

DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St. Centennial, Colorado 80112	▲ COURT USE ONLY ▲
<b>PEOPLE OF THE STATE OF COLORADO</b>  v.  <b>JAMES EAGAN HOLMES,</b> <b>Defendant</b>	Case No. <b>12CR1522</b>  Division: <b>201</b>
<b>ORDER REGARDING MEDIA PETITIONERS' MOTION FOR MID-TRIAL ACCESS (TO MAKE COPIES) OF ALL NON-GRAPHIC IMAGES EXHIBITS ADMITTED INTO EVIDENCE AND PUBLISHED TO THE JURY DURING THE TRIAL (C-193)</b>	

On April 3, the “Press Pool” filed a Motion for Mid-Trial Access (to Make Copies) of All Non-graphic Images Exhibits Admitted into Evidence and Published to the Jury During the Trial (C-193).<sup>1</sup> The Media Petitioners request “that the Court grant them access, to make copies, of all Non-Graphic Images exhibits—including, but not limited to, audio and video tapes, photographs, documents, and physical evidence—that are admitted and published to the jury.”

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<sup>1</sup> The Press Pool is comprised of ABC News; CBS News; CNN; *The Denver Post*; KCEC-TV, Channel 50; KCNC-TV, Channel 4; KDEN-TV, Channel 25; KDVR-TV, Channel 31; KMGH-TV, Channel 7; KUSA-TV, Channel 9; KWGN-TV, Channel 2; and NBC News. The Court refers to the Press Pool as the “Media Petitioners” in this Order.

Motion at p. 2.<sup>2</sup> The prosecution and the defendant oppose the request. For the reasons articulated in this Order, the request is denied.

The Court finds that the concerns expressed by both parties are valid. Most importantly, as both parties point out, the Court granted expanded media coverage of the trial by allowing “the electronic media to access, record, and broadcast the transmission from the remote-controlled closed circuit television camera already operating in the courtroom.” Order C-137 at p. 8. Expanded media coverage will allow the media to capture from the image produced by the closed circuit television (“CCTV”) all non-graphic evidence admitted and published to the jury.

The Media Petitioners inaccurately assert that “the image quality produced by the Court’s CCTV video camera” will deny them “meaningful access.” Motion at pp. 3-4.<sup>3</sup> The image produced by the Court’s CCTV video camera is in fact high definition. Therefore, the quality of the image produced by the Court’s CCTV video camera does not justify the Media Petitioners’ request.

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<sup>2</sup> In their reply, the Media Petitioners “clarify” that they are requesting access to all exhibits admitted into evidence, including those that are not displayed on the video monitor in the courtroom. Reply at p. 4. This is not clarification. This is an expansion of the request advanced in the motion. Because it was raised for the first time in the reply, the parties did not have an opportunity to respond to it. Therefore, the Court denies it as untimely and improperly raised.

<sup>3</sup> In September 2014, when the Court granted in part and denied in part the Media Petitioners’ motion for expanded media coverage, several of the Media Petitioners reported that their legal representative was critical of the Court’s ruling because the Court had “relegated the public to view this trial essentially through a tiny peephole covered by a fuzzy mesh.” *See, e.g.*, [http://www.denverpost.com/news/ci\\_26636449/aurora-theater-shooting-trial-can-be-broadcast-judge](http://www.denverpost.com/news/ci_26636449/aurora-theater-shooting-trial-can-be-broadcast-judge). While the Court understands counsel’s disappointment in the ruling, this is a factual mischaracterization of the expanded media coverage authorized by the Court.

If an exhibit is admitted and published to the jury that the CCTV does not capture effectively, the Court will consider providing a copy or photograph of it to the Media Petitioners. Before doing so, the Court will discuss the issue with the parties.

Dated this 16<sup>th</sup> day of April of 2015.

BY THE COURT:



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Carlos A. Samour, Jr.  
District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2015, a true and correct copy of the Court's **Order Regarding Media Petitioners' Motion for Mid-Trial Access (to Make Copies) of All Non-Graphic Images Exhibits Admitted Into Evidence and Published to the Jury During the Trial (C-193)** was served upon the following parties of record:

Karen Pearson  
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Rich Orman  
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A handwritten signature in black ink, appearing to read "Anna Gulino", is written over a horizontal line.