

Redacted

DISTRICT COURT, EL PASO COUNTY COLORADO Court Address: 270 South Tejon Street Colorado Springs, Colorado 80903	▲ COURT USE ONLY ▲ Case/File Number: 21CR3485
People of the State of Colorado v. Anderson Lee Aldrich, DOB: 05/20/2000, white male, 6'04", 280 pounds, brown hair, green eyes, SSN # , CO DL # Defendant.	
Agency Name: El Paso County Sheriff's Office Agency Number: 21-7002	Division: Criminal Ctrm:
ATTACHMENT A	

The following Affidavit is submitted to the Court to document the probable cause in support of a request for the issuance of an Arrest Warrant for **Anderson Lee Aldrich, DOB: 05/20/2000**

This offense is fully documented in Offense Report 21-7002 detailing the offense(s) of:

- C.R.S. 18-3-206(1)(a) Felony Menacing, a class 5 felony [2 counts]**
- C.R.S. 18-3-301(1)(c) First Degree Kidnapping, a class 2 felony [3 counts]**

With the victim(s) identified as:

- 1. Pamela Pullen, DOB: 12/16/52**
- 2. Jonathan Pullen, DOB: 02/13/53**
- 3. Laura Veopel, DOB: 04/05/77**

Your Affiant is Deputy Bethany Gibson #13003, a duly sworn Deputy Sheriff, of and for the county of El Paso, State of Colorado, and who is presently employed with the El Paso County Sheriff's Office, Patrol Division.

The facts set forth within this affidavit are based upon information Your Affiant has gained from this investigation, Your Affiant's personal observations, Your Affiant's training and experience, and/or information related to Your Affiant by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a search warrant, Your Affiant has not included each and every fact known to her concerning this investigation, but have set forth only the facts that are necessary to establish probable cause to believe that evidence of a crime has occurred.

All information contained in this affidavit can be found documented under El Paso County Sheriff's Office case report #21-7002.

On 06/18/21 at approximately 1400 hours, I, Deputy Bethany Gibson #13003 of the El Paso County Sheriff's Office (EPSO), Patrol Division, was dispatched to
in reference to a bomb threat.

While en route, Dispatch advised the reporting party, Pamela Pullen, DOB: 12/16/52 called advising her grandson, Anderson Aldrich, DOB: 05/20/00 was making a bomb in the basement. Pamela stated Anderson told her he was going to be the next mass killer and has been collecting ammunition, firearms, bullet-proof body armor and storing it in the basement of the residence. Pamela stated Anderson has recently started creating what she believes is a bomb. Pamela stated Anderson has bragged about wanting to "go out in a blaze."

Pamela stated she and her husband, Jonathan Pullen, DOB: 02/13/53 have been living in fear due to Anderson's recent homicidal threats towards them and others. Pamela stated she and Jonathan sold the house and plan on moving to Florida which Anderson is not happy about. Pamela stated Anderson told her they couldn't move yet because "it would interfere with his bomb making." Pamela stated she and Jonathan advised they asked Anderson to come into the living room for a family meeting to discuss moving to Florida.

Pamela stated Anderson came up from the basement with a Glock handgun and began loading bullets into the magazine. Pamela stated Anderson told her and Jonathan that they weren't leaving to Florida. Pamela stated Anderson pointed the gun at her and Jonathan and told them, "You guys die today, and I'm taking you with me. I'm loaded and ready. You're not calling anyone." Pamela stated Anderson took the phone from her hand and told her they were not leaving to go anywhere. Pamela stated Anderson stated he was going to kill them if they didn't promise they wouldn't move to Florida. Pamela stated Anderson told her if they moved, it would interfere with his plans to conduct a mass shooting and bombing. Pamela stated Anderson went into the basement, grabbed a box and walked upstairs to the living room. Pamela stated Anderson showed her a box with chemicals in it and stated it was a bomb. Pamela stated Anderson told her it was powerful enough to blow up a police department and a federal building. Pamela stated Anderson held her and Jonathan hostage for a period of time until they promised they wouldn't move. Pamela stated she and Jonathan begged for their lives and promised Anderson they wouldn't move. Pamela stated Anderson began chugging vodka and said he needs it for "what he's about to do."

Pamela stated Anderson told her he was "in control," and went back into the basement. Pamela stated she and Jonathan ran to the car and left while calling 911.

Pamela stated Anderson's mom, Laura Voepel 04/05/77, lives at _____ which is in the same area as Pamela's house. Pamela stated Anderson drives a Gold 2005 Toyota Highlander with Colorado plates

Deputies went to _____ and located Anderson's gold Highlander parked down the street. I contacted his mother, Laura, by phone and she was not cooperative. Laura did not want to answer any questions on the whereabouts of her son.

At approximately 1500 hours, Laura sent text messages to her landlord advising the cops were after her son, Anderson. The landlord asked where Anderson was, and Laura told her he was with her inside of her home. Laura stated she needed to make sure the cops weren't coming for her son. I received a screenshot of the text messages.

At approximately 1600 hours, our SWAT team started containment on Laura exited the residence stating, "He let me go." At approximately 1615 hours, Anderson contacted Sergeant J. Harmon on the telephone and stated that he let his mother go, and that he sees swat members around the house. Anderson told Sergeant Harmon that the SWAT team needs to "get back." Anderson told Sergeant Harmon that he has tannerite inside the home and that he was going to start shooting through the walls. Anderson also told Sergeant Harmon that he was going to die today.

At approximately 1630 hours, Anderson told the SWAT team negotiator that he has a gas mask, armor piercing rounds, and "is ready to go to the end." Anderson stated he is extremely agitated.

Based on all the above facts and circumstances, I respectfully request for a search warrant of Mr. Aldrich's residence to locate and make safe a home-made bomb along with ammunition, firearms, and body armor to prevent a reported planned terrorism attack.

Based on all the above facts and circumstances, I respectfully request for a search warrant of Mr. Aldrich's residence to locate and make safe a home-made bomb along with ammunition, firearms, and body armor to prevent a reported planned terrorism attack.

At approximately 1650 hours, Pamela provided consent for Deputies and the Explosive Ordinances Device team to search. Upon entering the basement of the residence, they found items consistent with bomb making materials.

1720 hours, I contacted the Honorable Judge Michael McHenry and requested an elevated bond based on Anderson's homicidal statements, actions, possessions of firearms and bomb making materials, Judge McHenry agreed to an elevated bond and set the bond at \$1,000,000.00.

I would respectfully request that probable cause be found that **Anderson Lee Aldrich, DOB: 05/20/2000** within the County of El Paso and State of Colorado, commit in violation of the Colorado Revised Statutes 1973 as amended, the offense(s) of:

- C.R.S. 18-3-206(1)(a) Felony Menacing, a class 5 felony [2 counts]
- C.R.S. 18-3-301(1)(c) First Degree Kidnapping, a class 2 felony [3 counts]

Deputy Bethany Gibson #13003

Applicant: Deputy Bethany Gibson #13003

Position: EPSO, Deputy Sheriff

Sworn and subscribed before me this 18 day of June, 2021.


Judge/Magistrate



El Paso County Sheriff's Office

Redacted *U/350*



BOOKING REPORT - 210006822 - ALDRICH, ANDERSON LEE

Location: **I/R-AMP-03** Total Bond Amount: **\$1,000,000.00**
 Booking # Inmate Id # Arrival Date/Time Booking Date/Time Scheduled Release Release Date/Time June 21, 2021 Property Doc #
6/18/2021 22:15 6/18/2021 18:46
 Last Name **ALDRICH** First Name **ANDERSON** Middle Name **LEE** Name Suffix Juvenile Dispo Language Spoken Booking Complete
 Inmate Status **PRETRIAL** Inmate Classification Parole Officer Booking Officer **CABLE,** Entry Officer **CONNOR, TEAGAN**

Alerts: **FRA/D, SEG ALL**

PERSONAL INFORMATION

Physical Address **TRANSIENT (MANITOU) COLORADO SPRINGS CO 80925** Mailing Address
 Phone Phone **(202)570-1253**
 Residence Status **COUNTY** SSN Drivers License DL State **CO**
 State ID No. FBI No. Other ID DOC No.
 Date of Birth **5/20/2000** Age **21** Sex **M** Race **W** Ethnicity **N** Height **6-04** Weight **260** Build **L**
 Eyes **GRN** Glasses Hair **BLK** Style **S** Length **S** Skin **WHITE**
 Facial Hair **NO** Teeth **W** Marital Status Religion Yrs Ed.
 Place of Birth Citizenship **US** Gang

CHARGES

Statute **18-3-301** **FIRST DEGREE KIDNAPPING - W/O BODILY INJURY** Level **F** Degree **2** Type
 OBTS Booking Case **21-7002** Arrest Date/Time **6/18/2021 17:46**
 Arrest Location Arresting Agency ORI **CO0210001** Domestic
 Arresting Officer **13003 GIBSON, BETHANY** Arresting Agency Case No. **21-7002**
 Warrant **FELONY** Type **ARREST** Warrant **ARREST WARRANT** Citation **21-7001**
 Other Chargeable Offense **3 COUNTS**
 End Of Sentence Date: _____ Bond # **1** Bond Amount **\$1,000,000.00** Cash Bond Type **C/S/P**
 Court Case **ARREST WARRANT** Court Date **6/22/2021** Judge **CJC COURT -** Court Venue **ADV COURT CJC**

Disposition **BOND RETURN 6/24/21 @ 1000 // DIV J**

Comments

Cleared

Cleared Comments

Statute **18-3-206** **MENACING FELONY REAL/SIMULATED WEAPON** Level **F** Degree **5** Type
 OBTS Booking Case **21-7002** Arrest Date/Time **6/18/2021 17:46**
 Arrest Location Arresting Agency ORI **CO0210001** Domestic
 Arresting Officer **13003 GIBSON, BETHANY** Arresting Agency Case No. **21-7002**
 Warrant **FELONY** Type **ARREST** Warrant **ARREST WARRANT** Citation **21-7001**
 Other Chargeable Offense **2 COUNTS**
 End Of Sentence Date: _____ Bond # **1** Bond Amount **\$1,000,000.00** Cash Bond Type **C/S/P**
 Court Case **ARREST WARRANT** Court Date **6/22/2021** Judge **CJC COURT -** Court Venue **ADV COURT CJC**

Disposition **BOND RETURN 6/24/21 @ 1000 // DIV J**

Comments

Cleared

Cleared Comments

HOLDS INFORMATION

SCARS/MARKS/TATTOOS

Code	Description	Comment

ALIAS INFORMATION

Name	DOB	SSN

EMPLOYMENT

Employer	Address	How Long	<input type="checkbox"/> Part Time	<input type="checkbox"/> Student
UNEMPLOYMENT				

VEHICLE

License	State	Veh. Year	Make	Model	Style	Color

Impound Address Phone Hold on Vehicle Hold Agency



El Paso County Sheriff's Office

BOOKING REPORT - 2100006822 - ALDRICH, ANDERSON LEE



Location: **I/R-AMP-03** Total Bond Amount: **\$1,000,000.00**

Comments

BOOKING COMMENTS

LEGAL REPRESENTATION

Attorney Name _____ Phone **719401-8753** Phone Call Made

NEXT OF KIN

	Name	Home Phone	Work Phone	Address
MOTHER	VOEPEL, LAURA			

NOTIFICATION

VICTIM	Name VOEPEL, LAURA Home Work Phone	Address
VICTIM	Name PULLEN, PAMELA Home Work Phone	Address
VICTIM	Name PULLEN, JONATHAN Home Work Phone	Address

Officer Signature

Supervisor Signature

Inmate Signature

_____ I authorize the Sheriff & staff to open & inspect all mail or packages which are addressed to me at the Jail. _____ I have been given a Jail Rules and Regulations Handbook & understand that I may be disciplined for any action.

Redacted

Combined Court, El Paso County, State of Colorado 270 South Tejon Street, Colorado Springs, Colorado 80903 Phone: (719) 452-5000	DATE FILED: June 22, 2021 12:59 PM
Plaintiff: The People of The State of Colorado v. Defendant: Anderson Lee Aldrich	Δ COURT USE ONLY Δ
Attorneys for Defendant: The Foley Law Firm David W. Foley, Esq. (#30252) 222 East Costilla Street, Colorado Springs, Colorado 80903 Ph: (719) 757-1182 Fx: (719) 757-1146 E-Mail: thefoleylawfirm@gmail.com	Case: 21CR3485 Division: 19
ENTRY OF APPEARANCE	

COMES NOW, The Foley Law Firm, by and through attorney David W. Foley, who hereby enters his appearance on behalf of the Defendant, **Anderson Lee Aldrich**, in the above-captioned matter.

Respectfully submitted this 22nd day of June, 2021.

The Foley Law Firm
/s/ David W. Foley
David W. Foley, (#30252)
Attorney for Defendant

CERTIFICATE OF FILING

I, the undersigned, do hereby certify that a true and correct copy of the foregoing was E-filed via ICCES/JPOD, this 22nd day of June 2021:

Office of the District Attorney
4th Judicial District Colorado
Deputy DA Division 19
105 East Vermijo Avenue
Colorado Springs, Colorado 80903

/s/ David W. Foley
David W. Foley, (#30252)

DATE FILED: June 29, 2021 2:46 PM

District Court, El Paso County, Colorado 270 South Tejon Street Colorado Springs, CO 80903	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
THE PEOPLE OF THE STATE OF COLORADO vs. ANDERSON LEE ALDRICH , Defendant	
Michael J Allen Fourth Judicial District District Attorney, # 42955 El Paso County District Attorneys Office 105 E. Vermijo Avenue Colorado Springs, CO 80903 Phone Number: 719-520-6000 Fax: 719-520-6172	Case No: D0212021CR003485 Div: 19 Courtroom:
COMPLAINT AND INFORMATION	

CHARGES: 7

- COUNT 1: FIRST DEGREE KIDNAPPING, C.R.S. 18-3-301(1)(c),(3) (F2){03016}
- COUNT 2: FIRST DEGREE KIDNAPPING, C.R.S. 18-3-301(1)(c),(3) (F2){03016}
- COUNT 3: FIRST DEGREE KIDNAPPING, C.R.S. 18-3-301(1)(c),(3) (F2){03016}
- COUNT 4: CRIME OF VIOLENCE, C.R.S. 18-1.3-406(2)(a)(I)(A) (SE){36091}
- COUNT 5: CRIME OF VIOLENCE, C.R.S. 18-1.3-406(2)(a)(I)(A) (SE){36091}
- COUNT 6: MENACING, C.R.S. 18-3-206(1)(a)/(b) (F5){02053}
- COUNT 7: MENACING, C.R.S. 18-3-206(1)(a)/(b) (F5){02053}

Michael J Allen, District Attorney for the Fourth Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the County of El Paso:

COUNT 1-FIRST DEGREE KIDNAPPING (F2)

On or about June 18, 2021, Anderson Lee Aldrich unlawfully and feloniously imprisoned or forcibly secreted Pamela Pullen, with the intent thereby to force the victim or another person to make a concession or give up anything of value in order to secure the release of the victim who was under the actual or apparent control of the defendant; in violation of section 18-3-301(1)(c),(3), C.R.S.

COUNT 2-FIRST DEGREE KIDNAPPING (F2)

On or about June 18, 2021, Anderson Lee Aldrich unlawfully and feloniously imprisoned or forcibly secreted Jonathan Pullen, with the intent thereby to force the victim or another person to make a concession or give up anything of value in order to secure the release of the victim who was under the actual or apparent control of the defendant; in violation of section 18-3-301(1)(c),(3), C.R.S.

COUNT 3-FIRST DEGREE KIDNAPPING (F2)

On or about June 18, 2021, Anderson Lee Aldrich unlawfully and feloniously imprisoned or forcibly secreted Laura Voepel, with the intent thereby to force the victim or another person to make a concession or give up anything of value in order to secure the release of the victim who was under the actual or apparent control of the defendant; in violation of section 18-3-301(1)(c),(3), C.R.S.

COUNT 4-CRIME OF VIOLENCE (SE)

On or about June 18, 2021, Anderson Lee Aldrich unlawfully used, or possessed and threatened the use of, a deadly weapon, namely: handgun, during the commission of, attempted commission of, conspiracy to commit, or the immediate flight from, the offense of kidnapping, as charged in count one; in violation of section 18-1.3-406(2)(a)(I)(A), C.R.S.

COUNT 5-CRIME OF VIOLENCE (SE)

On or about June 18, 2021, Anderson Lee Aldrich unlawfully used, or possessed and threatened the use of, a deadly weapon, namely: handgun, during the commission of, attempted commission of, conspiracy to commit, or the immediate flight from, the offense of kidnapping, as charged in count two; in violation of section 18-1.3-406(2)(a)(I)(A), C.R.S.

COUNT 6-MENACING (F5)

On or about June 18, 2021, Anderson Lee Aldrich, by any threat or physical action unlawfully, feloniously, and knowingly placed or attempted to place Pamela Pullen in fear of imminent serious bodily injury by use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article was a deadly weapon, namely: handgun; in violation of section 18-3-206(1)(a)/(b), C.R.S.

COUNT 7-MENACING (F5)

On or about June 18, 2021, Anderson Lee Aldrich, by any threat or physical action unlawfully, feloniously, and knowingly placed or attempted to place Jonathan Pullen in fear of imminent serious bodily injury by use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article was a deadly weapon, namely: handgun; in violation of section 18-3-206(1)(a)/(b), C.R.S.

All offenses against the peace and dignity of the people of the State of Colorado.

Michael J Allen
District Attorney, #: 42955

By: /s/ Laurel Chase Date: 6/29/2021
Laurel Chase #: 48287
Deputy District Attorney

ENDORSED WITNESS LIST

Bethany Gibson
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Pamela Pullen

Jonathan Pullen

Laura Voepel

Jared Harmon
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Robert Frederiksen
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Travis Mundt
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Wesley Woodworth
Colo Springs Police
705 South Nevada Ave
Colorado Springs, CO 80903

Shawn Mahon
Colo Springs Police
705 South Nevada Ave
Colorado Springs, CO 80903

Seth Fritsche
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Curtis Lenz
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Evelyn Peak
El Paso Co Sheriffs Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

DEFENDANT INFORMATION

DOB: 5/20/2000

Race: W

Gender: M

Height:

Weight: 280

Hair: BRO

Eye: GRN

Birthplace:

Tattoo:

Address:

^

Home Phone #: -

Work Phone #: -

AKA:

CASE INFORMATION

Arresting Agency:

Arresting ORI:

Other Number:

Offense Agency: El Paso Co Sheriffs Office

Offense ORI: CO0210000

Arrest #:

Agency Case #: 21-7002

Date of Arrest:

BAC: _____

CCIC#: _____

NCIC #:

SID#:

<input type="checkbox"/> Municipal Court <input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile <input type="checkbox"/> Denver Probate District Court, El Paso County Court Address: 270 S. Tejon Colorado Springs, CO. 809030000	FILED DISTRICT COURT #00006 COURTS-EL PASO CO., CO DATE FILED: July 01, 2021 JUL 01 2021 DIVISION 19 ▲ COURT USE ONLY ▲ Case Number: D0212021CR003485 Division: 19
The People of the State of Colorado v. Defendant: ALDRICH, ANDERSON LEE Address: TRANSIENT MANITOU COLORADO SPRINGS, CO. 80925	
MANDATORY PROTECTION ORDER PURSUANT TO §18-1-1001, C.R.S.	

Full name of Defendant	Date of Birth	Sex	Race	Weight	Height	Hair Color	Eye Color
<input type="checkbox"/> Protected Party alleges Weapon involved							
ALDRICH, ANDERSON LEE	5/20/2000	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	W	260	604	BLK	GRN

Full name of Protected Party	Date of Birth	Sex	Race	Full name of Protected Party	Date of Birth	Sex	Race
PULLEN, PAMELA	12/16/1952	F	O	PULLEN, JONATHAN	2/13/1953	M	O
VEOPEL, LAURA	4/05/1977	F	O				

The Court finds it is appropriate to issue this Protection Order pursuant to §18-1-1001, C.R.S.

The Court finds that the Defendant is is not governed by the Brady Handgun Violence Prevention Act, 18 U.S.C. §922 (d)(8) and (g)(8).

Therefore, it is ordered that you the Defendant:

- 1. Shall not harass, molest, intimidate, retaliate against, or tamper with any witness to or victim of the acts you are charged with committing.
- 2. Shall vacate the home of the victim(s) or witness(es), and stay away from any other location the victim(s) or witness(es) is/are likely to be found.
- 3. Shall refrain from contacting or directly or indirectly communicating with the victim(s) or witness(es).
- 4. Shall not possess, purchase, or control a firearm or other weapon.
- 5. Shall not possess or purchase any ammunition.
- 6. Shall relinquish, for the duration of the order, any firearm or ammunition in your immediate possession or control, or subject to your immediate possession or control, and shall do so within (hours) for firearms and within day(s) for ammunition. If you are in custody and cannot relinquish firearms and ammunition, the court orders you to do so within 24 hours of your release from custody. You shall file proof of the relinquishment with the court, within 3 business days of the relinquishment as required by statute.
- 7. Shall not possess or consume alcoholic beverages or controlled substances.

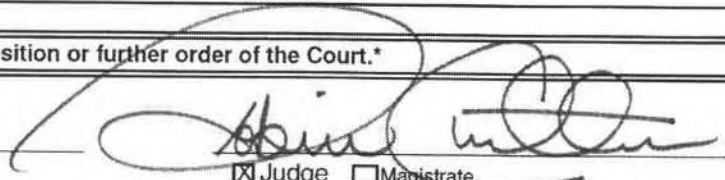
8. Is further ordered that: _____

No Contact except PHONE OR WRITTEN CONTACT FROM EL PASO COUNTY JUSTICE CENTE

R

This Order remains in effect until final disposition or further order of the Court.*

Date: ~~6/22/2021~~ 7/1/21



Judge Magistrate
CHITTUM, ROBIN LYNN
Printed Name of Judicial Officer

By signing, I acknowledge receipt of this Order

Date: _____
I certify that this is a true and complete copy of the original order.

Date: 7-1-21

Defendant
Chad Dees
Clerk

***Until final disposition of the action** means until the case is dismissed, until the Defendant is acquitted, or until the Defendant completes his or her sentence. Any Defendant sentenced to probation is deemed to have completed his or her sentence upon discharge from probation. A Defendant sentenced to incarceration is deemed to have completed his or her sentence upon release from incarceration and discharge from parole supervision. (§18-1-1001(8)(b), C.R.S)

IMPORTANT INFORMATION ABOUT PROTECTION ORDERS

THIS ORDER IS IN EFFECT UNTIL THE DISPOSITION OF THIS ACTION, OR IN THE CASE OF AN APPEAL, UNTIL THE DISPOSITION OF THE APPEAL.

This order is accorded full faith and credit and shall be enforced in every civil or criminal court of the United States, Indian Tribe or a United States Territory pursuant to 18 U.S.C. Sec. 2265. The issuing court has jurisdiction over the parties and the subject matter. The Defendant has been given reasonable notice and opportunity to be heard.

NOTICE TO DEFENDANT

- ✓ **A knowing violation of a Protection Order is a crime under §18-6-803.5, C.R.S.** A violation may subject you to fines of up to \$5,000.00 and up to 18 months in jail. A violation will also constitute contempt of court.
- ✓ You may be arrested without notice if a law enforcement officer has probable cause to believe that you have knowingly violated this Order.
- ✓ If you violate this Order thinking that a victim or witness has given you permission, **you are wrong**, and can be arrested and prosecuted.
- ✓ The terms of this Order cannot be changed by agreement of the victim(s) or witness(es). **Only the Court can change this Order.**
- ✓ You may apply at any time for the modification or dismissal of this Protection Order.
- ✓ Possession of a firearm while this Protection Order is in effect or following a conviction of a misdemeanor crime of domestic violence, may constitute a felony under Federal Law 18 U.S.C. §922(g)(8) and (g)(9).
- ✓ Firearm and ammunition relinquishment must be in accordance with §18-1-1001(9)(b), C.R.S. Failure to comply with the order to relinquish may result in an arrest warrant.

NOTICE TO LAW ENFORCEMENT OFFICERS

- ✓ You shall use every reasonable means to enforce this Protection Order.
- ✓ You shall arrest, or take into custody, or if an arrest would be impractical under the circumstances, seek a warrant for the arrest of the Defendant when you have information amounting to probable cause that the Defendant has violated or attempted to violate any provisions of this Order and the Defendant has been properly served with a copy of this Order or has received actual notice of the existence of this Order.
- ✓ You shall enforce this Order even if there is no record of it in the Protection Order Central Registry.
- ✓ You shall take the Defendant to the nearest jail or detention facility utilized by your agency.
- ✓ You are authorized to use every reasonable effort to protect the Protected Parties to prevent further violence.
- ✓ You may transport, or arrange transportation to a shelter for the Protected Parties.

NOTICE TO PROTECTED PERSON

- ✓ You may request the prosecuting attorney to initiate contempt proceedings against the Defendant.

