

Chief Judge, Twelfth Judicial District

**ORDER:
PUBLIC ACCESS TO
EXHIBITS OFFERED OR
ADMITTED DURING
TRIALS AND HEARINGS**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2015-02**

Chief Justice Directive 05-01 (Amended September 2014) concerns public access to court records and information but does not address all situations that may arise concerning such access. Section 4.60(a) directs that information in court records is not accessible to the public “if federal law, state law, court rule, court order, case law or this policy prohibits disclosure of the information.” In addition, Section 4.60(d) provides a list of items that “are examples of commonly filed court records that are not accessible to the public” which includes exhibits that “are dangerous or contraband,” “drugs,” and “items whose possession is illegal,” as well as numerous other types of information, *e.g.* drug/alcohol treatment documents; paternity tests; credit reports; medical and mental health documents; scholastic achievement data on individuals, death and birth certificates, etc. CJD 05-01, Section 4.60 (d)(1)-(26). Beyond this, however, CJD 05-01 does not specifically address the release of, or public access to, exhibits that were offered or admitted during a hearing or trial.

Allowing blanket public access to the exhibits offered or admitted during a trial or hearing could result in interference with the orderly administration of law and justice. This is particularly so while a case is on direct appeal since, if the case is reversed on appeal, the exhibits admitted during the first trial may need to be used in a second trial. Allowing public access to those exhibits during the time for and pendency of an appeal could lead to chain of custody problems in a later re-trial. In addition, blanket public access to the exhibits offered or admitted in a felony criminal, juvenile delinquency, misdemeanor or traffic case during the post-appeal period may interfere with the orderly administration of justice if the case is one where it is likely the defendant will seek a post-conviction remedy under Rule 35 of the Colorado Rules of Criminal Procedure. Accordingly, the better practice is to restrict access to such exhibits except as ordered by the judge presiding over the case after notice to the parties to the case.

IT IS THEREFORE the policy of the 12th Judicial District that exhibits offered or admitted in a hearing or trial in any case shall not be accessible to the public and shall only be accessible to judges, court personnel, and the parties to the case, as well as the parties’ lawyers, EXCEPT by order of the judge presiding over the case. Persons desiring access to such exhibits shall file a motion requesting such access and serve a copy of the motion on all parties to the case.

THIS ORDER ADOPTED this 23rd day of June 2015.

BY THE COURT:

Pattie P. Swift, Chief Judge