

DISTRICT COURT LA PLATA COUNTY, COLORADO 1060 EAST SECOND AVENUE DURANGO, COLORADO 81301	DATE FILED: June 28, 2018 10:43 AM
PEOPLE OF THE STATE OF COLORADO PLAINTIFF  VS.  MARK REDWINE DEFENDANT	σ COURT USE ONLY σ
Douglas K. Wilson, Colorado State Public Defender Justin Bogan #33827 Deputy Public Defender 175 Mercado Street Suite 250 Durango, Colorado 81301	<b>Case No. 17CR343</b>  <b>Division: 1</b>
<b>OBJECTION TO REQUEST FOR EXPANDED MEDIA COVERAGE AT          ARRAIGNMENT</b>	

Mark Redwine, by and through counsel, objects the “Request for Expanded Media Coverage,” filed by KDVR and KWGN on June 26, 2018. In support Mr. Redwine states the following:

1. On June 26, 2018 Michael Morrison of KDVR and KWGN made a request for expanded media coverage in this case for the arraignment, which is currently set for June 29, 2018.
2. Mr. Redwine objects to the request for expanded media coverage for the following reasons:
  - a. There is a reasonable likelihood that expanded media coverage will interfere with his right to a fair trial;
  - b. The request will detract from the solemnity, decorum, and dignity of the Court;
  - c. Expanded media coverage will create adverse effects that are greater than those caused by traditional media coverage.
3. As a permissive rule, the Rule of Court Procedure, Chapter 38, Rule 3, upon which KDVR and KWGN rely in their request to the Court requesting expanded media coverage, does not require the Court to allow coverage, “A. Judge *may* authorize

expanded media coverage of court proceedings...” C.R.C.P., Chapter 38, Pub. Acc. Rec. & Info. Rule 3, (a). When weighing the equities of permitting television stations to bring video and audio equipment into the courtroom to record and broadcast the proceedings against Mr. Redwine’s right to fair trial before his peers who do not have preconceived notions of his guilt - the choice is clear to permit only traditional media coverage in the courtroom. Trained reporters are capable of observing, documenting and reporting the proceedings without cameras and recording equipment. They will also have access to the transcript of the proceedings.

4. This case has already received massive and pervasive media attention due to the nature of the allegations, the parties involved, certain media outlets’ enthusiasm to cover this matter, and also due the fact that the District Attorney’s Office conducted a televised press conference shortly after Mr. Redwine was indicted.
5. Mr. Redwine believes there is a strong likelihood that expanded media coverage – and the concomitant frenzy that accompanies it - will affect potential jurors in the community and cause them to form strong opinions about his guilt. Expanded media coverage may prevent the selection of a fair and impartial jury and necessitate a change in venue so as to protect Mr. Redwine’s right to a fair and impartial jury. U.S. Const. Amends. VI, Colo. Const. Art. II, § 16.
6. The Court should deny KDVR and KWGN’s request because the request would detract from the solemnity, decorum, and dignity of the court. See *Id.* The request for expanded media coverage includes a request for video and audio coverage, such recording usually requires the introduction of recording, lighting, and potentially additionally equipment into the courtroom. This equipment is not usually present in the courtroom and can be not only distracting but also affects the solemnity, decorum, and dignity of the proceedings.
7. The Court should deny the request because expanded media coverage in this case would create adverse effects that are greater than those caused by traditional media coverage. Further, denying the media outlet’s motions will not prejudice their ability to cover this case. KDVR’s and KWGN’s assertion that “the public has a right to know what occurs in the courtroom” is conclusory. Traditional coverage, without the distractions of cameras and lights in the courtroom, will serve the media and the public’s purpose without jeopardizing Mr. Redwine’s constitutional rights to effective assistance of counsel, due process of law, a fair trial, and an impartial jury. U.S. Const. amends. V, VI, VIII, XIV; Colo. Const. art. II, secs. 16, 18, 20, 23, 25.
8. In the alternative if the Court grants this request for expanded media coverage, Mr. Redwine requests that he be allowed to appear dressed out in civilian clothing instead in being dressed in jail inmate clothing.

Wherefore, Mr. Redwine moves this Court to deny the “Request for Expanded Media Coverage” or, in the alternative, grant Mr. Johnson’s request to be dressed out in civilian clothes for the arraignment.

/s/ Justin Bogan  
Justin Bogan #33827  
Deputy State Public Defender  
Dated: June 28, 2018

**Certificate of Service**

I hereby certify that on June 28, 2018, I served the foregoing document by ICCES to opposing counsel.

/s/ Justin Bogan