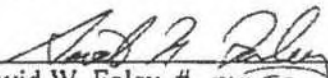
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DISTRICT COURT El Paso County, State of Colorado 270 S. Tejon Street Colorado Springs, CO 80903 Ph. (719) 452-5000	DATE FILED: July 19, 2021 1:33 PM
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff(s) vs. ANDERSON ALDRICH, Defendant	
Attorney for Defendant: JAMES W. NEWBY, LLC Joshua Lindley, # 47427 128 S. Tejon St., Ste. 402 Colorado Springs, CO 80903 Phone: (719) 247-2700 E-mail: joshua@jamesnewbylaw.com	Case Number: 21CR3485 Division: 19 Courtroom:
SUBSTITUTION OF COUNSEL	

COMES NOW, attorney David Foley, Counsel for Anderson Aldrich, and hereby withdraws as Counsel of Record for the Defendant.

Respectfully submitted this 17th day of July, 2021.

LAW OFFICE OF DAVID W. FOLEY

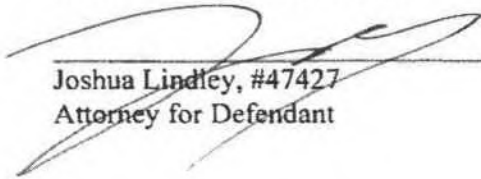


David W. Foley, # 30252
Attorney for Defendant

COMES NOW, attorney Joshua Lindley, and enters his appearance as Counsel of record for Defendant, Anderson Aldrich. All notices and pleadings may be addressed and sent to the address above.

Respectfully submitted this 19th day of July, 2021.

LAW OFFICE OF JAMES NEWBY

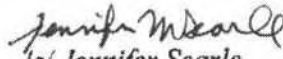


Joshua Lindley, #47427
Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that on the 19th day of July, 2021 a copy of this *Substitution of Counsel* was served on the District Attorney's Office by E-file to the following:

El Paso County District Attorney
105 E. Vermijo Ave.
Colorado Springs, CO 80903


/s/ Jennifer Searle
Paralegal for James Newby Law

Redacted

FILED IN THE DISTRICT AND
COUNTY COURTS OF
PASO COUNTY, COLORADO

AUG 02 2021

Sherry King,

SHERI KING
CLERK OF COURT

7/27/21

DATE FILED: August 02, 2021 10:56 AM

HELLO, MY NAME IS ANDERSON ANDRICH.
I AM WRITING SO THAT I CAN GET COPIES
OF MY ARREST AFFIDAVIT OF MY ONGOING
CASES. I WOULD GREATLY APPRECIATE THE COPIES AS
SOON AS POSSIBLE. THANKS YOU.

Sincerely

ANDERSON ANDRICH
X A A

Redacted

<input type="checkbox"/> Municipal Court <input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile <input type="checkbox"/> Denver Probate District Court, El Paso County Court Address: 270 S. Tejon Colorado Springs, CO. 809030000	FILED DISTRICT & COUNTY COURTS-EL PASO CO., CO DATE FILED: August 05, 2021 3:55 PM AUG 05 2021 DIVISION 19 ▲ COURT USE ONLY ▲ Case Number: D0212021CR003485 Division: 19
The People of the State of Colorado v. Defendant: ALDRICH, ANDERSON LEE Address: TRANSIENT MANITOU COLORADO SPRINGS, CO. 80925	
MANDATORY PROTECTION ORDER PURSUANT TO §18-1-1001, C.R.S.	

Full name of Defendant	Date of Birth	Sex	Race	Weight	Height	Hair Color	Eye Color
<input type="checkbox"/> Protected Party alleges Weapon involved							
ALDRICH, ANDERSON LEE	5/20/2000	<input checked="" type="checkbox"/> M <input type="checkbox"/> F	W	260	604	BLK	GRN

Full name of Protected Party	Date of Birth	Sex	Race	Full name of Protected Party	Date of Birth	Sex	Race
PULLEN, PAMELA	12/16/1952	F	O	PULLEN, JONATHAN	2/13/1953	M	O
VEOPEL, LAURA	4/05/1977	F	O				

The Court finds it is appropriate to issue this Protection Order pursuant to §18-1-1001, C.R.S.

The Court finds that the probable cause statement or arrest warrant does does not include a crime that includes an act of domestic violence, as defined by 18-6-800.3(1).

Therefore, it is ordered that you the Defendant:

- 1. Shall not harass, molest, intimidate, retaliate against, or tamper with any witness to or victim of the acts you are charged with committing.
- 2. Shall vacate the home of the victim(s) or witness(es), and stay away from any other location the victim(s) or witness(es) is/are likely to be found.
- 3. Shall refrain from contacting or directly or indirectly communicating with the victim(s) or witness(es).
- 4. Shall not possess, purchase, or control a firearm or other weapon.
- 5. Shall not possess or purchase any ammunition.
- 6. Shall relinquish, for the duration of the order, any firearm or ammunition in your immediate possession or control, or subject to your immediate possession or control, and shall do so within _____ hours (24, unless the court finds good cause to provide additional time) of being served with this order, excluding legal holidays and weekends. If you are in custody and cannot relinquish firearms and ammunition, the court orders you to do so within 24 hours of your release from custody. You shall complete an affidavit and file it along with proof of relinquishment with the court within 7 business days of the date of this order as required by statute.
- 7. Shall not possess or consume alcoholic beverages or controlled substances.

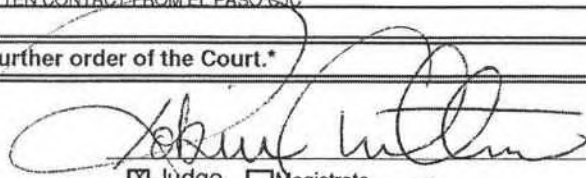
8. Is further ordered that: _____

No Contact except 08-05-21 COURT ALLOW DEFT TO RETURN TO LAURA VEOPEL HOME A

ND HAVE CONTACT WITH LAURA VEOPEL: PHONE OR WRITTEN CONTACT FROM FT PASO GIC

This Order remains in effect until final disposition or further order of the Court.*

Date: 8/05/2021



Judge Magistrate

CHITTUM, ROBIN LYNN

Printed Name of Judicial Officer

By signing, I acknowledge receipt of this Order

Date: 08/05/21

I certify that this is a true and complete copy of the original order.

Date: 8-5-21

ANDERSON AIDAN

Defendant

Chad Dees

Clerk

"Until final disposition of the action" means until the case is dismissed, until the Defendant is acquitted, or until the Defendant completes his or her sentence. Any Defendant sentenced to probation is deemed to have completed his or her sentence upon discharge from probation. A Defendant sentenced to incarceration is deemed to have completed his or her sentence upon release from incarceration and discharge from parole supervision. (§18-1-1001(8)(b), C.R.S)

IMPORTANT INFORMATION ABOUT PROTECTION ORDERS

THIS ORDER IS IN EFFECT UNTIL THE DISPOSITION OF THIS ACTION, OR IN THE CASE OF AN APPEAL, UNTIL THE DISPOSITION OF THE APPEAL.

This order is accorded full faith and credit and shall be enforced in every civil or criminal court of the United States, Indian Tribe or a United States Territory pursuant to 18 U.S.C. Sec. 2265. The issuing court has jurisdiction over the parties and the subject matter. The Defendant has been given reasonable notice and opportunity to be heard.

NOTICE TO DEFENDANT

- ✓ **A knowing violation of a Protection Order is a crime under §18-6-803.5, C.R.S.** A violation may subject you to fines of up to \$5,000.00 and up to 18 months in jail. A violation will also constitute contempt of court.
- ✓ You may be arrested without notice if a law enforcement officer has probable cause to believe that you have knowingly violated this Order.
- ✓ If you violate this Order thinking that a victim or witness has given you permission, **you are wrong**, and can be arrested and prosecuted.
- ✓ The terms of this Order cannot be changed by agreement of the victim(s) or witness(es). **Only the Court can change this Order.**
- ✓ You may apply at any time for the modification or dismissal of this Protection Order.
- ✓ Possession of a firearm while this Protection Order is in effect or following a conviction of a misdemeanor crime of domestic violence, may constitute a felony under Federal Law 18 U.S.C. §922(g)(8) and (g)(9).
- ✓ Firearm and ammunition relinquishment must be in accordance with §18-1-1001(9)(b), C.R.S. Failure to comply with the order to relinquish may result in an arrest warrant.

NOTICE TO LAW ENFORCEMENT OFFICERS

- ✓ You shall use every reasonable means to enforce this Protection Order.
- ✓ You shall arrest, or take into custody, or if an arrest would be impractical under the circumstances, seek a warrant for the arrest of the Defendant when you have information amounting to probable cause that the Defendant has violated or attempted to violate any provisions of this Order and the Defendant has been properly served with a copy of this Order or has received actual notice of the existence of this Order.
- ✓ You shall enforce this Order even if there is no record of it in the Protection Order Central Registry.
- ✓ You shall take the Defendant to the nearest jail or detention facility utilized by your agency.
- ✓ You are authorized to use every reasonable effort to protect the Protected Parties to prevent further violence.
- ✓ You may transport, or arrange transportation to a shelter for the Protected Parties.

NOTICE TO PROTECTED PERSON

- ✓ You may request the prosecuting attorney to initiate contempt proceedings against the Defendant.

OPT IN: YES NO

PHONE #: [REDACTED] Redacted

<input type="checkbox"/> Municipal Court <input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court <u>E/BSO</u> County, Colorado Court Address: <u>270 S Tejon St C.S. CO 8</u>	DATE FILED: August 09, 2021 3:46 PM COURT USE ONLY Case Number: <u>21CR3485</u> Arrest Number: Warrant Number: Division <u>19</u> Courtroom
v. <u>Aldrich, Anderson Lee</u>	
APPEARANCE BOND	

Bond Type: Bail Bonding Agent * Cash/Self** Cash/Surety*** PR/Self PR/Surety Property

Bond Posted For: Defendant Respondent Plaintiff Petitioner Child

Name of Party (print or type): Anderson Lee Aldrich Date of Birth: 5-20-00

First Middle Last

The Party, as principal, and (print or type): Randy L Riggan, as surety, acknowledge that we are jointly and severally bound to the People of the State of Colorado, in the penal sum of one hundred thousand \$100,000.00 DOLLARS, if there is a default upon the primary condition of this Bond. The bail agent charged a premium in the amount of \$ per Law. The primary condition of this Bond is that the Party shall personally appear in the (Court name and address): SAME AS ABOVE on Aug 26-21 (return date), at 01:30pm (time) and at each place, and upon each date, to which this proceeding is transferred or continued, until entry of an order for deferred prosecution or deferred judgment, plea of guilty, *nolo contendere* or conviction (unless the written consent of the sureties is filed of record), to answer charges of: 1st degree Kidnapping without Bodily injury X3

NOTE: If the return date and time is a legal holiday or a weekend, the return date is a mandatory appearance on the first business day thereafter.

Additional Conditions: (1) Party may not leave the state without approval of the Court and the surety; (2) Party shall not commit a felony while at liberty on bail; (3) Party acknowledges the existence of a Mandatory Protection Order under §18-1-1001, C.R.S.; (4) Party shall immediately notify the Court of any change of mailing address or residence.

- Pursuant to §16-3-503, C.R.S. you shall execute a waiver that states you understand that the bond or fees shall be forfeited if the Defendant is removed from the country.
- If you have been arrested for a Felony offense, you shall sign a written waiver of extradition indicating you waive all formal proceedings in the event you are arrested in another state and you agree to be returned to Colorado.
- No Weapons No Alcohol No Drugs No Driving Without a Valid License Random UA's Random BA's Daily BA's GPS Monitoring
- Substance Abuse Monitoring Electronic Substance Abuse Monitoring Electronic Home Monitoring Other _____
- Pre-trial Supervision _____ (contact information) Other _____
- No Contact with _____ Other _____

If the Party fails to comply with any of the conditions of this Bond, the Court may revoke the Party's release on bail, increase the amount of bail or modify bond conditions. This Bond will be forfeited if the party does not appear in Court as required by the primary bond condition.

<u>Anderson Aldrich</u>	<u>7833 Luminary LN Fountain CO 80817</u>	<u>951-940-3012</u>
Party Signature	Address (Street, City, State, & Zip Code)	Telephone Number
<u>Randy Riggan</u>	<u>4833 Front St B413 Castle Rock CO 80104</u>	<u>303-660-9922</u>
Surety/Bonding Agent * /Bonding Commissioner/Judge Signature	Address (Street, City, State, & Zip Code)	Telephone Number Bonding
Agent License No: <u>500188</u>	Power of Attorney No.: <u>Cash equal</u>	

Surety Other than Bonding Agent ** Signature	Address (Street, City, State, & Zip Code)	Telephone Number
--	---	------------------

* Bonding Agent Certification: Agent, by executing this Bond, warrants and represents to the Court, under oath, and under penalty of perjury: (1) that agent is not currently in default in payment of any final judgment upon any bail bond forfeited in any Colorado jurisdiction; (2) that agent is duly licensed by the State of Colorado to execute this Bond; (3) that agent, if a non-cash agent, is currently appointed by the corporate surety whose power of attorney accompanies this Bond.

**If the Defendant posted the bond, the Court may apply the bond deposited toward any amount owed by the Defendant.

***Surety Cash Deposit: The bond deposited may or may not be applied toward any amount owed by the Defendant.



Cash Surety (Signature) _____ Print Name _____

Any remaining amount of the bond deposited will be returned to the depositor.

Executed and Acknowledged by the above named in the presence of the undersigned at: CSC (name of court or facility where bond written).

By: <u>SD21033</u> Deputy Clerk/Sheriff (As to Surety/Bonding Agent)	By: <u>[Signature]</u> Deputy Clerk/Sheriff (As to Defendant)
Date: <u>8/7/2021</u> Time: <u>20:5</u>	Date: <u>8/7/21</u> Time: <u>2:10</u>

Redacted

District Court El Paso County, State of Colorado 270 S Tejon St Colorado Springs, CO 80901	 
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff v. Anderson Lee Aldrich Defendant	FILED: August 10, 2021 5:47 PM <p style="text-align: center;">▲ Court Use Only ▲</p>
	Case# <u>21</u> CR <u>3485</u> Division <u>19</u> Courtroom <u> </u>
PRE-SIGNED WAIVER OF EXTRADITION AS A CONDITION OF BAIL BOND PURSUANT TO 16-4-103, C.R.S.	

I, **Anderson Lee Aldrich** HAVE BEEN ARRESTED FOR A FELONY OFFENSE ON 6/18/2021 AND AS A CONDITION OF BAIL BOND CONSENT TO THE FOLLOWING:

1. IF I AM ARRESTED IN ANOTHER STATE, I CONSENT TO EXTRADITION TO THE STATE OF COLORADO.
2. I WILL NOT RESIST OR FIGHT ANY EFFORT BY ANY STATE TO RETURN ME TO THE STATE OF COLORADO AND WAIVE ALL FORMAL EXTRADITION PROCEEDINGS.
3. I UNDERSTAND I SHALL NOT BE ADMITTED TO BAIL IN ANY OTHER STATE PENDING EXTRADITION TO COLORADO.
4. I AGREE TO WAIVE ANY RIGHT I MAY HAVE TO CONTEST MY EXTRADITION AND I WAIVE THIS RIGHT FREELY, VOLUNTARILY, AND INTELLIGENTLY.

DATE: 8/7/2021

Anderson Aldrich
 (Defendant's Signature)

Anderson Lee Aldrich
 (Print Full Name)

 The foregoing PRE-SIGNED WAIVER OF EXTRADITION AS A CONDITION OF BAIL BOND was subscribed and affirmed before me in the county of EL PASO, State of Colorado, this 7, day of August, 2021.

[Signature]
 Notary's Official Signature
7/18/24
 Commission Expiration

TEAGAN CONNOR
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID 20204006792
 MY COMMISSION EXPIRES FEBRUARY 18, 2024

DISTRICT COURT El Paso County, State of Colorado 270 S. Tejon Street, PO Box 2980 Colorado Springs, CO 80903	DATE FILED: August 16, 2021 11:16 AM
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff(s) vs. Anderson Aldrich, Defendant	
Attorney for Defendant: JAMES W. NEWBY, LLC Joshua Lindley, # 47427 128 S. Tejon St., Ste. 402 Colorado Springs, CO 80903 Phone: (719) 247-2700 Fax (719) 635-7625 E-mail: joshua@jamesnewbylaw.com	Case Number: 2021CR3485 Division: 19
MOTION TO COMPEL RELEASE OF EVIDENCE	

COMES NOW, the Defendant, Anderson Aldrich, by and through his attorney, Joshua Lindley, and hereby files this Motion to Compel the Release of certain pieces of evidence as follows. As grounds for this motion, the Defendant state as follows:

1. Mr. Aldrich was charged with kidnapping and menacing. Deputies seized a number of pieces of evidence in this case. At issue for this motion is a credit card belonging to Laura Voepel, a wallet belonging to Mr. Aldrich and a Vehicle belonging to Mr. Aldrich.
2. Mr. Aldrich recently bonded out of custody and is trying to comply with Court orders to . He has started but is running into a number of issues since he no longer has his ID, bank cards, and transportation. His mother Laura Voepel is also without transport at the moment and her credit card and would like her card released as soon as possible. The Court was made aware of the issues Mr. Aldrich is facing and having these few necessities back in his life will allow him to continue to achieve the that he requires. Mr. Aldrich is using the rides he can at the moment to facilitate , but he cannot get a ride nor pay for all of his appointments without his car, Driver's license and bank cards.
3. Mr. Aldrich has tried numerous times to retrieve these items from the Sheriff's office last week. They have stated that the items are logged as evidence and cannot be released while the case is pending. EPSO sent an email to DDA Park requesting her view on releasing the items early last week. Counsel for Mr. Aldrich has reached out

I certify that on the 16th day of August, 2021, a copy of the foregoing was served by E-file to the following:

El Paso County District Attorney
105 E. Vermijo Ave.
Colorado Springs, CO 80903

/s/ Jennifer Searle
Legal Assistant for James Newby Law

Redacted

Robert L. Pullen Jr.

FILED IN THE DISTRICT AND
COUNTY COURTS OF
EL PASO COUNTY, COLORADO
FILED: December 02, 2021
DEC 02 2021

November 29, 2021

SHERI KING
CLERK OF COURT

Honorable Robin Chittum
4th Judicial District Judge
270 S. Tejon
Colorado Springs, CO 80903

RE: Anderson Aldrich
Case #D212021CR3485

Your Honor,

My name is Robert L. Pullen Jr, and I am a retired Business Manager with the OPCMIA Union in California. I worked for this union for almost 50 years as a plasterer, as well as my father and grandfather. I was well known as a professional plasterer and held with high esteem by my fellow workers and the union. I have been retired for 10 years and now reside in the State of Hawaii with my wife. My wife and I have 4 children, 7 grandchildren, and 5 great-grandchildren – and we have a close, loving relationship with each one.

My name is Jeanie M. Streltsoff, and I am the older sister of Jonathan Pullen and sister to Robert L. Pullen Jr. I reside in Thousand Oaks, California with my husband John Streltsoff of 50 years. I am including my signature to this letter to attest to the facts stated herein

The above defendant, Anderson Aldrich, is the 21-year-old grandson (by marriage) of my younger brother Jonathan Pullen and has been raised by him and his wife (Anderson's blood grandmother, Pamela Pullen) since a small child. I have known Anderson since he came into the home of my brother and his wife through visits and kept abreast of him through visits and conversations with my brother.

Through the years we have watched as Anderson was brought up without limitations by his grandmother and given all that he wanted. At the same time there was no respect or boundaries as how he treated my brother Jonathan. My brother and I had many conversations over the years about this young man and what could be done, but nothing changed. Anderson was given everything he wanted and repeatedly disrespected those around him, especially Jonathan.

- Anderson has always been home schooled because he could not get along with any of his classmates.
- When my brother's family lived in San Antonio during Anderson's high school years, he attacked my brother; my brother then had to go to the ER and was diagnosed with _____ My brother lied to the doctors at the ER about how it happened due to being afraid of Anderson's anger if he was picked up by the police .
- When the family moved to Colorado several years ago, my brother was threatened various times, but he was too scared to confront Anderson.
- Anderson has never held a job and lives off my brother and his wife.

- Since moving to Colorado to their new home, he punched holes in the walls, broken windows, broken locks – my brother and his wife had to sleep in their bedroom with the door locked and bat by the bed.
- The police were called to the house previously, but Anderson threatened my brother if he told them anything.
- There was an event after the above where Anderson was picked up for 72 hours but was released early.
- There was also a time when they went to a counselor; the counselor contacted the police afterwards. The police went to the home as they were contacted by the counselor and wanted to hold him for 72 hours....the grandmother Pam would not let him be taken.
- The event leading up to Anderson's arrest was that he threatened to kill my brother and his wife. He had guns in the house, along with ammunition – they fled the house in fear of their lives.
- Jonathan's wife Pam told my brother after his arrest that she had given him \$30,000 recently; much of which went to his purchase of two 3D printers – on which he was making guns. One of which arrived at the house after his arrest and was returned.
- My brother lived in a virtual prison – even the neighbors would not come near their home due to the shouting and atmosphere.
- My brother and his wife moved to Florida shortly after all the commotion that led to Anderson's arrest.
- We feel certain that if Anderson is freed that he will hurt or murder my brother and his wife.

We believe that my brother, and his wife, would undergo bodily harm or more if Anderson were released. Besides being incarcerated, we believe Anderson needs therapy and counseling.

We truly believe my above points to be true and valid.

Respectfully submitted,

Robert L. Pullen, Jr.
Robert L. Pullen Jr.

Nov 29, 2021
Dated

Jeanie M. Streltzoff (Pullen)
Jeanie M. Streltzoff
u/v

11/29/2021
Dated

DISTRICT COURT El Paso County, Colorado Court address: P.O. Box 2980 Colorado Springs, CO 80901-2980 Phone Number: (719) 452-5352 & 5353 (Division 19)	DATE FILED: January 28, 2022 1:06 PM Court Use Only
PEOPLE OF THE STATE OF COLORADO v. ANDERSON LEE ALDRICH, Defendant	
	Case Number: 21CR3485 Division: 19 Courtroom: S404
CRIMINAL TRIAL MANAGEMENT ORDER	

DISCOVERY: Discovery shall be completed no later than 35 days before trial.

DISTRICT ATTORNEY: Must comply with C.R.Crim.P. 16

- Must provide to the defendant and the Court a good faith list of witnesses (including addresses and telephone numbers, if available) no later than 35 days before trial. Late endorsements will only be considered upon proper motion, notice, and hearing.
- Must provide to the defendant and the Court any C.R.E. 404(b) materials and formal notice of intent to introduce if needed.
- Must provide to the defendant any witness statements obtained by the District Attorney's office during trial preparation which are substantially different from any statements previously made to the police or others.
- Must provide written notice to the defendant of any benefit given to a witness in exchange for his or her testimony.

DEFENDANT: Must comply with C.R.Crim.P. 16

- Must provide to the District Attorney and the Court the nature of the defense, good faith list of witnesses (including addresses and telephone numbers, if available), designation of affirmative defenses, and notice of alibi no later than 35 days before trial.
- Must provide to the District Attorney any C.R.E. 404(a)(2) information.

MOTIONS: Substantive motions shall be filed no later than 35 days after the arraignment date unless a specific exception is made by the Court.

- The moving party shall set any substantive motions for hearing to be held no later than 35 days prior to trial. Unless agreed to by both parties, the Court will not rule on any substantive motion without a hearing.
- Written responses are not required but appreciated. Any precedent which counsel wishes the Court to consider should be submitted 48 hours prior to the motions hearing.

PRETRIAL READINESS HEARING: There will be a Pretrial Readiness Hearing set on the Thursday two weeks prior to the trial date.

- Any motions to continue must be filed by Pretrial Readiness and will be addressed at Pretrial Readiness. Motions to continue will not be considered the morning of trial absent exceptional circumstances.
- Formal motions in limine must be filed prior to Pretrial Readiness. These will either be addressed at Pretrial Readiness or the morning of trial.
- Uncomplicated admissibility determinations may be requested verbally the morning of trial. If there is a specific issue regarding admissibility which is known, this must be addressed before commencement of trial testimony.

TRIAL DOCUMENTS:

- Proposed supplemental jury questionnaires must be submitted by the Pretrial Readiness hearing.
- The District Attorney must submit the documents needed for juror notebooks by end of business the Friday before trial. These may be submitted by email to Division 19 staff. The following documents are needed for the notebooks: Joint List of Potential Witnesses (including both prosecution and defense witnesses) and Statement of the Case. Counsel are expected to discuss and agree upon the contents of these documents if possible.
- The District Attorney is required to provide an exhibit list to the Court, the court reporter, and to the defense prior to commencement of jury selection.
- The District Attorney is to email a complete draft set of instructions to Division 19 staff and defense counsel by end of business the Friday before trial commences.
- Any proposed defense instructions are to be submitted by end of business the Friday before trial commences if possible.

SEQUESTRATION:

- Pursuant to C.R.E. 615, an Order of Sequestration of Witnesses is in effect for all cases tried in Division 19. Counsel are expected to advise their witnesses of the sequestration order in advance of trial. Counsel is responsible for ensuring their witnesses do not enter the courtroom before testifying.

