

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
<p style="text-align: center;">ORDER REGARDING DEFENDANT’S MOTION TO SEQUESTER THE JURY (D-68)</p>	

The defendant moves to sequester the jury. For the reasons set forth in this Order, the motion is denied without prejudice.¹

Rule 24(f) of the Colorado Rules of Criminal Procedure provides, in pertinent part, that “[t]he court should only sequester jurors in extraordinary cases.” Otherwise, jurors should be allowed “to separate during all trial recesses”

The Court recognizes that this is a high profile case about which there has been extensive media coverage. But jury sequestration in a case scheduled to take

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) whether to order the jury sequestered is in the Court’s discretion; (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; and (4) the Court denies the motion without prejudice.

four months and in which the Court may sit as many as 12 alternate jurors is an unnecessarily drastic, expensive, and impractical remedy that will significantly impact the pool of prospective jurors and will create an extreme and undue hardship for jurors. Moreover, there is no basis to believe that sequestering the jury will eliminate, or even substantially reduce, the concerns expressed by the defendant. After all, even if sequestered, the Court cannot keep the jurors in a bubble, completely sealed off from the outside world. It would not be realistic, or fair, to order sequestered jurors to have absolutely no access to smart phones and similar electronic devices, email, the internet, the television, the radio, and newspapers for four months. It would be equally unrealistic and unfair to ask sequestered jurors to have no contact with any family members or friends during the pendency of the trial.

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 sequestration is necessary because the measures the Court intends to use will be inadequate or less effective. Therefore, his motion fails.

Based on the record before it, the Court concludes that the defendant has not shown that sequestering the jury, an extremely rare procedure available only in extraordinary cases in Colorado today, is warranted in this case. Without a more compelling showing, the Court is not willing to grant the drastic relief requested. Accordingly, the Court denies the defendant's motion for jury sequestration without prejudice. The defendant may advance the request again in the future if he believes grounds exist to renew it.

Dated this 27th day of June of 2013.

BY THE COURT:



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 sequester the jury (D-68)** was served upon the following parties of record:

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