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**DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO**

Court Address: 7325 S. Potomac St.  
Centennial, CO 80112

**Plaintiff:** PEOPLE OF THE STATE OF COLORADO

vs.

**Defendant:** JAMES E. HOLMES

and,

**Non-Party Movants: The Aurora Theater Shooting Trial Press Pool** (comprised of ABC News; CBS News; CNN; *The Denver Post*; KCEC-TV, Channel 50; KCNC-TV, Channel 4; KDEN-TV, Channel 25; KDVR-TV, Channel 31; KMGH-TV, Channel 7; KUSA-TV, Channel 9; KWGN-TV, Channel 2; and NBC News)

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Case No. 12-CR-1522

Division: 22

**MOTION BY MEDIA PETITIONERS  
TO AMEND EMC AND STANDING DECORUM ORDERS**

Movants, "The Aurora Theater Shooting Trial Press Pool", comprised of ABC News; CBS News; CNN; *The Denver Post*; KCEC-TV, Channel 50; KCNC-TV, Channel 4; KDEN-TV, Channel 25; KDVR-TV, Channel 31; KMGH-TV, Channel 7; KUSA-TV, Channel 9; KWGN-TV, Channel 2; and NBC News (collectively, the "Press Pool"), by and through their undersigned counsel at Levine Sullivan Koch & Schulz, LLP, hereby respectfully move this Honorable Court to amend the Order Regarding Expanded Media Coverage (C-137) and the

Standing Decorum Order Dated January 14, 2015 (C-177) to allow for reasonable accommodations of the Press Pool's logistical needs in providing coverage of the trial herein.

As grounds for this Motion, the Movants show the Court:

1. In the Electronic Media's Request for Expanded Media Coverage (C 137) on September 30, 2014, the Court *sua sponte* imposed a number of restrictions on photography and newsgathering activities outside the courtroom and outside the courthouse.
2. In the Standing Decorum Order dated January 14, 2015 (C-177), in furtherance of the Court's duty of "ensuring the orderly disposition of this case and preserving the processes by which a fair trial may be conducted," the Court *sua sponte* imposed additional restrictions on press activities in the environs of the courthouse.
3. Since the entry of the two Orders referenced above, members of the press have, in the subsequent weeks and months, have worked diligently and collaboratively with court personnel to iron out various technical and logistical issues in anticipation of the trial. The Press Pool has made a substantial investment of financial and resources, as well as machinery, equipment, and hardware, in order to provide the public with accurate, timely, and informative reporting on the upcoming trial. Because the trial will undoubtedly be one of the most significant judicial proceedings in this State's history, media who will be present from late April through the Summer will literally be coming from all over the world.
4. In recent discussions with the court staff, the Press Pool's representatives sought to clarify the Court's orders with respect to certain media activities on the ACJC campus. As a result of those discussions, the Press Pool has identified the following discrete provisions of the two aforementioned Orders that the Press Pool respectfully hereby asks the Court to reconsider and to amend:<sup>1</sup>
5. **Section I.B. of the Standing Decorum Order** bars any "structures or other facilities . . . [to] be erected and no tents, chairs, tables, or similar items shall be placed on the public grounds of the ACJC campus *except as approved and permitted by the Court*, the Arapahoe County Sheriff's Office, and the District Administrator." (emphasis added).

The Press Pool respectfully asks the Court's approval and permission (and that of the Sheriff's Office and District Administrator) for its members who will be situated in the designated media staging/parking area (Area #3 on Attachment A to Order C-137) to make use

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<sup>1</sup> While the Press Pool representatives and the court staff have been collaborating effectively and collegially to prepare for the upcoming trial, the Press Pool was directed to file this motion to formally seek the Court's permission and authorization to accommodate the requests set forth herein. However, notably, this motion contains no legal argument nor citation to legal authority. The Press Pool does not request any hearing or further briefing on this motion (unless, of course, either the Court or the parties so request).

limited us of scaffolding, small platforms, and canopies/tents within that area for purposes of recording and transmitting news reports by Press Pool news correspondents. Such equipment has previously been permitted by the Court during prior proceedings in this case, dating back to the initial proceedings in July and August of 2012.

The canopies and/or tents requested are needed to provide shelter for costly, high-technology, digital and/or electronic equipment employed by the news media, as well as their personnel, from inclement weather (including hail), and prolonged direct sunlight.

6. In the **Order Regarding Requests for Expanded Media Coverage (C-137)** at 11, the Court designated an area, marked as Area #2 on Attachment A, reserved exclusively for the press to conduct interviews. The Order states that “this will be the only area where interviews may be conducted; photographs and video may be taken in this area as well, but *only for purposes of interviews*” (emphasis added).

With respect to Area #2, the Press Pool respectfully asks that the Court:

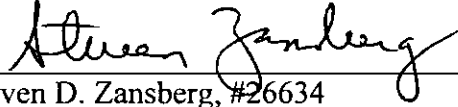
- (a) allow for the construction of a small platform or stage, that is covered (*e.g.*, a canopy or tent-like structure), which might also include a podium on which microphones may be stationed, at which individuals who wish to do so may address the Pool collectively;
- (b) as with the above request concerning Area #3, allow the press to employ umbrellas and/or establish a fixed canopy location in which they and their camera gear may take shelter from inclement weather and/or direct sunlight; and
- (c) lift the restriction requiring that the only photography or video recording that may take place in Area #2 be limited to interviews. In other words, the Press Pool respectfully asks that while Area #3 shall remain the sole venue at which interviews may be conducted, journalists situated in Area #3 will not be restricted to photographing or videotaping only interviews.

7. **Request for expansion of the media/staging area.** The area designated for media staging/parking in Attachment A to Order C-137 encompasses only two rows of parking spaces beginning on the Eastern edge of the parking lot along South Potomac Street, and continuing until approximately nine spaces from the Southern edge of the parking lot. Requests from Press Pool media outlets for parking within Area #3 have *already* greatly exceeded the number of parking spaces that have been reserved for the media in that area. Accordingly, the Press Pool hereby respectfully asks that the Court extend Area #3 to incorporate a third row of parking spaces to the West, and to extend the southern perimeter of the media-reserved parking area to the Southern boundary of the parking lot.

WHEREFORE, the Press Pool respectfully asks that the Court enter an Order amending the two previously entered Orders as set forth above.

Respectfully submitted this 3<sup>rd</sup> day of April,  
2015, by:

LEVINE SULLIVAN KOCH & SCHULZ,  
LLP



Steven D. Zansberg, #26634  
Thomas B. Kelley, #1971  
Christopher P. Beall, #28536

*Attorneys for Aurora Theater Shooting Trial  
Press Pool*

**CERTIFICATE OF MAILING**

I hereby certify that on this 3<sup>rd</sup> day of April, 2015, a true and correct copy of this **MOTION BY MEDIA PETITIONERS TO AMEND EMC AND STANDING DECORUM ORDERS** was delivered via FACSIMILE to the attorneys below and was deposited in the U.S. Mail, postage prepaid, correctly addressed to the following:

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