

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 Tejon Street Colorado Springs, Colorado 80903	DATE FILED: June 30, 2023 2:22 PM DATE FILED: June 30, 2023 9:48 AM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH, Defendant	σ COURT USE ONLY σ
Megan Ring, Colorado State Public Defender Joseph Archambault #41216 Chief Trial Deputy Michael Bowman #48652 Deputy State Public Defender 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	Case No. 22CR6008 Division 21
NOTICE OF VIOLATION OF COURT'S ORDER [D-31]	

Mx.¹ Anderson Aldrich¹, by and through counsel, informs this Court of the violation of its June 26, 2023 Order. Mx. Aldrich states:

1. On June 26, 2023, Mx. Aldrich plead guilty and was sentenced by the Court. The Court allowed the prosecution time to file restitution requests and the defense time to object to such requests.
2. Prior to June 26, multiple media outlets contacted the Court asking for expanded media coverage. Mx. Aldrich objected to such expanded media coverage and in their objection pointed out the ways Mx. Aldrich had already been prejudiced in this case. *See* Objection to Media Coverage [D-30]. Mx. Aldrich also pointed out that at least one other El Paso Case had been impacted by live streaming of court proceedings in that the solemnity, decorum and even the presumption of innocence were destroyed by the postings online and comments online. *Id*; *see also* Colo. R. Pub. Acc. Rec. & Info. Rule 3, (*trial court to consider in permitting expanded media coverage if there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum, and dignity of the court*).

¹ Anderson Aldrich is non-binary. They use they/them pronouns, and for the purposes of all formal filings, will be addressed as Mx. Aldrich

3. The Court did grant the media request ONLY in part, and the Court was explicit about the limitations of this grant. See Order Regarding Expanded Media Coverage for June 26, 2023, dated 6/21/23. The Court stated clearly:

Analysis and Ruling

After consideration of the above listed factors, the Court finds that limited and restricted expanded media coverage by WebEx should be permitted. Defense concerns about tainting the jury pool for this case or any parallel federal case can be alleviated through other means such as voir dire or motions for change of venue. The court has considered such issues and finds that expanded coverage would not meaningfully interfere with the rights of the accused in this case. Therefore, expanded media coverage by WebEx will be permitted on June 26, 2023, for the entry of plea but not for any subsequent sentencing hearing. In-person expanded coverage is denied for June 26, 2023.

Authority to Impose Restrictions on Expanded Media Coverage. A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, or jurors. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this Canon or additional rules imposed by the judge have been violated; or (2) substantial rights of individual participants or rights to a fair trial will be prejudiced by such coverage if it is allowed to continue.

WebEx Link

Any media outlet may record, stream, and/or rebroadcast the feed provided by the court's WebEx link found at

<https://judicial.webex.com/judicial/j.php?MTID=m6f3889fe2a7c36a41d12d51240afaa60>

for the portions of the hearing of June 26, 2023, authorized by this order. No other recording, streaming or rebroadcasting is permitted without a specific order of the court. Any violations of this order are subject to loss of expanded coverage and/or sanctions for contempt of court.

Id. at p 2.

4. The Court only allowed recording of the live stream of the proceedings during the PLEA portion, the Court explicitly prohibited any recording, streaming, or broadcasting of the sentencing portion of the hearing.
5. This order was then made available openly, and publicly, to every media outlet and interested party when it was placed on the 4th Judicial District Court's website. See https://www.courts.state.co.us/userfiles/file/Court_Probation/04th_Judicial_District/El_Paso/22CR6008/Expanded%20Media%20Coverage%20Order%20for%20June%2026%2C%202023.pdf.

6. The Court, its staff, the 4th Judicial District and it appears the Colorado Judicial Public Information office and staff made sure that everyone knew the limitations of the Court's order.
7. The Court then again on June 26, after the plea portion and before the sentencing portion began, reiterated this order, that nothing could be recorded and broadcast prior to the sentencing portion beginning.
8. During the sentencing on June 26, as was expected by the parties and the Court (and likely the media), there were emotional and personal statements given by the multiple victims. Much of this was profound and upsetting to the victims giving such statements, and to any other victims who were listening and watching such statements. During such statements, Mx. Aldrich got emotional and upset, crying at multiple points; and Mx. Aldrich's counsel made a brief statement on Mx. Aldrich's behalf. NONE of this was allowed to be recorded or rebroadcast and none of these personal observations, statements, or actions were allowed to be saved and kept on the internet in perpetuity. Those concerns, from the defense's perspective, were expressed in [D-30].
9. Mx. Aldrich has recently learned that despite the Court's explicit order, this order was and is being blatantly violated. The plea AND approximately 40 minutes of the sentencing was recorded and rebroadcast on YouTube. See <https://www.youtube.com/watch?v=YRZKU0F8p2c&t=513s> (Still publicly accessible and viewable on 6/29/23.) A saved copy will be delivered to the Court and prosecution as Exhibit A, a flash drive containing this recorded broadcast².
10. The brazen nature of the violation of the Court's order is particularly egregious, given that the recording and broadcast even includes the Court's warning on the screen prohibiting this exact recording.

² In Exhibit A, you can see and hear, after the plea the Court expressly informing everyone that recording is prohibited going forward as the sentencing portion began.



Id. at 27:17, excerpt from the the broadcast and during the plea portion.

11. This recording was posted by “NowThisNews.” As indicated on their YouTube page, NowThisNews has 2.5 million subscribers. This specific post has been viewed over eleven thousand times and counting.
12. It is currently unclear whether “NowThisNews” was the only person or organization to record and re-broadcast this footage in violation of the Court’s order. Mx. Aldrich is currently unable to determine who the individual responsible is. At the current time, Mx. Aldrich has not been able to determine if “NowThisNews” is the only offender and the one that copied and re-broadcasted this in violation of the Court’s order and has been unable to determine who is the individual(s) responsible.
13. Mx. Aldrich cannot represent that this is the only recording and rebroadcast of the sentencing. Mx. Aldrich has not been in communication with the District Attorney about this contemptible conduct that violated the Court’s order yet; however given the blatant violation of the victim’s privacy and dignity, it is assumed that the District Attorney’s Office is also investigating this misconduct.
14. Mx. Aldrich has also not received information yet from the State Judicial Information Office who was involved in choosing which media outlets got seats in the courtroom and fielding so many media requests prior to June 26, but it is also assumed that the results of the Judicial investigation into this misconduct will be shared with Mx. Aldrich soon.
15. Mx. Aldrich will continue to investigate this violation of the Court’s order and expects the District Attorney to do the same.

16. While the media has a right to report, it does not have license to violate the law and court orders. Indeed, the media is not above the law and cannot be allowed to blatantly skirt this Court's authority in perpetuity.
17. While the Colorado Supreme Court has always recognized the freedom of the press, it has also made it clear for over a hundred years that the freedom of the press is not absolute and if their actions violate the law, a trial court has the authority and jurisdiction to punish them with contempt. *See Cooper v. People ex rel. Wyatt*, 22 P. 790 (Colo. 1889).

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy



Michael Bowman #48652
Deputy State Public Defender

Certificate of Service

I certify that on 06/30/2023, I served the foregoing document electronically through Colorado Courts E-Filing to all opposing counsel of record.
s/skoslosky

Dated: June 30, 2023