

District Court, Chaffee County, Colorado Court Address: 142 CRESTONE AVE , SALIDA, CO 81201 719-539-2561	FILED IN COMBINED COURTS DATE FILED: May 24, 2021 2:30 PM MAY 24 2021
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. BARRY MORPHEW, Defendant	CHAFFEE COUNTY COLORADO ▲ COURT USE ONLY ▲
	Case Number: 21CR78 Courtroom DISTRICT
ORDER RE: EXPANDED MEDIA REQUESTS AND THE RECORDING/BROADCASTING OF HEARINGS	

The Court has continued to receive requests for Expanded Media Coverage of the May 27, 2021 hearing.

Pursuant to Chapter 38, Rule 3 of the Colorado Supreme Court Rules, “Notwithstanding an authorization to conduct expanded media coverage of a proceeding, there shall be no expanded media coverage of pretrial hearings in criminal cases, except advisements and arraignments.”

The hearing on May 27, 2021 is neither an advisement nor an arraignment. Therefore, any requests for expanded media coverage of that hearing, or any other pre-trial hearing except the arraignment, are summarily denied.

This Court, like many courts throughout the state and country, has been conducting court hearings via video conference (WebEx) for the past year due to the pandemic. This Court will continue to utilize video conferencing for this case until the public is allowed into the courthouse with no significant restrictions on capacity. The Court believes this is the most appropriate way to ensure that the proceedings are both public and safe.

This puts the Court in the unusual situation of being the entity that records and broadcasts the proceedings.

The expanded media coverage requests to re-broadcast the WebEx proceedings present the same issue as requests to expand media coverage within the courtroom. Regardless of the type of courtroom in which proceedings are held, the Court must always balance several important and often competing rights. First and foremost, the rights of the Defendant to a fair trial are the highest priority of the Court: “No right ranks higher than the right of the accused to a fair trial.” *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 508 (1984). The Court must also take great care to grant public access to criminal proceedings and provide a forum for named victims or their representatives to “be heard when relevant, informed, and present at all critical stages of the criminal justice process.” Colo. Const. Art. 2, § 16a. The rights of the press to access a criminal proceeding are “no greater than those of any other member of the public.”

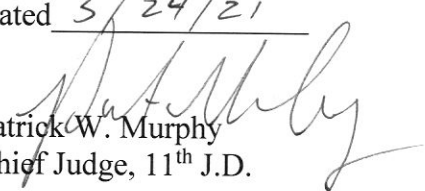
Nixon v. Warner Communications, Inc., 435 U.S. 589, 609, 98 S.Ct. 1306, 55 L.Ed.2d 570 (1978) (quoting *Estes v. Texas*, 381 U.S. 532, 589, 85 S.Ct. 1628, 14 L.Ed.2d 543 (1965) (Harlan, J., concurring)). There is no constitutional right to the use of cameras or audio-transmitting devices during court proceedings. See, e.g. *United States v. Edmonds*, 785 F.2d 1293 (5th Cir. 1986).

As stated above, Chapter 38, Rule 3 of the Colorado Supreme Court Rules provides the standard for authorizing expanded media coverage and explains the types of hearings where expanded media coverage can be requested.

Therefore, it is ordered that any recording or re-broadcast of virtual court proceedings in this case for any pretrial hearing other than the arraignment is prohibited.

Violation of the Order may result in sanctions such as exclusion from future virtual proceedings and prosecution for contempt of court.

Dated 5/24/21


Patrick W. Murphy
Chief Judge, 11th J.D.