

REDACTED

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903	FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO
Plaintiff: PEOPLE OF THE STATE OF COLORADO. v. Defendant: ROBERT LEWIS DEAR	DEC 07 2015 DR. LYNETTE CORNELIUS CLERK OF COURT
Richard P. Holme, #2965 Andrea Wang, #33101 Michael Kotlarczyk, #43250 DAVIS GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, CO 80202 Telephone: (303) 892-9400 Facsimile: (303) 893-1379 Emails: richard.holme@dgsllaw.com andrea.wang@dgsllaw.com mike.kotlarczyk@dgsllaw.com Counsel for Colorado Broadcasters Association	▲ COURT USE ONLY ▲ Case No. 15CR5795 Division 10
REQUEST FOR EXPANDED MEDIA COVERAGE FOR ADVISEMENT/ARRAIGNMENT	

The Colorado Broadcasters Association, on behalf of itself and its FCC-licensed member stations, pursuant to C.R.C.P. Rule 3, Chapter 38 (recently renumbered from Rule 2, Chapter 38) relating to judicial supervision of expanded media coverage of court proceedings, requests that expanded media coverage ("EMC") be permitted for the advisement/arraignment of this case to be held on Wednesday, December 9, 2015.

Rule 3 provides, as relevant here, that "[T]here shall be no . . . (A) Expanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments." Rule 3(a)(3)(A) (emphasis added). Therefore, the Rule expressly permits EMC of advisements and arraignments.

People v. Wieghard, 727 P.2d 383 (Colo. App. 1986), cert. denied, states: "the trial court held that the presumption was in favor of open coverage and that a party opposing such coverage would have the burden of proving adverse effects therefrom. . . . We find no abuse of discretion by the trial court here. . . . The mere presence of a camera in the courtroom does not in itself deny a defendant due process." *Id.* at 386 (citing *Chandler v. Florida*, 449 U.S. 560 (1981)). And see Anderson, *Time To Open The Electronic Eye*, ABA Jrnl. at 8 (June 1999); Verner and

EC


Zansberg, "Expanded Media Coverage in Colorado Courts", 40 *The Colorado Lawyer* 39 (Sept. 2011).

No reported case in Colorado has ever ruled that EMC of a criminal advisement or arraignment was improper or prejudicial. Indeed, such EMC coverage of an advisement and arraignment was allowed in the even more notorious prosecution against James Holmes, the Aurora theater shooting involving multiple deaths and injuries.

This EMC request is for coverage by one television camera with a distribution point located outside of the courtroom. The pool representative for the electronic media pool will comply with all the conditions of Rule 3(a)(5). As required by Rule 3(a)(6)(A), a copy of this request is being provided to each party in this case.

Dated: December 7, 2015

Respectfully submitted,

By: 
Richard P. Holme, #2965
Michael Kotlarczyk, #43250

For: The Colorado Broadcasters Association
and its member stations

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2015, the foregoing **REQUEST FOR EXPANDED MEDIA COVERAGE FOR ADVISEMENT/ARRAIGNMENT** was served via email addressed to the following:

Daniel H. May
4th Judicial Circuit District Attorney
Donna J. Billek
Deputy District Attorney
105 E. Vermillo, 5th Floor
Phone: (719) 520-6000
Fax: (719) 520-6185
Email: danielmay@elpasoco.com
donnabilleck@elpasoco.com
Counsel for Plaintiff

Douglas K. Wilson
Colorado State Public Defender
Rosalie A. Roy
Deputy State Public Defender
19 North Tejon, Suite 105
Colorado Springs, CO 80903
Telephone: 719-475-1235
Fax: 719-475-1476
Email: springs.pubdef@coloradodefenders.us
Counsel for Defendant