

REDACTED

DISTRICT COURT ARAPAHOE COUNTY, COLORADO Court Address: Arapahoe County Justice Center 7325 S. Potomac St., Centennial, CO 80112	Filed FEB - 5 2013 CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO COURT USE ONLY
THE PEOPLE OF THE STATE OF COLORADO vs. Defendant: JAMES EAGAN HOLMES	
Attorney: GEORGE H. BRAUCHLER, 18 th Judicial District Attorney 6450 S. Revere Pkwy Suite 100, Centennial, CO 80111 Phone: (720) 874-8500 Atty. Reg. #: 25910	Case Number: 12CR1522 Division/Ctrm: 22
PEOPLE'S RESPONSE TO D-2A, CITY OF AURORA'S MOTION FOR RECONSIDERATION OF THE PRE-TRIAL PUBLICITY ORDERS, AND RESPONSE TO THE MEDIA PETITIONERS' MOTION TO UNSEAL AFFIDAVITS OF PROBABLE CAUSE IN SUPPORT OF ARREST AND SEARCH WARRANTS AND REQUESTS FOR ORDERS FOR PRODUCTION OF DOCUMENTS	

This response is submitted by the District Attorney for the 18th Judicial District.

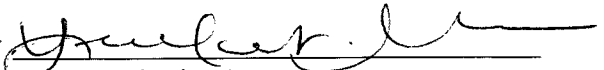
1. The City of Aurora filed a motion with the Court seeking to reconsider the Court's pre-trial publicity orders in this case. Various media petitioners have also filed a motion to unseal the affidavits of probable cause in support of arrest and search warrants and requests for orders for production of documents.
2. The People have previously stated their position(s) to the Court regarding these topics and hereby incorporate all of their prior motions and oral arguments regarding these topics and also reassert all of the authorities cited in those motions and argued in Court. However, if the Court is inclined to lift the pre-trial publicity order in this case and/or if the Court inclined to unseal various previously sealed documents in this case, the People request that the Court redact the name of any Victim(s) contained therein. Upon request by the Court, the People will promptly provide the Court with redacted copies those documents.
3. Due to the charges in this case, the Victims in this case are Victims of crimes enumerated in Colorado's Victims' Rights Act (VRA). *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).

4. "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. 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).
5. Since the time this case was filed, unforeseen events continue to adversely affect the daily lives of the Victims and witnesses in this case. These events include the filing motions by persons who have allegedly impersonated Victims and witnesses in this case, and include relentless contacts by proponents of purported "conspiracies" who have contacted the Victims in this case, some of whom have even gone so far as to recruit other members of the public to contact the Victims and to publically post maps with the home addresses and phone numbers of the Victims on various social-media sites. The District Attorney continues to believe that the continued release of the Victims' names potentially compromises the rights of these Victims to be free from harassment or abuse throughout the criminal justice process. The District Attorney's Office has contacted the Victim(s) whose names could potentially be released and those Victim(s) have expressed concerns for their privacy, and 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.
6. The District Attorney's Office is mindful of the difficult balance the Court must strike between keeping the public informed of this case and protecting the rights of the parties and witnesses to this case. The People have a keen interest in the administration of justice in this case. This process requires the cooperation of certain key Victims and witnesses in this case. The Victim(s)' mentioned in some of the documents the media seeks to unseal are key witnesses to the prosecution in this case. The District Attorney's Office is concerned that the release of these Victim(s)' name in the public Court file will adversely affect the administration of justice in this case.
7. It is not futile for the Court to redact these Victim(s)' name from the public Court file at this time because the redaction of this Witness's name from the public Court file will both prevent future unnecessary harm to these Victim(s) and signal to the public, and to the Victim(s), that this Court is concerned with the careful administration of justice in this case and with these particular Victim(s)' abilities to continue to cooperate with the criminal justice system in this case. For these reasons, and the reasons articulated in any prior responses, the People request that the names of any Victim(s) be redacted before public release of any previously sealed documents.

George Brauchler, District Attorney

By 
Deputy District Attorney
Registration No. 35892

Case: 12CR1522
JAMES HOLMES

CERTIFICATE OF MAILING


I hereby certify that I have deposited a true and correct copy of the foregoing **PEOPLE'S RESPONSE TO D-2A, CITY OF AURORA'S MOTION FOR RECONSIDERATION OF THE PRE-TRIAL PUBLICITY ORDERS, AND RESPONSE TO THE MEDIA PETITIONERS' MOTION TO UNSEAL AFFIDAVITS OF PROBABLE CAUSE IN SUPPORT OF ARREST AND SEARCH WARRANTS AND REQUESTS FOR ORDERS FOR PRODUCTION OF DOCUMENTS** in the Public Defender's Mailbox located at 6450 S Revere Pkwy Centennial CO 80111, addressed to:

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Dated: 2/5/2013

By 
Certifying Secretary

DISTRICT COURT
ARAPAHOE COUNTY, COLORADO
Court Address: Arapahoe County Justice Center
7325 S. Potomac St., Centennial, CO 80112

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Defendant:
JAMES EAGAN HOLMES

COURT USE ONLY

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PEOPLE'S RESPONSE TO D-2A, CITY OF AURORA'S MOTION FOR RECONSIDERATION OF THE PRE-TRIAL PUBLICITY ORDERS, AND RESPONSE TO THE MEDIA PETITIONERS' MOTION TO UNSEAL AFFIDAVITS OF PROBABLE CAUSE IN SUPPORT OF ARREST AND SEARCH WARRANTS AND REQUESTS FOR ORDERS FOR PRODUCTION OF DOCUMENTS

The Court, being fully advised, hereby Orders the following:

BY THE COURT ON THIS _____ DAY OF _____, 2013.

WILLIAM BLAIR SYLVESTER
CHIEF DISTRICT COURT JUDGE