VOIR DIRE, OPENING, AND CLOSING:

- A modified civil voir dire will be used. Voir dire will be of all jury panel members in the courtroom, not just those in the jury box.
- Challenges for cause will be addressed outside the presence of the jury or at the bench.
- Peremptory challenges will be made aloud from counsel table in the presence of the jury.
- Peremptory challenges may be exercised on any potential juror in the courtroom – whether in the jury box or not. In other words, if a party is satisfied with the panel in the jury box and waives their remaining peremptory challenges. They cannot exercise a peremptory challenge on a potential juror who later moves into the box.
- If an alternate juror is to be seated, the Court will determine a seat number designated for the alternate juror prior to starting voir dire and share with the parties. Whatever juror is seated in that chair at the end of jury selection will be the alternate juror.
- This Court does not allow mini-opening statements or any discussion of the facts of the case during voir dire. However, it may be appropriate to raise sensitive issues – such as domestic violence, drugs or firearms – during jury selection. This should be discussed with the Court and parties prior to voir dire.
- Unless modified by the Court for complex or exceptional trials, each side will have 30 minutes for voir dire.
- This Court does not place time limitations on opening statements and closing arguments unless they become unreasonable.

EXHIBITS:

- All trial exhibits must be labeled prior to trial. The Court is only responsible for exhibits after they have been formally admitted into evidence.
- If an exhibit involves media (DVD, digital or audio recording, etc.), counsel is responsible to secure clean technology to present the media in the courtroom and for the jury to review the media during deliberations, if appropriate.



Robin Chittum, District Court Judge

District Court, El Paso County, State of Colorado 270 S. Tejon St Colorado Springs, CO 80903	DATE FILED: April 06, 2022 12:26 PM
THE PEOPLE OF THE STATE OF COLORADO, Plaintiffs, v. Anderson Aldrich, Defendant.	▲ COURT USE ONLY ▲
Attorney for Defendant: JAMES W. NEWBY, LLC Joshua Lindley, # 47427 128 S. Tejon Street, Suite 402 Colorado Springs, CO 80903 Phone: (719) 247-2700 Fax: (719) 635-7625 E-mail: joshua@jamesnewbylaw.com	Case No: 2021CR3485
Div. 19	
NOTICE: ENDORSEMENT OF WITNESSES AND THEORY OF DEFENSE	

COMES NOW, Anderson Aldrich, Defendant by and through his undersigned counsel, Joshua P. Lindley, of James Newby Law LLC, and hereby gives notice of the following witnesses may be called by the defense to testify at trial:

1. Any and all **witnesses endorsed by the prosecution in this case**. Defense notices that the Prosecution has not provided any updates to information, including no address changes, expert endorsements, resumes of any proposed experts, and the areas of expertise in which they will be endorsed. Defense has not received any background checks of endorsed witnesses, officers CVs, a list of the trainings and materials used or relied upon by the investigating officers as of the date of this filing.
2. Any witness whose name appears in the discovery provided by the prosecution or whose information is found within the discovery provided by the prosecution through 911 calls, body worn camera footage or any other persons listed and disclosed from the Prosecution to the Defense. The names and addresses of such witnesses are currently within the possession and control of the prosecution and their agents.
3. Any witness that may be necessary for impeachment purposes. It is impossible to determine with complete certainty what, if any, impeachment witnesses will be necessary until trial.
4. Defendant has not been given any notice of 404b evidence or any other charges, statements, victims other than what was filed in the felony complaint and discovery with the last discovery received on September 9th, 2021. Defendant notices compliance of the

Court's trial management order in filing this endorsement and relies on that same order in return.

5. Mr. Aldrich notifies the Court and the District Attorney that the following defenses may be used at trial- since the charge and allegations vary in their degree and complexity more than one defense may or may not apply to alleged charges:

**General Denial;
Voluntary Intoxication;
and
Mistake of Fact.**

Respectfully submitted on April 6, 2022.

/s/ Joshua P. Lindley

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2022, I served a true and correct copy of the foregoing electronically through the ICCES system to the following:

Office of the District Attorney
105 E. Vermijo
Colorado Springs, CO 80903

/s/Jennifer Searle

Paralegal to James Newby Law

Redacted

DATE FILED: April 18, 2022 8:33 AM

District Court, El Paso County, Colorado Terry R Harris Judicial Building 270 South Tejon Street Colorado Springs, CO 80903 (719) 448-7650	
THE PEOPLE OF THE STATE OF COLORADO vs. Anderson Lee Aldrich, Defendant	
Michael J Allen DISTRICT ATTORNEY BY: Younsung Park Deputy District Attorney El Paso County District Attorney's Office 105 E. Vermijo Avenue Colorado Springs, CO 80903 Telephone: (719) 520-6000 Fax: (719) 520-6172 Attorney Registration No.: 53332	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
	Case No:D0212021CR003485 Division 19
NOTICE OF ENDORSEMENT OF WITNESS	

MICHAEL J ALLEN, District Attorney in and for the Fourth Judicial District, State of Colorado, hereby notifies the defense and court of the endorsement of the following witnesses in the above-entitled case.

Bethany Gibson
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Pamela Pullen

Jonathan Pullen

Laura Voepel

Jared Harmon
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Robert Frederiksen
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Travis Mundt
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Wesley Woodworth
US Public Safety Bomb Technician
Colorado Springs Police
705 South Nevada Avenue
Colorado Springs, CO 80903

Shawn Mahon
Colorado Springs Police
705 South Nevada Avenue
Colorado Springs, CO 80903

Seth Fritsche
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Curtis Lenz
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Evelyn Peak
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Courtney Zohrlaut
El Paso County Sheriff's Office
27 East Vermijo Avenue
Colorado Springs, CO 80903

Any DAO investigator or paralegal
Any witness listed in discovery
Any witness necessary for rebuttal
Any witness endorsed by defendant
Any witnesses necessary to authenticate records or establish chain of custody

Respectfully submitted this 18 day of April, 2022.

By: /s/ Younsung Park Date: 04/18/2022
Younsung Park #: 53332
Deputy District Attorney

CERTIFICATE OF SERVICE

I certify that on this 18th day of April, 2022, a true and correct copy of the foregoing Notice To Endorse was served via Colorado Courts E-Filing on all parties who appear of record and have entered their appearances herein according to Colorado Courts E-Filing.

By: /s/Stephanie Duggan

Redacted

DATE FILED: April 20, 2022 7:48 AM

District Court, El Paso County, Colorado Terry R Harris Judicial Building 270 South Tejon Street Colorado Springs, CO 80903 (719) 448-7650	
THE PEOPLE OF THE STATE OF COLORADO vs. Anderson Lee Aldrich, Defendant	
Michael J Allen DISTRICT ATTORNEY BY: Younsung Park Deputy District Attorney El Paso County District Attorneys Office 105 E. Vermijo Avenue Colorado Springs, CO 80903 Telephone: (719) 520-6000 Fax: (719) 520-6172 Attorney Registration No.: 53332	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
	Case No: D0212021CR003485 Division 19
AMENDED NOTICE OF ENDORSEMENT OF WITNESS (1)	

MICHAEL J ALLEN, District Attorney in and for the Fourth Judicial District, State of Colorado, hereby notifies the defense and court of the endorsement of the following witnesses in the above entitled case.

Belle Snow
911 Call Taker
C/O Court Liaison
CSPD
705 South Nevada Avenue
Colorado Springs, CO 80903

Respectfully submitted this 20 day of April, 2022.

By: /s/ Younsung Park Date: 04/20/2022
Younsung Park #: 53332
Deputy District Attorney

CERTIFICATE OF SERVICE

I certify that on this 20th day of April, 2022, a true and correct copy of the foregoing Notice To Endorse was served via Colorado Courts E-Filing on all parties who appear of record and have entered their appearances herein according to Colorado Courts E-Filing.

By:BJ /s/

<p>District Court, El Paso County, State of Colorado Court: 270 S. Tejon St, Colo. Spgs., CO 80903</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO, Plaintiff,</p> <p>v.</p> <p>ANDERSON LEE ALDRICH, Defendant.</p> <hr/> <p><i>Attorney for Pamela C. Pullen</i> Aaron P. Gaddis, #37820, Aaron@gaddiscoloradolaw.com GADDIS LAW, LLC 10 Boulder Crescent Street, Ste. 301 Colorado Springs, CO 80903 Tel: (719) 578-3344 Fax: (719) 960 2640 Web: www.gaddiscoloradolaw.com</p>	<p>DATE FILED: June 30, 2022 8:51 AM</p> <p>▲ COURT USE ONLY ▲</p> <hr/> <p>Case No: 2021CR3485</p> <p>Div. 19</p>
<p>LIMITED REPRESENTATION AND OBJECTION AND MOTION TO QUASH SUPBOENA</p>	

COMES NOW Aaron P. Gaddis of Gaddis Law, LLC and hereby enters a limited representation on behalf of Pamela C. Pullen. Mrs. Pullen respectfully request the Honorable Court quash her subpoena. As grounds therefore, the parties state the following:

1. Mrs. Pullen has retained the undersigned counsel for limited representation in the above caption case.
2. Mrs. Pullen is currently residing in the state of Florida and has become aware of a foreign subpoena left in her mailbox or front door but not given to anyone in the house and certainly not to Mrs. Pullen. Mrs. Pullen objects to the improperly served subpoena and moves to quash on separate grounds.
3. Mrs. Pullen has not been personally served in compliance with the laws of the state of Florida. Mrs. Pullen was never served by law enforcement, anyone over the age of 18, and by no one that is a party to the case. Even if she would have been properly served, the law governing Florida does not allow for an out of state subpoena in a criminal matter.
4. Pursuant to the terms of 2021 Florida state statute 92.251(8), *Uniform Interstate Depositions and Discovery Act*, the People's attempted to serve a subpoena upon Mrs. Pullen to appear in a foreign court of Colorado is inapplicable to criminal proceedings and improper.
5. Mrs. Pullen respectfully objects and motions the Court to quash Mrs. Pullen's subpoena and release her from all appearances until proper service is obtained.

WHEREFORE, Pamela C. Pullen prays this Honorable Court quashes the subpoena for improper service pursuant to 92.251 (8), *Uniform Interstate Depositions and Discovery Act*.

Respectfully submitted on June 30, 2022

/s/ Aaron P. Gaddis, #37820

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2022, I served a true and correct copy of the foregoing electronically through the ICCES system to the following:

Benjamin Marcolm Hostetter, DDA
Office of the District Attorney
105 E. Vermijo Avenue
Colorado Springs, CO 80903

Joshua P. Lindley
James W Newby, LLC
128 S. Tejon Street, Ste. 402
Colorado Springs, CO 80903

/s/ Amy J. Oberholser

Redacted

District Court, El Paso County, State of Colorado Court: 270 S. Tejon St, Colo. Spgs., CO 80903	
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff,	DATE FILED: June 30, 2022 11:16 AM
v.	▲ COURT USE ONLY ▲
ANDERSON LEE ALDRICH, Defendant.	
Attorney for Pamela C. Pullen Aaron P. Gaddis, #37820, Aaron@gaddiscoloradolaw.com GADDIS LAW, LLC 10 Boulder Crescent Street, Ste. 301 Colorado Springs, CO 80903 Tel: (719) 578-3344 Fax: (719) 960 2640 Web: www.gaddiscoloradolaw.com	Case No: 2021CR3485 Div. 19
STATEMENT TO THE COURT BY PAMELA C. PULLEN	

I, Pamela C. Pullen make the following statement:

- 1.) I am a resident of _____.
- 2.) I live in the State of Florida;
- 3.) I reside at the address of _____.
- 4.) I have been a resident of _____ for the past year.
- 5.) I have not received any legal papers in person by anyone including that of a Florida law enforcement.
- 6.) I make this statement on my own free will for review of all parties of this case.

Dated this 30th day of June, 2022.

Pamela Pullen
Pamela Pullen (Jun 30, 2022 13:10 EDT)

Pamela C. Pullen

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2022, I served a true and correct copy of the foregoing electronically through the ICCES system to the following:

Benjamin Marcolm Hostetter, DDA
Office of the District Attorney
105 E. Vermijo Avenue
Colorado Springs, CO 80903

Joshua P. Lindley
James W Newby, LLC
128 S. Tejon Street, Ste. 402
Colorado Springs, CO 80903

/s/ Amy J. Oberholser

Statement to the Court by Pamela C. Pullen

Final Audit Report

2022-06-30

Created:	2022-06-30
By:	Aaron Gaddis (amy@gaddiscoloradolaw.com)
Status:	Signed
Transaction ID:	

"Statement to the Court by Pamela C. Pullen" History

-  Document created by Aaron Gaddis (amy@gaddiscoloradolaw.com)
2022-06-30 - 5:02:58 PM GMT - IP address:
-  Document emailed to Pamela Pullen for signature
2022-06-30 - 5:03:30 PM GMT
-  Email viewed by Pamela Pullen
2022-06-30 - 5:07:27 PM GMT - IP address:
-  Document e-signed by Pamela Pullen
Signature Date: 2022-06-30 - 5:10:18 PM GMT - Time Source: server- IP address:
-  Agreement completed.
2022-06-30 - 5:10:18 PM GMT

COUNTY COURT El Paso County, State of Colorado 270 S. Tejon Street Colorado Springs, CO 80903 Ph. (719) 452-5000	DATE FILED: July 7, 2022 10:40 AM
THE PEOPLE OF THE STATE OF COLORADO, Plaintiffs,	▲ COURT USE ONLY ▲
v.	Case No: 2021CR3485
Anderson Aldrich, Defendant.	Div. 19
Attorney for Defendant: JAMES W. NEWBY, LLC Joshua Lindley, # 47427 128 S. Tejon Street, Suite 402 Colorado Springs, CO 80903 Phone: (719) 247-2700 Fax: (719) 635-7625 E-mail: joshua@jamesnewbylaw.com	
MOTION TO SEAL CRIMINAL JUSTICE RECORDS PURSUANT TO §24-72-705, C.R.S.	

COMES NOW the Defendant, Anderson Aldrich, in and through Counsel who represents the Defendant in the above captioned case and motions this Court to Seal his records as follows:

Defendant's Name: Anderson Aldrich Date of Birth: 05/20/2000
 Current Mailing Address: 5362 N Nevada Ave Apt 104
 City: Colorado Springs State: CO Zip Code: 80918 Phone: 951-440-4012

- I was acquitted of all charges on _____.
- The case was completely dismissed on 07/05/2022, and the dismissal was not part of a plea agreement in a separate case.
- I completed a diversion agreement on _____.
- I completed a deferred judgment and sentence on _____, and the deferred judgment and sentence does not pertain to any of the following offenses:
 - A felony offense concerning the holder of a commercial driver's license or the operator of a commercial motor vehicle pursuant to § 42-2-402, C.R.S.
 - An offense for which the factual basis involved unlawful sexual behavior pursuant to § 16-22-102(9), C.R.S.

I have paid any and all restitution, fines, court costs, late fees or other fees ordered by the Court, or the Court has vacated such order(s).

The records in this case do not pertain to underage ethyl alcohol, marijuana, and paraphernalia offenses that are subject to the procedure set forth in § 18-13-122, C.R.S., and this case contains at least one charge that is not a class 1 misdemeanor traffic offense, class 2 misdemeanor traffic offense, class A traffic infraction, or class B traffic infraction. Charges in this case were not dismissed pursuant to § 16-8.5-116, C.R.S.

Agencies having records related to this case are:

Sheriff's Department

District Attorney

Colorado Bureau of Investigation (Statute authorizes this agency to assess an additional fee to seal its records)

Law Enforcement Agency (identify): EPSO 21-7002

Other: _____

Arrest number (from fingerprint card): 2100006822 Date: 06/18/2021

I respectfully request that any criminal justice records, except identifying information, related to this case be sealed promptly pursuant to § 24-72-705, C.R.S.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form. (Modified minor parts to allow Counsel to file this motion on Defendant's behalf.)

Respectfully submitted on July 7, 2022.

/s/ Joshua P. Lindley

Attorney 47427

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2022, I served a true and correct copy of the foregoing electronically through the ICCES system to the following:

Office of the 4th Judicial District Attorney

/s/Jennifer S. Hickethier

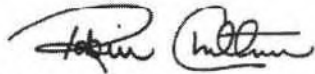
Paralegal to James Newby Law

Redacted

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. TEJON, COLORADO SPRINGS, CO, 80903	DATE FILED: July 8, 2022 10:39 AM
THE PEOPLE OF THE STATE OF COLORADO v. Defendant(s) ANDERSON LEE ALDRICH	△ COURT USE ONLY △ Case Number: 2021CR3485 Division: 19 Courtroom:
Order to Set	

The Defendant has filed a Motion to Seal. The District Attorney must be given the opportunity to object on behalf of the victim. Division 19 staff will contact the parties and have the issue placed on the criminal docket.

Issue Date: 7/8/2022



ROBIN LYNN CHITTUM
District Court Judge

Redacted

DISTRICT COURT EL PASO COUNTY, COLORADO Court Address: El Paso County Combined Courts 270 South Tejon Street Colorado Springs, CO 80903 Telephone No.: (719) 452-5000	DATE FILED: August 11, 2022 4:25 PM
THE PEOPLE OF THE STATE OF COLORADO, Plaintiff, vs. ANDERSON ALDRICH, Defendant.	↑ COURT USE ONLY ↑ Case Number: 21CR3485 Division: 19 Ctrm: S404
ORDER TO SEAL ARREST AND CRIMINAL RECORDS PURSUANT TO C.R.S. § 24-72-705 (SIMPLIFIED PROCESS)	

Due to the circumstances in this case, the Court has determined that the defendant is eligible to have his/her criminal justice records sealed regarding this case. As such, the defendant has the option of immediately asking to have his/her criminal justice records sealed regarding this case, and the defendant has asked the Court to do so by making an oral motion in Court this date. The Court hereby orders the defendant to report to room S101 to arrange for payment of the \$65.00 filing fee required by statute. Upon payment of the \$65.00 filing fee or a determination of indigence and waiver of the fee, the Court orders that the criminal justice records relating to the above-captioned case shall be SEALED IMMEDIATELY except for basic identifying information, and that upon inquiry into the matter, the defendant and criminal justice agencies to which this Order is directed may properly reply that no such records exist with respect to such defendant.

The defendant is hereby notified that the Colorado Bureau of Investigation (CBI) is charging a separate fee relative to sealing arrest and criminal records. Upon receipt of this Order, CBI will be contacting the defendant via letter relative to CBI's fee and how payments are to be made to CBI. The contact information for CBI is: CBI Identification Unit, 690 Kipling Street, Suite 4000, Lakewood, Colorado 80215, Phone Number: (303)239-4208.

- The Court hereby finds the Defendant is required to pay the \$65 filing fee.
 The Court hereby finds the Defendant indigent and waives the \$65 filing fee.

Defendant's Name: Anderson Aldrich Date of Birth: 5/20/00

Current Mailing Address: 5362 N. Nevada Ave, Apt 104

City: Colorado Springs State: CO Zip Code: 80918

The Court directs the above Order to the Clerk of Court to seal the criminal case referenced above.

The Court further Orders that the criminal records information specifically relating to and contained in:

Law Enforcement Agency Case Number EPSO 21-7002

Arrest Number (from fingerprint card) 2100006822

Shall be sealed immediately except for basic identifying information.

The Court further directs the Clerk of Court to provide a copy of the Court's Order to each custodian noted below who may have custody of any of the records subject to this Order.

- Sheriff's Department
- District Attorney
- Law Enforcement Agency: _____
- Colorado Bureau of Investigation
- State Court Administrator's Office
- Other: _____

This Order is valid only if signed by both a judicial officer and the Clerk of Court.

Date: 8/11/22 _____
District/County Judge

Date: 08-11-2022 _____
Clerk of the Court/Deputy Clerk



I certify that on 08-11-2022, I provided a copy of this Order to the following:

- Defendant
- Clerk of Court

Deputy Clerk



Redacted

DISTRICT District Court, El Paso County, Colorado Court Address: 270 S. Tejon Colorado Springs, CO. 80903	FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO NOV 21 2022 FILED: November 21, 2022
People of the State of Colorado vs.	SHERI KING CLERK OF COURT ▲ COURT USE ONLY ▲
Defendant: ANDERSON ALDRICH <u>Chief Deputy District Attorney:</u> JENNIFER VIEHMAN Address: 105 E. Vermijo, Colorado Springs, CO. 80903 Phone Number: 520-6000 Attorney Registration #: 33163 District Attorney: Michael J. Allen, #42955	Case #: 21CR3485 Division #: 19 Courtroom #: S404
PEOPLE'S MOTION TO UNSEAL ARREST AND CRIMINAL RECORDS	

COMES NOW, the People of the State of Colorado, by and through their elected District Attorney, Michael J. Allen, and his duly appointed deputy, and hereby motions this court to unseal arrest and criminal records of the above-named defendant.

On August 11, 2022, this Court signed an order sealing arrest and criminal records of this case. Pursuant to C.R.S. §24-72-703(2)(VI), "the sealing of a record pursuant to this article 72 and section 13-3-117 does not preclude a court's jurisdiction over any subsequently filed motion, including a motion to amend the record, a postconviction relief motion or petition, or any other motion concerning a sealed conviction record." Further, §24-72-703(5)(a) states, "inspection of the court records included in an order sealing criminal records may be permitted by the court only upon petition by the petitioner or the defendant who is the subject of the records or by the prosecuting attorney and only for those purposes named in the petition. This petition to inspect the criminal justice records must be filed by the petitioning party within the case in which the sealing order was entered."

It is important to note the legislative declaration for the Open Records, Criminal Justice Records statute.

- (1) The general assembly hereby finds and declares that the maintenance, access and dissemination, completeness, accuracy, and sealing of criminal justice records are matters of statewide concern and that, in defining and regulating those areas, only statewide standards in a state statute are workable.
- (2) It is further declared to be the public policy of this state that criminal justice agencies shall maintain records of official actions, as defined in this part 3, and that such records shall be open to inspection by any person and to challenge by any person in interest, as provided in this

part 3, and that all other records of criminal justice agencies in this state may be open for inspection as provided in this part 3 or as otherwise specifically provided by law. §24-72-301.

The clear intent of the legislature is that the courts and criminal justice agencies are transparent in their dealings and the public has a significant interest in inspection of these records and an understanding of the process. The People are petitioning to unseal these records for this legitimate public interest. This Defendant is the suspect in a high-profile homicide case that occurred on November 19, 2022. This has garnered significant media interest in the criminal justice process that took place in this case. As the case currently stands in sealed posture, the people have been unable to answer public inquiries into the criminal justice process and court process. Keeping this information hidden from the public only causes further damage to the integrity of the criminal justice process and the court system in general.

Further, this Defendant and the facts surrounding his arrest in this case are already in the public eye. The public in general, and any media outlet, can simply Google this defendant's name and find information surrounding the events that took place in this case that gave rise to the charges.¹ In fact, this has already taken place. The only information that is not in the public eye is the court process. An inability to explain the process could damage the criminal justice agencies and the Colorado courts as it appears that these agencies are hiding information or engaged in some sort of "star chamber" type process.

The Defendant likewise has a strong interest in unsealing these records. By keeping these records sealed, it will damage his right to a fair trial. The public has been allowed to wildly speculate as to what occurred in this case and it is only enraging the passions of the public against the Defendant. The Defendant is being vilified through social media as well due to the limited information published about this case. The limited information doesn't give the proper context as to what occurred here. This lack of information and breadth of context is lending to a perception that will make it extremely difficult to achieve a fair and unbiased jury. If left sealed, the potential jury pool will only hear speculation and not the actual facts. To achieve fairness and to obtain a fair and impartial jury, transparency is required.

Steven Zansberg represents several media outlets, to include local and national media outlets, and he has filed a motion to unseal the records in this case. The People have no objection to his motion.

The People up to this point have been significantly hindered in explaining the process that occurred here. It is important to have an open and fair court process to preserve the rights of the defendant as well as the public's right to know what occurred. As such, there is a significant public interest in unsealing these records that outweighs the interest of keeping them sealed. "[J]ustice cannot survive behind walls of silence. A responsible press has always been regarded as the handmaiden of effective judicial administration, especially in the criminal field," *Sheppard v. Maxwell*, 384 U.S. 333, 349 (1966). Access to these records by the public and the press only "helps the public keep a watchful eye on public institutions and the activities of government," *Valley Broad Co. v. United States Dist. Court*, 798 F.2d 1289 (9th Cir. 1986).

¹ See <https://krdo.com/news/top-stories/2021/06/19/bomb-threat-in-lorson-ranch-neighborhood-friday-night>

WHEREFORE, the People respectfully request this Honorable Court GRANT the People's Motion to Unseal Arrest and Criminal Justice Records

Respectfully submitted this 21st day of November, 2022

MICHAEL J. ALLEN, #42955
DISTRICT ATTORNEY

/s/ Jennifer A. Viehman

Jennifer A. Viehman, # 33163
Chief Deputy District Attorney
105 E. Vermijo Avenue
Colorado Springs, CO 80903

CERTIFICATE OF SERVICE

I certify on the 21st day of November 2022, a true and correct copy of People's Motion to Unseal Arrest and Criminal Records was mailed to the last known Attorney of Record, Joshua Lindley, through the US Postal Service at the below address

Joshua Lindley
Attorney Registration # 47427
James Newby Law
128 S. Tejon, Suite 402
Colorado Springs, CO 80903

Redacted

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, CO 80903		DATE FILED: November 21, 2022
PEOPLE OF THE STATE OF COLORADO v. ANDERSON LEE ALDRICH		FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO NOV 21 2022 JS SHERI KING CLERK OF COURT ▲ COURT USE ONLY ▲
Attorneys for Petitioners The News Media Coalition Name: Steven D. Zansberg, # 26634 Address: LAW OFFICE OF STEVEN D. ZANSBERG, L.L.C. 100 Fillmore Street, Suite 500 Denver, CO 80206 Telephone: 303-385-8698 Facsimile: 720-650-4763 E-Mail: steve@zansberglaw.com		
PETITION TO UNSEAL CRIMINAL COURT RECORDS FORTHWITH		

ABC News, The Associated Press, Bloomberg LP, The Colorado Freedom of Information Coalition, Colorado Public Radio, The Colorado Springs Gazette, The Colorado Sun, The Denver Post, New York Times Company, USA Today, The Washington Post (collectively, "The News Media Coalition"), by and through their undersigned counsel, hereby respectfully petition this honorable Court to unseal criminal justice records associated with the above-referenced Defendant. As grounds therefor, Petitioners state:

1. On information and belief, in June 2021, Defendant was the subject of a law enforcement investigation in connection with his suspected threat to use explosives. The case file associated with that incident was subsequently sealed by order of this Court.

