

<p>DISTRICT COURT, TELLER COUNTY, COLORADO</p> <p>Court Address: 101 WEST BENNETT AVENUE CRIPPLE CREEK, CO 80813</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO,  v.  KRYSTAL JEAN LEE KENNEY, Defendant.</p>	<p>DATE FILED: February 6, 2019 10:20 AM FILING ID: 635605CEB27B5 CASE NUMBER: 2019CR17</p> <p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<p>Dru Nielsen, #28775 Eytan Nielsen LLC 3200 Cherry Creek South Drive, Suite 720 Denver, CO 80209 Telephone: (720) 440-8155 Facsimile: (720) 440-8156 Email: dru@eytan-nielsen.com</p> <p><i>ATTORNEY FOR DEFENDANT</i></p>	<p>Case Number: 19CR17</p> <p>Division: 11</p>
<p><b>OBJECTION TO EXPANDED MEDIA COVERAGE</b></p>	

Ms. Kenney, through counsel, objects to the media’s request for expanded media coverage, and in support thereof states as follows:

1. Ms. Kenney objects to all requests made by any media outlets for expanded coverage.
2. Ms. Kenney’s constitutional rights support a presumption against expanded media coverage and place the burden of proving the appropriateness of expanded media coverage on those who seek it, and an offer of proof that the media’s activities will not interfere with courtroom proceedings or the accused’s rights.
3. Colorado Supreme Court Rules, Chapter 38, Rule 2 entitled “Media Coverage of Court Proceedings” sets forth the factors a Court should consider *before* permitting expanded media coverage, thereby indicating a presumption against expanded media coverage.
4. The factors set forth in the Colorado Supreme Court Rules include:

(I) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial;

(II) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from solemnity, decorum and dignity of the court; and

(III) Whether expanded media coverage would create adverse effects that would be greater than those caused by traditional media coverage.

5. Applying these factors, this Court should not authorize expanded media coverage during any proceeding in this case. There is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court, and would create adverse effects that would be greater than those caused by traditional media coverage.

6. Ms. Kenney has never stepped foot into the Teller County courthouse. She has no prior experience with the criminal justice system. Allowing the media's request to have cameras in the courtroom pointed directly at Ms. Kenney creates an unnecessary risk of compromising her ability to focus on this important proceeding. Additionally, expanded media unduly detracts from the solemnity, decorum and dignity of the court.

7. Counsel has reviewed the Order granting the Request for Expanded Media Coverage in Mr. Frazee's case, 18CR330. Part of Judge Billings Vela reasoning for allowing expanded media coverage in that instance was that both courts were in session on the day of Mr. Frazee's hearing. Counsel understands that there are no other matters being heard on February 8, 2019 at 8:30 am. So, there is no reason why the cameras simply cannot be in the hallway. This will allow the courtroom to maintain solemnity and decorum and will eliminate the risk of compromised focus and attention.

8. Denying the media's request for expanded media coverage in this case will not prejudice the media's ability to cover this case. Traditional coverage, without the distractions of cameras in the courtroom, will serve the media's purpose without jeopardizing Ms. Kenney's rights to due process.

Respectfully submitted this 6<sup>th</sup> day of February, 2019.

**EYTAN NIELSEN LLC**

*s/ Dru Nielsen*

\_\_\_\_\_  
Dru Nielsen, #28775

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of February, 2019, a true and correct copy of the foregoing **OBJECTION TO EXPANDED MEDIA COVERAGE** was served via CCE to the following:

4<sup>th</sup> Judicial District Attorney's Office  
105 E Vermijo Ave  
Colorado Springs, CO 80903

*s/ Ashli Pyles* \_\_\_\_\_

Ashli G. Pyles