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District Court, Arapahoe County, Colorado Arapahoe County Courthouse 7325 S. Potomac St., Centennial, CO 80112	Filed AUG 11 2015 CLERK OF THE COMBINED COURTS ARAPAHOE COUNTY, COLORADO σ COURT USE ONLY σ
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. JAMES HOLMES, Defendant	
DOUGLAS K. WILSON, Colorado State Public Defender Daniel King (No. 26129) Tamara A. Brady (No. 20728) Chief Trial Deputy State Public Defenders 1290 Broadway, Suite 900 Denver, Colorado 80203 Phone (303) 764-1400 Fax (303) 764-1478 E-mail: state.pubdef@coloradodefenders.us	Case No. 12CR1522 Division 22
RESPONSE TO REQUESTS FOR EXPANDED MEDIA COVERAGE OF SENTENCING HEARING TO BE HELD IN THIS CASE [C-224 & C-225]	

Mr. Holmes, through counsel, submits the following in response to The Denver Post's request for expanded media coverage of the sentencing hearing that will be held in this case [C-224] as well as KUSA's request to audio and video record the sentencing hearing [C-225]:

1. The defense objects to both requests for expanded media coverage of the formal sentencing hearing that will be held in this case.

2. As an initial matter, the defense notes that the media has had more than ample access to the proceedings in this case. Among other things, the media has had access to a live feed from the courtroom throughout the trial in this case which has been streamed on the internet, and has been given access to a number of the exhibits introduced into evidence containing writing. There is no legitimate reason that the media needs to be given more access than it has already been given. The media is able to attend the sentencing hearing, and has no First Amendment right of access to take still photography or video during the hearing. *See, e.g., Chandler v. Florida*, 449 U.S. 560, 565 (1981), *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978).

3. Next, the defense maintains that allowing expanded media coverage during the formal sentencing hearing in these proceedings presents a reasonable likelihood that the solemnity, decorum, and dignity of these proceedings will be undermined. As the Court stated in Order C-137 with respect to still photography, "Allowing a representative of the print media to stand up at any time during the trial to take photographs would unduly detract from the solemnity, decorum, and dignity of the courtroom. Further, it would risk distracting the jury, the

witnesses, counsel, and the Court. Alternatively, limiting photographs to recesses may improperly add an element of entertainment to the trial.” While the trial is over, the defense maintains that this reasoning applies with equal force during the sentencing hearing, which will be an extremely solemn occasion for all involved. The same reasoning also applies to allowing the media the ability to audio and video record the proceedings.

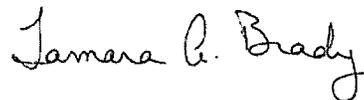
4. Expanded media coverage would also create adverse effects which would be greater than those caused by traditional media coverage. Still photography as well as audio and video recording would allow the media to obtain close-up photographs and images of the individuals involved in these proceedings that they would otherwise not be able to obtain, and would interfere with the ability of all of the individuals affected by these tragic events to get through this final step of the proceedings with dignity and privacy.

5. The defense continues to oppose all expanded media coverage in this case, and incorporates by reference all of the arguments made and authorities cited in its Response and Objection to Request for Expanded Media Coverage [C-134].

Mr. Holmes files this response, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, Equal Protection, Confrontation, and Compulsory Process, the Rights to Remain Silent and to Appeal, and the Right to be Free from Cruel and Unusual Punishment, pursuant to the Federal and Colorado Constitutions generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25 and 28 of the Colorado Constitution.



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Deputy State Public Defender

Dated: August 11, 2015

I hereby certify that on 8/11, 2015, I

mailed, via the United States Mail,
 faxed, or
 hand-delivered

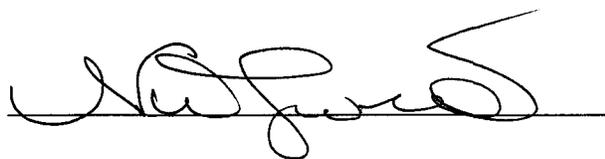
a true and correct copy of the above and foregoing document to:

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I also certify that on the same date, I emailed a copy of this document to:

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A handwritten signature in black ink, appearing to read 'Jordan Steffen', is written over a horizontal line.