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DISTRICT COURT, ARAPAHOE COUNTY
STATE OF COLORADO
Arapahoe County Justice Center
7325 S. Potomac Street
Centennial, Colorado 80112

Filed

AUG 11 2015

CLERK OF THE COMBINED COURTS
ARAPAHOE COUNTY, COLORADO
COURT USE ONLY

THE PEOPLE OF THE STATE OF COLORADO vs.
Defendant(s):

JAMES EAGAN HOLMES

Attorney:
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Case Number: **12CR1522**
Division: **201**

**PEOPLE'S RESPONSE TO THE MEDIA'S REQUEST FOR EXPANDED MEDIA
COVERAGE AT THE SENTENCING HEARING
[PEOPLE'S PLEADING P-128]**

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

INTRODUCTION

1. Various media entities have requested expanded media coverage to include still photographs and additional cameras for the sentencing hearing that is currently scheduled from August 24th, 2015 through August 26th, 2015. Out of respect for the victims in this case, the People object to the media's request for additional still cameras in the courtroom, and request that the Court continue to utilize the same media procedure the Court employed through the entirety of the trial.

2. The vast presentation of information at the sentencing hearing will include personal victim impact statements from victims harmed by the Defendant's crimes. The People reached out to the victims in this case to inquire about the victims' positions on the media's request for still photographs and additional cameras at the sentencing hearing. In the brief time the victims had to respond, twenty-five victims strongly objected to the media's request, nine victims did not object to the media's request, and five victims took no position.

3. Under Colorado law, C.R.S. § 24-4.1-302.5 (1)(g), victims in Colorado have the right to be present at the sentencing hearing... and the right to inform the Court by an oral victim impact statement of the harm that the victim has sustained as a result of the crime. Additionally, the victims have a right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse throughout the criminal justice process. *See* C.R.S. § 24-4.1-

302.5 (1)(a). Unfortunately, even throughout the entire trial, many of the victims still receive harassing communications from conspiracy theorists and supporters of the Defendant daily. The victims have been continually harassed over e-mail and social media throughout the trial. The victims are fearful of additional harassment and intimidation if clear, “zoomed in” photographs of the victims may be taken as they give their victim impact statements. The victims appreciate the balance the Court’s current media decorum order has struck that prohibits media photography in the halls, and prohibits cameras in the courthouse, other than the one camera the Court has placed in the courtroom. The victims appreciate that the Court’s camera does not “zoom in” on witnesses, and allows for as much anonymity as possible, given the public broadcast of the proceedings.

4. Some of the victims voiced their concerns are as follows:

- “I strongly object to this. In my opinion. Voicing in court, in front of the defendant, while being on live television our own personal pain and suffering is going to be difficult. The presence of cameras we can see and hear will only add to our stress. As victims, starting on 7/20/12, we had to live with and accept the fact that the horror of what we experienced that night would be reported on by the media with or without our permission. The media will have access to the live feed and reporters in the courtroom. They will receive more than enough information and footage to tell their story of what happened to us.” –Theater 9 Attempted Murder Victim
- “I don’t want to hear the rapid shutter of camera sounds going on in the background while people are talking about the harm caused to them at the sentencing hearing.” -Homicide Family Member
- “I object. They will use our photos to earn money for themselves. I’m tired of the media exploiting us, and if they don’t have a clear photo of me, I still have a chance of privacy and not being known as nothing but a victim of this case everywhere I go. It is already so hard to so publicly give my statement and know what kind of anonymity I may be giving up by doing so. The only thing photos will do is give them more of our pain to sell. It doesn’t help in the advancement of truth in any way.” -Apartment Survivor

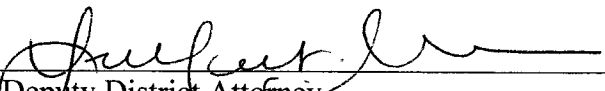
5. The victims are afforded rights to justice, due process, fairness, respect, and dignity by mandate of Colorado law.¹ “Due process” and “fairness” and “respect” demand that the victims have the opportunity to speak at sentencing without fear of being captured by a “zoomed in” photograph or while photographs click in the background while they speak about the impact that the Defendant’s crimes have had on their daily lives. The victims have patiently waited over three years to see the justice process unfold, and they deserve to be present to speak at sentencing without fear of photographs being taken of them because they chose to exercise their legal rights as victims in Colorado. The additional cameras in the courtroom and additional photographs of the victims—and the public viewing of these photographs—will undoubtedly re-victimize some the victims and their families who choose to live private lives. The Constitutional and statutory victims’ rights in Colorado recognize the unique and vital interests

¹ See Colo. Rev. Stat. § 24-4.1-302.5 (1)(a), (b).

of crime victims in the criminal justice system and grant crime victims judicially recognizable rights. The presence of additional cameras offends the sensitivity of the victims' losses and physical and emotional injuries, directly contradicting the rights guaranteed by the state of Colorado.

The People respectfully request that the Court grant the relief requested in this Motion.

GEORGE H. BRAUCHLER, District Attorney

By 
Deputy District Attorney
Registration No. 35892


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.
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OFFICE OF THE PUBLIC DEFENDER

Dated: 8/11/15

By 

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ORDER REGARDING PEOPLE'S PLEADING P-128

THE COURT, being fully advised, and being duly apprised of the relevant facts and law, hereby DENIES the media's request for expanded media coverage for the sentencing hearing.

Dated this _____ day of _____, 2015

BY THE COURT

 District Court Chief Judge Carlos A. Samour, Jr.