2. On November 20, 2022, Defendant was apprehended following his armed assault on patrons of the Club Q nightclub in Colorado Springs, resulting in five deaths and dozens of others wounded.

3. Section 24-72-703(5)(c), C.R.S. declares that

Notwithstanding any other provision of this section, any member of the public may petition the court to unseal any court file of a criminal conviction that has previously been sealed upon a showing that circumstances have come into existence since the original sealing and, as a result, the public interest in disclosure now outweighs the defendant's interest in privacy.

4. As a result of the Defendant's recent acts, the public interest in disclosure of his prior criminal justice records now greatly outweighs his interest in privacy. Accordingly, it is no longer appropriate to maintain those records under seal.

WHEREFORE, Petitioners respectfully request that the Court forthwith unseal all prior sealed criminal justice records associated with this Defendant.

DATED: November 21, 2022

Respectfully submitted,

/s/ Steven D. Zansberg

Steven D. Zansberg

Counsel for Petitioners

The News Media Coalition

CERTIFICATE OF (NON-)SERVICE

I hereby certify that on November 21, 2022, I tried, without success, to determine the case number in this case, and could not identify any attorneys of record upon whom I could serve this filing. I will send a courtesy copy to the District Attorney for the Fourth Judicial District, and will serve any attorney for the Defendant upon being notified of his/her/their identity

/s/ Steven D. Zansberg
Steven D. Zansberg

Redacted

<input type="checkbox"/> County Court <input type="checkbox"/> District Court <u>EL PASO</u> County, Colorado Court Address: <u>270 S. Tejon St., Colorado Springs, CO</u> Plaintiff(s)/Petitioner(s): <u>State of Colorado 80903</u> v. Defendant(s)/Respondent(s): <u>Anderson Lee Aldrich</u>		FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO DATE FILED: November 21, 2022 NOV 21 2022 SHERI KING CLERK OF THE DISTRICT/COUNTY COURT COURT USE ONLY
Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:		Case Number: <u>2021CR3485</u> Division Courtroom
MOTION TO UN-suppress this case		

For the following reasons: (cite any applicable law)

Please un-suppress and release the affidant affiliated with the June 2021 case involving Anderson Lee Aldrich. Case number is believed to be ~~2021~~ 2021CR3485.

This suspect is now a suspect in a mass murder. Learning details of this case is and should be available to the public. I request the Court to:

Please un-suppress and release, publicly, the arrest affidant and all filings associated with any case involving Anderson Lee Aldrich, DOB 5/20/2000

Date: 11/20/22
(filed online)
11/21/22

[Signature]
Signature of Petitioner/Plaintiff or Respondent/Defendant
Lori Jane Gliha
Address
scripps (News)
City, State and Zip Code
303-817-3177
Telephone Number (Home) (Work)
Lorijane.gliha@scripps.com

CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of the Motion to _____ was served on the other party by:

- Hand Delivery, E-filed, Faxed to this number _____, or
- by placing it in the United States mail, postage pre-paid, and addressed to the following (include name and address):

To: _____

Petitioner/Plaintiff or Respondent/Defendant

Redacted

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 S. Tejon, Colorado Springs, CO 80903	DATE FILED AND FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO November 22, 2022
People of the State of Colorado v. Defendant Anderson Aldrich	TNL NOV 22 2022 SHERI KING CLERK OF COURT <input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Nathan J. Whitney, # 39002 Office of the County Attorney of El Paso County, Colorado 200 S. Cascade Ave. Colorado Springs, CO 80903 Phone: (719) 520-6485 Email: nathanwhitney@elpasoco.com	Case Number: 2021CR3485 Div.: 19
PETITIONER SHERIFF BILL ELDER'S MOTION TO UNSEAL CRIMINAL JUSTICE RECORDS	

Petitioner Sheriff Bill Elder ("Elder"), in his individual capacity as a member of the public and official capacity as the Sheriff of the El Paso County Sheriff's Office, by and through counsel, the Office of the County Attorney of El Paso County, Colorado, hereby submits this Petition to Unseal Criminal Justice Records as follows:

1. The shooting at Club Q is an unspeakable tragedy. Anderson Aldrich ("Aldrich") is alleged to have killed five people and wounded seventeen others during a hate-filled assault on a Colorado Springs LGBTQ+ nightclub.

2. Aldrich was the subject of a criminal prosecution in the District Court of El Paso County, Colorado arising from a June 2021 incident that has been widely reported on by local, state, and national news media. According to these media reports, Aldrich threatened his mother with a homemade bomb and was subsequently charged with felony kidnapping and menacing.

3. Upon information and belief, the criminal justice records concerning Aldrich's 2021 arrest and prosecution were sealed by a division of the District Court of El Paso County pursuant to Colorado's Criminal Justice Record Sealing Act, C.R.S. § 24-72-701, *et seq.* (the "Act"). The Act prevents criminal justice agencies from providing meaningful commenting on, or releasing records related to, sealed criminal cases.

4. The Act, however, provides that,

any member of the public may petition the court to unseal any court file of a criminal conviction that has previously been sealed upon a showing that circumstances have come into existence since the original sealing and, as a result, the public interest in disclosure now outweighs the defendant's interest in privacy.

C.R.S. § 24-72-703(5)(c).

5. The public's interest in inspecting court and criminal justice records related to Aldrich's 2021 arrest and prosecution is well-settled and long-standing. *See, e.g., Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501, 510-11 (1984) (recognizing that the public's right to inspect court records is protected by the First Amendment to the United States Constitution); *Office of State Ct. Adm'r v. Background Info. Sys.*, 994 P.2d 420, 428 (Colo. 1999) (access to court documents involving matters of public interest or concern is recognized by Article II, Section 10 of the Colorado Constitution); Colorado's Criminal Justice Records Act, C.R.S. § 24-72-301, *et seq.* (codifying the public's right to access criminal justice records).

6. The public interest in favor of unsealing Aldrich's 2021 criminal records greatly outweighs Aldrich's privacy interest because Aldrich is alleged to have perpetrated a heinous mass shooting targeted at the LGBTQ+ community in Colorado Springs. The public has a right to know the facts surrounding Aldrich's 2021 arrest; what weapons, if any, were seized from Aldrich during his 2021 arrest; whether any weapons seized from Aldrich during his 2021 arrest

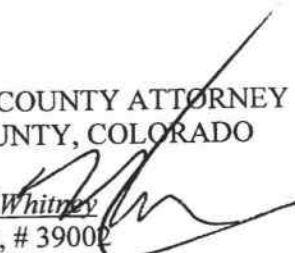
were ever returned to Aldrich; why Aldrich's 2021 criminal case was dismissed; and so on. In other words, the public has a strong interest in evaluating criminal justice records related to Aldrich's 2021 arrest and prosecution. The public will be deprived of this interest unless local law enforcement agencies, such as the El Paso County Sheriff's Office, are able to respond to the public's inquiries unconstrained by the Act.

7. Likewise, the El Paso County Sheriff's Office has a strong interest in responding to public inquiries regarding Aldrich's 2021 arrest and prosecution with accurate information so that the public and media are not left to speculate over what actions were or were not taken by law enforcement. The Act is inhibiting the flow of accurate and relevant information on a matter of great public importance to our community.

WHEREFORE, Sheriff Bill Elder respectfully requests that the Court enter an order unsealing the criminal justice records related to Aldrich's 2021 arrest and prosecution and for such other and further relief the Court deems just and proper.

Respectfully submitted this 22nd day of November 2022.

OFFICE OF THE COUNTY ATTORNEY
OF EL PASO COUNTY, COLORADO

BY: s/ Nathan J. Whitney 
Nathan J. Whitney, # 39002
First Assistant County Attorney
200 S. Cascade Ave.
Colorado Springs, CO 80903
(719) 520-6485
Fax (719) 520-6487

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was hand-filed with the Court on this 22nd day of November 2022, and will be hand-delivered to Anderson Aldrich when he is booked into the El Paso County Criminal Justice Center.

By: /s/ Nathan J. Whitney

Redacted

<input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court El Paso County, Colorado Court Address: 270 South Tejon Street, Colorado Springs, CO 80901	FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO
Re: The Matter of: THE PEOPLE OF THE STATE OF COLORADO	NOV 22 2022 DATE FILED: November 22, 2022
v. Defendant(s) <u>Anderson Lee Aldrich (2021)</u>	KS SHERI KING CLERK OF COURT
Attorney or Party Without Attorney (Name and Address):	Case Number: <u>21CR3485</u>
Phone Number: E-mail: FAX Number: Atty. Reg. #:	Division Courtroom
MOTION TO <u>unseal arrest records</u>	

For the following reasons: (cite any applicable law)
public interest has outweighed the defendant's interest in privacy

I request the Court to:
unseal the arrest records including the arrest report for defendant Aldrich on June 18, 2021.

Dated: 11/22/22

Robert Klemko
 Petitioner/Plaintiff OR Respondent/Defendant
4530 Pinon Pine circle
 Address
Colorado Springs, CO 80920
 City, State and Zip Code
301-452-2589
 Telephone Number (Home) (Work)

CERTIFICATE OF MAILING

I certify that on 11/22/22 (date) the original of this Motion was filed with the Court; and a true and accurate copy of this MOTION TO unseal criminal records was served on the other party(ies) by placing it in the United States mail, postage pre-paid and addressed to the following:

Office of the District Attorney
 105 E. Vermijo Avenue
 Colorado Springs, CO 80903



Petitioner/Plaintiff OR Respondent/Defendant

non-party

District Court, El Paso County, Colorado Court Address: P.O. Box 2980 Colorado Springs, CO 80901	FILED-DISTRICT & COUNTY COURTS-EL PASO CO., CO NOV 23 2022 DATE FILED: November 23, 2022 10:56 AM
THE PEOPLE OF THE STATE OF COLORADO v. ANDERSON ALDRICH, Defendant.	DIVISION 19 ▲ COURT USE ONLY ▲ Case Number: 21CR3485 Division: 19 Courtroom: S404
ORDER TO RESPOND	

Several motions to unseal this case have been filed. The Defense is ordered to respond with their position regarding unsealing by end of business on Wednesday, November 30, 2022.

Dated: November 23, 2022

BY THE COURT:



Robin Chittum
District Court Judge

CERTIFICATE OF SERVICE

I certify that on 11/23/22, I served a copy of this *Order to Respond* by email to the following:

Joseph Archambault
Office of the Public Defender

Michael Bowman
Office of the Public Defender

Joshua Lindley
James Newby Law

Jennifer Viehman
Office of the District Attorney


 Division 19 Clerk

Redacted

dees, chad

From: dees, chad
Sent: Wednesday, November 23, 2022 10:56 AM
To: 'Joshua Lindley'; Bowman, Michael; 'Joseph A. Chambault@coloradodefenders.us'; 'Jenniferviehman@elpasoco.com'
Cc: benore, kimberly
Subject: 21CR3485 - Aldrich order to respond and motions to unseal
Attachments: DA motion - 21CR3485.pdf; Atty Zansberg motion - 21CR3485.pdf; Scripps motion - 21CR3485.pdf; Order to Respond 2021CR3485.pdf

Judge Chittum wanted these motions and her order to respond sent to you.

Best regards,
Chad

Chad Dees
Judicial Assistant
Division 19
4th Judicial District
270 South Tejon Street
Colorado Springs, CO 80903
719-452-5353
chad.dees@judicial.state.co.us



District Court, El Paso County, Colorado Court Address: 270 S. Tejon St. Colorado Springs, CO 80903 <hr/> People of the State of Colorado, Plaintiff(s) vs. ANDERSON ANDY ALDRICH, Defendant	DATE FILED: November 23, 2022 1:21 PM COURT USE ONLY
Attorney: JAMES NEWBY LAW, LLC Joshua Lindley, Reg. No. 47427 128 South Tejon Street, Suite 402 Colorado Springs, CO 80903 Phone number: (719) 247-2700 FAX number: (719) 635-7625	Case Number: 21CR3485 Division: 19
MOTION TO WITHDRAW	

Counsel hereby moves this Court for an Order permitting counsel to withdraw from representation of the Defendant, James Sorensen. In support thereof, counsel states the following:

1. Counsel formally entered his appearance in this matter on or about July 19, 2021.
2. This matter is currently not scheduled for any hearings.
3. Counsel has no contact with defendant and defendant has new counsel.

WHEREFORE, counsel respectfully moves to withdraw from any further representation and involvement in the present matter.

Respectfully submitted,

/s/ Joshua Lindley
 Joshua Lindley, # 47427

CERTIFICATE OF SERVICE

I certify that on the 23rd day of November, 2022, a copy of the foregoing was served on the District Attorney's Office by E-file to the following:

El Paso County District Attorney
105 E. Vermijo Ave.
Colorado Springs, CO 80903

/s/ Ruth Daniel
Paralegal to James Newby Law

DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	DATE FILED: November 28, 2022 8:35 AM
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH, Defendant	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Megan Ring, Colorado State Public Defender Joseph Archambault #41216 Chief Trial Deputy Michael Bowman #48652 Deputy State Public Defender 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	Case No. 21CR3485 Division 19
MOTION FOR DEFENSE COUNSEL'S ACCESS TO COURT FILE AND RECORD IN ORDER TO RESPOND TO 11/23/22 "ORDER TO RESPOND" IN THIS MATTER	

Mx. Anderson Aldrich¹, by and through counsel moves² this Court for the time and date prior to November 30, 2022, that counsel may access the court file and record in this matter.

1. Mx. Anderson was represented by attorney Joshua Lindley in this case, this case was sealed sometime in the past. Mr. Lindley moved to withdraw as counsel of record on this case on November 23, 2022.
2. Mx. Anderson is currently housed at the El Paso County Jail, and is now represented by attorneys from the Colorado State Public Defender's Office.
3. On November 23, 2022, counsel received emails from Mr. Lindley, and the Court's clerk. Mr. Lindley emailed two motions to withdraw. The Court's clerk emailed two motions to unseal the court record in this case, a motion from the District Attorney's Office asking for one of the motions to unseal be granted, and an order from the Court for the defense to respond to the motions to unseal by close of business on November 30, 2022.
4. The sealing and unsealing of criminal records statutes have many different provisions which are applicable or inapplicable depending on the facts and circumstances.. *See*

¹ Anderson Aldrich is non-binary. They use they/them pronouns, and for the purposes of all formal filings, will be addressed as Mx. Aldrich.

² Because this is a sealed case, this motion cannot even be filed into ICCES and instead will be emailed to the Court's clerk.

C.R.S. § 24-72-701 *et seq.* However Mx. Anderson and their counsel are entitled to access the court record in this case. *See* C.R.S. § 24-72-703(2)(c).

5. At a bare minimum, the due process clause requires that a defendant's attorney be allowed to know the nature of the allegations, contents of the court file and the documents within it when the defendant has been ordered to respond to a motion. U.S. Amends V., XIV, Colo. Const. Art. II, § 3, 16, and 25.
6. The Sixth amendment to the United States Constitution and article II, section 16 of the Colorado Constitution guarantees a criminal defendant the right to counsel which is a fundamental part of the criminal justice system and this includes the right to an effective assistance of counsel. *See* U.S. Const. amend. VI, XIV; Colo. Const. art. II § 16; *Hutchinson v. People*, 742 P.2d 875, 880-881 (Colo. 1987). (*citing to United States v. Cronin*, 466 U.S. 648 (1984)); *McMann v. Richardson*, 397 U.S. 759, (1970).
7. In order to effectively assess any objection, or lack thereof, to the unsealing requests filed thus far, defense counsel must have access to the court file.
8. Counsel is ineffective when counsel lacks factual or legal knowledge of the situation. *See People v. White*, 514 P.2d 69 (Colo. 1973).

Therefore counsel moves the Court to allow counsel access to the court file immediately and at least 48 hours prior to any date that counsel will be required to respond to motions to unseal this case.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy



Michael Bowman #48652
Deputy State Public Defender

Certificate of Service

I certify that on November 28, 2022, I served the foregoing document electronically through Colorado Courts E-Filing to all opposing counsel of record.
s/skoslosky

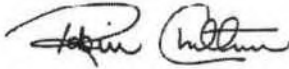
Dated: November 28, 2022

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. TEJON, COLORADO SPRINGS, CO, 80903	DATE FILED: November 28, 2022 8:37 AM
THE PEOPLE OF THE STATE OF COLORADO v. Defendant(s) ANDERSON LEE ALDRICH	△ COURT USE ONLY △ Case Number: 2021CR3485 Division: 19 Courtroom:
Order Allowing Counsel to Withdraw/Appointing Public Defender	

The motion/proposed order attached hereto: GRANTED.

The Office of the Public Defender is appointed in this case.

Issue Date: 11/28/2022



ROBIN LYNN CHITTUM
District Court Judge

District Court, El Paso County, Colorado Court Address: 270 S. Tejon St. Colorado Springs, CO 80903 <hr/> People of the State of Colorado, Plaintiff(s) vs. ANDERSON ANDY ALDRICH, Defendant	COURT USE ONLY
Attorney: JAMES NEWBY LAW, LLC Joshua Lindley, Reg. No. 47427 128 South Tejon Street, Suite 402 Colorado Springs, CO 80903 Phone number: (719) 247-2700 FAX number: (719) 635-7625	Case Number: 21CR3485 Division: 19
MOTION TO WITHDRAW	

Counsel hereby moves this Court for an Order permitting counsel to withdraw from representation of the Defendant, James Sorensen. In support thereof, counsel states the following:

1. Counsel formally entered his appearance in this matter on or about July 19, 2021.
2. This matter is currently not scheduled for any hearings.
3. Counsel has no contact with defendant and defendant has new counsel.

WHEREFORE, counsel respectfully moves to withdraw from any further representation and involvement in the present matter.

Respectfully submitted,

/s/ Joshua Lindley
 Joshua Lindley, # 47427

CERTIFICATE OF SERVICE

I certify that on the 23rd day of November, 2022, a copy of the foregoing was served on the District Attorney's Office by E-file to the following:

El Paso County District Attorney
105 E. Vermijo Ave.
Colorado Springs, CO 80903

/s/ Ruth Daniel
Paralegal to James Newby Law

Attachment to Order - 2021CR3485

Redacted

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, CO 80903	DATE FILED: November 28, 2022 8:42 AM
PEOPLE OF THE STATE OF COLORADO v. ANDERSON LEE ALDRICH	FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO NOV 21 2022 JS SHERI KING CLERK OF COURT ▲ COURT USE ONLY ▲
Attorneys for Petitioners The News Media Coalition Name: Steven D. Zansberg, # 26634 Address: LAW OFFICE OF STEVEN D. ZANSBERG, L.L.C. 100 Fillmore Street, Suite 500 Denver, CO 80206 Telephone: 303-385-8698 Facsimile: 720-650-4763 E-Mail: steve@zansberglaw.com	Case Nos.: 2021-CR-____ Ctrm.:
PETITION TO UNSEAL CRIMINAL COURT RECORDS FORTHWITH	

ABC News, The Associated Press, Bloomberg LP, The Colorado Freedom of Information Coalition, Colorado Public Radio, The Colorado Springs Gazette, The Colorado Sun, The Denver Post, New York Times Company, USA Today, The Washington Post (collectively, "The News Media Coalition"), by and through their undersigned counsel, hereby respectfully petition this honorable Court to unseal criminal justice records associated with the above-referenced Defendant. As grounds therefor, Petitioners state:

1. On information and belief, in June 2021, Defendant was the subject of a law enforcement investigation in connection with his suspected threat to use explosives. The case file associated with that incident was subsequently sealed by order of this Court.

2. On November 20, 2022, Defendant was apprehended following his armed assault on patrons of the Club Q nightclub in Colorado Springs, resulting in five deaths and dozens of others wounded.

3. Section 24-72-703(5)(c), C.R.S. declares that

Notwithstanding any other provision of this section, any member of the public may petition the court to unseal any court file of a criminal conviction that has previously been sealed upon a showing that circumstances have come into existence since the original sealing and, as a result, the public interest in disclosure now outweighs the defendant's interest in privacy.

4. As a result of the Defendant's recent acts, the public interest in disclosure of his prior criminal justice records now greatly outweighs his interest in privacy. Accordingly, it is no longer appropriate to maintain those records under seal.

WHEREFORE, Petitioners respectfully request that the Court forthwith unseal all prior sealed criminal justice records associated with this Defendant.

DATED: November 21, 2022

Respectfully submitted,

/s/ Steven D. Zansberg

Steven D. Zansberg

Counsel for Petitioners

The News Media Coalition

CERTIFICATE OF (NON-)SERVICE

I hereby certify that on November 21, 2022, I tried, without success, to determine the case number in this case, and could not identify any attorneys of record upon whom I could serve this filing. I will send a courtesy copy to the District Attorney for the Fourth Judicial District, and will serve any attorney for the Defendant upon being notified of his/her/their identity

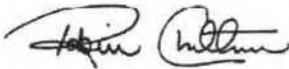
/s/ Steven D. Zansberg
Steven D. Zansberg

Redacted

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. TEJON, COLORADO SPRINGS, CO, 80903	DATE FILED: November 29, 2022 8:00 AM
THE PEOPLE OF THE STATE OF COLORADO v. Defendant(s) ANDERSON LEE ALDRICH	△ COURT USE ONLY △ Case Number: 2021CR3485 Division: 19 Courtroom:
ORDER REGARDING ACCESS	

The Office of the Public Defender has been appointed in this case. The Office of the Public Defender shall have access to all records in this case.

Issue Date: 11/29/2022



ROBIN LYNN CHITTUM
District Court Judge

TRANSCRIPT REQUEST FORM

Pursuant to Chief Justice Directive 2005-03 (Amended January 1, 2018)

email request: 04TranscriptRequest@judicial.state.co.us

This transcript request form must be completed by any person requesting a transcript from any court proceeding whether reported stenographically or by electronic recording means. Upon completion of this Transcript Request Form, please follow established policies and procedures for each judicial district which outline instructions for ordering transcripts, tapes or digital recording disks. This information is available on the Colorado Judicial website at or www.courts.state.co.us

Transcript Rates

DATE FILED: November 30, 2022 8:45 AM

Ordinary Rate (State Paid)
(within 30 days or per C.A.R. 10)

Original Price (\$3.00/page)
Copy to State Agency (\$0/page)
Copy to Non-State Agency Party (\$.75/page)
Add'l Copy to Non-Party (\$.75/page)

Expedited Rate
(within 10 days)

Original Price (\$3.75/page)
Copy to State Agency (\$0/page)
Copy to Non-State Agency Party (\$.75/page)
Add'l Copy to Non-Party (\$.75/page)

Ordinary Rate (Private Paid)
(within 11 days and up to 30 days, or as agreed upon by the requesting party and transcriber)

Original Price (\$3.00/page)
Copy to State Agency (\$.75/page)
Copy to Non-State Agency Party (\$.75/page)

Hourly Rate
(within 2 hours of adjournment)

Original Price (\$6.25/page)
Copy to State-Agency (\$1.25/page)
Copy to Non-State Agency Party (\$1.25/page)
Add'l Copy to Non-Party (\$1.25/page)

Daily Rate
(following adjournment and prior to normal opening of court the following day)

Original Price (\$5.25/page)
Copy to State-Agency (\$0/page)
Copy to Non-State Agency Party (\$1.00/page)
Add'l Copy to Non-Party (\$1.00/page)

Email form to:
04TranscriptRequest@judicial.state.co.us

Transcripts will not be started and the time limits stated for delivery of transcripts will not commence until satisfactory payment arrangements are made for required fees. To avoid any disputes as to dates or payment, a dated receipt for payment shall be provided to requester.

