

DISTRICT COURT, TELLER COUNTY, COLORADO Court address: P.O. Box 997 Cripple Creek, CO 80813 Phone Number: (719) 689-2574	
PEOPLE OF THE STATE OF COLORADO, Plaintiff Vs KRYSTAL JEAN LEE KENNEY	DATE FILED: February 6, 2019 CASE NUMBER: 2019CR17 Court Use Only Case Number: 19CR17 Division 11
ORDER RE: REQUEST FOR EXPANDED MEDIA COVERAGE	

THIS MATTER comes before the Court for consideration of the first petitioners, KMGH DENVER 7 NEWS request for expanded media coverage of the First Appearance/Advisement 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 February 8, 2019 at 8:30 a.m. The courthouse was built in 1904 and cannot accommodate multiple news cameras in the Court hallway. Defendant has filed an objection. The People do not take a position. The Court finds that there is not a reasonable likelihood that expanded media coverage will interfere with the rights of the parties to a fair trial. In this Order, the Court allows expanded media coverage only of the First Appearance/Advisement. The First Appearance/Advisement will likely precede the trial by a substantial amount of time. Any publicity will have dissipated by the time the trial starts.

The Court finds that there is not a reasonable likelihood that expanded media coverage will unduly detract from the solemnity, decorum and dignity of the Court. The Court finds that expanded media coverage will not create adverse effects which would be greater than those caused by traditional media coverage. 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" close-up photography of bench conferences.

- (D) Audio recording or close-up photography of communications between counsel and client or co-counsel.
- (E) Expanded media coverage of in-camera hearings.
- (F) Close-up photography of members of the jury.

Thus this Order only authorizes expanded media coverage for the February 8, 2019 at 8:30 a.m., 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 Court's 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 February 8, 2019. 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. Recording. The recording is not a substitution for the Court's official record. Transcriptions from media recordings may not be used by any party in any pleading or other filings with the Court.
2. Operating Signals. No visible or audible light or signal (tally light) shall be used on any equipment.
3. 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.
4. 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:
 - A. Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction.
 - B. 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.
 - C. No equipment used to provide expanded media coverage shall be placed in, or removed from, the courtroom while Court is in session.

- D. 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 February 8, 2019 hearing subject to the terms and conditions of Chapter 38, Rule 3 of the Colorado Supreme Court Rules and this Order.

SO ORDERED this 6th day of February, 2019.

BY THE COURT:



Scott A. Sells
District Court Judge