

| | |
|---|---|
| DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112 | ▲ COURT USE ONLY ▲ |
| PEOPLE OF THE STATE OF COLORADO v. JAMES EAGAN HOLMES, Defendant | Case No. 12CR1522 Division: 26 |
| ORDER REGARDING DEFENDANT’S MOTION TO PROHIBIT JURORS FROM POSSESSING PHONES, LAPTOPS, OR OTHER ELECTRONIC DEVICES DURING TRIAL (D-65) | |

The defendant asks the Court to prohibit jurors from possessing phones, laptops, or other electronic devices during trial. For the reasons set forth in this Order, the motion is granted in part and denied in part.¹

The defendant’s motion is unnecessarily broad. It seeks an Order prohibiting jurors from “possessing any electronic devices” during the trial. Motion at p. 1. Inasmuch as the trial is scheduled for four months and, as the defendant acknowledges, may actually take longer, it is unreasonable and unfair to prevent jurors from possessing any electronic devices during the pendency of the

¹ The defendant requested a hearing on this motion. The Court resolves the motion without a hearing for the following reasons: (1) a hearing is unnecessary; (2) the Court has substantial discretion in jury selection matters; and (3) the defendant was the only party heard on this motion, as the deadline for the People’s response will not expire until next week.

trial. Nor has the defendant shown that such a drastic measure is necessary or justified.

The Court trusts that it will be able to select jurors who will abide by all of its admonitions throughout the trial. In the event a juror inadvertently receives information about the case from an outside source which requires his excusal, the Court will have plenty of alternate jurors available to replace him.

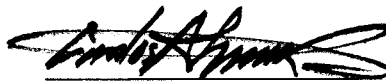
To be sure, the level of media coverage surrounding this case is likely to require more frequent and more detailed admonitions from the Court, as well as the exercise of extreme caution from jurors. But the defendant has not asserted, much less demonstrated, that the extraordinary remedy sought is necessary because the measures the Court intends to use will be inadequate or less effective. Therefore, his motion fails.

The Court will not allow the jurors to use electronic devices in the courtroom, and the Court will admonish them accordingly. But, subject to the Court's admonitions, they may use them outside the courtroom.

The alternative request to prevent the jurors from possessing any electronic devices during deliberations is granted. Consistent with the Court's standard practice, its bailiffs will collect all electronic devices from the jury every day they deliberate.

Dated this 27th day of June of 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Carlos A. Samour, Jr.", written in a cursive style.

Carlos A. Samour, Jr.
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2013, a true and correct copy of **Order regarding defendant's motion to prohibit jurors from possessing phones, laptops, or other electronic devices during trial (D-65)** was served upon the following parties of record:

Karen Pearson
Amy Jorgenson
Rich Orman
Dan Zook
Jacob Edson
Lisa Teesch-Maguire
George Brauchler
Arapahoe County District Attorney's Office
6450 S. Revere Parkway
Centennial, CO 80111-6492
(via e-mail)

Sherilyn Koslosky
Rhonda Crandall
Daniel King
Tamara Brady
Kristen Nelson
Colorado State Public Defender's Office
1290 S. Broadway, Suite 900
Denver, CO 80203
(via e-mail)

