

Public Access Issues in High Profile Criminal Cases  
Colorado Bar Association  
“Law School for Journalists”  
March 18, 2013

I. The Source and Scope of the Right of *Public Access*

II. Access to Proceedings

- a. Which proceedings?
- b. Procedures and Standard for Closure

III. Access to Court Records

- a. Docket
- b. Pleadings (and redactions)
- c. Affidavits of Probable Cause
- d. Mental Health Records

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	
Original Proceeding District Court, Jefferson County, 2012CR2899	
<b>In Re:</b>	
<b>Plaintiff:</b>  The People of the State of Colorado,  v.	Supreme Court Case No: 2013SA21
<b>Defendant:</b>  Austin Reed Sigg.	
ORDER OF COURT	

Upon consideration of the Petition for Rule to Show Cause Pursuant to C.A.R. 21, together with the Answers and Reply filed in the above cause, and now being sufficiently advised in the premises and cognizant that the defendant's preliminary hearing is set for Feb 22, 2012,

The court finds that the district court has ordered the defendant's preliminary hearing closed without making specific findings demonstrating a substantial probability that the defendant's right to a fair trial will be prejudiced by publicity that closure would prevent and that reasonable alternatives to closure cannot adequately protect the defendant's fair trial rights, as required by *Press-Enter. Co. v. Super. Ct.*, 478 U.S. 1 (1986).

It is therefore ordered that the Rule be Made Absolute and the District Court's orders of December 12, 2012 and January 18, 2013 closing the preliminary hearing in Case Number 2012CR2899 be vacated.

BY THE COURT, EN BANC, February 21, 2013.



# REDACTED

<p>DISTRICT COURT, Arapahoe County, State of Colorado 7325 S. Potomac St. Centennial, Colorado 80112</p>	<p><b>Filed</b> <b>OCT 29 2012</b> <small>CLERK OF THE COMBINED COURT ARAPAHOE COUNTY, COLORADO</small> <b>▲ COURT USE ONLY ▲</b></p>
<p><b>PEOPLE OF THE STATE OF COLORADO</b> Plaintiff,  v. <b>JAMES EAGAN HOLMES,</b> Defendant.</p>	<p><b>Case Number: 12CR1522</b>  <b>Div./Ctrm: 22</b></p>
<p>CAROL CHAMBERS, District Attorney, 18<sup>th</sup> Judicial District 6450 S. Revere Pkwy Centennial, CO 80111 (720) 874-8500 FAX (720) 874-8790</p>	<p><b>PEOPLE'S MOTION</b> [REDACTED]  [P-29]</p>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

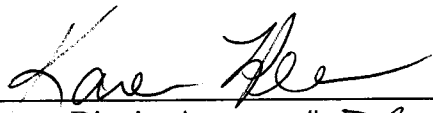
[REDACTED]

[REDACTED]

Respectfully submitted,

CAROL CHAMBERS  
District Attorney

10-29-12  
Date

BY:   
Deputy District Attorney, # 28202

DISTRICT COURT, Arapahoe County, State of Colorado  
7325 S. Potomac St.  
Centennial, Colorado 80112

**PEOPLE OF THE STATE OF COLORADO**

Plaintiff,

v.

**JAMES EAGAN HOLMES,**  
Defendant.

▲ COURT USE ONLY ▲

Case Number: 12CR1522

Div./Ctrm: 22

**ORDER**

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]


Date  
Case: 12CR1522

District Court Judge

JAMES HOLMES

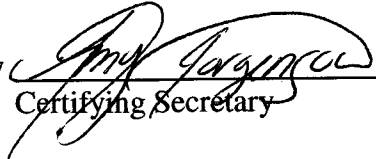
## CERTIFICATE OF MAILING

I hereby certify that I have deposited a true and correct copy of the foregoing **PEOPLE'S  
MOTION** 



TAMARA BRADY, ESQ.  
DANIEL KING, ESQ.  
OFFICE OF THE PUBLIC DEFENDER

Dated: 10/29/12

By   
Certifying Secretary


DISTRICT COURT, COUNTY OF ARAPAHOE, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112	▲ COURT USE ONLY ▲
Plaintiff: <b>People of the State of Colorado</b>  v.  Defendant: <b>Holmes, James Eagan</b>	Case No. <b>12CR1522</b>  Division: <b>22</b>
<b>ORDER RE: PEOPLE'S MOTION P-29</b>	

This Matter comes before the Court on the People's Motion [REDACTED]  
[REDACTED] (P-29), filed October 29, 2012. [REDACTED]  
[REDACTED]

[REDACTED]

Entered October 31, 2012.

