

REDACTED

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

THE PEOPLE OF THE STATE OF COLORADO vs.
Defendant:

JAMES EAGAN HOLMES

COURT USE ONLY

Attorney:
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Case Number:
12CR1522
Division/Ctrm:
201

**PEOPLE'S RESPONSE TO MEDIA ORGANIZATIONS' MOTION FOR ORDER
UNSUPPRESSING BLANK JUROR QUESTIONNAIRE [C-118]**

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

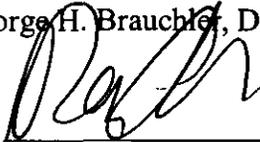
1. The court has hitherto suppressed the blank juror questionnaire, meaning that it is not accessible to the public or the news media. Various news organizations have requested that this Court remove the order of suppression, and make the blank juror questionnaire available to the public and the news media. Both the People and the Defendant have previously requested that the blank juror questionnaire remain suppressed, and when the court brought the issue up recently both parties requested that the blank jury questionnaire remain suppressed.

2. The media organizations cite to a 2009 case from the Nevada Supreme Court for the proposition that there is an insufficient interest in keeping a blank jury questionnaire from public inspection, and thus argue that this Court is legally compelled to lift the order suppressing the jury questionnaire. Motion ¶¶ 4 and 5, citing *Stephens Media, LLC v. District Court*, 221 P.3d 1240 (Nev. 2009). In *Stephens Media*, the Nevada court found that the trial court's concern that jurors might craft their answers on the questionnaire to better place themselves on the jury panel was based on unsupported conjecture and speculation, and thus formed an insufficient basis to restrict access to the blank questionnaire. While *Stephens Media* can be used as persuasive precedent, its analysis is not dispositive. *Stephens Media* concerned a high profile case, but the circumstances involved were different—it involved a different community, a different state, and a different type of crime. Additionally, the social media landscape has exploded in the six years since *Stephens Media*, making the possibility of individuals or ad-hoc groups using social media to discuss the questionnaire and to craft their responses to the jury questionnaire much less speculative. This case also has something that the case in *Stephens Media* did not have—groups

of individuals known as "Holmies," who have formed ad-hoc groups or alliances of admirers of the defendant and the crimes which is alleged to have committed.

3. The grounds that originally existed for suppression of the jury questionnaire still apply. The defendant has indicated that he will be renewing his motion to change venue. If that motion is granted, the court will have to move this case to a different jurisdiction and start the jury selection process anew. Presumably the court would use the same jury questionnaire, or a substantially similar questionnaire, in the event that it had to select a new jury. The People request that the Court deny the media's request until such time as a jury in this case is sworn.

George H. Brauchler, District Attorney

By 

Deputy District Attorney

Registration No. 20935

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.
KRISTEN NELSON, ESQ.
OFFICE OF THE PUBLIC DEFENDER

Dated: 3/12/15

By 

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COURT ORDER RE: Media's Request for Release of Blank Jury Questionnaire [C-118]

THE COURT, being fully advised, and being duly apprised of the relevant facts and law, hereby DENIES [C-118] the media's request for release of a blank jury questionnaire.

Dated this _____ day of _____, 2015

BY THE COURT

 District Court Chief Judge Carlos A. Samour, Jr.