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| DISTRICT COURT, COUNTY OF OTERO, COLORADO 13 W. 3 rd Ave La Junta, CO 81050 Telephone: (719) 384-4981 | FILED IN COMBINED COURT OTERO COUNTY, COLO. NOV 19 2014 ▲ COURT USE ONLY ▲ |
| Plaintiff: PEOPLE OF THE STATE OF COLORADO v. Defendant: JAMES ASHBY | |
| Petitioner: KRDO NewsChannel 13 399 S. 8 th St. Colorado Springs, CO 80905 Telephone: (719) 491-7158 krdoNews@krdo.com | Case No. 2014CR217 Div. B |
| REQUEST FOR EXPANDED MEDIA COVERAGE | |

KRDO NewsChannel 13, (hereinafter "Petitioner"); pursuant to C.R.C.P. Rule 2, Chapter 38 relating to judicial supervision of expanded media coverage of court proceedings,¹ request that expanded media coverage ("EMC") be permitted for the return filing of charges set to commence on November 19, 2014 at 1:30 P.M. and any continuation thereof.

The EMC request is for coverage by one manned television camera located inside the courtroom. Petitioner will comply with all of the conditions of Rule 2(a)(5) by taking the required measures and precautions in the courtroom.

I. Legal Standards.

Rule 2(a)(2) provides that, in determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

¹ Except as renumbered, the text of Rule 2 is identical to the former Canon 3A(8) of the Colorado Code of Judicial Conduct, which was reenacted by the Supreme Court by Rule Change 2010(09).

(A) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair hearing;

(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 that would be greater than those caused by traditional media coverage.

Here, there is no reasonable likelihood that EMC would interfere with the rights of the parties to a fair hearing. The television camera will be set up in advance of courtroom proceedings and the media representative will comply with all conditions of Rule 2. The presence of one television cameras in a fixed location in the courtroom will not unduly detract from the solemnity, decorum or dignity of the proceedings, nor will it create adverse effects that would be greater than those caused by traditional media coverage.

The Colorado Supreme Court has made it clear that it encourages expanded media coverage because of the importance of open courts and the educational benefits of allowing the public to see judicial proceedings. For example, former Chief Justice Mullarkey stated that she was "convinced that the benefits of opening up the courts outweighed the disadvantages." "ABC to Eavesdrop on Colorado Trials," *The Denver Post*, Dec. 12, 2002, p. A1. Former Justice Kourlis agreed. *Id.*

Cameras in the courtroom will benefit the parties and the public. As Chief Justice Burger noted, "public inclusion affords citizens a form of legal education and hopefully promotes confidence in the fair administration of justice." *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572-73 (1980). Judges surveyed in the Federal Judicial Center study reported that educating the public about the workings of the courts was the greatest benefit of coverage, and that this benefit "could be more fully realized with electronic media rather than traditional media." See *Johnson & Krafska*, Federal Judicial Center, *supra*, at 24. This educational benefit inures even when, or perhaps especially when, the system's defects are exposed: as former Fordham University School of Law Dean John Feerick noted in his 1997 study, "[a]lthough televised coverage could, at times, show the judicial system in an unfavorable light, we do not view that as a detriment. Rather, to the extent that such coverage offers an opportunity for improving the judicial system we view it as a strength of our democratic system." See John D. Feerick, "An Open Courtroom: Cameras in the New York Courts 1995-1997" at 78 (1997); see also Report of the Committee on Audio-Visual Coverage of Court Proceedings 90-91 (1994) (concluding that televised proceedings increased public respect for the judicial system and "engendered a deeper understanding of legal principles and processes," "enabl[ing] the public, to greater effect than previously possible, to monitor whether justice is handed out fairly and impartially").

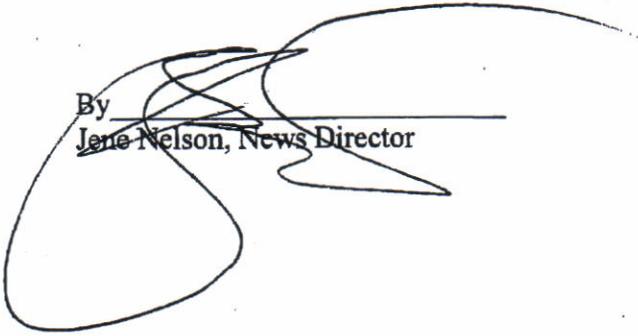
II. Conclusion

For the foregoing reasons, KRDO NewsChannel 13 respectfully request that EMC be granted for the hearing in this case. As required by Rule 2(a)(6)(A), a copy of this request is being provided to each party in this case.

Dated: November 19, 2014

KRDO NewsChannel 13

By
Jene Nelson, News Director



CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2014, a true and correct copy of the foregoing **REQUEST FOR EXPANDED MEDIA COVERAGE** was served by email to the following:

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