

<b>DISTRICT COURT, EL PASO COUNTY, COLORADO</b> Court address: <b>270 S. Tejon Colorado Springs, CO 80903</b> Phone Number: <b>(719) 452-5284</b>	DATE FILED: <b>February 19, 2023</b> DATE FILED: <b>February 19, 2023</b>
<b>Plaintiff:</b> THE PEOPLE OF THE STATE OF COLORADO,  vs.  <b>Defendant:</b> Letecia Stauch	Court Use Only  Case Number: 20CR1358  Division: 15S    Ctrm: S403
<b>[O-26] ORDER REGARDING FILING SUPPRESSED PLEADINGS</b>	

This matter comes before the Court on *sua sponte* review. The El Paso County Clerk of Court has advised this Division that the District Attorney’s Office has requested certain pleadings in this case be suppressed or is attempting to file them as a suppressed pleading. Public access to any pleading in a criminal case is governed by the Colorado Criminal Justice Records Act and Chief Justice Directive 05-01.

Courts with criminal jurisdiction are considered a “criminal justice agency” as that phrase is used in C.R.S. §24-72-302(3). Pleadings, motions and other documents filed with a court with criminal jurisdiction are “criminal justice records” as that phrase is used in C.R.S. §24-72-302(4). C.R.S. §24-72-304(1) provides that “all criminal justice records, at the discretion of the official custodian, may be open for inspection by any person at reasonable times, except as otherwise provided by law ...”

Similarly, Chief Justice Directive 05-01, Section 3.04 interprets “public access” as meaning the public may inspect and obtain a copy of publicly accessible information in a court record. Section 3.03 of CJD 05-01 defines “court record” to mean any document or information “that is collected, received, and maintained by a court or Clerk of Court that is related to a judicial proceeding.” CJD 05-01, Section 4.10 provides that “information in the court record is accessible to the public except as prohibited by Section 4.60.” CJD 05-01 sets forth a number of categories of documents that are excluded from public access. The Court ORDERS counsel AND THEIR STAFF to review these limited exceptions with particular attention to CJD 05-01, Section 4.60(d) which defines examples of what constitutes a suppressed court record. In addition, CJD 05-01, Section 4.60(d) also contemplates that, if “a pleading or filing itself refers to a suppressed court record, that pleading or filing shall be accessible to the public unless the court orders otherwise.”

There is a strong presumption, under both Colorado statutes and CJD 05-01, that criminal justice records shall be open for public inspection unless they fall within a clearly defined category. In that regard, this case is no different than any other criminal case handled in this State.

In the future, the Clerk of the Court will make the initial determination regarding whether a pleading, motion or document filed in this case should be suppressed or otherwise immediately available for public inspection, if so requested by the public. If the party filing the pleading, motion or document disagrees with that decision, the pleading, motion or document shall be filed in a suppressed manner for seven days to allow the party filing the pleading, motion or document time to file a motion with the Court requesting the Court enter an Order prohibiting public access to the pleading, motion or document. If the party does not file a motion within that time, the pleading, motion or document shall be available for public inspection in conformity with the provisions of CJD 05-01. If the party files a motion requesting the Court enter an Order prohibiting access to the pleading, motion or document, such pleading, motion or document shall remain suppressed until further Court Order. Any motion filed to suppress a pleading, motion or document must explain, pursuant to C.R.S. §24-72-305, why making the pleading, motion or document available for inspection by the public is contrary to any state statute or prohibited by Supreme Court rule or by the Order of any Court or otherwise contrary to the public interest.

SO ORDERED this 9<sup>th</sup> day of February, 2023.

BY THE COURT:

  
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Gregory R. Werner  
District Court Judge