

|   |  |
|---|--|
| DISTRICT COURT, TELLER<br>COUNTY, COLORADO 101 West Bennett Avenue<br>Post Office Box 997<br>Cripple Creek, Colorado 80813  | DATE FILED: December 21, 2018 2:57 PM                        |
| PEOPLE OF THE STATE OF COLORADO,<br>Plaintiff<br>v.<br>PATRICK FRAZEE,<br>Defendant   | σ COURT USE ONLY σ   |
| MEGAN A. RING, Colorado State Public Defender<br>Adam P. Steigerwald (No. 40092)<br>Deputy State Public Defender<br>19 North Tejon, Suite 105<br>Colorado Springs, Colorado 80903<br>Phone: (719) 475-1235 Fax: (719) 475-1476<br>Email: <a href="mailto:springs@coloradodefenders.us">springs@coloradodefenders.us</a> | Case No. 18CR0330<br><br><br><br><br><br><br><br>Division 11 |
| <b>MOTION TO LIMIT PRETRIAL PUBLICITY</b><br><b>[D-005]</b>   |  |

Patrick Frazee, by and through counsel, moves this Court to enter an Order limiting the dissemination of information by the attorneys, their agents, employees and all law enforcement investigators, personnel and employees, and all court personnel concerning this case. This motion is made on the following grounds:

1. The American Bar Association Standards for Criminal Justice, Fair Trial and Fair Press, Third Edition, sections 8-1.1, 8-2.1, 8-2.2 and 8-2.3.
2. The Colorado Rules of Professional Conduct, sections 3.6 and 3.8.
3. The Due Process, Trial by Jury and Trial by a Fair and Impartial Jury Clauses of the Federal and Colorado Constitutions, *U.S. Constitution*, amendments V, VI, XIV; *Colorado Constitution*, article II, sections 23, 25.
4. Mr. Frazee is guaranteed the right to a trial by jurors who are fair and impartial. *Ross v. Oklahoma*, 487 U.S. 81 (1988); *Witherspoon v. Illinois*, 391 U.S. 510, 518 (1968); *Irvin v. Dowd*, 366 U.S. 717, 722 (1961); *People v. Sandoval*, 733 P.2d 319, 320 (Colo. 1987); *Oaks v. People*, 150 Colo. 64, 371 P.2d 433, 477 (1962); *Smith v. People*, 8 Colo. 457, 8 P.1045 (1885). Thus, while Mr. Frazee is not entitled to jurors who will be sympathetic to him, he is guaranteed the right to a trial by jurors who “will hear the matter fairly and impartially.” *Edwards v. People*, 160 Colo. 395, 418 P.2d 174, 177-178 (1966). Because of the massive pre-indictment and pre-trial negative publicity, this Order is necessary to help preserve and protect, to any extent that it might be possible at this stage of the proceedings, Mr. Frazee’s right to a trial by jury and right to a trial by a fair and impartial jury.

5. Mr. Frazee moves for a hearing on this motion.

6. Mr. Frazee makes this motion, and all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: The Due Process, Trial by Jury, Right to Counsel, Equal Protection, Cruel and Unusual Punishment, Confrontation, Compulsory Process, Right to Remain Silent, and Right to Appeal Clauses of the Federal and Colorado Constitutions, and the First, Fourth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3,6,7,10,11,16,18,20,23, 25 and 28 of the Colorado Constitution.



---

Adam P. Steigerwald (No. 400920)  
Deputy State Public Defender  
Dated: December 21, 2018

**Certificate of Service**

Electronically filed by, /s/ Nicole Colt\_\_