

District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302	<div data-bbox="1079 325 1404 462" style="border: 1px solid black; padding: 5px; text-align: center;">DOCKET</div> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p><b>THE PEOPLE OF THE STATE OF COLORADO</b></p> <p>vs.</p> <p><b>JOHN MARK KARR,</b> <b>DEFENDANT</b></p>	
	<p>Case Number: 2006 CR 1244</p> <p>Division: 13</p>
<p><b>ORDER RE MOTION TO PROTECT THE RELIABILITY AND FAIRNESS OF THE PROCEEDINGS AND MR. KARR'S FUNDAMENTAL RIGHTS</b></p>	

The Court orders that the Office of the District Attorney, any other law enforcement personnel, and/or their agents, any members of the media, or any private person, professional or not, must obtain the written consent of the Colorado State Public Defender's Office before attempting to contact or interview Mr. Karr and to give the Colorado State Public Defender's Office reasonable opportunity to be present prior to any contact with Mr. Karr for any purpose.

Dated: August 25, 2006

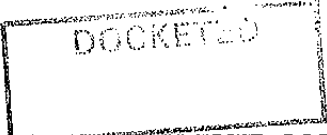
BY THE COURT



Roxanne Bailin, District Court Judge

The above and foregoing were placed *faxed*  
~~into the normal mailing process~~ to  
 the persons or attorneys indicated.  
 Date: 8/25/06 By: D. Crossin

Seth Termin (303) 449-6432  
 Hand-Delivered to  
 District Atty's Office

District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302	
<b>THE PEOPLE OF THE STATE OF COLORADO</b>  vs.  <b>JOHN MARK KARR,</b> <b>DEFENDANT</b>	 <b>▲ COURT USE ONLY ▲</b>
<i>Attorney for the People:</i> <i>William Nagel</i>  <i>Attorney for Defendant:</i> <i>Seth Temin</i>	Case Number: 2006 CR 1244  Division: 13
<b>ORDER RE PRETRIAL PUBLICITY</b>	

THIS MATTER comes before the Court regarding the intense interest of the media in this matter and the amount of publicity that 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 able to frustrate its function." *Sheppard v. Maxwell*, 384 U.S. 333, 363 (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:**

- (1) Extrajudicial Statements by Attorneys and Law Enforcement Agencies
  - (a) Any lawyer, legal representative, or law enforcement personnel associated with this case or any lawyer or legal representative who believes that he or she represents the Defendant or who purports to represent the Defendant 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 that the statement is likely to create a grave danger of

imminent and substantial harm to the fairness of the trial. This order includes lawyers who have represented the Defendant in earlier stages of these proceedings including extradition proceedings.

- (b) Any lawyer, legal representative, or law enforcement personnel associated with this case or any lawyer or legal representative who believes that he or she represents the Defendant or who purports to represent the Defendant shall make no extrajudicial statements concerning the following:
  - (i) 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;
  - (ii) the possibility of a plea of guilty to the offense, or the existence or contents of any confession, admission, or statement given by the Defendant, or the refusal or failure to make any such statement;
  - (iii) 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;
  - (iv) any opinion as to the guilt or innocence of the Defendant.
  
- (c) Any lawyer, legal representative, or law enforcement personnel associated with the case may state, without elaboration, the following:
  - (i) the nature, substance, or text of the claim or the defense;
  - (ii) the information contained in the public record;
  - (iii) 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;
  - (iv) the scheduling or result of any step in the litigation;
  - (v) a request for assistance in obtaining evidence and information necessary thereto;
  - (vi) a warning or danger concerning the behavior of 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;
  - (vii) the identity, residence, occupation, and family status of the Defendant;
  - (viii) the fact, time, and place of arrest;
  - (ix) the identity of the investigating and arresting officers or agencies and the length of the investigation;

- (x) quotations from and references to public records of the Court in the case.

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.

(2) 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.

(3) Release of Information by Law Enforcement Agencies

- (a) From the date of this order until the completion of the trial or disposition without trial, law enforcement officers shall not release or authorize the release of any extrajudicial statement for dissemination by means of public communication, if such statement presents a clear and present danger to the fairness of trial. In no event, however, shall a law enforcement officer make an extrajudicial statement concerning the following matters:
  - (i) the existence or contents of any confession, admission, or statement given by the accused or refusal or failure to make any statement;
  - (ii) the possibility of a plea of guilty to the offense charged or a lesser offense or other disposition;
  - (iii) the prior criminal records (including arrest, indictment or other charges of crime), the character or reputation of the accused, or any opinion as to the guilt or innocence or as to the merits of the case or evidence in the case;
  - (iv) the performance of or the result of any examinations or tests or the refusal of or failure of the accused to submit to examinations or tests;
  - (v) the identity, testimony, or credibility of a prospective witness.

- (b) A law enforcement officer may make factual statements as follows:
- (i) the name, age, residence, occupation, and family status of the Defendant;
  - (ii) a request for assistance in obtaining evidence;
  - (iii) the identity of the victim of the crime;
  - (iv) the fact, time, and place of arrest, resistance, pursuit, and use of weapons;
  - (v) the identity of investigating and arresting officers or agencies and the length of investigation;
  - (vi) at the time of seizure, a description of the physical evidence seized, other than a confession, admission, or statement;
  - (vii) the nature, subject, or text of the charge;
  - (viii) quotations from and reference to public records of the Court in this case;
  - (ix) the scheduling or result of any step in the proceedings;
  - (x) that the accused denies the charges made against him.

Dated: August 25, 2006

BY THE COURT

A handwritten signature in black ink, appearing to read 'R. Bailin', is written over a large, faint circular stamp or watermark.

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Roxanne Bailin, District Court Judge