ORDERING PARTY INFORMATION

1. Full Name (Include Firm Name) District Attorneys – Kim Daniluk for Reggy Short		2. Phone Number 719-520-6141		3. Email Address: kimdaniluk@elpasoco.com	
4. Mailing Address: 105 E. Vermijo		5. City: Colo. Springs		6. State: CO	7. Zip Code: 80919

TRANSCRIPT INFORMATION

8. Case No. 21CR3485		9. Case Caption (i.e. People v. John Doe) People v. Anderson Aldrich		10. County: El Paso	
11. Judicial Officer/Division: Judge Chittum – Div. 19		12. Order For <input type="checkbox"/> Appeal <input type="checkbox"/> Civil <input type="checkbox"/> Upcoming Hearing/Trial on _____ <input type="checkbox"/> Non-Appeal <input type="checkbox"/> Criminal <input checked="" type="checkbox"/> Other			

13. Transcript Requested (Specify portion(s) and date(s) of proceeding(s) requested)

Portion(s)	Date(s)	Time(s)	Portion(s)	Date(s)	Time(s)
<input checked="" type="checkbox"/> Entire Proceedings	6-22-21 7-1-21 7-29-21 8-5-21 8-26-21 10-21-21 12-16-21 1-27-22 4-7-22 5-19-22 5-31-22 6-23-22 7-1-22 7-5-22 8-11-22		<input type="checkbox"/> Testimony (Specify Witness)		
<input type="checkbox"/> Jury Voir Dire					
<input type="checkbox"/> Opening Statements					
<input type="checkbox"/> Closing Arguments			<input type="checkbox"/> Pre/Post Trial Hearing (Spicy)		

<input type="checkbox"/> Jury Instructions				
<input type="checkbox"/> Judge's Ruling				
ORDERING INFORMATION				
14. Date of Request/Date Transcript Needed 11/28/22 – Need expedited	15. Rate Category: <input type="checkbox"/> Ordinary (State Pd.) <input checked="" type="checkbox"/> Expedited <input type="checkbox"/> Hourly <input type="checkbox"/> Ordinary (Private Pd.) <input type="checkbox"/> Daily			
16. Orig. + Copies (Spcy #) _____ + _____ = _____	17. Certification (By signing below, I certify that I will pay all charges.) Signature: _____ Date: _____			
FOR COURT USE ONLY (ERO = Electronic Records Operator)				
Date of Request	Transcript To Be Prepared By (Name of Court Rpt/ERO)		Date Court Rptr/ERO Contacted	
Notice of Estimate to Ordering Party Date _____ # of pages _____	Date of Deposit/Satisfactory Payment Arrangements	Deposit Paid \$ _____	Bal Pd/Refund \$ _____	
Date Transcript Mailed/Delivered	I certify that the preparation of this transcript is in compliance with the fee & format prescribed by CJD 05-03. Reporter/ERO Signature _____ Date _____			

JDF 4 R7/19 TRANSCRIPT REQUEST FORM

DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	DATE FILED: November 30, 2022
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH, Defendant	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Megan Ring, Colorado State Public Defender Joseph Archambault #41216 Chief Trial Deputy Michael Bowman #48652 Deputy State Public Defender 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	Case No. 21CR3485 Division 19
OBJECTION TO ALL PETITIONS TO UNSEAL	

Mx. Anderson Aldrich¹, by and through counsel moves this Court to deny all requests to unseal the records in this case:

Procedural History

1. On July 5, 2022, on the morning of trial, the district attorney was unable to proceed in this case and the matter was dismissed for failure to prosecute.
2. On July 8, 2022, defense counsel filed a motion to seal records. The case was set for a hearing on the motion on August 11, 2022.
3. At the hearing the district attorney lodged no objection, and the matter was ordered sealed by the court.
4. That order informed the Sheriff's Department, District Attorney's Office, Colorado Bureau of Investigation, and State Court Administrator's Office of the cases immediate sealing. *See Order to Seal Arrest and Criminal Records Pursuant to C.R.S. 24-72-705 (Simplified Process).*
5. On November 21, 2022, the court began receiving petitions to unseal the records in this case. Several from media outlets, and one from the district attorney's office.

¹ Anderson Aldrich is non-binary. They use they/them pronouns, and for the purposes of all formal filings, will be addressed as Mx. Aldrich.

6. On November 22, 2022, a motion to unseal was filed by Sheriff Bill Elder.
7. One day later, on November 23, 2022, the Court directed the defense to respond to the motions by close of business on November 30, 2022. Also on November 23, 2022, Mx. Anderson's former counsel Joshua Lindley was allowed to withdraw as counsel on this case, and the Public Defender was entered as Mx. Anderson's counsel of record.
8. Counsel was granted access by the Court to the written documents in the court file on November 29, 2022, but certainly has not had time to adequately review them in detail and has not had time to order the transcript from the many hearings that are very briefly summarized in the minute orders.
9. Mx. Aldrich is currently being held without bond in the El Paso County Jail and appears about to be charged with five counts of First degree murder and multiple other crimes in case number 22CR6008. That case is set for a first appearance/filing of charges on December 6, 2022. There will be a proof evident presumption great/preliminary hearing set to occur in the future. The media coverage of 22CR6008 has not only been extensive but it also not been limited to just Colorado but also has been coverage on a national and international level.
10. Mx. Aldrich has received no reports, documents, or digital media in 22CR6008 which the District Attorney and other members of law enforcement have access to. Counsel has not even received the arrest affidavit. Counsel is at an extreme disadvantage in being ordered to respond to a petition to unseal this case without having enough time² to get up to speed what is involved in this case. Counsel also is at a complete disadvantage to know any real factual details about the allegations in 22CR6008, in order to understand respond to how the un-sealing of this case will effect Mx. Aldrich.

Law and Analysis

11. C.R.S. §24-72-705 directs that a court shall order the defendant's criminal justice record sealed when a case is completely dismissed. By this act, legislature enacted an expedited process for the sealing of records specifically for instances where a case was dismissed. In doing so, the legislature recognized a great privacy interest in protecting individuals from public scrutiny, inquiry, or persecution based upon charges and arrests where the allegations went unproven.
12. This sealing statutes have been changed over time since 1977, and they have continued to be amended to allow the sealing of more and more types of criminal cases. This shows a clear legislative intent that, subject to certain provisions, more cases should be sealed from the public than in years past.
13. The United States Supreme Court has made clear that "the right to inspect and copy Judicial records is not absolute," and "[e]very court has supervisory power over its own records and files. *See Nixon v. Warner Communications*, 435 U.S. 589, 598 (1978).

² If the Court is inclined to entertain actually granting a petition to unseal, Mx. Aldrich requests more time and a hearing to actually be thoroughly prepared to address this issue.

14. In addition, the Colorado Supreme Court has recognized that at times, the media's first amendment rights must yield to the a defendant's right to a fair trial.

"We recognize that constitutional guarantees are not always absolute and that full exercise thereof is not always entirely possible. *Anderson v. People*, Colo., 490 F.2d 47; *Hampton v. People*, 171 Colo. 153, 465 P.2d 394; *Thompson v. People*, 156 Colo. 416, 399 P.2d 776. On occasion, one right must necessarily be subordinated to another. The interest of the accused, whose life and liberty are in jeopardy, to a fair trial by an impartial jury is paramount, and may require, depending on the circumstances of the case, limitations upon the exercise of the right of free speech and of the press. The problem is one of balancing of interests so that irreconcilable conflict need not necessarily result from the simultaneous exercise of those constitutional rights. Whether in a particular case there has been an actual accommodation in the simultaneous exercise of the two rights, depends upon the circumstances of the case."

Stapleton v. Dist. Ct. of Twentieth Jud. Dist., 499 P.2d 310, at 312 (1972).

**PETITIONERS SHERIFF BILL ELDER AND THE FOURTH
JUDICIAL DISTRICT ATTORNEY'S OFFICE LACK STANDING
TO REQUEST UNSEALING.**

15. The district attorney's motion to unseal this case relies upon C.R.S. §24-72-703(5)(a), which governs the inspection of the records of a sealed case for a specific purpose, and does not allow for or contemplate "unsealing." See C.R.S. §24-72-703(5)(a). None of the purposes described in its motion are contemplated by the sealing statute.
16. Nevertheless, the district attorney's motion, seems to argue that inspection under this subsection is necessary because the records contained therein are necessary for several purposes, to include their ability to discuss the case with the media, and "explaining the process of what occurred here." See *People's Motion to Unseal Arrest and Criminal Records*.
17. The Sheriff's Department asserts that its request to unseal records is based in C.R.S. §24-72-703(5)(c). That subsection, however, refers to the "any member of the public may petition the court" is does NOT say that any member of law enforcement may petition a court. *Id.* In Colorado, the statutes and the caselaw interpreting them have certainly drawn lines between law enforcement and the public when it comes to the access to records. See generally §24-72-201 *et seq* and §24-72-301 *et seq*. In addition, the plain language of much of § 24-72-703 gives law enforcement access to this record.
18. To the extent the district attorney's motion can be viewed as a request to unseal as a "member of the public," the district attorney's office lacks standing for the same reasons outlined above that Sheriff's Office lacks standing.

19. Therefore, it is clear that the Sheriff and the District Attorney's Office are not the "public" under the law and they do not have standing on this issue and their motions and arguments have no relevance on this issue.

MX. ALDRICH'S RIGHT TO DUE PROCESS RIGHTS AND A FAIR TRIAL IN PENDING CRIMINAL LEGAL PROCEEDINGS, WILL BE EVISCERATED IF THE RECORD IS UNSEALED AND THIS OUTWEIGHS ANY PUBLIC INTEREST IN ADDITIONAL DETAILS IN THE RECORD

20. Mx. Aldrich is guaranteed the right to a trial by jurors who are fair and impartial. *Ross v. Oklahoma*, 487 U.S. 81 (1988); *Witherspoon v. Illinois*, 391 U.S. 510, 518 (1968); *Irvin v. Dowd*, 366 U.S. 717, 722 (1961); *People v. Sandoval*, 733 P.2d 319, 320 (Colo. 1987); *Oaks v. People*, 150 Colo. 64, 371 P.2d 433, 477 (1962); *Smith v. People*, 8 Colo. 457, 8 P.1045 (1885).
21. Unsealing of the records in this case will generate even more prejudicial pretrial publicity, which will destroy Mx. Aldrich's ability to receive a fair trial under the United States and Colorado constitutions. *See, e.g., Sheppard v. Maxwell*, 384 U.S. 333, 350-51 (1966) (public scrutiny of a criminal trial "must not be allowed to divert the trial from the very purpose of a court system to adjudicate controversies . . . in the calmness and solemnity of the courtroom according to legal procedures," including "the requirement that the jury's verdict be based on evidence received in open court, not from outside sources." (internal quotations and citation omitted)).
22. Case 22CR6008 has received a tremendous amount of media scrutiny following Mx. Aldrich's arrest. Details of this case are a prime example of that. Despite the case being dismissed, sealed, and the proper agencies being notified, several details of the allegations have been posted to both local and national news agencies. The further unsealing of records will lead to public access of information that may be confidential, privileged, or otherwise be inadmissible at any future trials. As will be discussed in more detail later on, the contents of the record implicate allegations that formed the basis of a criminal complaint which was dismissed. However, the allegations detail threats of violence involving guns and explosive devices and made against family members. In the record there are also allegations of a standoff/hostage situation with law enforcement. None of these allegations were ever admitted to, or found beyond a reasonable doubt by a jury or judge. However, if the record is un-sealed the media and public will treat them as if they are factually true and Mx. Aldrich will be convicted in the court of public opinion and have no hope at a presumption of innocence in case 22CR6008.
23. "Every individual, whether detested or revered, is entitled to a fair trial before an impartial jury." *People v. Harlan*, 8 P.3d 448, 459 (Colo. 2000) (citing to *Oaks v. People*, 371 P.2d 443, 447 (Colo. 1962) reversed on other grounds by *People v. Miller*,

113 P.3d 743 (Colo. 2005). If this record is un-sealed, Mx. Aldrich will be further detested and further vilified in the media and his right to a fair trial will be gone.

24. There is also no reason that this Court needs to act on this issue at the current time. Case 22CR6008 has just been opened, and the formal charges have not even been filed yet. The case will be set for a preliminary hearing and likely multiple hearings prior to any trial. In 22CR6008, the only hearing which has occurred was open to the public and expanded media coverage was allowed. There is no indication that all hearings in that case will not be open to the public, including the media now and in the future. Therefore, there is no reason given in any of the other pleadings filed with this Court to suggest that this record should be un-sealed now³.
25. As a result, the court should resist taking action which will negatively impact Mx. Aldrich's chances of receiving a fair trial, and deny all motions to unseal, from all petitioners.

**EVEN IF THE COURT WERE TO IGNORE AND DISREGARD
MX. ALDRICH'S RIGHT TO A FAIR TRIAL, DUE PROCESS
AND THE PRESUMPTION OF INNOCENCE, THE RECORD
SHOULD STILL REMAIN SEALED**

26. When determining if a record should be unsealed the Court must consider if, "there has been a showing that circumstances have come into existence since the original sealing, and, as a result, the public interest in disclosure outweighs the defendant's interest in privacy." C.R.S. § 24-72-703(5)(c). The must also determine if the need to protect the defendant's right to a fair trial which takes priority over any other interest; requires limitation on access to a record. *Stapleton*, 499 P.2d 310, at 312.
27. The District Attorney's motion does not point to the proper legal standard and caselaw which this Court must apply. *See* People's Motion to Unseal Arrest and Criminal Records. The prosecution's motion argues that they are not able to answer questions from the media and the public about what occurred in this case, but this is by the design of the Colorado law. *See* § 24-72-701 *et seq.* And the prosecution identifies no legal basis that entitles it to parade details about prior criminal allegations to the media. If the prosecution does not like any of the laws in Colorado, they are allowed to petition the legislature. The implication from the prosecution's motion is troubling, as it seems to suggest they are trying to give damaging information out about a prior dismissed criminal case involving Mx. Aldrich. It seems that the prosecution is prohibited from doing so at this time due to the pending case in 22CR6008 and their own ethical obligations, as any such statements about the prior case has a substantial likelihood of heightening public condemnation of Mx. Aldrich. *See* Colo. RPC 3.8 (f). To the extent the prosecution

³ Mx. Aldrich would note that in another high profile case dealing with a similar issue the court documents were sealed until after even the preliminary hearing had occurred. 2013 WL 3982191.

insists it makes this unsealing request to protect Mx. Aldrich's rights, its request should be disregarded. Undersigned represent Mx. Aldrich—not the prosecution. “It is not the role of the prosecution to determine whether a defendant's rights are violated.” *People v. Guzman-Rincon*, 369 P.3d 752, 757 (Colo. App. 2015). Mx. Aldrich will rely on their attorneys, not the prosecution, to protect their rights and furnish to the public any information they believe is necessary to protect their rights.

28. The prosecution does point out that Mx. Aldrich has already been vilified in the public and online. *See* People's Motion to Unseal Arrest and Criminal Records, p 2. They also explain that his right to a fair trial has already been damaged. *Id.* Mx. Aldrich agrees that they have been vilified already. Mx. Aldrich objects to the un-sealing of this record and that will only increase the condemnation and further destroy any chance at a fair trial. The “context” that the prosecution seems to be referring to, is unproven allegations of violence and criminal activity, that “context” will only enhance the public condemnation of Mx. Aldrich. The prosecution's claim that there sealing gives rises to claims of a “star chamber” process are unfounded. This case was a public court case held in open and public court and went through the normal criminal justice process, it was only after the dismissal of the case that the normal legal process also sealed the court file.
29. When the Court applies the proper legal standard to the prosecution's argument, the prosecution has not pointed to a circumstance that outweighs Mx. Aldrich's privacy interest, and therefore the record should not be un-sealed under (5)(c). The prosecution's arguments have also not shown that unsealing the record would not further violate Mx. Aldrich's right to a fair trial in front of fair jurors.
30. While the petition from the Sheriff Bill Elder's Office makes attempts at weighing the competing public versus private interest, its argument fails. It asserts, inter alia, that a public interest has been created by the allegations levied against Mx. Aldrich in 22CR6008. *See Petitioner Sheriff Bill Elder's Motion to Unseal Criminal Justice Records.*
31. The Sheriff makes no attempt to afford Mx. Aldrich even the basic right to the presumption of innocence, referring to the allegations in 22CR6008 as “...because Aldrich is alleged to have perpetrated a *heinous mass shooting targeted at the LGBTQ+ community in Colorado Springs.* *Id.* at ¶ 6 (emphasis added).
32. Even the matters that the Sheriff wants to tell the public are inadmissible and inflammatory facts. *See* CRE 404(b). For example, the pleading mentions things they want to talk to the public about are such things as, what guns were involved, what happened to those guns.
33. The Sheriff also wants to tell the public why the case was dismissed. That is a difficult issue to explain to people not well versed in the criminal justice system. While judges and many attorneys understand the complexities and nuances of a criminal case set for trial, many in the public will not understand this and it is likely if the record is un-sealed that

GREATER unsupported speculation and scorn will be heaped upon Mx. Aldrich, the district attorney, the defense attorney, and even the Court.

34. The Sheriff's pleading makes a bald assertion that the public has an interest in knowing such details, but does not offer why, and the strong implication from their pleading is that they seem to want the public to further vilify and despise Mx. Aldrich and wants the record un-sealed to give the public more ammunition to do so. It is unclear how the Sheriff can be allowed even if the record was un-sealed, to make such public inflammatory comments, unless the design was to ensure that Mx. Aldrich is denied the right to a fair trial.
35. The Sheriff's pleading makes the claim that law enforcement should not be required by law to keep the details of sealed case undisclosed, but that is the exact purpose of the Colorado sealing statutes and the statutes have explicit requirements on what law enforcement agency must and must not do. *See* C.R.S. §24-72-703. If a law enforcement agency could just claim that they want to talk about the details of a sealed case, and that was enough to make the sealed record unsealed, it would destroy the entire purpose and effect of the sealing statute. The pleading also misses the mark of the explicit language of the sealing statutes, it is only upon a CONVICTION of a future case that a sealed case becomes un-sealed. *See* C.R.S. §24-72-703 (2)(V). Therefore, the fact that Mx. Aldrich is accused of a new criminal charge(s) is not the circumstance contemplated in (5)(c), otherwise that portion of the statute would be superfluous.
36. When the Court applies the proper legal standard to the Sheriff's pleading, it is clear that the pleading has not pointed to a circumstance that outweighs Mx. Aldrich's privacy interest, and therefore the record should not be un-sealed under (5)(c). The Sheriff's arguments have also not shown that unsealing the record would not further violate Mx. Aldrich's right to a fair trial in front of fair jurors, and if anything seem to make it clear, that if the record was unsealed information would be shared to make the right to a fair trial impossible.
37. Finally, law enforcement agencies seeking to unseal the records should not be permitted to benefit from their own lack of compliance with the sealing statute and order of this Court.
38. Both Petitioner Elder's Office and the Fourth Judicial District Attorney's office indicate in their motions, a need to be able to respond to media inquiry accurately as a reason for unsealing these records. *See Petitioner Sheriff Bill Elder's Motion to Unseal Criminal Justice Records* (arguing "[l]ikewise, the El Paso County Sheriff's Office has a strong interest in responding to public inquiries regarding Aldrich's 2021 arrest and prosecution with accurate information so that the public and media are not left to speculate over what actions were or were not taken by law enforcement. The act is inhibiting the flow of accurate and relevant information on a matter of great public importance to our community.); *See also People's Motion to Unseal Arrest and Criminal Records* (arguing, "[t]he people up to this point have been significantly hindered in explaining the process that occurred here. . ."). The Sheriff does not explain—nor could it—how unsealing the record will ameliorate any alleged harm from potential criticism of its actions that it mentions in its motion.

39. The “difficulty” identified by both parties is largely attributable to the agencies inability to comply with the sealing statute up to this point.
40. The statute directs, “upon an inquiry into a sealed record, a criminal justice agency shall reply that a public criminal record does not exist with respect to the defendant who is the subject of the sealed record.” C.R.S. §24-72-703 (2)(b).
41. Despite the clear language restricting disclosure, the national news media has had no problem obtaining detailed information, far exceeding what statute allows. On November 22, 2022, CNN published a story indicating, “Aldrich was arrested in June 2021 in connection with a bomb threat which led to a standoff at his mother’s home, according to a news release from the El Paso County Sheriff’s Office . . .” ELIZABETH WOLFE, DAKIN ANDONE, *WHAT WE KNOW ABOUT THE SUSPECT IN THE COLORADO SPRINGS LGBTQ NIGHTCLUB SHOOTING*, CNN.COM, November 22, 2022, <https://www.cnn.com/2022/11/21/us/anderson-lee-aldrich-colorado-springs-shooting-suspect>.
42. The same CNN.com article indicates that, “two law enforcement sources confirmed the suspect in Saturday’s shooting and the bomb threat were the same person based on [their] name and date of birth.” *Id.*
43. The news release referenced was published on June 18, 2021, and despite sealing orders directed to the El Paso County Sheriff’s Office on August 11, 2022, the release remains posted today. *See* <https://www.epcsheriffsoffice.com/news-releases/sheriffs-office-responds-to-bomb-threat-in-lorson-ranch-neighborhood> .
44. The same improper disclosures are indicated in the local news media as well. A Colorado Springs Gazette article states, “the El Paso County Sheriff’s Office arrested a man with the same name and matching age in June of 2021 in connection with a bomb threat that forced residents in Lorson Ranch . . . according to an earlier report by the Sheriff’s Office.” BROOKE NEVINS AND CARLON MCKINLEY, ANDERON LEE ALDRICH, COLORADO SPRINGS MASS SHOOTING SUSPECT, MAY HAVE HAD EARLIER RUN-INS WITH POLICE, COLORADO SPRINGS GAZETTE, November 20, 2022, https://gazette.com/news/crime/anderson-lee-aldrich-colorado-springs-mass-shooting-suspect-may-have-had-earlier-run-ins-with/article_5b7f1478-68f5-11ed-ac02-d730cef006ab.html.
45. That same article continues that, “[n]o formal charges were pursued in the case, which has since been sealed, the 4th Judicial District Attorney’s Office told The Gazette after Aldrich called an editor in August and asked that the story . . . be removed since the case was dropped.” *Id.*
46. Any complications both Sheriff Elder’s Office and the District Attorney’s office, may be facing in appropriately responding to media and public inquiry can only be attributed to their own over disclosure, and failure to comply with their obligations under the sealing statute.
47. It is blatant violation of equal protection, fundamental fairness, and due process for law enforcement and the media to work together to gather information and make the information public, in violation of this Court’s sealing order; and then turn around and claim they need file unsealed to explain more context about the case. U.S. Amends V,

IV., XIV, Colo. Const. Art. II, § 3, 6 16, 23, 25, and 28. As a result, Mx. Aldrich's privacy rights should not be made to pay the price for the actions of these state actors.

MEDIA PETITIONERS HAVE MADE NO SHOWING THAT THE PUBLIC INTEREST IN UNSEALING THE RECORDS OUTWEIGHS THE PRIVACY INTEREST MX. ALDRICH MAINTAINS.

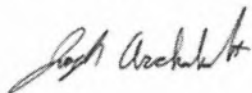
48. Most of the media petitioners who filed motions to unseal the records rely on the authority outlined in C.R.S. § 24-72-703 (5)(c), which allows for the unsealing of records "upon a showing that circumstances have come into existence since the original sealing and, as a result, the public interest in disclosure now outweighs the defendant's interest in privacy." C.R.S. § 24-72-703(5)(c).
49. Despite citing to the statute, none of the media petitioners address the potential privacy interests at stake. Several petitioners simply state that the balance weighs in favor of unsealing without any analysis or discussion. As such, none of these motions, on their face, have made a showing sufficient to warrant the unsealing of records. As the media identifies no particular interest favoring unsealing the case, there presumably is none.
50. It is notable that all three of motions filed on behalf of the media gives no explanation for how information in a dismissed and legally sealed case creates a public interest in disclosure. It also notable that for some reason, maybe leaks by members of law enforcement, the information which the media is seeking has already been made public and is making the rounds at various media outlets. See attached Exhibit A, one of the many news articles. <https://www.cnn.com/2022/11/21/us/anderson-lee-aldrich-colorado-springs-shooting-suspect>, last accessed 11/30/22.
51. Once again it is a blatant violation of equal protection, fundamental fairness, and due process that law enforcement and the media can work together to gather information and make the information public, in violation of this Court's sealing order; and then turn around and claim they need file unsealed to explain more context about the case. U.S. Amends V, IV., XIV, Colo. Const. Art. II, § 3, 6 16, 23, 25, and 28.
52. Nevertheless, the privacy interest held by Mx. Aldrich in these sealed records are substantial. It is clear from the minute orders in this case that there were several court appearances where Mx. Aldrich's
Mx. Aldrich has constitutional and statutory protections in this information. privileges afforded to Defendant under the Colorado and United States Constitutions, the Health Insurance Portability and Accountability Act, and C.R.S. 13-90-107.
53. The record includes not only the fact that Mx. Aldrich was
Mx. Aldrich has separate protections under Federal law with regards to
Neither the Court, the media, or law enforcement is entitled to violate the Federal law in this area. There are very specific provision that must followed under Federal law for a Court to address records in this area. Counsel has not received any indication of the procedures or the date and time that for the required hearing to address these issue has been set by the Court. *Id.*

54. Mx. Aldrich has a significant privacy interest in those details remaining sealed, particular in light of the dismissal of all charges in the case. As to all
Defendant has ever received, they are entitled to not only privacy but also protection from the Federal law and the Constitutional and to State law and constitutional protections.
55. Furthermore, as the contents of this record clearly impact private records,
the Court needs to be mindful of privacy interests that individuals that will be impacted by the Court's decision. *See Harris v. Denver Post Corp.*, 123 P.3d 1166, 1175 (Colo. 2005).
56. Additionally, several letters are contained in the court file which outline interactions, conversations, family history, and significant life events including abuse of Mx. Aldrich at a time that they were a minor child. The identity of some the abusers can be gleaned from the documents in the court file but the full extent and nature of the abuse is talked about more vaguely.
57. While courts regularly are tasked with assessing the credibility of such letters, and assigning appropriate weight, there is no guarantee the public, especially those in the media will show any restraint, consideration, or respect. It is much more likely that if the record is unsealed that many in addition to Mx. Aldrich, including all the names mentioned in file and probably the attorneys and even the Court will be subject to unfair condemnation.
58. Granting the various conclusory requests to allow members of law enforcement and the media to parade the sealed materials in public will deny Mx. Aldrich their constitutional rights to the due process guarantees of fundamental fairness, a fair trial, and the right to be treated with fairness by law enforcement. *See* U.S. Const. amend. XIV; Colo. Const. art. II, § 25; *Irwin v. Dowd*, 366 U.S. 717, 722 (1961); *Bloom v. People*, 185 P.3d 797, 805-06 (Colo. 2008) (“The due process clauses of the Colorado and United States Constitutions guarantee every criminal defendant the right to a fair trial,” which “includes the right to an impartial jury.”); *see also Brady v. Maryland*, 373 U.S. 83, 87 (1963) (“Society wins not only when the guilty are convicted but when criminal trials are fair; our system of the administration of justice suffers when any accused is treated unfairly.”); *People v. Romero*, 745 P.2d 1003, 1009-10 (Colo. 1987) (citing *Santobello v. New York*, 404 U.S. 257 (1971)). Granting the unsealing requests will also violate Mx. Aldrich's constitutional guarantees to an impartial jury and effective assistance of counsel. *See* U.S. Const. amends. VI, XIV; Colo. Const. art. II, §16; *Strickland v. Washington*, 466 U.S. 668 (1984); *Irwin v. Dowd*, 366 U.S. 717, 722 (1961).
59. The prosecution, Sheriff's department, and the media all intend to provide the public, Mx. Aldrich's jurors (should his 2022 case go to trial) as much inflammatory information about them as possible. Much, if not all, of this information will be inadmissible in a trial. The various entities seeking to taint the potential jury pool, fail to even acknowledge, let alone reconcile, the profound legal issues and problems this will cause. *See, e.g., Harper v. People*, 817 P.2d 77, 85 (Colo. 1991). Mx. Aldrich agrees with the prosecution that they will likely not receive a fair trial, but Mx. Aldrich disagrees that the path to a fair trial requires that further details about prior alleged criminality be broadcast to potential jurors in their pending case, as doing so will only guarantee Mx. Aldrich is denied a fair trial.

