

DISTRICT COURT, TELLER COUNTY, COLORADO 101 West Bennett Ave., PO Box 997 Cripple Creek, CO 80813	DATE FILED: December 27, 2018 3:34 PM CASE NUMBER: 2018CR330
THE PEOPLE OF THE STATE OF COLORADO, v. PATRICK FRAZEE, Defendant.	
	▲ COURT USE ONLY ▲
Case No. 2018CR330 Division: 11	

ORDER RE: REQUEST FOR EXPANDED MEDIA COVERAGE

THIS MATTER comes before the Court for consideration of the first two petitioners, 9News and KRDO's request for expanded media coverage of the first appearance hearing. The Court rules as follows:

Standards for Authorizing Coverage

Chapter 38, Rule 3 of the Colorado Supreme Court Rules provides the standard of authorizing expanded media coverage. In determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

1. Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial.
2. Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum, and dignity of the Court; and
3. Whether expanded media coverage would create adverse effects that would be greater than those caused by traditional media coverage.

Discussion/ Analysis

The petitioners seek expanded media coverage in this case for the first appearance/advisement hearing scheduled December 31, 2018. **The courthouse was built in 1904 and cannot accommodate multiple news cameras in the court hallway as both courts are in session on December 31st.** After consideration of the above listed three factors, this Court believes that expanded media coverage should be permitted. However, this Court will require strict adherence to the parameters outlined in Chapter 38, Rule 3 of the Colorado Supreme Court Rules. As a reminder to the petitioners, the Court highlights the following limitations of expanded media coverage:

(1) Limitations on Expanded Media Coverage. Notwithstanding this authorization to conduct expanded media coverage, there shall be no:

- (A) Expanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments.
- (B) Expanded media coverage of jury voir dire;
- (C) Audio recording or “zoom” closeup photography of bench conferences;
- (D) Audio recording or closeup photography of communications between counsel and client or co-counsel;
- (E) Expanded media coverage of in camera hearings;
- (F) Closeup photography of members of the jury.

Thus this Order only authorizes expanded media coverage for the December 31, 2018 first appearance hearing/advisement hearing with the full compliance of all applicable restrictions.

(2) Authority to Impose Restrictions on Expanded Media Coverage. A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, or jurors. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this Rule or additional rules imposed by the judge have been violated; or (2) substantial rights of individual participants or rights to a fair trial will be prejudiced by such coverage if it is allowed to continue.

Thus the expanded media coverage granted for the hearing is subject to revocation by this Court.

(3) This Courts Conditions for Coverage. Expanded media coverage shall be conducted only under the following conditions. The judge maintains final approval of all arrangements:

Only two camera operators will be permitted in the courthouse building on December 31, 2018. 9News and KRDO will confer as to which one may set up a single camera (audio/video/still) in a stationary position in the hallway and which one will set up a single camera (audio/video/still) in a stationary location in the courtroom that will not disrupt the proceedings.

1. The recording is not a substitution for the Court’s Official Record. Transcriptions from media recordings may not be used by any parties in any pleadings or other filings to the Court.
2. Operating Signals. No visible or audible light or signal (tally light) shall be used on any equipment.

Pooling Arrangements. The media shall be solely responsible for designating one media representative from each camera position to conduct each of the categories of expanded media coverage listed above, and for arranging an open and impartial distribution scheme with a distribution point located outside of the Courthouse. If no agreement can be reached on either of these matters, there shall be no expanded media coverage of that type. Neither judges nor other Court personnel shall be called upon to resolve any disputes concerning pooling arrangements.

Conduct of Media Representatives.

Persons conducting expanded media coverage shall handle themselves in a manner consistent with the decorum and dignity of the Courtroom. The following practices shall apply:

1. Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction;
2. Identifying marks, call letters, logos, symbols, and legends shall be concealed on all equipment. Persons operating such equipment shall not wear clothing bearing any such identifying information; and
3. No equipment used to provide expanded media coverage shall be placed in, or removed from, the Courtroom while Court is in session.
4. Members of the media may utilize personal digital assistants (PDAs), laptops, tablets, and notebooks in the courtroom with wireless capabilities so long as it creates no disruption during the course of the trial. Audio streaming, photographs, digital recording and voice phone service from the courtroom are strictly banned.

ACCORDINGLY, This Court hereby GRANTS the petitioner(s) request for expanded media coverage for the first appearance/advisement hearing subject to the terms and conditions of Chapter 38, Rule 3 of the Colorado Supreme Court Rules and this Order.

Done this 27th day of December, 2018.

BY THE COURT:

Linda Billings Vela

Linda Billings Vela
District Court Judge