

District Court, Chaffee County, Colorado 142 Crestone Avenue Salida, Colorado 81201	
<hr/> People of the State of Colorado  v.  Barry Lee Morphew, Defendant <hr/> Prepared by the Court:  Hon. Patrick W. Murphy Chief Judge, 11 <sup>th</sup> Judicial District Chaffee County, Colorado	
<hr/> <b>ORDER RE: REQUEST FOR EXPANDED MEDIA COVERAGE</b>	

Case No. 21CR78

This matter comes before the Court for consideration of numerous requests for expanded media coverage of the advisement scheduled for May 6, 2021. Having reviewed the requests, having heard from the parties and after considering applicable authority, the Court finds, concludes and orders as follows:

**Standard for Authorizing Expanded Media Coverage**

Chapter 38, Rule 3 of the Colorado Court Rules provides the standard for authorizing expanded media coverage. In determining whether expanded media coverage should be permitted, a judge shall consider the following factors: (A) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial; (B) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court; and (C) Whether expanded media

coverage would create adverse effects which would be greater than those caused by traditional media coverage.

### **Discussion/Analysis**

Having considered the above listed three factors, the Court finds that expanded media coverage should be permitted, with reasonable restrictions, consistent with Chapter 38, Rule 3 of the Colorado Court Rules.

Specifically, the Court concludes that expanded media coverage will not interfere with the rights of the parties to a fair trial. The disappearance of Suzanne Morpew, the subsequent investigation and the recent arrest of the Defendant have already garnered significant media attention--in Chaffee County, in Colorado and nationwide. Allowing the Defendant's advisement to be filmed will not, in Court's view, significantly increase the media's or the public's awareness of, or attention to this case.

The Court concludes that expanded media coverage will not unduly detract from the solemnity, decorum or dignity of the court. See restrictions on expanded media coverage below.

The Court concludes that expanded media coverage will not create adverse effects which would be greater than those caused by traditional media coverage. Again, there will be significant limitations set on the single camera that will be allowed in the courtroom.

Finally, the Court is mindful that the inception of this case coincides with the ongoing COVID-19 pandemic. Due to local public health orders, social distancing of at least six feet for those who do not live together must be enforced in the courtroom. This severely limits the number of people who can enter and remain in the courtroom (the gallery is limited to 8 individuals if not from the same household). The Court will give priority to seating members of

the Morphey family and members of the defense/prosecution teams. It is quite possible that only a very few members of the general public will be allowed in the courtroom to observe the proceedings in person (although the proceedings will be broadcast via WebEx). Because public, in-person attendance of the advisement will be severely limited, the Court further concludes that expanded media coverage of the proceedings is appropriate.

The Court has been made aware that the Morphey children are likely to attend and make a statement at the hearing. The Court does not want images of the Morphey children, one of whom is a minor, to be recorded or broadcast nor does the Court believe there is a viable, recognizable reason to allow recording of their images.

#### **Expanded Media Coverage Restrictions**

Expanded media coverage shall be conducted only under the following conditions. The Court maintains final approval of all arrangements:

1. Video. The Court has accepted the expanded media request of KUSA—simply because the Court received that request before all others. KUSA shall be given access to the courtroom, prior to the hearing to set up their equipment with the direction of the Court and input from the parties if they so desire. KUSA shall be responsible for pooling pursuant to the arrangements outlined below. There shall be only one camera in the courtroom. Only one person shall be permitted to operate the camera. The camera operator may use a tripod but shall not change location while Court is in session.

**If the Morphey children attend the hearing and speak at the hearing, the camera must be turned off, capped or moved in a manner that will not allow images of the Morphey children to be recorded.**

2. Audio. No audio recording of any kind shall be permitted at any time in the courtroom.

3. Still Cameras. No still cameras will be allowed in the Courtroom.

4. Lighting. No movie lights, flash attachments, or sudden lighting changes shall be permitted.

No modification or addition of lighting equipment shall be allowed.

5. Operating Signals. No visible or audible light or signal (tally light) shall be used on any equipment.

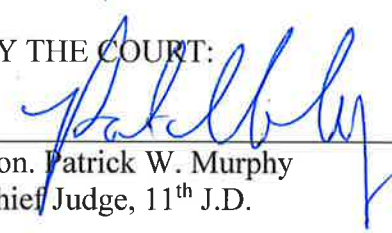
6. Zoom Photography. There shall be no zoom or close-up photography or videography of any bench conferences or conferences between Defendant and his counsel

7. Pooling Arrangements. KUSA shall be solely responsible 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. Neither judges nor other court personnel shall be called upon to resolve any disputes concerning pooling arrangements.

8. Conduct of KUSA representative. Equipment employed to provide expanded media coverage shall be positioned and operated so as to minimize any distraction. 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. No equipment used to provide expanded media coverage shall be placed in, or removed from, the courtroom while Court is in session. No film, videotape, or lens shall be changed within the courtroom while Court is in session. 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 proceeding

Done in Chambers and dated this 6 day of May, 2021.

BY THE COURT:

  
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Hon. Patrick W. Murphy  
Chief Judge, 11<sup>th</sup> J.D.

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