

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
ORDER REGARDING REQUESTS FOR EXPANDED MEDIA COVERAGE OF MAY 13, 2013 HEARING (C-36A)	

This matter is before the Court on the motions filed by KUSA-9News and The Denver Post (hereafter “the media parties”) for expanded media coverage of the May 13, 2013 status hearing. The defendant objects to the motions. The People did not file a response. For the reasons set forth in this Order, the requests are denied.

Rule 2(a)(3)(A) of Chapter 38 of the Colorado Court Rules prohibits “[e]xpanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments.” The media parties argue that the May 13 hearing

“qualif[ies] as an arraignment” because the defendant has filed a notice of his intent to tender a plea of not guilty by reason of insanity at that hearing. The Court disagrees.

“Arraignment” is defined under Colorado law as “the formal act of calling the defendant into open court, informing him of the offense with which he is charged, and the entry of a plea to the charge.” *See* § 16-1-104(2), C.R.S. (2012). Consistent with this definition, Rule 10 of the Colorado Rules of Criminal Procedures requires the Court to conduct an arraignment, “informing the defendant of the offense with which he is charged, and requiring him to enter a plea to the charge.”

Here, the arraignment took place on March 12, 2013. At that time, the Court entered a not guilty plea on the defendant’s behalf. The defendant now seeks permission to enter a plea of not guilty by reason of insanity *after* the arraignment. The defendant may only do so if he can establish “good cause” for his failure to tender such a plea at the arraignment. *See* § 16-8-103(1.5)(a), C.R.S. (2012); Crim. P. 11(e)(1). Regardless of whether the Court allows the defendant to change the March 12 plea, the May 13 hearing will not constitute an arraignment.

Moreover, the Court does not anticipate that the May 13 hearing will include “advisements.” Thus, to the extent the media parties rely on that part of Rule 2, their reliance is misplaced.

For all the foregoing reasons, the Court concludes that it is not authorized to allow expanded media coverage of the May 13 status hearing. Accordingly, the motions filed by the media parties are denied.

Dated this 10th day of May of 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Carlos A. Samour, Jr.", written over a horizontal line.

Carlos A. Samour, Jr.
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2013, a true and correct copy of **Order regarding requests for expanded media coverage of May 13, 2013 hearing (C-36A)** was served upon the following parties:

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