

District Court Arapahoe County, Colorado 7325 South Potomac Street, Centennial, Colorado 80112	▲ ▲ COURT USE ONLY
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. JAMES HOLMES, Defendant	
	Case Number: 12CR1522 Division 408
ORDER RELATING TO DISCLOSURE OF RECORDS BY UNIVERSITY OF COLORADO PURSUANT TO COLRADO OPEN RECORDS ACT PEOPLE'S MOTION NO. 1 (P-2)	

The COURT, having considered People's Motion No. 1, and being duly apprised of the relevant facts and law, hereby makes the following findings:

1. The defendant has been arrested by the Aurora Police Department for numerous counts of first-degree murder, attempted murder, and other offenses related to events occurring in the early morning of July 20, 2012. The People have stated that they will be filing charges against the defendant in the near future, including an anticipated 12 counts of first-degree murder, numerous counts of attempted first-degree murder, and other charges.
2. This case has engendered extensive media interest.
3. The Defendant was previously enrolled in the University of Colorado Denver/Anschutz Medical Campus in a neuroscience graduate studies program. As of June 20, 2012, he was in the process of voluntarily withdrawing from the University Of Colorado.
4. On July 21, 2012, a representative of the University Of Colorado contacted the District Attorney. That representative indicated that representatives of media organizations had made preliminary inquires of the University regarding submission of a request for release of records relating to the defendant pursuant to the Colorado Open Records Act (CORA), C.R.S. § 24-72-201, et seq.
5. CORA generally governs the disclosure of public records in the possession of government agencies and government personnel. The University Of Colorado is an agency of the State of Colorado and is governed by CORA. The term "public records" is defined as "all writings made, maintained, or kept by the state, any agency, institution . . . or political subdivision of the state. . ." C.R.S. § 24-72-202(6)(a)(I). The term "writing" is defined as "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. 'Writings' includes digitally stored data, including without limitation electronic mail messages, but does not include computer software." C.R.S. § 24-72-202 (7).

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6. C.R.S. § 24-72-202(1)(a) provides that “[a]ll public records shall be open for inspection by an person at reasonable times . . .”

7. C.R.S. § 24-72-204(1)(c) provides: “The custodian of any public records shall allow any person the right of inspection of such records or any portion thereof except on one or more of the following grounds: (c) Such inspection is prohibited by rules promulgated by the supreme court or by the order of any court.” This limitation has been described as “expressive of the legislative intent that a court should consider and weigh whether disclosure would be contrary to the public interest.” *Martinelli v. District Court*, 612 P.2d 1083, 1093 (Colo. 1980).

8. Disclosure of the records in the possession of the University Of Colorado relating to the defendant would be contrary to the public interest as it would impede an ongoing investigation.

9. The University Of Colorado does not object to the court granting the People’s Motion.

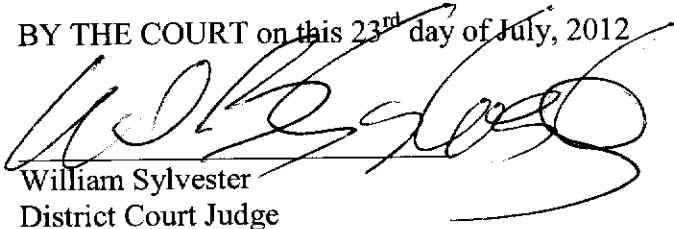
Pursuant to those findings, the court enters the following **ORDER**:

1. Pursuant to the authority granted this court pursuant to C.R.S. § 24-72-204(1)(c), this court orders that the University Of Colorado shall not disclose information about the defendant pursuant to CORA. Nothing in this Order shall be construed to restrict the ability of the parties to this case to obtain documents relating to the defendant through appropriate use of a subpoena to produce or any other method provided in the Colorado Rules Of Criminal Procedure. This order shall remain in effect until further order of this court, but in no case later than the date a final judgment is entered in this case.

2. This order and People’s Motion No. 1 shall be delivered by the District Attorney to the appropriate representative of the University Of Colorado by appropriate means.

3. This order and People’s Motion No. 1 shall not be subject to this Court’s order sealing the court file and court records in this case, and shall be available to any person for inspection and copying.

BY THE COURT on this 23rd day of July, 2012



William Sylvester
District Court Judge