

DISTRICT COURT, COUNTY OF ARAPAHOE, 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 31, 2013 PROCEEDINGS (C-39)	

This matter is before the Court on the motions filed by KUSA-9News and the Denver Post (“media petitioners”) requesting expanded media coverage of the May 31, 2013 hearing. Neither party filed a response, although the media petitioners’ last motion was only recently filed. For the reasons articulated in this Order, the media petitioners’ requests are granted in part and denied in part.

Rule 2(a)(3)(A) of Chapter 38 of the Colorado Court Rules prohibits expanded media coverage during pretrial hearings in criminal cases except for “advisements and arraignments.” Section 16-8-103(4), C.R.S. (2012) provides that, before accepting a plea of not guilty by reason of insanity, the Court “shall advise the defendant of the effect and consequences of the plea.” The defendant has requested such advisement, and the Court has scheduled it for May 31.

After consideration of the standards set forth in Rule 2(a)(2) for authorizing expanded media coverage of court proceedings, the Court finds that it is unlikely that expanded media coverage of the advisement will create adverse effects which would be greater than those caused by traditional media coverage of this case. Additionally, it is unlikely that expanded media coverage of the advisement will interfere with the rights of the parties to a fair trial or will unduly detract from the solemnity, decorum, and dignity of the Court. Therefore, the Court finds that expanded media coverage should be permitted during the May 31 advisement.

The Court previously informed the parties that it would allow them an opportunity to be heard on the advisement the Court intends to use before proceeding to advise the defendant. This part of the proceedings will not be subject to expanded media coverage. Likewise, any proceedings following the advisement will fall outside the scope of the expanded media coverage the Court is allowing.

Consistent with its solemnity, decorum, and dignity, the Court will require strict adherence to the parameters set forth in Rules 2(a)(3)–(5) of Chapter 38 of the Colorado Court Rules. KUSA-9News shall be the sole entity using a camera for video coverage, and there shall be only one video camera. Likewise, The Denver Post shall be the sole entity using a still photography camera, and there shall be only one still photography camera.

KUSA-9News' request for audio coverage is denied. There shall be no audio coverage of any part of the May 31 proceedings.

Dated this 28th day of May of 2013.

BY THE COURT:



Carlos A. Samour, Jr.
District Court Judge

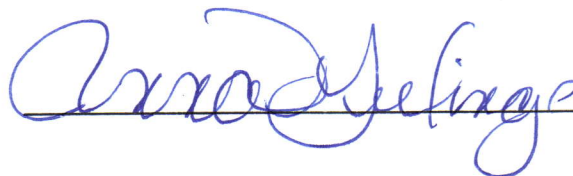
CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2013, a true and correct copy of **Order Regarding Requests for Expanded Media Coverage of May 31, 2013 Proceeding (C-39)** was served upon the following parties of record:

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Amy Jorgenson
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A handwritten signature in blue ink, appearing to read "Anna Jelinger", written over a horizontal line.