

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
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff	<b>MAR 02 2016</b>
v.  <b>ROBERT LEWIS DEAR,</b> Defendant	DR. LYNETTE D. CORNELIUS CLERK OF COURT  σ COURT USE ONLY σ
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: <a href="mailto:state.pubdef@coloradodefenders.us">state.pubdef@coloradodefenders.us</a>	Case No. <b>15CR5795</b>  Division 10
<p><b>D-019</b></p> <p><b>REPLY IN SUPPORT OF 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</b></p>	

Mr. Dear, through counsel, submits the following in reply in support of Motion D-019:

1. The prosecution argues that pleadings are “considered a public record” and that “there is a presumption in favor of public access.” Response, p. 1. The defense does not dispute that pleadings filed in a case are, as a general matter, available to the public, but that is not the point. This is a high-profile case that has generated a significant amount of media attention, and the Court asked the parties to provide it with redacted copies of pleadings for the express purpose of ensuring that information that is not appropriate for public consumption is protected.

2. The issue that occurred with the posting of the unredacted version of D-017 highlights the danger in allowing the Colorado Judicial Branch to make the pleadings in this case available on its publically accessible website: it is far too easy to make mistakes, and once a mistake has been made, the information has been broadcast over the internet and the bell cannot be unrung.

3. While it is possible that sensitive information could be accidentally transmitted to the public even if the media were required to obtain pleadings directly from the clerk’s office instead of online, the risk is significantly lower. Moreover, it would be far easier to correct any erroneous dissemination of information when pleadings are provided to members of the public on an individual basis than when pleadings are posted for mass distribution online.

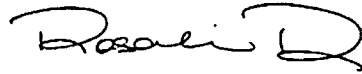
4. The defense reiterates that Mr. Dear’s constitutional rights to a fair trial by an impartial jury, *see* U.S. Const. amends VI, XIV, Colo. Const. art. II, secs. 16, 25, must remain of paramount importance in this case. For this reason, the Court should grant the relief requested in Motion D-019.

Mr. Dear files this reply, 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.



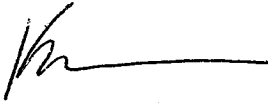
---

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



---

Rosalie Roy (No. 26861)  
Deputy State Public Defender



---

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

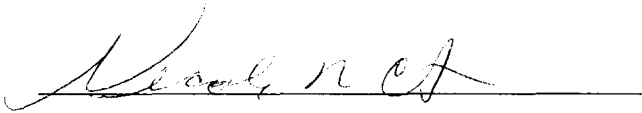
Dated: March 2, 2016

I hereby certify that on 3/2, 2016, 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

  
\_\_\_\_\_