

REDACTED

District Court Arapahoe County, Colorado 7325 South Potomac Street, Centennial, Colorado 80112	Filed SEP 27 2012 CLERK OF DISTRICT COURT ARAPAHOE COUNTY, COLORADO ▲ COURT USE ONLY ▲
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. JAMES HOLMES, Defendant	
CAROL R. CHAMBERS, District Attorney District Attorney For The 18 th Judicial District 6450 S. Revere Parkway Centennial, CO 80111 (720) 874-8649 Atty. Reg. # 14948	Case Number: 12CR1552 Division 22
PEOPLE'S MOTION TO REDACT THE VICTIMS' NAMES FROM THE ORIGINAL COMPLAINT AND INFORMATION IN THE PUBLIC COURT FILE AND ON THE COURT'S WEBSITE [P-24]	

COMES NOW Carol Chambers, District Attorney for the Eighteenth Judicial District, and files this motion regarding the public release of the names of the Victims in the Complaint and Information pursuant to the Colorado Victims' Rights Act, Colo. Rev. Stat. § 24-4.1-301, et. seq., and COLO. CONST., ART. II §16(a).

1. The People filed an original Complaint and Information in this case that listed the names of the Victims in this case. Orally, on the record, the People previously consented to the release of the Victims names when the initial Complaint and Information was filed because, at that time, the entire Court file was suppressed by the Court.
2. Subsequently, parts of the Court file were unsuppressed by the Court and thus the names of the Victims that were listed in the original Complaint and Information also became available to the public.
3. Since that time, documents purporting to be motions to intervene filed by a victim and a potential witness have been sent to the court. The People believe that these motions were filed fraudulently by an individual or individuals unrelated to any victim or witness, or to this case in any way. Thus, someone has taken victim information and acted upon it for an improper purpose.
4. The People are thus concerned for the privacy and the safety of the Victims and witnesses in this case. The Victims and witnesses who have been, or will be in the future, impersonated could potentially be compromised by the continued release of their names to the public.

5. In this case the Defendant is charged with multiple counts of Murder in the First Degree pursuant to Colo. Rev. Stat. §18-3-102(1)(a) and (d); and multiple counts of Attempted Murder in the First Degree pursuant to Colo. Rev. Stat. §§ 18-3-102(1)(a) and (d); 18-2-101.
6. Due to the charges, in this case, the Victims in this case are Victims of crimes enumerated in Colorado's Victims' Rights Act (VRA): "Victim means any natural person against whom any crime has been perpetrated or attempted...or other lawful representative or, if such person is deceased or incapacitated, the person's spouse, parent, child, sibling, grandparent, grandchild, significant other, or other lawful representative." See COLO. REV. STAT. §§ 24-4.1-302(1)(a),(1)(dd),(5) (2012)." As a result, the Victims are afforded all of the rights in Colorado's VRA, the implementing legislation for Colorado Constitutional Amendment for victims of crime:

Any person who is a victim of a criminal act, or such person's designee...shall have the right to be heard when relevant, informed, and present at all critical stages of the criminal justice process. COLO. CONST., ART. II §16(a).
7. "It is the intent [of the VRA] to assure that all victims and witnesses to crimes are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded criminal defendants." Colo. Rev. Stat. § 24-4.1-301.
8. In addition, the VRA also affords victims and witnesses of crime "the right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the entirety of the criminal justice process." Colo. Rev. Stat. § 24-4.1-302.5(1)(a). Given the events that have followed since this case was originally filed, the District Attorney now believes that the continued release of the Victims' names potentially compromises the rights of Victims to be free from harassment or abuse throughout the criminal justice process. Many of the Victims and witnesses have expressed concerns for their personal safety and have requested that the People request that their names be redacted from any records and Court filings released to the public in the public Court file or on the Court's website.
9. The VRA requires that "all reasonable attempts shall be made to protect any victim or the victim's immediate family from harm, harassment, intimidation, or retaliation arising from cooperating in the reporting, investigation, and prosecution of a crime." See Colo. Rev. Stat. § 24-4.1-303(5). In order to accomplish this, the People request that the Court replace the Original Complaint and Information that has been provided to the public with a redacted version that redacts their names from public view. The People have already provided this redacted version of the Original Complaint and Information to the Court.

10. The District Attorney's Office has standing to enforce the VRA on behalf of crime Victims and Witnesses and is required by the VRA to ensure that Victims are afforded the rights provided to them by Colorado law. *See*, Colo. Rev. Stat. § 24-4.1-303 (procedures for ensuring the rights of victims of crimes); Colo. Rev. Stat. § 20-1-102(1), (2009); (stating that the District Attorney has the general authority to appear and participate in proceedings to which the People of the State are party). *See also*, *People v. Spykstra*, 234 P.3d 662, 666-667 (holding that "as the prosecuting party, the District Attorney has an interest in the case's management, particularly in the prevention of witness harassment...").

ACCORDINGLY, for the reasons stated above, the People respectfully request that the Court provide the public with access to the redacted version of the original Complaint and Information and remove any Victim and witness identifying information from the public Court file and any of the Court's orders before they are released to the public.

RESPECTFULLY SUBMITTED this 27th day of September, 2012

Carol Chambers, District Attorney

By: 
Deputy District Attorney
Atty. Reg: 358912

CERTIFICATE OF MAILING

I hereby certify that I have deposited a true and correct copy of the foregoing in the Public Defender's Mailbox located at 6450 S Revere Pkwy Centennial CO 80111, addressed to:

TAMARA BRADY, ESQ.
DANIEL KING, ESQ.
OFFICE OF THE PUBLIC DEFENDER

Dated: 9/27/12

By: 