

DISTRICT COURT, TELLER COUNTY, COLORADO 101 West Bennett Ave., PO Box 997 Cripple Creek, CO 80813	DATE FILED: December 31, 2018
THE PEOPLE OF THE STATE OF COLORADO, v. PATRICK FRAZEE, Defendant.	▲ COURT USE ONLY ▲
	Case No. 2018CR330 Division: 11
ORDER RE: MOTION TO LIMIT PRE-TRIAL PUBLICITY (DEF 05)	

THIS MATTER comes before the Court for consideration of defendant's Motion To Limit Pretrial Publicity (DEF-05) filed on December 21, 2018. The Court has considered the motion and the prosecution's Response. The parties are ordered to strictly comply with the Colorado Rules of Professional Conduct (Colo. RPC.)-Rule 3.6-Trial Publicity. Colo. RPC-3.6 states:

- (a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.
- (b) Notwithstanding paragraph (a) and Rule 3.8(f), , a lawyer may state:
 - (1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;
 - (2) information contained in a public record;
 - (3) that an investigation of a matter is in progress;
 - (4) the scheduling or result of any step in litigation;
 - (5) a request for assistance in obtaining evidence and information necessary thereto;
 - (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and
 - (7) in a criminal case, in addition to subparagraphs (1) through (6):
 - (i) the identity, residence, occupation and family status of the accused;

(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;

(iii) the fact, time and place of arrest; and

(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

(c) Notwithstanding paragraph (a) and Rule 3.8(f), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph

(a) shall make a statement prohibited by paragraph (a).

In addition to Rule 3.6, Rule 3.8(f) directs the prosecution to "exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6."

The Court orders that court personnel shall not publicly discuss or share information about this case that is not a public record. Court personnel shall direct media inquiries to the Colorado State Judicial Department Public Information Office: jon.sarche@judicial.state.co.us or robert.mccallum@judicial.state.co.us.

Done this 31st day of December, 2018.

BY THE COURT:

Linda Billings Vela

Linda Billings Vela
District Court Judge