

REDACTED

DATE FILED: March 4, 2020

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903	DATE FILED: March 04, 2020 1:15 PM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. LETECIA STAUCH, Defendant	σ COURT USE ONLY σ
MEGAN A. RING, Colorado State Public Defender Kathryn Strobel No. 42850 Deputy State Public Defender 30 East Pikes Peak Ave Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: <a href="mailto:kathryn.strobel@coloradodefenders.us">kathryn.strobel@coloradodefenders.us</a>	Case No. 20CR1358  Division 5/B
<b>OBJECTION TO EXPANDED MEDIA COVERAGE (D-7)</b>	

Ms. Stauch, by and through undersigned counsel, objects to expanded media coverage at the advisement date on March 5, 2020, and on any future court date in this case on the following grounds:

1. Defense counsel received notice that media outlets have requested that this Court authorize expanded media coverage (in the form of audio and visual recording devices) at the advisement hearing in this matter, potentially scheduled for March 5, 2020 at 1:30 p.m.
2. Ms. Stauch, through counsel, objects to all requests made by all media outlets and to any orders granting expanded media coverage. This case and the investigation surrounding Ms. Stauch and members of her family has already garnered extensive media coverage locally and nationally via multiple media outlets.
3. Denial of the media's request(s) is necessary to protect Ms. Stauch's rights under the United States and Colorado Constitutions to a fair trial, to effective assistance of counsel, to be presumed innocent, and to due process of law. Those rights support both a presumption against expanded media coverage and placing the burden of proving the appropriateness of expanded media coverage on those who seek it. Further, the Colorado Supreme Court Rules, Chapter 38, Rule 2, "Media Coverage of Court Proceedings" sets out factors that a Court should consider before permitting expanded media coverage thereby indicating a presumption against expanded media coverage, and that the burden of proof lies with the media to prove that its activities will not interfere with the court proceedings or a defendant's rights.

PA

4. Colorado Supreme Court Rules, Chapter 38, Rule 2, "Media Coverage of Court Proceedings" outlines the factors this Court must consider in determining whether to authorize expanded media coverage in court proceedings. Said factors are:
  - (1) Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial.
  - (2) Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum and dignity of the court; and
  - (3) Whether expanded media coverage would create adverse effects which would be greater than those caused by traditional media coverage.
5. Applying these factors, it is clear that this Court should not authorize expanded media coverage for any and all future proceedings in this case. Expanding media coverage heightens the risk of prejudicing Ms. Stauch's constitutional right to a fair trial. See Regina Judge Cut! *Arguments Against Televising Trials*, 86 North East Journal of Legal Studies 133, 151 (2014) (The fact is, a judge can allow the fate of one accused to be played before a worldwide audience, while another's is not. This act singles out some defendants, and exposes them to prejudices not encountered by others.)
6. Expanded media coverage, due to the nature of medium, will only increase the chance of tainting prospective jurors. Cf. Christo Lassiter, *The Appearance of Justice: TV or Not TV – That is the Question*, 86 J. Crim. L. & Criminology 928, 930:

But in the vast majority of cases courts adjudicate highly personal lives of people and compromise nothing of interest to the general public beyond that of prurient voyeurism. The trial process represents the best possible human effort to do justice in an imperfect world. In-court camera coverage...can be prejudicial to the very process it seeks to showcase by infecting it with political bias of all kinds, petty, personal and demographic...

There are three prejudicial effects of cameras in the courtroom, First, the trial, in reality, operates on a larger theme than the matter under charge; the judicial process is corrupted by a substitution of the solemn, calm, deliberate judgment of the finder of fact for the outrage of an inflamed public. Second, the adversarial system, designed for neutral and dispassionate judicial prosecution, transforms into an instrument of a politically motivated prosecution. Third, the public outcry leads to political vice of judicial disposition against a disfavored minority.

*Id.* At 934-35.

7. Local media outlets are extensively covering this case. Social media posts have already disclosed the name and multiple photos of Ms. Stauch, where she lives, previously undisclosed details of the investigation in this case, the location and name of Ms. Stauch's previous employers, and the names of her family members and other witnesses.

Multiple threatening messages have already appeared on the articles about this case. Ms. Stauch and her family have already reported threats to their safety. Hence, the probability of tainting potential jurors is already of great concern and this Court should take every opportunity it has to control the media's impact on this case and protect the rights of Ms. Stauch by denying any request for expanded media coverage in this case. See Robert Hardaway & Douglas R. Tumminello, *Pretrial Publicity in Criminal Cases of National Notoriety: Constructing a Remedy for the Remediless Wrong*, 46 Am. U.L. Rev. 39, 44 (1996):

[P]retrial publicity becomes a more difficult issue for the trial court judge to resolve when the media and the nation are watching. Otherwise ordinary crimes that would receive nominal local treatment become subjects of national engrossment when they involve 'murder and mystery, society, sex, and suspense. Accordingly, media treatment of the crime is more widespread, and resultant publicity about the crime reaches a larger population of potential jurors than in less notorious cases. In addition, potential jurors are more likely to have been exposed to more in-depth, all-encompassing publicity about the crime, the defendant or the victim.

*Id.* At 44.

8. Denying requests for expanded media coverage in this case will not prejudice the media's ability to cover this case. Most likely, the media will continue to present in force within and outside the courthouse as they have to date. Thus, traditional coverage, without the distractions of cameras and lights in the courtroom will serve the media's purpose without jeopardizing Ms. Stauch's constitutional rights to due process, fair trial, and a fair and impartial jury. U.S. Const. amends V, VI, VII, XIV; Colo. Const. art II, secs. 16, 18, 20, 23, 25; see also *People v. Botham*, 629 P.2d 589 (Colo. 1981) (abrogated on other grounds); *Sheppard v. Maxwell*, 384 U.S. 333 (1966).
9. Ms. Stauch therefore respectfully objects to any request by any media outlet and/or their agents for expanded media coverage and all orders granting expanded media coverage at all future proceedings in this case. Ms. Stauch further requests a hearing, if necessary, before any such request is granted.



---

Kathryn Strobel No. 42850  
Deputy State Public Defender  
Dated: March 4, 2020

Certificate of Service

I hereby certify that on March 4, 2020, a true and correct copy of the foregoing motion was served via ICCES on all parties who appear of record and have entered their appearances herein according to ICCES.

/s/ Kathryn Strobel