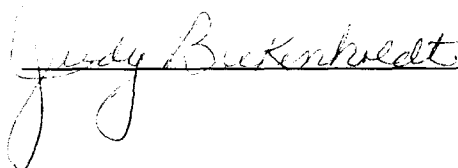
  
\_\_\_\_\_  
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 9<sup>th</sup> day of March, 2016 a true and correct copy of this ORDER RE: (D-019) MOTION TO REMOVE UNREDACTED VERSION OF MOTION D-017 FROM CASES OF INTEREST SECTION OF COURT'S WEBSITE, AND TO RECONSIDER RULING ON MOTION D-011, was delivered via EMAIL to the following:

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