

AURORA THEATER SHOOTINGS. SUSPECT IN COURT

Theater shooting suspect James Eagan Holmes appears in Arapahoe County District Court on July 23, 2012. Holmes is being held on suspicion of first-degree murder and could face additional counts of aggravated assault and weapons violations stemming from a mass shooting. As the public got its first glimpse of Holmes, one expert is warning people to not read too much into what's behind his eyes. *RJ Sangosti, The Denver Post*

AT FIRST HEARING, SUSPECT SILENT

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CENTENNIAL — With a tangle of orangish-red hair atop his head like a bizarre costume wig, James Eagan Holmes slouched into a courtroom Monday to learn he is being held on suspicion of committing one of the worst mass murders in American history.

Shackled at the wrists and ankles, Holmes jingled as he walked into his first court appearance since the Friday shootings at the Century Aurora 16 that killed 12 and injured 58 more. Surrounded by one of his public defenders and two Arapahoe County Sheriff's deputies, Holmes appeared barely to pay attention as 18th Judicial District Chief Judge William Sylvester

advised him of his rights. He spoke not one word.

In the gallery, the father of Alex Teves, who was killed in the shootings, crossed his arms and glared at Holmes. Others — shooting survivors and victims' relatives — leaned forward with their elbows resting on their knees.

Boxes of tissues were placed on the seats' armrests for those struck by tears. But the most pervasive sounds in the courtroom were the steady, practiced voices of the judge and the attorneys ticking through routine procedural matters.

For all the emotion and commotion surrounding the moment, it was a hearing that lasted only 12 minutes.

“We need to be here to heal,” said Anggaiat Situmeang, who described himself as a relative of a shooting victim, as he approached the courthouse Monday morning. “It’s hard, physically and mentally.”

The hearing ended with Sylvester ordering Holmes, 24, held without bond. He is scheduled to return to court July 30, when he will be formally charged.

After the hearing, Arapahoe County District Attorney Carol Chambers declined to say whether her office would seek the death penalty in the case, noting the fact that a significant fact-gathering process and specific legal procedures must be completed before such a momentous decision can be made.

Chief among the evaluative process facing the four-member prosecution team — which has the ultimate discretion to pursue such a penalty — is the fact that families will have a say in whether they wish to pursue a death penalty, and the long-lasting effects of such a decision.

To that point, Chambers noted that the theater massacre has direct and indirect impact on hundreds of people, from victims to family members of victims, both living and dead.

“I don’t think that’s a (decision) that can be made in the abstract,” Chambers said. “It’s something we definitely want to get their input on.”

Meanwhile, prosecutors are seeking input from victims, issuing subpoenas and search warrants. Sylvester has ordered the case file and all connected search warrants be sealed. On Monday, he issued a gag order preventing the lawyers involved from discussing details of the case.

“This is a very active, ongoing investigation,” Chambers said.

Holmes’ attorneys, Daniel King and Tamara Brady, declined comment

LEGAL TEAMS IN HOLMES CASE

PROSECUTION

Carol Chambers

District attorney for the 18th Judicial District, which includes Arapahoe, Douglas, Elbert and Lincoln counties. Elected in 2004, she is term-limited and will be out of office in January. Over her tenure, Chambers’ office has prosecuted several high-profile cases, including the convictions of Robert Ray and Sir Mario Owens in the shooting of a witness to another killing and the man’s fiancée. Ray and Owens are on death row.

Karen Pearson

Chief prosecutor, she has been with the DA’s office since 1996 and has been a deputy district attorney since 2007. High-profile cases that Pearson has handled include the 2005 road-rage case that left two dead and the 2008 car crash into a Baskin-Robbins ice cream store in which three people died, including a 3-year-old boy. She graduated from the University of Denver law school.

Jacob Edson

Senior deputy district attorney, he has been with the office for seven years. High-profile cases he has handled include the Marcus Hightower conviction for murder and the Anthony Gillespie murder trial. He graduated from the University of Denver.

Andrew Steers

Senior deputy district attorney, he has been with the office since 2007. He became felony deputy in September 2011. He graduated from the University of Denver.

after the hearing. King and Brady are members of the state public defender's capital cases team, the group of attorneys who represent clients in death penalty cases.

Advisement hearings — such as Holmes' hearing Monday — are the first step in a criminal case and are typically legal formalities. Once the district attorney files formal charges, the next major step for Holmes will be a preliminary hearing, at which a judge will listen to testimony to determine whether Holmes should be bound over for trial.

But legal experts said that could be some ways off because Holmes' attorneys may ask that Holmes receive a mental-health evaluation to determine whether he is fit to stand trial. To face trial, a defendant must understand the charges against him and be able to help his lawyers in his defense.

"I think (an evaluation) is going to happen early in this case because part of the defendant's claims is maybe that he's incompetent to stand trial," said University of Denver law professor Sam Kamin.

Such evaluations can significantly prolong a case. In the instance of Nathan Dunlap, who was convicted of killing four people in an Aurora Chuck E. Cheese restaurant and sentenced to death, the mental-health evaluation lasted five months.

In the meantime, all the victims of the shooting can do is wait — both for answers and for justice.

"He just looks like a pathetic freak," McKayla Hicks, who was wounded in the shooting and attended Monday's hearing, told CNN. "I just want him put away forever."

LEGAL TEAMS IN HOLMES CASE

PUBLIC DEFENDERS

Daniel B. King

Chief trial deputy with the Colorado State Public Defender's Office. King represented Sir Mario Owens in the witness-murder trial.

Tamara A. Brady

Chief trial deputy with the Colorado State Public Defender's Office. Brady represented Jose Luis Rubi-Nava in the dragging-murder trial.

James O'Connor

Head of the Arapahoe County division of the Colorado State Public Defender's Office.