BY THE COURT:

  
WILLIAM BLAIR SYLVESTER  
DISTRICT COURT JUDGE



CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2012, a true and correct copy of **ORDER RE: PEOPLE'S MOTION P-29** was served upon the following parties of record.

Karen Pearson  
Amy Jorgenson  
Arapahoe County District Attorney's Office  
6450 S. Revere Parkway  
Centennial, CO 80111-6492  
(via email)

Sherilyn Koslosky  
Rhonda Crandall  
Colorado State Public Defender's Office  
1290 S. Broadway, Suite 900  
Denver, CO 80203  
(via email)



*[Handwritten signature]*

**REDACTED**

10/26/2012 Order Event ID: 000203  
ORDER RE: PRODUCTION OF DEFENDANTS UNIVERSITY OF COLORADO EMAILS (C-16) - THE  
COURT SUGGESTS THAT THE PEOPLE ADDRESS THIS ISSUE AS SOON AS POSSIBLE  
CC TO PARTIES VIA EMAIL /JR

10/26/2012 Reply Event ID: 000204  
REPLY IN SUPPORT OF MOTION TO INTERVENE FOR LIMITED PURPOSE FILED BY  
ATTORNEYS FOR VICTIMS/INTERVENORS WITH ATTACHED EXHIBIT AND PROPOSED ORDER -  
STD 22 10 29 12 /JR

10/29/2012 Response Event ID: 000205  
DEF/ HOLMES, JAMES EAGAN  
FURTHER RESPONSE TO (P-25) (PEOPLE'S SUBMISSION OF INFORMATION REGARDING  
SEIZED MATERIALS) - STD 22 10 29 12 /JR

10/29/2012 Brief Filed Event ID: 000206  
BRIEF REGARDING DEFENSE RESPONSE TO P-25 - STD 22 10 30 12 /JR

10/29/2012 Motion Event ID: 000207  
PEOPLES MOTION (P-29) WITH PROPOSED ORDER - STD 22 10 30 12  
/JR /JR

10/30/2012 Order Event ID: 000208  
ORDER RE: MOTION TO INTERVENE FOR LIMITED PURPOSE (C-14) -  
VICTIMS/INTERVENOR'S MOTION IS DENIED  
CC TO PARTIES VIA EMAIL /JR

10/31/2012 Order Event ID: 000209  
ORDER RE: PEOPLE'S SUBMISSION OF INFORMATION REGARDING SEIZED MATERIALS  
(P-25) - DEFENDANT'S REQUEST THAT THE PEOPLE SEAL AND PRODUCE THE ITEMS TO  
THE COURT IS DENIED AT THIS TIME  
CC TO PARTIES VIA EMAIL /JR

10/31/2012 Order Event ID: 000210  
ORDER RE PEOPLE'S MOTION P-29 REDACTED PURSUANT TO JUDGE'S INSTRUCTIONS  
CC TO PARTIES VIA EMAIL /JR

10/31/2012 Order Event ID: 000211  
AMENDED SUPPLEMENTAL CASE MANAGEMENT ORDER (C-11A)  
CC PARTIES VIA EMAIL /JR

11/01/2012 Reply Event ID: 000212  
REPLY TO DEFENSE'S RESPONSE TO THE PEOPLE'S NOTICE OF REDACTION OF CERTAIN  
DISCOVERY IN THE INTERESTS OF THE PRIVACY OF A WITNESS IN THIS CASE (P-22) -  
STD 22 11 2 12 /JR

End of Case: 2012 CR 101522