

<b>PITKIN COUNTY, COLORADO :DISTRICT COURT</b> Court Address: Pitkin County Courthouse 506 East Main Street Aspen, Colorado 81611  Phone Number: 970-925-7635	
<hr/> <b>THE PEOPLE OF THE STATE OF COLORADO,</b>  <b>vs.</b>  <b>CARLOS IRWIN ESTEVEZ,</b> <b>Defendant.</b>	
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<b>DECORUM ORDER</b>	
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Case Number: P09CR98  Div.: 3	

The Pitkin County courthouse is a 19<sup>th</sup>-century building occupied by many offices including the Pitkin County Combined Courts. The offices are generally open for the public to conduct its business on all business days, including days when this case will be set for various proceedings. The courtrooms and the halls, stairways and other public areas outside the courtrooms are limited in size and too small to accommodate safely the likely number of persons who may desire to enter the Courthouse for a matter such as this which has already attracted significant public and media attention; too small to accommodate activities other than the intended purpose of traffic flow and access from one place to another; and too small for large numbers of people and for extra activities to be conducted without disrupting the proceedings in the courtroom. The courts will also be open for business for all who may have other matters pending before the District or County Court, and no other court business shall be disrupted as a result of this, or any other, high profile proceeding.

The rights of the Defendant to a fair trial, and associated proceedings in advance of trial, must be given the highest priority. In entering this Decorum Order, the Court has considered the factors in Canon 3(A)(8)(b) of the Code of Judicial Conduct. The entry of this Decorum Order is necessary to support the safety and security of all persons conducting business at the courthouse, to support the orderly administration of justice in this case and others pending before the Court, and to protect the rights of the Defendant to a fair trial. In allowing the courtroom to reach its seating capacity, the Court concludes this order also respects the rights and interests of the general public and the media in terms of access to these proceedings.

This order governs all persons inside the Pitkin County courthouse on any day when this case is set for any proceedings from the time the courthouse opens to the public until two hours after the completion of any hearing or appearance in this case.

**Occupancy of the District Courtroom:** The capacity of the portion of the courtroom available to the general public is 60. The 60 available seats shall be allocated as follows: three for persons associated with the defense; three for persons associated with the prosecution; three for the victim and the victim's representatives; 20 for credentialed members of the media; 31 for the general public. Seats for the above-noted nine persons associated with the case will be reserved in the first row behind the bar. The numbers of reserved seats and allocation of remaining seats may be modified depending upon the needs for any particular hearing or appearance. Five of the media seats will be assigned to local media: the Aspen Times, Aspen Daily News, KSPN, and KSNO. Access by other media members for the remaining 16 seats will be determined by a lottery to be implemented by the Aspen Police Department and the Pitkin County Sheriff in conjunction with the State Court Administrator's Office. Access by the general public will be first-come, first-served according to procedures established by the Aspen Police Department and the Pitkin County Sheriff.

Except for emergencies, all members of the public and the media in the courtroom shall be seated before a Court session begins, rise and then be seated at the beginning of the hearing if so directed by the Court or its staff and shall remain seated until the next recess is called. When a session begins, no further entry into the courtroom shall be allowed.

**Photography, Recording, Communication and Electronic Devices:** The following items are prohibited on the third floor of the courthouse, including the district courtroom and on the stairways and elevator which provide access to the third floor:

Devices capable of taking, recording or broadcasting visual images or sounds.

Phones, computers, and devices capable of communicating from inside the courtroom to outside the courtroom.

Consistent with the prohibition of these devices, no photos, audio or video recordings or broadcasts of any kind or communications of any kind (including but not limited to e-mail, texting, Tweeting and blogging) shall be made from any of the locations where the items are prohibited. Nor shall any person make or attempt to make from outside the courtroom or the courthouse any photos or audio or video recordings of proceedings taking place inside the courtroom. Nor shall any person outside the courtroom or the courthouse communicate or attempt to communicate with persons inside the courtroom during court proceedings. Nothing in this order shall prohibit prosecution attorneys or defense counsel and their respective staffs from having these devices to the extent necessary to further the prosecution or defense of the case, provided however, any communication and audio or visual recording or transmission capabilities of such devices shall be turned off and not used except with specific permission from the Court.

All persons entering the third floor of the courthouse shall be subject to screening by magnetometer, wand or both; all bags shall be subject to inspection. Persons in possession of prohibited items are subject to being refused further entry. Prohibited items discovered in the courtroom may be confiscated pending further order of the Court.

**Interviews and imaging:** No interviews, photography, videography or audio recordings shall be conducted on the third floor of the courthouse or on the stairways or elevator leading to the third floor or in the hallways of the second floor.

The Pitkin County Sheriff and the Aspen Police Department are authorized to impose similar, but no more stringent, limitations on the second floor of the Courthouse and below to the extent they deem necessary to preserve the safety and security of all persons in those portions of the Courthouse.

Any person violating the terms of this order may be subject to exclusion from further proceedings and be subject to the contempt authority of the Court.

This order is not entered in response to a specific request for expanded media coverage but rather in response to the significant media and public attention given to this case and the potential impact on court proceedings if access consistent with that attention is sought for court proceedings in this case. Absent further order of the Court, this order will apply to all proceedings in this case.

A copy of this order shall be posted in the courthouse and delivered to members of the public and media authorized to enter the courtroom in the manner provided in this order.

DATED: January 19, 2010.

BY THE COURT:



JAMES B. BOYD  
DISTRICT COURT JUDGE