60. Mx. Aldrich requests a hearing on this matter.

WHEREFORE, it is respectfully requested that this Court deny all motions to unseal the records in the above captioned matter, and not deny Mx. Aldrich's constitutional rights to privacy, due process and a fair trial.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy



Michael Bowman #48652
Deputy State Public Defender

Certificate of Service

I certify that on November 28, 2022, I served the foregoing document electronically through Colorado Courts E-Filing to all opposing counsel of record.
s/skoslosky

Dated: December 7, 2022

DATE FILED: November 30, 2022

Exhibit A

What we know about the suspect in the Colorado Springs LGBTQ nightclub shooting



By Elizabeth Wolfe and Dakin Andone, CNN
Updated 11:29 PM EST, Tue November 22, 2022



Editor's Note: Read our latest coverage of the suspect [here](#).

CNN —

The suspect in a shooting at a Colorado LGBTQ nightclub this weekend has been identified as Anderson Lee Aldrich, who police say walked into Club Q in Colorado Springs and immediately opened fire, killing five people and injuring at least 19 others.

Aldrich, 22, faces five counts of first-degree murder and five counts of a bias-motivated crime causing bodily injury in connection to the shooting, according to an online docket in the El Paso County Courts.

The suspect was taken into police custody and was being treated at a hospital, police said, adding officers did not shoot at him. Aldrich remained hospitalized as of late Monday morning, when Colorado Springs Police Chief Adrian Vasquez said the suspect had not made any statements to police, despite their attempts to interview him for the investigation.

“I haven’t heard that he has not been cooperative, just simply that he has determined not to speak to investigators,” Vasquez said, adding he expected charges would be formally filed “relatively soon after” Aldrich is released from the hospital.

Here’s what else we know about the suspected gunman.

Gunman entered with ‘tremendous firepower,’ owner says

Police received several 911 calls about the shooting beginning at 11:56 p.m. local time, according to police. Officers were dispatched at 11:57 p.m. and an officer arrived at Club Q at midnight. The suspect was detained at 12:02 a.m., police said.

Police said two firearms were recovered at the scene, including a long rifle Vasquez described in an interview with CNN as an AR style weapon. The suspect also possessed a handgun, he

told CNN on Monday, though the long rifle was the main weapon used in the shooting.

Two law enforcement sources told CNN records indicate the suspect purchased both weapons, an AR style rifle and a handgun. CNN has not confirmed when those purchases were made.

The gunman appeared heavily armed and wearing a military-style flak jacket as he arrived at the club, the club’s owners told The New York Times, citing their review of surveillance footage.

Matthew Haynes, one of the club’s owners, said the gunman entered with “tremendous firepower,” the Times reported.

While the suspect is already facing state charges, numerous federal agencies and offices, including the Department of Justice’s Civil Rights Division, are aware of the shooting, the US Attorney’s Office for the District of Colorado said in a statement Monday. The office said it would “review all available facts of the incident to determine what federal response is warranted.”

Online court records showed Aldrich has no bond. The docket did not reflect whether he has retained an attorney.

Club patrons stopped the rampage

The shooting lasted only minutes because people inside the club were able to subdue the suspect, police said.

“At least two heroic people inside the club confronted and fought with the suspect and were able to stop the suspect,” Vasquez said. “We owe them a great debt of thanks.”

One customer “took down the gunman and was assisted by another,” Haynes told the Times.

“He saved dozens and dozens of lives,” Haynes said of the first patron. “Stopped the man cold. Everyone else was running away, and he ran toward him.”

Among those injured was one of the people who stopped the gunman, Vasquez told CNN on Monday, adding the injury was non-life-threatening. The second person was not injured, Vasquez said.

He changed his name about 6 years ago

In 2016, the suspect – then known as Nicholas F. Brink – petitioned a Texas court to change his name, though it remains unclear why.

Just before his 16th birthday, the suspect asked a district court in Bexar County to allow him to legally change his name to Anderson Lee Aldrich.

A judge granted the petition days later, a summary of the case shows.

Suspect previously arrested in connection with a bomb threat

Aldrich was arrested in June 2021 in connection with a bomb threat which led to a standoff at his mother’s home, according to a news release from the El Paso County Sheriff’s Office at the time and his mother’s former landlord. Colorado Springs is in El Paso County.

Two law enforcement sources confirmed the suspect in Saturday’s shooting and the bomb threat were the same person based on his name and date of birth.

Video obtained by CNN shows Aldrich surrendering to law enforcement last year after allegedly making a bomb threat. Footage from the Ring door camera of the owner of the home shows Aldrich exiting the house with his hands up and barefoot, and walking to sheriff’s deputies.

Sheriff’s deputies responded to a report by the man’s mother he was “threatening to cause harm to her with a homemade bomb, multiple weapons, and ammunition,”

according to the release. Deputies called the suspect, and he “refused to comply with orders to surrender,” the release said, leading them to evacuate nearby homes.

In new video obtained by CNN, Aldrich appears to rant about the police and challenging them to breach the house where he was holed up.

“I’ve got the f**king sh*theads outside, look at that, they’ve got a bead on me,” Aldrich says on the video, pointing the camera at a window with blinds covering it. “You see that right there? F**king sh*theads got their f**king rifles out.”

“If they breach, I’mma f**king blow it to holy hell,” Aldrich adds, as he walks in and out of a bedroom.

He ends the video with what seems like a message to law enforcement outside: “So, uh, go ahead and come on in, boys! Let’s f**king see it!”

The video does not actually show any officers outside the house and it’s not clear from the video whether Aldrich had any weapons in the house.

What we know about the Colorado Springs LGBTQ nightclub shooting

Several hours after the initial police call, the sheriff’s crisis negotiations unit was able to get Aldrich to leave the house, and he was arrested after walking out the front door, which was seen in other video footage previously reported by CNN. Authorities did not find any explosives in the home.

Leslie Bowman, who owns the house where Aldrich’s mother lived, provided CNN with the videos. Aldrich’s mother rented a room in the house for a little over a year, Bowman said, and Aldrich would come visit his mother there.

Attempts by CNN to reach Aldrich’s mother for comment were unsuccessful. Vasquez said Monday she had not cooperated with the investigation into Saturday’s shooting, but authorities would “welcome an interview with her at any time.”

It is not immediately clear how the bomb threat case was resolved, but the Colorado Springs Gazette reported the district attorney’s office said no formal charges were

pursued in the case. The district attorney's office did not respond to a request for comment from CNN.

Aldrich's arrest in connection to the bomb threat would not have shown up in background checks, according to the law enforcement sources who said records indicate he purchased the weapons, because the case was never adjudicated, the charges were dropped and the records were sealed. It's unclear what prompted the sealing of the records.

Aldrich also called the Gazette in an attempt to get an earlier story about the 2021 incident removed from the website, the newspaper reported. "There is absolutely nothing there, the case was dropped, and I'm asking you either remove or update the story," Aldrich said in a voice message, according to the Gazette.

Grandson of a California lawmaker

Aldrich is the grandson of outgoing California Assemblyman Randy Voepel, according to social media reports and CNN interviews.

Voepel, who has served as a state lawmaker since 2016, lost his re-election bid earlier this month. He could not be reached for comment. It's unclear how much Voepel, the father of Aldrich's mother, interacted with his grandson.

As a lawmaker, Voepel attracted attention when he compared the January 6 attack on the US Capitol to the Revolutionary War.

"This is Lexington and Concord. First shots fired against tyranny," he said, according to The San Diego Union Tribune. "Tyranny will follow in the aftermath of the Biden swear in on January 20th."

Voepel later tried to walk back his comments by tweeting a statement which read in part, "I do not condone or support the violence and lawlessness that took place on Wednesday, January 6th, at our nation's capital. The loss of life, theft of government property, and blatant disregard for law and order is reprehensible and unnecessary."

Suspect's background puts spotlight on Colorado red flag law

The revelation about the suspect's run-in with law enforcement last year has raised questions about Colorado's red flag law and whether it should have applied to Aldrich, or if it would have prevented the shooting at Club Q.

Colorado, which has been the site of numerous high-profile mass shootings in the last two decades, passed its red flag law in 2019. It's intended to temporarily prevent an individual in crisis from accessing firearms through a court order, triggered by the individual's family, a member of their household or a law enforcement officer. It's not clear if Aldrich had purchased firearms prior to his June 2021 arrest.

Asked Monday if the red flag law should have been implemented in Aldrich's case, Colorado Attorney General Phil Weiser said it was "too early to make any decisions."

"It's still a new tool that we are learning how to use," Weiser said. "We know that each tragedy is a learning opportunity to ask what did we miss? What can we do better in the future?"

CNN's Amanda Watts, Nelli Black, Casey Tolan, John Miller, Michelle Watson, Blake Ellis, Rob Kuznia, Daniel A. Medina, Scott Glover, Scott Bronstein, and Majlie de Puy Kamp contributed to this report.

Redacted

District Court, El Paso County, Colorado Court Address: P.O. Box 2980 Colorado Springs, CO 80901	DATE FILED: December 05, 2022 9:49 AM
THE PEOPLE OF THE STATE OF COLORADO	▲ COURT USE ONLY ▲
v. ANDERSON ALDRICH, Defendant.	
Case Number: 21CR3485	
Division: 19 Courtroom: S404	
NOTICE OF HEARING	

Several Motions to Unseal have been filed under this case number. A hearing on this issue will be held on **Thursday, December 8, 2022 at 8:00 am** in this Division.

Dated: December 5, 2022

BY THE COURT:



Robin Chittum
District Court Judge

Redacted

DISTRICT COURT, EL PASO COUNTY, COLORADO Address: 270 S. Tejon Street, Colorado Springs, CO 80903	DATE FILED: December 06, 2022
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH	▲ COURT USE ONLY ▲
ATTORNEY FOR LAURA VOEPEL, NAMED AS ALLEGED VICTIM: CARRIE LYNN THOMPSON NO. 17081 Law Offices of Carrie Lynn Thompson 1544 Race Street Denver, CO 80206 Phone: (720) 475-1179/ Cell: (303) 990-1993 Email: carriecourtney8@gmail.com	Case No. 21CR3485 DIV. 19
LAURA VOEPEL'S REQUEST FOR CONTINUANCE OF THE HEARING CONCERNING PENDING PETITIONS TO UNSEAL SO THAT SHE MAY ATTEND THE HEARING AND BE HEARD AS TO HER POSITION AGAINST THE POTENTIAL UNSEALING	

Laura Voepel, through her attorney, Carrie Lynn Thompson requests that the hearing concerning the petitions to unseal be continued to allow her to attend the hearing and be heard as to her position against the potential unsealing and as grounds states as follows:

1. Ms. Laura Voepel is named as one of the alleged victims in the above captioned case.
2. Ms. Voepel was provided notice of a hearing to be held Thursday, December 8, 2022 at 8:00 a.m. concerning the unsealing of the above-captioned case through an email delivered to undersigned counsel at 12:56 p.m. today (December 6, 2022).
3. Despite Ms. Voepel's desire to attend and be heard on the issue of the petitions to unseal, she is unable to attend the hearing at that date and time because she has travel plans that morning that will prevent her from being present at the hearing.

4. The Colorado Constitution grants certain rights to crime victims. Colo. Const. Art. II, §16a. Crime victims have a right to be notified of a hearing on sealing a case. C.R.S. §24-4.1-302.5 (1)(z); 24-4.1-303 (11)(b.7).
5. The District Attorney's Office and law enforcement have failed to give Ms. Voepel reasonable notice of the hearing. Had she been notified in a reasonably timely manner, she would have scheduled her travel around the hearing so that she could attend the hearing and be heard on the issue of unsealing the case.
6. The purpose behind the Victim's Bill of Rights is to prevent victims from being harmed, harassed, intimidated or retaliated against for reporting a crime. See C.R.S. §24-4.1-303 (1), (5). Ms. Voepel has a right to be heard on the issue of her opposition to unsealing information about this case, particularly in light of the likelihood she will suffer potential harm, harassment, intimidation and/or retaliation if this case is unsealed.
7. Ms. Voepel can be available to attend a hearing held any time after her return, December 28, 2022.

WHEREFORE, Ms. Voepel respectfully requests that this Court continue the hearing concerning the pending petitions to unseal until a date after December 28, 2022.

s/ Carrie Lynn Thompson

CARRIE LYNN THOMPSON, NO. 17081

Dated: December 6, 2022

I hereby certify that on the 6th day of December, 2022, a copy of the foregoing motion was served on the Office of the District Attorney via Colorado Courts E-Filing (CCE) System.

s/ Carrie Lynn Thompson

DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	DATE FILED: December 06, 2022
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH, Defendant	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Megan Ring, Colorado State Public Defender Joseph Archambault #41216 Chief Trial Deputy Michael Bowman #48652 Deputy State Public Defender 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	Case No. 21CR3485 Division 19
REQUEST FOR COURT AND DISTRICT ATTORNEY TO COMPLY WITH VICTIMS BILL OF RIGHTS	

Mx. Anderson Aldrich¹, by and through counsel moves this Court and the prosecution to comply with the Victims Bill of Rights prior to any hearing in this case, and in support states the following:

1. On July 5, 2022, on the morning of trial, the district attorney was unable to proceed in this case and the matter was dismissed for failure to prosecute. On July 8, 2022, defense counsel filed a motion to seal records. The case was set for a hearing on the motion on August 11, 2022.
2. At the hearing the district attorney lodged no objection, and the matter was ordered sealed by the court. That order informed the Sheriff's Department, District Attorney's Office, Colorado Bureau of Investigation, and State Court Administrator's Office of the cases immediate sealing. *See Order to Seal Arrest and Criminal Records Pursuant to C.R.S. 24-72-705 (Simplified Process).*
3. On November 21, 2022, the court began receiving petitions to unseal the records in this case. Several from media outlets, and one from the district attorney's office. On November 22, 2022, a motion to unseal was filed by Sheriff Bill Elder. One day later, on November 23, 2022, the Court directed the defense to respond to the motions by close of business on November 30, 2022. Also on November 23, 2022, Mx. Anderson's former counsel Joshua Lindley was allowed to withdraw as counsel on this case, and the Public Defender was entered as Mx. Anderson's counsel of record.

¹ Anderson Aldrich is non-binary. They use they/them pronouns, and for the purposes of all formal filings, will be addressed as Mx. Aldrich.

4. Counsel was granted access by the Court to the written documents in the court file on November 29, 2022 Mx. Aldrich is currently being held without bond in the El Paso County Jail and has been charged with ten counts of first degree murder and hundreds of other charges in case number 22CR6008. The media coverage of 22CR6008 has been extensive and has not been limited to just Colorado. The national and international media have covered the case extensively.
5. Mx. Aldrich filed an objection to unsealing this case on November 30, 2022. This matter is set for a hearing on December 8, 2022, at 8 a.m.
6. The Colorado Constitution grants certain rights to crime victims. Colo. Const Art. II, § 16a. Crime victims have a right to be notified of a hearing on sealing a case. C.R.S. § 24-4.1-302.5 (1)(z); 24-4.1-303 (11)(b.7). Law enforcement is obligated to ensure that victims receive the rights they are supposed to obtain under the Victim's Bill of Rights and also to try to prevent victims from being harmed, harassed, intimidated or retaliated against for reporting a crime. *See* 24-4.1-303 (1), (5).
7. The person named as alleged victims in this case are Pamela Pullen, Jonathan Pullen, and Laura Voepel.
8. The District Attorney's motion and the Sheriff's motion make no mention of contacting the victims in this case about the petitions to unseal and whether they are opposed to unsealing information about the case. Counsel has learned through her attorney that Ms. Voepel has not been contacted about this issue. It is unclear if the prosecution has contacted the other victims. However, it seems that these victims would certainly want to be contacted, as it is their right, and due to the likelihood they will suffer potential harm, harassment, intimidation and/or retaliation if this case is un-sealed.

Wherefore, Mx. Aldrich respectfully requests that this Court give notice to the victims case of the motions and hearing date on this issue with enough notice to be heard, or Order law enforcement to give such notice to the victims.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy



Certificate of Service

I certify that on December 6, 2022, I served the foregoing document through email, to opposing counsel of record. Counsel cannot access into ICCES for this case. s/ JArchambault

Michael Bowman #48652
Deputy State Public Defender

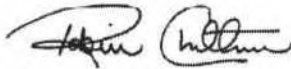
Dated: December 6, 2022

Redacted

DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 S. TEJON, COLORADO SPRINGS, CO, 80903	DATE FILED: December 07, 2022 8:46 AM
THE PEOPLE OF THE STATE OF COLORADO v. Defendant(s) ANDERSON LEE ALDRICH	△ COURT USE ONLY △ Case Number: 2021CR3485 Division: 19 Courtroom:
Order Denying Request for Continuance	

A request to continue the hearing set December 8, 2022 has been filed by alleged victim, Laura Voepel. This request is denied. Ms. Voepel may appear by WebEx at the hearing.

Issue Date: 12/7/2022



ROBIN LYNN CHITTUM
District Court Judge

<p>DISTRICT District Court, El Paso County, Colorado Court Address: 270 S. Tejon Colorado Springs, CO. 80903</p>	<p>DATE FILED: December 07, 2022</p>
<p>People of the State of Colorado</p> <p>vs.</p> <p>Defendant: ANDERSON ALDRICH</p> <hr/> <p>District Attorney: Michael J. Allen, #42955 Chief Deputy District Attorney: Reginald Short #35656 Chief Deputy District Attorney: Jennifer Viehman, #33163 105 E. Vermijo Colorado Springs, CO 80903 Phone Number: 719-520-6000</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>Case #: 21CR3485</p> <p>Division #: 19</p> <p>Courtroom #:</p>
<p>PEOPLE'S RESPONSE TO DEFENSE MOTION TO DISMISS ALL PETITIONS TO UNSEAL BASED ON LAW ENFORCEMENT MISCONDUCT</p>	

COMES NOW, the People of the State of Colorado, by and through their elected District Attorney, Michael J. Allen, and his duly appointed deputy, and hereby responds to Defense motion to dismiss all petitions to unseal based on law enforcement misconduct as follows:

- 1) The People filed a motion to unseal criminal justice records in this case on November 21, 2022. As noted in this motion, the facts and circumstances surrounding the defendants arrest in this case were already in the public sphere. One example was noted (see:<https://krdo.com/news/top-stories/2021/06/19/bomb-threat-in-lorson-ranch-neighborhood-friday-night/>) but attached are two additional articles from local media in June of 2021. (Attachment A). One simply cannot seal Google or previously archived news reports.
- 2) Defense filed an objection to unsealing on November 30, 2022. The Associated Press (AP) published an article titled "Next Mass Killer: Dropped Case Foretold Colorado Bloodbath." Defense then filed this motion, arguing that some nefarious law enforcement misconduct must have occurred for this AP article to be published and requests that all petitions should be dismissed as a sanction for this misconduct.
- 3) The Defense is incorrect that the information is only accessible from law enforcement inappropriately disclosing the information to the AP. The information could have come from a variety of sources, to include; prior articles from 2021, interviews with neighbors that lived nearby the Defendant in 2021, posting of information on news

agency websites or any number of sources. Clearly, the AP obtained “ring doorbell” footage from someone not covered by any sealing order.

1. Defense cites to *People v. Auld*, 815 P.2d 956 (Colo. App. 1991) as authority for dismissal of the petitions to unseal. *Auld* is the only case where outrageous government conduct resulted in dismissal of a case. In *Auld*, dismissal may have been an appropriate sanction given the governmental misconduct that occurred in that case. Here, dismissal of all the petitions to unseal would be an inappropriate sanction, even if law enforcement violated the ceiling provisions in this case. It is of some note that the Defendant cites to the case of *United State v. Russell*, 411 U.2. 423 (1973), a case where the Supreme Court ultimately concluded that an agent’s submission of a critically needed legal substance to a narcotics manufacturer did not in fact violate fundamental fairness shocking to a universal sense of justice. *Russell*, 411 U.S. at 435. The same holds true for the *Effland v. People*, 240 P.3d 868 (Colo. 2010) case cited by the defendant, wherein the Effland Court concluded that there was no outrageous governmental conduct in the context of a prosecutorial statement in a closing argument. Dismissal of the petitions would be an extreme remedy that should not occur here.

- 4) The People have taken great pains to comply with the sealing order in this case. On numerous occasions, media and public inquires have been made to this office as to what happened in the 2021 case at bar. The responses from this office have repeatedly been “no such record exists.” That is evident even from the AP article cited by the defense where the reporter states, “ but charges against Aldrich for the actions that day were dropped for reasons the district attorney has refused to explain due to the case being sealed,” and “for his part, Allen has repeatedly declined to comment on why those charges didn't go forward, citing a Colorado law that automatically seals records in cases where charges are dropped and requires him to not even acknowledge the records exist.”

WHEREFORE, the People respectfully request this Honorable Court DENY THE Defendant’s motion to dismiss all petitions to unseal based on law enforcement misconduct and GRANT the People’s Motion to Unseal Arrest and Criminal Justice Records

Respectfully submitted,

December 7, 2022
Date

/S/ Jennifer Viehman
Jennifer A. Viehman, # 33163
Chief Deputy District Attorney
105 E. Vermijo Avenue
Colorado Springs, CO 80903



DATE FILED: December 07, 2022

By [Sean Rice](#)
December 1, 2022 5:52 PM
Published [December 1, 2022 5:49 PM](#)

Club Q accused shooter's possible criminal past shines spotlight on Colorado's sealed records laws

COLORADO SPRINGS, Colo. (KRDO) -- A point of frustration for many community members since the Club Q shooting has been the limited information available regarding the suspected shooter's past criminal interaction with police.

In June 2021, the 22-year-old accused killer was arrested on five felony charges for making bomb threats. At that time, the El Paso County Sheriff's Office said the suspect's mother was the one threatened. That case against the suspect was never continued.

However, each time the media has asked 4th Judicial District Attorney Michael Allen what happened to the case, he has stated, "no such records exist."

Currently in Colorado, when a criminal case is dropped or dismissed, that charge record is automatically sealed. Allen has yet to say what happened with the suspect's 2021 bomb threat.

The way records are sealed stems from a 2019 piece of legislation called "Increased Eligibility For Criminal Record Sealing."

The act creates a simplified process to seal criminal justice records when:

- A case against a defendant is completely dismissed because the defendant is acquitted of all counts in the case;
- The defendant completes a diversion agreement when a criminal case has been filed; or
- The defendant completes a deferred judgment and sentence and all counts are dismissed.

Thursday, *13 Investigates* spoke with Timothy Lane, the Legislative Liaison for the Colorado District Attorney's Council and former 18th Judicial District Attorney George Brauchler.

Both said the sealing records law was created as a way to prevent someone from feeling the impacts of a charge that doesn't result in a conviction, but it has had "unintended consequences."

"They're guessing as to what led it here. And in the absence of the truth, we may end up seeing, and we've seen this before under the gold dome, legislation being passed based on anecdote and rumor. That's not good for Colorado," Brauchler said.

The former republican DA argues Aldrich's prior case should already be unsealed given the heightened public interest surrounding the event and what followed.

"I don't see the downside [for not unsealing] to anyone other than potentially law enforcement, the judge, or the prosecutor in revealing this information," Brauchler said.

Lane believes prosecutors wish they could say more regarding records that are sealed, but if they say the wrong thing, they could be held in contempt of court.

"I hope folks understand that's what we're required to do. It's not our personal decision," Lane said. "It is an act that the court has ordered, and it is something the legislature has told the court that they must order."

