

Local

Prosecutors: Don't Televise Theater Shooting Trial

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DENVER (AP) – Prosecutors in the Colorado theater shooting case joined defense lawyers in opposing television coverage inside the courtroom during the trial, saying it would inflict intense and hurtful attention on victims who testify.

In a court filing dated Friday and made public Monday, prosecutors also argued that television coverage could change the way trial witnesses behave.

Last week, attorneys for defendant James Holmes argued courtroom television would violate his right to a fair trial by making witnesses worry about public reaction if they gave testimony considered favorable to Holmes. They said it could also expose jurors and attorneys to death threats and cause other problems.



James Holmes in court on Sept. 30, 2012 (credit: Bill Robles)

Prosecutors also asked the judge to bar still cameras from the courtroom. Defense lawyers focused their objections on television.

Six Denver television stations, a Denver radio station and the CourtTV cable channel asked the judge last month to allow a single TV camera and an audio system in the courtroom during the trial, scheduled to start Dec. 8.

The Denver Post filed a separate request to have a still photographer in the courtroom who would provide photos to the Post, The Associated Press and others.

Steven Zansberg, an attorney representing the Post and the AP, said media organizations planned to file a response with the court Tuesday on the requests for both still and television cameras.

Holmes pleaded not guilty by reason of insanity to multiple counts of murder and attempted murder stemming from the July 2012 attack on a movie theater in the Denver suburb of Aurora. Prosecutors are seeking the death penalty.

More than 400 people were in the theater, and 12 were killed. Another 70 were injured.

In their latest filing, prosecutors said they plan to call about 70 people who survived the attack to testify, along with family members of the dead.

If cameras are allowed in the courtroom, the victims' images and voices will end up permanently on the Internet, available to media organizations and bloggers as well as conspiracy theorists and "groups of individuals who support mass murder," prosecutors wrote. In a footnote, they added that as strange as it sounds, mass-murder supporters do exist, linked by the Internet.

Many of the victims will give highly personal, emotional and difficult testimony, and they will have no way to erase it from Internet sites, prosecutors wrote.

Separately, defense lawyers again suggested Holmes could withdraw his insanity plea, but one outside analyst said that appeared unlikely.

In a filing released Monday, the defense argued that prosecutors shouldn't automatically get a video recording of Holmes' second sanity evaluation. One reason they cite is that if Holmes changes his plea after the evaluation, prosecutors are no longer entitled to see the results.

The judge rejected the defense request.

Dan Recht, a longtime Denver defense lawyer who isn't involved in Holmes' case, said the odds of a plea change were remote. However, Recht agreed with Holmes' attorneys that prosecutors should not be given the recording automatically.

Holmes' attorneys made a similar suggestion in June 2013, but no change was made. They have not said what new plea Holmes might enter. His other choices are guilty or not guilty.

– By Dan Elliott, AP Writer