

<b>DISTRICT COURT</b> <b>EAGLE COUNTY, COLORADO</b> 885 E. Chambers Road P.O. Box 597 Eagle, Colorado 81631	FILED IN THE COMBINED CLERKS OFFICE  OCT 31 2003  EAGLE COUNTY, COLORADO BY <u>MS</u> σ COURT USE ONLY σ
<b>Plaintiff:</b>  PEOPLE OF THE STATE OF COLORADO.  <b>Defendant:</b>  KOBE BEAN BRYANT.	
	Case Number: 03 CR 204 Div.: R
<b>ORDER RE PRETRIAL PUBLICITY</b>	

THIS MATTER comes before the Court, on its own motion based upon the intense interest of the media in this matter and the amount of publicity which has resulted. The Court is concerned that the extensive participant and public comment will disrupt the processes by which a fair trial may be preserved. "The Courts must take such steps by rule and regulation that will protect their processes from prejudicial outside interferences. Neither prosecutors, counsel for the defense, the accused, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function." *Sheppard v. Maxwell*, 86 S.Ct. 1507, 1522 (1966).

Lawyer conduct is governed by Colorado Rule of Professional Conduct 3.6. Pursuant to Standard 8-2.1, the provisions of Standard 8-1.1, which also governs lawyer conduct and is substantially similar to Colorado Rule of Professional Conduct 3.6. are also applicable to the release of information to the public by law enforcement agencies and officers.

THE COURT HEREBY ORDERS AS FOLLOWS:

- I. Extrajudicial Statement by Attorneys and Law Enforcement Agencies:
  - a. Any lawyer or legal representative or law enforcement personnel associated with this case (including but not limited to the Eagle County Sheriff's Office) shall not make any extrajudicial statement that a reasonable person would expect to be disseminated by means of a public communication if the lawyer or



officer knows or reasonably should know is likely to create a grave danger of imminent and substantial harm to the fairness of the trial.

- b. Any lawyer, legal representative or law enforcement personnel associated with this case shall make no extrajudicial statements concerning the following:
  1. the character, credibility, reputation or criminal record of the defendant or of a witness, or concerning the expected testimony of the defendant or of a witness;
  2. the possibility of a plea of guilty to the offense, or the existence of contents of any confession, admission or statement given by the defendant, or the refusal or failure to make any such statement;
  3. the performance or results of any examination or test, or the refusal or failure to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;
  4. any opinion as to the guilt or innocence of the defendant;
  5. information the lawyer or officer knows or reasonably should know is likely to be inadmissible as evidence in the trial and would, if disclosed, create a substantial risk of prejudicing an impartial trial
- c. Any lawyer, legal representative, or law enforcement personnel associated with this case may state, without elaboration, the following:
  - (1) the general nature of the claim or defense
  - (2) the information contained in the public record;
  - (3) that an investigation is in progress, including the general scope of the investigation, the offense or claim or defense involved and, except when prohibited by law, the identity of the persons involved;
  - (4) the scheduling or result of any step in the litigation;
  - (5) a request for assistance in obtaining evidence and information necessary thereto
  - (6) a warning or danger concerning the behavior or the person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest
  - (7) the identity, residence, occupation and family status of the defendant;
  - (8) the fact, time and place of arrest; and
  - (9) the identity of investigating and arresting officers or agencies and the length of the investigation;
  - (10) if the accused has not been apprehended, information necessary to aid in the apprehension of that person.

Lawyers and law enforcement agencies and officers are further advised to review and refer to the comments following Colorado Rule of Professional Conduct 3.6 and Standard 8-1.1 for guidance as to what constitutes appropriate conduct.


Pursuant to Colorado Rule of Professional Conduct 3.8(e), the District Attorney shall exercise reasonable care to prevent investigators, law enforcement personnel, employees or others assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Colorado Rule of Professional Conduct 3.6.

II. Disclosure by Court Personnel:

Court personnel shall not disclose to any unauthorized person information relating to a pending criminal case that is not part of the public records of the court and that is likely to create a grave danger of imminent and substantial harm to the fairness of the trial proceedings.

DATED THIS 31<sup>st</sup> DAY OF October, 2003.

BY THE COURT:

  
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W. Terry Ruckriegle  
District Court Judge

CERTIFICATE OF MAILING

I hereby certify that I have, on this 31<sup>st</sup> day of October, 2003, mailed and/or faxed a true and correct copy of the foregoing ORDER by U.S. Mail, postage prepaid, to the following:

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*Handwritten signature*