13 Investigates reached out to the 4th Judicial District Attorney's Office to ask if they had petitioned to court to unseal Aldrich's prior criminal case. They were not able to speak on the case.



Club Q Shooting: The latest



20

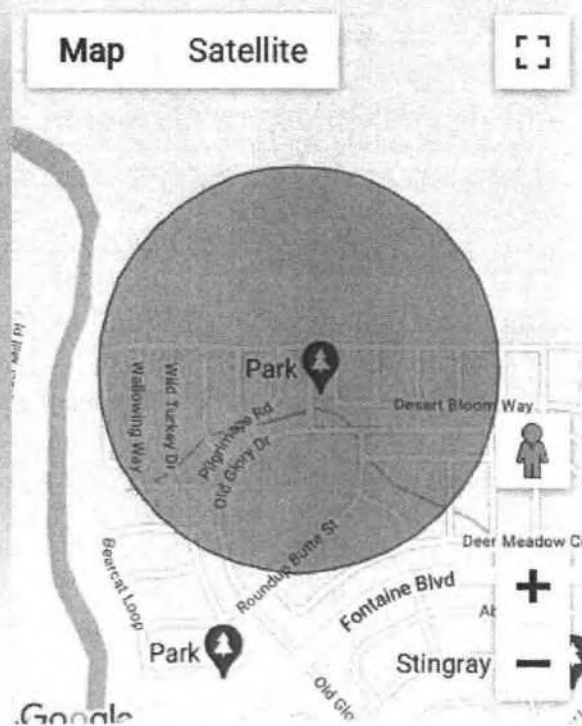
DATE FILED: Dec 2021

https://gazette.com/suspect-arrested-in-connection-to-bomb-threat-that-forced-evacuations-in-lorson-ranch-neighborhood/article_163dd35e-d094-11eb-8a50-5f08d4355829.html

Suspect arrested in connection to bomb threat that forced evacuations in Lorson Ranch neighborhood

By Esteban Candelaria esteban.candelaria@gazette.com

Jun 18, 2021




Map of the area June 18th's evacuation order applied to.
EPCSO

Editor's note: No formal charges were pursued in this case, which has since been sealed, according to the DA's office.

A 21-year-old man was arrested in connection to a bomb threat that forced residents in a Lorson Ranch neighborhood to evacuate from their homes for about three hours Friday night, the El Paso County Sheriff's Office said.

The man was arrested after deputies responded to a report of a bomb threat from the man's mother, who said her son had made threats with a homemade bomb, several weapons, and ammunition, and that she didn't know where he was, El Paso County Sheriff's office spokeswoman Deborah Mynatt said in a press release.



Around 4:40 p.m., deputies evacuated an area encompassing a quarter-mile radius around the 6300 block of Pilgrimage Road, which was roughly a mile from the address they responded to, after they made contact with the man and he refused to comply with deputies' orders.

Eventually, negotiators were able to get the man to come out of the house he was in, and deputies took him into custody.

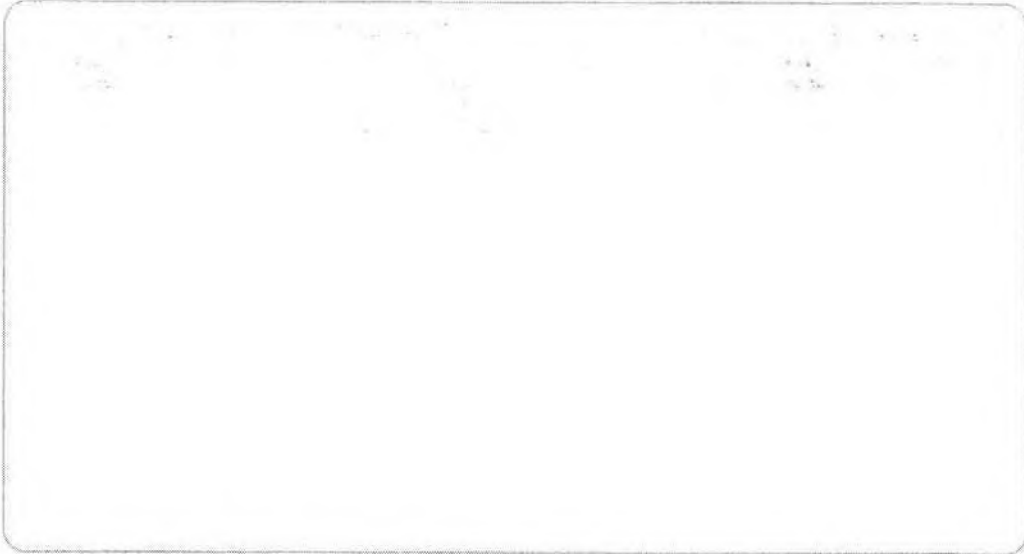
The sheriff's office said the man is accused of two counts of felony menacing three counts of first-degree kidnapping.

At about 8:07 p.m., the sheriff's office tweeted that the area was safe, and residents were free to return to their homes.

EPCSheriff 
@EPCSheriff · **Follow**





Attention - law enforcement has determined the area previously evacuated in the area of 6300 Pilgrimage as safe. You are clear to return to your residence.



8:07 PM · Jun 18, 2021



 **16**  **Reply**  **Share**

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Evacuations ordered for Vosburg Pike fire in southwestern Colorado

Colorado wildfire updates: Containment increased in 2 blazes

Anderson Lee Aldrich, Colorado Springs mass shooting suspect, may have had earlier run-ins with police

Esteban Candelaria

Criminal Justice Reporter

DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	DATE FILED: December 07, 2022
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH, Defendant	σ COURT USE ONLY σ
Megan Ring, Colorado State Public Defender Joseph Archambault #41216 Chief Trial Deputy Michael Bowman #48652 Deputy State Public Defender 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	Case No. 21CR3485 Division 19
MOTION TO DISMISS ALL PETITIONS TO UN-SEAL BASED ON LAW ENFORCEMENT MISCONDUCT	

Mx. Anderson Aldrich¹, by and through counsel moves this Court to deny all requests to unseal the records in this case, based upon the law enforcement misconduct in this case:

Procedural History

1. On July 5, 2022, on the morning of trial, the district attorney was unable to proceed in this case and the matter was dismissed for failure to prosecute. On July 8, 2022, defense counsel filed a motion to seal records. The case was set for a hearing on the motion on August 11, 2022.
2. At the hearing the district attorney lodged no objection, and the matter was ordered sealed by the Court.
3. That order informed the Sheriff's Department, District Attorney's Office, Colorado Bureau of Investigation, and State Court Administrator's Office of the cases immediate sealing. *See Order to Seal Arrest and Criminal Records Pursuant to C.R.S. 24-72-705 (Simplified Process).*
4. On November 21, 2022, the Court began receiving petitions to unseal the records in this case. Several from media outlets, and one from the district attorney's office.
5. On November 22, 2022, a motion to unseal was filed by Sheriff Bill Elder.

¹ Anderson Aldrich is non-binary. They use they/them pronouns, and for the purposes of all formal filings, will be addressed as Mx. Aldrich.

6. Both Petitioner Elder's Office and the Fourth Judicial District Attorney's office indicate in their motions, a need to be able to respond to media inquiry accurately as a reason for unsealing these records. *See Petitioner Sheriff Bill Elder's Motion to Unseal Criminal Justice Records* (arguing "[l]ikewise, the El Paso County Sheriff's Office has a strong interest in responding to public inquiries regarding Aldrich's 2021 arrest and prosecution with accurate information so that the public and media are not left to speculate over what actions were or were not taken by law enforcement. The act is inhibiting the flow of accurate and relevant information on a matter of great public importance to our community.); *See also People's Motion to Unseal Arrest and Criminal Records* (arguing, "[t]he people up to this point have been significantly hindered in explaining the process that occurred here. . ."). Both petitioners argued that the media's coverage strengthened their position for the Court to unseal the record.
7. One day later, on November 23, 2022, the Court directed the defense to respond to the motions by close of business on November 30, 2022. Also on November 23, 2022, Mx. Anderson's former counsel Joshua Lindley was allowed to withdraw as counsel on this case, and the Public Defender was entered as Mx. Anderson's counsel of record.
8. Counsel was granted access by the Court to the written documents in the court file on November 29, 2022.
9. Mx. Aldrich is currently being held without bond in the El Paso County Jail and has been charged with five counts of murder, three hundred other charges in case number 22CR6008. A proof evident presumption great/preliminary hearing is currently scheduled to occur in February 2023.
10. Mx. Aldrich filed an objection to unsealing this case on November 30, 2022. This matter is set for a hearing on December 8, 2022, at 8 a.m. The media coverage of 22CR6008 has not only been extensive but it also not been limited to just Colorado: there has been extensive national and international level. *See* attachment to Exhibit A, to Defense Objection filed 11/30/22, <https://www.cnn.com/2022/11/21/us/anderson-lee-aldrich-colorado-springs-shooting-suspect>, last accessed 11/30/22.
11. In their Objection, Mx. Aldrich argued law enforcement should not be allowed to violate Colorado law by disclosing information to the public, which includes the media, only to later point to the result of their illegal conduct—more media coverage about sealed record—as a reason to un-seal. *See* Defense Objection filed 11/30/22, ¶¶ 37-47. Mx. Aldrich specifically objected to law enforcement breaking the law to gain an advantage to unseal as a violation of their constitutional rights. U.S. Const. Amends. V, IV., XIV, Colo. Const. Art. II, § 3, 6 16, 23, 25, and 28; *Id.*
12. Since the filing of Defense objection, there has only been more extensive media coverage of this case. However sometime late last night, the Associated Press ("AP") published a story which gave extensive detail coming directly from documents within this sealed case. *See* Attachment A, AP story "Next mass killer Dropped case foretold Colorado bloodbath" last accessed 12/7/22. The AP cites to multiple statements and facts that are within the documents from this sealed case. *Id.* The AP even refers to the documents as coming from "sealed law enforcement documents." *Id.* **The AP is clear that law enforcement spoke to the media about this sealed case and verified the documents came from the sealed case. *Id.***

13. It appears clear that a member of law enforcement, and also potentially courthouse staff, gave sealed documents to the media. It also appears clear that law enforcement staff (and potentially courthouse staff) spoke to the media about the contents of the information in the sealed record in clear violation of Colorado law.
14. Law enforcement's attempt to create a basis to unseal the court file in this case by violating Colorado law—the very statute that they ask this Court to limit—is egregious, illegal, unconstitutional, and sanctionable.

Law and Analysis

15. C.R.S. §24-72-705 directs that a court shall order the defendant's criminal justice record sealed when a case is completely dismissed. By this act, legislature enacted an expedited process for the sealing of records specifically for instances where a case was dismissed. In doing so, the legislature recognized a great privacy interest in protecting individuals from public scrutiny, inquiry, or persecution based upon charges and arrests where the allegations went unproven.
16. Colorado law is very clear that after a case has been sealed by a trial court, law enforcement is prohibited from disclosing information that the sealed record even exists. C.R.S. §24-72-703 (2)(VII)(b). The statute even states "...Upon an inquiry into a sealed record, a criminal justice agency shall reply that a public criminal record does not exist with respect to the defendant who is subject of the sealed record." *Id.*
17. At a petition to un-seal the petitioner(s) bear the burden of proof and must meet this burden, by proving to the trial court that circumstances show the public interest outweighs the defendant's right to privacy. C.R.S. §24-72-703 (5)(c).
18. Mx. Aldrich is guaranteed the right to a trial by jurors who are fair and impartial. *Ross v. Oklahoma*, 487 U.S. 81 (1988); *Witherspoon v. Illinois*, 391 U.S. 510, 518 (1968); *Irvin v. Dowd*, 366 U.S. 717, 722 (1961); *People v. Sandoval*, 733 P.2d 319, 320 (Colo. 1987); *Oaks v. People*, 150 Colo. 64, 371 P.2d 433, 477 (1962); *Smith v. People*, 8 Colo. 457, 8 P.1045 (1885). Unsealing of the records in this case will generate even more prejudicial pretrial publicity, which will destroy Mx. Aldrich's ability to receive a fair trial under the United States and Colorado constitutions. *See, e.g., Sheppard v. Maxwell*, 384 U.S. 333, 350-51 (1966) (public scrutiny of a criminal trial "must not be allowed to divert the trial from the very purpose of a court system to adjudicate controversies . . . in the calmness and solemnity of the courtroom according to legal procedures," including "the requirement that the jury's verdict be based on evidence received in open court, not from outside sources." (internal quotations and citation omitted)).
19. Colorado courts follow the Supreme Court decisions *United States v. Russell* and *United States v. Hampton*, which recognize that a court may dismiss an indictment or otherwise sanction the government for behavior that "violates fundamental fairness and is shocking to the universal sense of justice." *See Efland v. People*, 240 P.3d 868, 878 (Colo. 2010) (quoting *United States v. Russell*, 411 U.S. 423, 432 (1973)); *Bailey v. People*, 630 P.2d 1062, 1068 (Colo. 1981) (recognizing *Russell* and *Hampton* and agreeing that a case may be dismissed for government conduct that dramatically impinges a defendant's due process rights).

20. The government is not above the law. *Trump v. Vance*, 140 S. Ct. 2412, 2431 (2020) (“In our system of government, as this Court has often stated, no one is above the law.”) (Kavanaugh, J. concurring). It owes the same duty to follow the law as any citizen, no matter how seemingly noble its cause:

Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution.

Olmstead v. United States, 277 U.S. 438, 485 (1928) (Brandeis, J., dissenting), *quoted with approval in United States v. Gonzalez*, 719 F. Supp. 2d 167, 170 (D. Mass. 2010).

21. All members of law enforcement are expected to know the law and follow it. *See People v. Lopez*, 2022 COA 70M ¶¶ 33-34 (“[L]aw enforcement has a duty to stay abreast of changes in the law.”).
22. As Colorado courts have repeatedly noted by citing the language of the Supreme Court in *Berger v. United States*, “A prosecutor, while free to strike hard blows, is not at liberty to strike foul ones” *See* 295 U.S. 78, 88 (1935); *Wend v. People*, P.3d 1089, 1096 (Colo. 2010); *Wilson v. People*, 743 P.2d 415, 418 (Colo. 1987). The trial court must ensure that the prosecutor’s tactics do not cross the line and encroach on the defendant’s due process rights, and it must take action to ameliorate any abuses that undermine the fairness of the proceedings. *See Doming-Gomez*, 125 P.3d at 1049.
23. To determine whether the government’s behavior warrants sanctions, this Court must consider the totality of the facts in a case. *See People v. Burlingame*, 434 P.3d 794, 795 (Colo. App. 2019) (citing *People v. McDowell*, 219 P.3d 332, 336 (Colo. App. 2009)). If, when taken as a whole, the facts indicate that the government—not just the prosecution—has egregiously abused its authority, the Court is empowered to order sanctions, including dismissal. *See People v. Auld*, 815 P.2d 956, 958 (Colo. App. 1991).
24. Sanctions, like dismissal, against the government for its lawlessness and other misconduct not only protect the defendant’s due process rights, as guaranteed to him by the federal and state constitutions, they ensure the continued integrity of the well-established legal principle that the government’s compelling interest in a case is not to punish all suspected criminals, but to determine truth and administer justice. *See U.S.*

Const. amend. VII; Colo. Const. art. II, § 25; *Berger v. United States*, 295 U.S. 78, 88 (1935); *People v. Perez*, 238 P.3d 665, 670 (Colo. 2010); *Domingo-Gomez v. People*, 125 P.3d 1043, 1049 (Colo. 2005); *Wilson v. People*, 743 P.2d 415, 418 (Colo. 1987); *DeGesualdo v. People*, 364 P.2d 374, 378 (Colo. 1961). Also, sanctions serve to deter the prosecution and police from using similarly dishonest tactics in future cases. *See People ex rel. Gallagher v. District Court*, 656 P.2d 1287, 1293 (Colo. 1983).

25. Thus, sanctions are not contingent upon prejudice to the defendant. *Auld*, 815 P.2d at 958. And fault need not lie at the prosecution's feet to warrant severe sanctions. The Court must protect the defendant from the prosecutions' agents' misconduct (e.g., the police). *See, e.g., Gonzalez*, 719 F. Supp. 2d at 186.
26. In *Auld*, for example, the prosecution made false statements to the court and presented perjured testimony in a fabricated case against an undercover agent who was trying to investigate the attorney he hired to defend him. The court was unaware the case was a sham and was intended to implicate the defense attorney, Auld, who was ultimately prosecuted after he accepted an illegal weapon as payment for representing the fake defendant. *See id.* at 958-59. The trial court dismissed the charges against Auld as a sanction against the prosecution once it learned it had fabricated a case and used the court as a means of ensnaring Auld. *See id.*
27. The court's dismissal of the charges was upheld on appeal, with the court of appeals concluding "that when the integrity of the court is compromised, as here, by overzealous prosecution, dismissal of the case is an appropriate remedy." *See id.* The court was particularly concerned with the government's criminality (perjury and false swearing) and the prosecution's violations of the rules of professional responsibility when it misrepresented facts to the trial court—both of which are present in this case. *See id.* at 958; *supra* ¶¶ 15-20.
28. Dismissal is not the only remedy for misconduct. *See People ex rel. Gallagher v. Dist. Ct.*, 656 P.2d 1287, 1292-93 (Colo. 1983). In *Gallagher*, for example, the state supreme court upheld the trial court's reduction of a first degree murder count to second degree murder due to the government's mishandling of evidence and failure to preserve exculpatory evidence.²
29. And, in *Gonzalez*, the district court concluded that the government could not avail itself of the inevitable discovery exception to the exclusionary rule due, in significant part, to police misconduct, which included perjury and excessive force. *See Gonzalez*, 719 F. Supp. 2d at 170. Though this was a crippling sanction for the prosecution's case against the defendant on federal weapons charges, the court noted that "even if all the evidence is

² The test courts used to address destruction of evidence claims has since changed. *See California v. Trombetta*, 467 U.S. 479 (1984).

suppressed and the case dismissed, the cost to society of condoning the police misconduct in this case would be unacceptable..." See *id.* at 170, 186.

30. Here the law enforcement agency(ies) have engaged in illegal misconduct to gain tactical advantage and to gain favor with this Court.
31. Both the Sheriff and the District Attorney's Office pointed to the media coverage in their petitions as reason that the record had to be unsealed. It was pointed out in detail, in the pleading filed on November 30, 2022, there was a lot of media coverage that came from documents only found within this sealed record, which seemed to have come from law enforcement or the courthouse. Now on the eve of the hearing to address the un-sealing of the record, law enforcement acted illegally and in bad faith again in leaking even more details from this sealed record to the media.
32. This was done either intentionally to manipulate this Court or done because the actors will not comply with the law and the Court's orders.
33. The extent of the illegal conduct by law enforcement and who the law breaking, law enforcement agents are, is unclear to Mx. Aldrich right now. Mx. Aldrich demands the Court and law enforcement disclose the identity of the individuals that violated the law in regards to the AP story, immediately.
34. Here the law enforcement illegal activity done in bad faith requires this Court to conduct a hearing and after that hearing determine the appropriate sanction for their misconduct.
35. Mx. Aldrich moves for an evidentiary hearing to occur, and for it to occur in advance of any hearing on the petitions to unseal. The Court cannot be hoodwinked by manipulations and actions done illegally and in bad faith. This Court must engage in fact finding when determining which petitioners, and what role they played in violating the law, when determining if the burden to un-seal has been met and if it only has been met through the bad faith use of illegally leaking information to the public. Letting law enforcement and the government's behavior stand uncorrected violates Mx. Aldrich's due process rights to fundamental fairness, the right to be treated with fairness by the State, and the right to a fair trial by an impartial jury. See U.S. Const. amends. VI, XIV; Colo. Const. art. II, §§ 16, 25; *Ake v. Oklahoma*, 470 U.S. 68 (1985); *Irwin v. Dowd*, 366 U.S. 717, 722 (1961); *Bloom v. People*, 185 P.3d 797, 805-06 (Colo. 2008) ("The due process clauses of the Colorado and United States Constitutions guarantee every criminal defendant the right to a fair trial," which "includes the right to an impartial jury.").

WHEREFORE, it is respectfully requested that this Court to deny all requests to unseal the records in this case, based upon the law enforcement misconduct in this case

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216

Certificate of Service

Chief Trial Deputy

A handwritten signature in black ink, appearing to read "Michael Bowman", with a long horizontal flourish extending to the right.

Michael Bowman #48652
Deputy State Public Defender

Dated: December 7, 2022

I certify that on December 7, 2022, I served the foregoing document via email to the Court's clerk and to the prosecution.
s/ jarchambault

'Next mass killer': Dropped case foretold Colorado bloodbath

AP apnews.com/article/colorado-gun-politics-springs-government-and-b50a5145593afe1f7f4c18ac06f70600 DATE FILED: December 07, 2022

December 6, 2022



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COLORADO SPRINGS, Colo. (AP) — Anderson Lee Aldrich loaded bullets into a Glock pistol and chugged vodka, ominously warning frightened grandparents not to stand in the way of an elaborate plan to stockpile guns, ammo, body armor and a homemade bomb to become “the next mass killer.”

“You guys die today and I’m taking you with me,” they quoted Aldrich as saying. “I’m loaded and ready.”

So began a day of terror Aldrich unleashed in June 2021 that, according to sealed law enforcement documents verified by The Associated Press, brought SWAT teams and the bomb squad to a normally quiet Colorado Springs neighborhood, forced the grandparents to flee for their lives and prompted the evacuation of 10 nearby homes to escape a possible bomb blast. It culminated in a standoff that the then-21-year-old livestreamed on Facebook, showing Aldrich in tactical gear inside the mother's home and threatening officers outside — "If they breach, I'm a f---ing blow it to holy hell!" — before finally surrendering.



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But charges against Aldrich for the actions that day were dropped for reasons the district attorney has refused to explain due to the case being sealed and there was no record showing guns were seized under Colorado's "red flag" law with similarly no explanation from the sheriff. All of it could be one of the most glaring missed warnings in America's sad litany of mass violence because, just a year and a half later, Aldrich was free to carry out the plan to become "the next mass killer."

Clad in body armor and carrying an AR-15-style rifle, Aldrich entered the Club Q gay nightclub just before midnight on Nov. 19 and opened fire, authorities say, killing five people and wounding 17 others before an Army veteran wrestled the attacker to the ground.

"It makes no sense," said Jerecho Loveall, a former Club Q dancer who is recovering from a wound to the leg from one of the high-powered rounds. "If they would have taken this more seriously and done their job, the lives we lost, the injuries we sustained and the trauma this community has faced would not have happened."

"It was absolutely preventable," said Wyatt Kent, who held the hand of a woman as she bled to death on top of him, and who also lost his partner that night. "Even if charges aren't filed for a bomb threat, maybe you're not mentally sound enough to own a firearm."

Why apparently nothing was done to stop Aldrich since coming onto law enforcement's radar last year is a question that has haunted this picturesque Rockies city of 480,000 since the shooting, even as loved ones have begun burying the victims and the shuttered Club Q has become a shrine surrounded by hundreds of bouquets, wreaths and rainbow flags.

Criminal defense lawyers with whom AP shared the law enforcement documents say they questioned why charges were not pursued in the 2021 incident given the grandparents' detailed statements, a tense standoff at the mother's home and a subsequent house search that found bomb-making materials that Aldrich claimed had enough firepower to blow up an entire police department and a federal building.

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The documents were obtained by Colorado Springs TV station KKTV and verified as authentic to AP by a law enforcement official who was not authorized to discuss the sealed case and kept anonymous. Documents also included a judge's order to jail Aldrich on \$1 million bond and a listing by District Attorney Michael Allen of seven offenses "committed, or triable," including three felony counts of kidnapping and two of menacing.

For his part, Allen has repeatedly declined to comment on why those charges didn't go forward, citing a Colorado law that automatically seals records in cases when charges are dropped and requires him to not even acknowledge the records exist. The law was passed three years ago as part of a nationwide movement to help prevent people from having their lives ruined if cases are dismissed and never prosecuted.

Videos shows club shooter's standoff with police

The man suspected of shooting a gay club in Colorado was involved in a bomb threat standoff in 2021 at the house where his mother rented a room. (Nov. 21)

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The suspect in the shooting a gay club in Colorado was involved in a bomb threat standoff in 2021

And even though Allen said during a news conference soon after the nightclub shooting that he "hoped at some point in the near future" to share more about the 2021 incident, he has yet to do so. AP and other news organizations have gone to court seeking to unseal the entire case file, a request scheduled to be heard later this week.

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In the absence of that file, there are only scattered clues about what happened after Aldrich's 2021 arrest, including Aldrich telling The Gazette of Colorado Springs in August about spending two months in jail as a result of the incident and asking the publication to remove or update its web coverage about it, asserting the case had been dismissed. "There is absolutely nothing there, the case was dropped," Aldrich said in a phone message, adding, "It is damaging to my reputation."

When a Gazette reporter followed up with a call and asked why the case was dropped, Aldrich declined to say anything more because the case had been sealed.

Such a troubling case — dropped or not — could still have been used to trigger Colorado's "red flag" law, which allows family members or law enforcement to ask a judge to order a removal of guns for a year from people dangerous to themselves or others, with possible extensions based on subsequent hearings.

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But an AP review shows no record that Aldrich's grandparents or mother went to a judge to get such an order. And there's no record the agency that arrested Aldrich, the El Paso County Sheriff's Office, did either.

