

DISTRICT COURT
WELD COUNTY, COLORADO
Court Address: PO Box 2038
901 9th Ave
Greeley CO 80631
(970) 475-2400

THE PEOPLE OF THE STATE OF COLORADO vs.
Defendant:
CHRISTOPHER LEE WATTS

COURT USE ONLY

DISTRICT ATTORNEY MICHAEL J. ROURKE
ATTY. REG.: #28812
915 TENTH STREET
P.O. BOX 1167
GREELEY, CO 80632
PHONE NUMBER: 970-356-4010
FAX: 970-352-8023

Case Number: 18CR2003
Division/Ctrm: 5

[W] PEOPLE’S RESPONSE TO EXPANDED MEDIA COVERAGE REQUESTS

COMES NOW, MICHAEL J. ROURKE, District Attorney in and for the Nineteenth Judicial District, County of Weld, State of Colorado, and respectfully submits the following response to the numerous Requests for Expanded Media Coverage, as follows:

1. Three subsections of the rule must guide the Court’s decision:
 - (1) *Standards for Authorizing Coverage.* In determining whether expanded media coverage should be permitted, a judge shall consider the following factors:
 - (A) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial;
 - (B) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court; and
 - (C) Whether expanded media coverage would create adverse effects which would be greater than those caused by traditional media coverage.
 - (2) *Limitations on Expanded Media Coverage.* Notwithstanding an authorization to conduct expanded media coverage of a proceeding, there shall be no:
 - (A) Expanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments;
 - (B) Expanded media coverage of jury voir dire;
 - (C) Audio recording or “zoom” close-up photography of bench conferences;
 - (D) Audio recording or close-up photography of communications between counsel and client or between co-counsel;
 - (E) Expanded media coverage of in camera hearings;

(F) Close-up photography of members of the jury.

- (3) *Authority to Impose Restrictions on Expanded Media Coverage.* A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, or jurors. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this Rule or additional rules imposed by the judge have been violated; or (2) substantial rights of individual participants or rights to a fair trial will be prejudiced by such coverage if it is allowed to continue.

Pub. Acc. Rec. & Info. R. 2(a)(2) to (2)(a)(4).

2. *People v. Wieghard*, 727 P.2d 383 (Colo. App. 1986) arguably expands upon this guidance. The Court of Appeals, construing Colorado Code of Judicial Conduct Temporary Canon 3(A)(8) (substantially similar to Pub. Acc. Rec. & Info. R. 2), upheld the trial court's finding "that the presumption was in favor of open coverage and that a party opposing such coverage would have the burden of proving adverse effects therefrom." 727 P.2d at 386. Pub. Acc. Rec. & Info. R. 2(a)(6)(B) states explicitly that all parties have a right to be heard, at least in writing if not in court on the record. The state of the law then appears to require granting the request unless a party opposing the request demonstrates a valid reason to rule otherwise.

3. In the absence of any prejudice to the People caused by expanded media coverage, the People make no objection to the request on their own behalf. However, the People can take no position on the remaining extensive analysis required of the Court and thus leave to the Court's discretion a determination, as required by Pub. Acc. Rec. & Info. R. 2, of the weight to be accorded any other stated concerns.

4. The People ask the Court to consider this response as applicable to all substantially similar requests for expanded media coverage by any entity meeting the definition of "Media" at Pub. Acc. Rec. & Info. R. 2(a)(1)(E), unless the People affirmatively file a subsequent pleading stating a different position.

DATED this 5th day of November 2018.

Respectfully submitted,
Michael J. Rourke, District Attorney

By /s/ Michael J. Rourke
Michael J. ROURKE, #28812
DISTRICT ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that on 11/5/18 a true and correct copy of People's [W] was e-filed and e-served via ICCES E-System, addressed to the following: Kathryn Herold/John Walsh/Public Defender's Office
BY: /s/KLHolscher