El Paso County is especially hostile to the state's red flag law, among 2,000 counties nationwide declaring themselves a "Second Amendment Sanctuary" that opposes any infringement on the right to bear arms. It passed a resolution in 2019 specifically denying funds or staff to enforce the law.

Sheriff Bill Elder, who declined to comment on Aldrich's 2021 case, has previously said he would only remove guns on orders from family members, refusing to go to court himself to get permission except under "exigent circumstances."

"We're not going to be taking personal property away from people without due process," Elder said as the law neared passage in 2019.

Allen, the district attorney, also criticized the red flag law while running for the office in 2020, tweeting that it is "a poor excuse to take people's guns and is not designed in any way to address real concrete mental health concerns." He has noted since the shooting that DAs don't have the authority to initiate such seizures.

Colorado Gov. Jared Polis, the first openly gay man ever elected to lead a state, said in the wake of the nightclub shooting that the failure to take away guns from the alleged shooter needs to be investigated. Authorities have refused to say how the weapons used in the attack were obtained.

“There were many warning signs,” Polis spokesman Conor Cahill told the AP. “It appears obvious that an Extreme Risk Protection Order law could have and should have been utilized, which would have removed the suspect’s firearms and could very well have prevented this tragedy.”

Aldrich, now 22, remains jailed without bond on murder and hate crime charges in the nightclub shooting that carry a potential sentence of life behind bars. Defense attorneys have said Aldrich is non-binary, not strictly identifying with any gender. Aldrich’s attorneys did not respond to a request for comment.

In both a mugshot and first court appearance, the 6-foot-4, 260-pound Aldrich appeared slumped with deep bruises and cuts on a fleshy face. It was a stark contrast to the many smiling photos as a youngster on the mother’s Facebook page that belied a turbulent life marked by domestic violence, bullying and family run-ins with the law.

Aldrich’s parents split up soon after their child was born. The father, Aaron Brink, pursued a career as a mixed martial arts fighter and porn actor when he wasn’t doing time for drug convictions or contesting other charges, including battery against Aldrich’s mother.

In an interview after the shooting, Brink told San Diego television station KFMB that he had lost track of Aldrich a decade ago and thought the child had died by suicide, until Aldrich reached out to him by phone last year. Brink said that when he first heard about the shooting, he was troubled the alleged shooter had gone to a gay bar, citing the family’s Mormon religion.

“We don’t do gay,” Brink said, adding that he now regrets having praised his child for violent behavior when younger. “Life is so fragile and it’s valuable. Those people’s lives were valuable.”

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The alleged shooter, born Nicholas Franklin Brink, was so embarrassed by the father, according to 2016 Texas court documents, that weeks before turning 16, the teen filed for a formal name change to Anderson Lee Aldrich.

The filing came months after Aldrich was apparently targeted by online bullying. A website posting from June 2015 attacked a teen named Nick Brink. It included photos similar to ones of the shooting suspect and ridiculed the youngster for being overweight, not having much money and an interest in Chinese cartoons.

Laura Voepel, the mother, has her own history of outbursts and trouble with the law, including an arson count in Texas reduced to a lesser charge. She reportedly was recorded in a July 2022 video in an airport hurling racial epithets at a Hispanic woman who she felt had been taking too long to get her luggage off a plane.

And according to a court record, Voepel was arrested just hours after the Nov. 19 nightclub shooting on resisting arrest and disorderly conduct charges. She had refused to leave the apartment where she lived with Aldrich, according to FBI records obtained by AP. She can be heard crying out for help as she is pulled by officers away from her home on video she asked neighbors to record.

Aldrich's behavior on June 18, 2021, began, according to the sealed law enforcement documents, after the grandparents called a family meeting in their living room about their plans to sell their home and move to Florida. The grandchild responded with rage, telling them this couldn't happen because it would interfere with Aldrich's plans to store materials in the grandparents' basement to "conduct a mass shooting and bombing." The grandparents told authorities Aldrich threatened to kill them if they didn't promise to cancel the move.

The grandparents begged for their lives as Aldrich told them of the plans to "go out in a blaze." When Aldrich went to the basement, they ran out the door and called 911.

A short time later, doorbell video obtained by AP shows Aldrich arriving at the mother's home lugging a big black bag, telling her the police were nearby and adding, "This is where I stand. Today I die."

Another shot shows the mother later running from the house. "He let me go," the law enforcement documents quote her as saying. Neither Voepel nor Aldrich's grandparents, who now live in Florida, returned messages seeking more details.

In the end, Aldrich holed up in the mother's home, threatening to blow up the place as police swarmed and deployed bomb-sniffing dogs. "Come on in boys, let's f---ing see it!" Aldrich yelled on the Facebook livestream before later surrendering with hands up and tactical gear swapped for a short-sleeved shirt, shorts and bare feet.

Aldrich's next arrest would come 17 months later and a few miles away inside the Club Q.

Gunshot victim Loveall says his days since have been spent dealing with grief over those who died and bouts of crying he can't control. He also fears going to sleep because of the swarm of images in his head: Bullets flying, people diving for cover, shattering glass and blood all over.

"It happened so fast they didn't have time to scream," Loveall said as he smoked a cigarette outside his mobile home.

"There is no reason why he should have had access to an assault rifle ... especially for someone who has been quoted saying 'I'm going to be the next mass shooter.'"

Condon reported from New York. Reporter Michael Schneider in Orlando, Florida, and news researcher Rhonda Shafner in New York contributed.

Contact AP's global investigative team at Investigative@ap.org.

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DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO DEC 8 2022 SHERI KING CLERK OF COURT <input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH, Defendant	Case No. 21CR3485 Division 19
Megan Ring, Colorado State Public Defender Joseph Archambault #41216 Chief Trial Deputy Michael Bowman #48652 Deputy State Public Defender 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	
<p style="text-align: center;">VERIFIED MOTION TO HOLD BILL ELDER, EL PASO COUNTY SHERIFF, IN INDIRECT CONTEMPT OF COURT AND ISSUE CITATION TO SHOW CAUSE</p>	

Mx. Anderson Aldrich¹, by and through counsel, pursuant to C.R.C.P. 107, respectfully moves the Court to issue a citation to Bill Elder, Sheriff of the El Paso County Sheriff's Office, to appear before the Court to show cause as to why the Sheriff's Office should not be held in indirect contempt of this Court. As ground in support states the following:

Procedural History

1. On July 5, 2022, on the morning of trial, the district attorney was unable to proceed in this case and the matter was dismissed for failure to prosecute. On July 8, 2022, defense counsel filed a motion to seal records. The case was set for a hearing on the motion on August 11, 2022.
2. At the hearing the district attorney lodged no objection, and the matter was ordered sealed by the Court.
3. That order informed the Sheriff's Department, District Attorney's Office, Colorado Bureau of Investigation, and State Court Administrator's Office of the cases immediate sealing. *See Order to Seal Arrest and Criminal Records Pursuant to C.R.S. 24-72-705 (Simplified Process).*

¹ Anderson Aldrich is non-binary. They use they/them pronouns, and for the purposes of all formal filings, will be addressed as Mx. Aldrich.

4. On November 21, 2022, the Court began receiving petitions to unseal the records in this case. Several from media outlets, and one from the district attorney's office.
5. On November 22, 2022, a motion to unseal was filed by Sheriff Bill Elder.
6. Petitioner Elder's Office indicated in their motion, a need to be able to respond to media inquiry accurately as a reason for unsealing these records. *See Petitioner Sheriff Bill Elder's Motion to Unseal Criminal Justice Records* (arguing "[l]ikewise, the El Paso County Sheriff's Office has a strong interest in responding to public inquiries regarding Aldrich's 2021 arrest and prosecution with accurate information so that the public and media are not left to speculate over what actions were or were not taken by law enforcement. The act is inhibiting the flow of accurate and relevant information on a matter of great public importance to our community.) The Sheriff's Office argued that the media's coverage strengthened their position for the Court to unseal the record.
7. One day later, on November 23, 2022, the Court directed the defense to respond to the motions by close of business on November 30, 2022. Also on November 23, 2022, Mx. Anderson's former counsel Joshua Lindley was allowed to withdraw as counsel on this case, and the Public Defender was entered as Mx. Anderson's counsel of record. Counsel was granted access by the Court to the written documents in the court file on November 29, 2022.
8. Mx. Aldrich is currently being held without bond in the El Paso County Jail and has been charged with five counts of murder, three hundred other charges in case number 22CR6008. A proof evident presumption great/preliminary hearing is currently scheduled to occur in February 2023.
9. Mx. Aldrich filed an objection to unsealing this case on November 30, 2022. This matter is set for a hearing on December 8, 2022, at 8 a.m. The media coverage of 22CR6008 has not only been extensive but it also not been limited to just Colorado: there has been extensive national and international level. *See* attachment to Exhibit A, to Defense Objection filed 11/30/22, <https://www.cnn.com/2022/11/21/us/anderson-lee-aldrich-colorado-springs-shooting-suspect>, last accessed 11/30/22.
10. In their Objection, Mx. Aldrich argued law enforcement should not be allowed to violate Colorado law by disclosing information to the public, which includes the media, only to later point to the result of their illegal conduct—more media coverage about sealed record—as a reason to un-seal. *See* Defense Objection filed 11/30/22, ¶¶ 37-47. Mx. Aldrich specifically objected to law enforcement breaking the law to gain an advantage to unseal as a violation of their constitutional rights. U.S. Const. Amends. V, IV., XIV, Colo. Const. Art. II, § 3, 6 16, 23, 25, and 28; *Id.*
11. Since the filing of Defense objection, there has only been more extensive media coverage of this case. However sometime late last night, the Associated Press ("AP") published a story which gave extensive detail coming directly from documents within this sealed case. *See* Attachment A, to Motion to Dismiss All Petitions to Un-Seal based on Law Enforcement Misconduct, AP story "Next mass killer Dropped case foretold Colorado bloodbath" last accessed 12/7/22. The AP cites to multiple statements and facts that are within the documents from this sealed case. *Id.* The AP even refers to the documents as coming from "sealed law enforcement documents." *Id.* **The AP is clear that law**

enforcement spoke to the media about this sealed case and verified the documents came from the sealed case. *Id.*

12. It appears clear that a member of law enforcement, and also potentially courthouse staff, gave sealed documents to the media. It also appears clear that law enforcement staff (and potentially courthouse staff) spoke to the media about the contents of the information in the sealed record in clear violation of Colorado law.

Law and Analysis

13. The judiciary has inherent authority to use all powers reasonably required to protect the efficient function, dignity, independence, and integrity of the court and judicial process. *People v. Aleem*, 149 P.3d 765 (Colo. 2007) (citation omitted). The power of contempt falls within a court's broad authority. *Id.* (citing *Illinois v. Allen*, 397 U.S. 337, 343-44 (1970); *In re J.E.S.*, 817 P.2d 508, 511 (Colo. 1991)).
14. "Contempt" includes not only disorderly, disruptive, boisterous, or violent conduct in the courtroom but also "conduct that unreasonably interrupts the due course of judicial proceedings; behavior that obstructs the administration of justice; [and] disobedience or resistance by any person to or interference with any lawful writ, process, or order of the court". C.R.C.P. 107(a)(1) (emphasis added).
15. 'Direct contempt' occurs in the presence of the court while 'indirect contempt' occurs out of the direct sight or hearing of the court. C.R.C.P. 107(a)(2),(3).
16. For indirect contempt proceedings, when "it appears to the court by motion supported by affidavit that indirect contempt has been committed, the court may ex parte order a citation to issue to the person so charged to appear and show cause at a date, time and place designated why the person should not be punished." C.R.C.P. 107(c). A verified motion is also sufficient in lieu of a motion plus an affidavit, so long as it states facts which, if true, would constitute contempt. *See Spencer v. Kelly*, 470 P.2d 606 (Colo. App. 1970).
17. The motion and citation, if granted by the court, must be served on the alleged contemnor at least 21 days before the person is ordered to appear. *Id.*
18. Mx. Aldrich is requesting that the Court issue a citation to show cause and set a hearing at least 21 days after the issuance of the citation.
19. Here, the law enforcement agency(ies) have engaged in illegal misconduct to gain tactical advantage and to gain favor with this Court. The Sheriff's Office pointed to the media coverage in their petition as reason that the record had to be unsealed. It was pointed out in detail, in the pleading filed on November 30, 2022, there was a lot of media coverage that came from documents only found within this sealed record, which seemed to have come from law enforcement or the courthouse. Now on the eve of the hearing to address the un-sealing of the record, law enforcement acted illegally and in bad faith again in

leaking even more details from this sealed record to the media. This was done either intentionally to manipulate this Court or done because the actors will not comply with the law and the Court's orders. Given that the Sheriff's Office was the investigating agency, and was in the author of the arrest affidavit which is so heavily cited in the media, it is hard to believe that it was not a Sheriff's office agent(s) that violated the Court's sealing order and the law to disclose the documents here.

20. Intent to interfere with administration of justice, however, is not required for contempt finding. Rather, the contemnor's intent is guide to be used by trial court in exercising its discretion to punish. *In re: Stone*, 703 P.2d 1319 (Colo. App. 1985); *see also Hughes v. People*, 5 Colo. 436 (Colo. 1880) (contempt is not purged by an avowal that none was intended).
21. While the contemnor's intent is relevant to determining what type of sanctions should be imposed, for purposes of answering the threshold question of whether contempt has occurred; the conduct here alone is contempt.
22. The power of a court to punish for contempt is not derived from a legislature and cannot be made to depend upon the legislative—or executive—will. *See Austin v. City and County of Denver*, 397 P.2d 743, (Colo. 1964).
23. The Sheriff's violation of the sealing statute is illegal under the stealing statute, and it was also a direct violation of a court order sealing this case. Therefore the Sheriff's Office are in contempt of this Court.
24. The Court should impose remedial sanctions upon the Sheriff's Office. Mx. Aldrich is not seeking punitive sanctions.
25. A court's discretionary contempt powers are necessarily broad because of the power's broad purpose: to ensure that the court's functions remain unimpeded. *Aleem*, 149 P.3d 765 at 781 (citation omitted). The purpose of the contempt power is to maintain the dignity and authority of the court and to preserve its functionality. *Id.*
26. Sanctions imposed for contempt of court may be either remedial or punitive in nature, or both. C.R.C.P. 107; *see People v. Barron*, 677 P.2d 1370, 1372 n.2 (Colo. 1984).
27. Punitive sanctions (which are sometimes referred to as 'criminal' contempt sanctions) are used to punish and should be used by courts sparingly; in order to impose punitive sanctions, a court must find that the contemnor willfully disobeyed the court's order. *In re Marriage of Cyr and Kay*, 186 P.3d 88 (Colo. App. 2008). Heightened levels of procedural due process are required when punitive sanctions are sought. *Harthun v. District Court in and for Second Judicial District*, 495 P.2d 539 (Colo. 1972).
28. Remedial sanctions, on the other hand, are coercive in nature; they are intended to compel obedience with a court order, not to punish the contemnor. *People v. Razatos*, 699 P.2d

970 (Colo. 1985); *People v. Barron*, 677 P.2d 1370 (Colo. 1984); see also *United States v. Haggerty*, 528 F.Supp.1286 (D. Colo. 1981).

29. Mx. Aldrich is not seeking punitive sanctions against the Sheriff. They are seeking remedial sanctions.
30. Unlike punitive sanctions which require willful disobedience to a court order, it does not matter for purposes of imposing remedial sanctions what the contemnor intended when the contempt occurred. *In re Marriage of Cyr and Kay*, 186 P.3d 88 (Colo. App. 2008).
31. Damages may be imposed as a remedial sanction; any payments ordered under a remedial sanction order should reimburse the person injured by the contemnor's disobedience. *Eichhorn v. Kelley*, 56 P.3d 124 (Colo. App. 2002)
32. Remedial sanctions must be supported by findings of fact establishing that the contemnor (1) failed to comply with a lawful court order; (2) knew of the order; and (3) has the present ability to comply with the order. *In re A.C.B.*, 507 P.3d 1078 (Colo. App. 2022).
33. However, unlike punitive/criminal contempt sanctions in which strict procedural due process is required, the imposition of remedial sanctions does not require strict adherence to a rigid procedural formula. *In re Marriage of Barber*, 811 P.2d 451, 455 (Colo. App. 1991); compare C.R.C.P. 107(d)(1) and (2).
34. Here, the Court should consider the following remedial sanctions:
 - a. Order that the Court record in this case be permanently sealed.
 - b. In addition to ordering the court record to permanently sealed, order that the Sheriff's Office mandate training of all employees about the legal application of C.R.S. §24-72-701 *et seq* upon law enforcement agency personnel, and the application of Court orders upon such personnel and all employees complete such training by March 1, 2023.
35. When remedial sanctions may be imposed, courts "shall enter an order in writing or on the record describing the means by which the person may purge the contempt and the sanctions that will be in effect until the contempt is purged." C.R.C.P. 107(d)(2).
36. For the purpose of remedial sanctions, the trial court may impose an indefinite term of imprisonment until the contemnor performs the acts necessary to purge the contempt. *In re A.C.B.*, 507 P.3d 1078 (Colo. App. 2022) (*citing* C.R.C.P. 107(d)(2)); see also C.R.S. § 17-26-105 (individuals jailed for contempt "shall be kept in rooms separate and distinct from those in which prisoners convicted and under sentence are confined").

37. The objective of remedial contempt is to compensate the person who has suffered damage as a result of the contemnor's refusal to comply with a court order. The amount of any fine must not exceed the actual damages incurred as the result of the contempt. C.R.C.P. 107(d)(2); *Schnier v. District Court*, 696 P.2d 264 (Colo. 1985).
38. "The Supreme Court recognizes the contempt power as absolutely essential to the duties imposed upon the court." *People v. Aleem*, 149 P.3d 765, 774 (Colo. 2007) (citations omitted).
39. "The dual purpose of the contempt power is to vindicate the dignity and authority of the court and to preserve its viability." *Id.* (citations omitted).
40. If a court's orders are not taken seriously or treated as compulsory, then the viability of the judiciary cannot be preserved. *See Id.*
41. This type of behavior cannot be permitted.
42. The government is not above the law. *Trump v. Vance*, 140 S. Ct. 2412, 2431 (2020) ("In our system of government, as this Court has often stated, no one is above the law.") (Kavanaugh, J. concurring). It owes the same duty to follow the law as any citizen, no matter how seemingly noble its cause:

Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution.

Olmstead v. United States, 277 U.S. 438, 485 (1928) (Brandeis, J., dissenting), *quoted with approval in United States v. Gonzalez*, 719 F. Supp. 2d 167, 170 (D. Mass. 2010).

43. All members of law enforcement are expected to know the law and follow it. *See People v. Lopez*, 2022 COA 70M ¶¶ 33-34 ("[L]aw enforcement has a duty to stay abreast of changes in the law.").

44. It is necessary for this Court to vindicate its dignity and authority by punishing the El Paso Sheriff's Office. Compliance with this Court's—and all courts'—orders must be achieved in the first instance, and not only when the threat of contempt looms close.
45. The harm to Mx. Aldrich is clear. Under the law in Colorado when their case dismissed the Court was required to enter the sealing order and the Court did so. Law enforcement through the District Attorney was represented through these proceedings and did not object. Mx. Aldrich, and every other citizen charged with a crime which is dismissed is entitled to the protections of the Colorado statutes, which in the case of a sealed case, means that law enforcement will follow the law and the trial court's orders and NOT disclose information about the sealed case. That did not occur here, the information about that sealed case has been disclosed to the media and blasted to all corners of this state and country. The public condemnation of Mx. Aldrich has only been heightened since the release of the sealed records have been leaked and confirmed.
46. Mx. Aldrich was already going to have almost no chance at a constitutional right to a fair trial in this county and this state, but the contemptuous conduct has now guaranteed that it cannot occur. *See* U.S. Const. amends. VI, XIV; Colo. Const. art. II, §§ 16, 25.

WHEREAS, Mx. Aldrich, through undersigned counsel and pursuant to C.R.C.P. 107, respectfully moves the Court to set a hearing and issue a citation to show cause to Bill Elder, Sheriff of El Paso County Sheriff's Office, to appear before the Court and explain why his and his office should not be held in indirect contempt. Mx. Aldrich objects to the remote appearance of any party at any show cause hearing held pursuant to this motion.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy



Michael Bowman #48652
Deputy State Public Defender

Certificate of Service

I certify that on December 8, 2022, I served the foregoing document via email to the Court's clerk and to the prosecution.

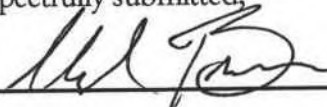
s/ jarchambault

Dated: December 8, 2022

VERIFICATION AND ACKNOWLEDGEMENT


I, John Gonglach, hereby affirm under oath that I have read the foregoing verified motion and that the statements set forth therein are true and correct to the best of my knowledge.

Respectfully submitted,



~~John Gonglach~~ Michael Bowman
~~Investigator~~ Deputy State Public Defender

Subscribed and affirmed or sworn to before me
in EL PASO County, State of
Colorado, this 8th day of December, 2022.



Notary Public

My commission expires: 4/15/2025

Certificate of Service

I hereby certify that on December 8, 2022, I ~~serve~~ will serve the foregoing document by e-filing the same to all opposing counsel of record.



Redacted

DISTRICT COURT, EL PASO COUNTY, COLORADO 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903	FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO DEC 8 2022 COURT USE ONLY CLERK OF COURT
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ANDERSON ALDRICH, Defendant	
Megan Ring, Colorado State Public Defender Joseph Archambault #41216 Chief Trial Deputy Michael Bowman #48652 Deputy State Public Defender 30 East Pikes Peak Avenue, Suite 200 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	Case No. 21CR3485 Division 19
MOTION TO STAY ORDER TO UNSEAL COURT RECORD FOR PURPOSES OF FILING C.A.R. 21 PETITION TO COLORADO SUPREME COURT	

Mx. Anderson Aldrich¹, by and through counsel moves this Court to stay the issuance any order un-sealing the court record in this case, and in support states the following:

1. This Court has ordered this sealed case, pursuant to C.R.S. §24-72-705, to now be unsealed.
2. Mx. Aldrich moves this Court to grant a stay of this un-sealing order to allow Mx. Aldrich the ability to file a Rule 21 petition to the Colorado Supreme Court. C.A.R. Rule 21 (f)(1).
3. The Supreme Court may exercise its original jurisdiction under C.A.R. 21 where the trial court proceeds without jurisdiction or in excess of its jurisdiction, or commits a serious abuse of discretion, and where an appellate remedy would be an inadequate remedy. *See People v. Ray*, 525 P.3d 1042 (Colo. 2011) (*citing to People v. Vlassis*, 247 P.3d 196, 197 (Colo. 2011)).
4. The un-sealing of this sealed court file cannot be addressed and remedied by a direct appeal. If no stay is granted, and the record is un-sealed the national and international media is likely to have the contents of this court file onto the internet and newspaper

¹ Anderson Aldrich is non-binary. They use they/them pronouns, and for the purposes of all formal filings, will be addressed as Mx. Aldrich.

within a day, if not minutes². No court can make the public “unlearn” this damaging—and inadmissible—information once it becomes available and widely known. *Cf. People v. Kilgore*, 455 P.3d 746, 749 (Colo. 2020) (The prejudice to the defendant of forcing them to share protected information “cannot be undone.”). Even if the Colorado Supreme Court agreed with Mx. Aldrich, either on appeal, or on a C.A.R. 21 without a stay being granted, Mx. Aldrich and others will have been vilified and demonized by the media, public, and potential jurors.

5. Mx. Aldrich is requesting a stay of only 30 days in order to file a C.A.R. 21 petition.
6. Mx. Aldrich makes this request to protect their rights to equal protection, fundamental fairness, due process and the right to a fair trial. U.S. Amends V, IV., XIV, Colo. Const. Art. II, § 3, 6 16, 23, 25, and 28

Wherefore, Mx. Aldrich respectfully requests that this Court to stay the issuance any order un-sealing the court record in this case.

MEGAN A. RING
COLORADO STATE PUBLIC DEFENDER



Joseph Archambault #41216
Chief Trial Deputy



Michael Bowman #48652
Deputy State Public Defender

Dated: December 7, 2022

Certificate of Service

I certify that on December 6, 2022, I served the foregoing document through email, to opposing counsel of record. Counsel cannot access into ICCES for this case. s/ JArchambault

² The media coverage of 22CR6008 has not only been extensive but it also not been limited to just Colorado but also has been coverage on a national and international level.

District Court, El Paso County, Colorado Court Address: P.O. Box 2980 Colorado Springs, CO 80901	DATE FILED: December 8, 2022 12:31 PM
THE PEOPLE OF THE STATE OF COLORADO v. ANDERSON ALDRICH, Defendant.	▲ COURT USE ONLY ▲ Case Number: 21CR3485 Division: 19 Courtroom: S404
ORDER UNSEALING RECORDS	

Several Motions to Unseal have been filed under this case number. A hearing on this issue was held on December 8, 2022 at 8:00 am in this Division. This Order incorporates all verbal findings and orders from that hearing.

The records in this case shall be unsealed and made accessible to the public. Circumstances have come into existence since the original sealing and as a result, the public interest in disclosure now outweighs the Defendant's interest in privacy. C.R.S. §24-72-703(5)(c).

Dated: December 8, 2022

BY THE COURT:



Robin Chittum
District Court Judge