

STANDING ORDER
(when implemented by separate order
in individual cases.)

§
§
§
§
§

IN THE 33RD JUDICIAL
DISTRICT COURT

**DECORUM AND MEDIA GUIDELINES ORDER
IN ANY PRE-TRIAL AND TRIAL PROCEEDINGS**

In the exercise of its inherent power to provide for the orderly disposition of all pre-trial and trial proceedings, the Court sua sponte ORDERS, as follows:

This comprehensive Courtroom Decorum and Media Guidelines Order is intended as a standard order which may be implemented in specific cases by separate order. It is written generically with provisions that may not apply in a particular case such as a bench trial or pre-trial hearing when the provisions regarding jurors are obviously not applicable.

The Media Guidelines shall apply at all times.

I. GALLERY SEATING

1. These Gallery Seating Orders apply to all pre-trial and trial proceedings.
2. Specified seats in the gallery of the 33rd Judicial District Courtroom will be reserved for media personnel during the pre-trial, voir dire, and trial proceedings. These seats will be assigned pursuant to the Media Guidelines set forth elsewhere in this Order and approved by the 33rd Presiding Judge. Each person assigned media seating will be issued a tag indicating his or her seating assignment. That person will display the tag on the outside of his/her clothing and sit in that seat while in the courtroom.
3. Specified seats in the gallery of the 33rd Judicial District Courtroom will be assigned to the general public during the trial. These seats will be assigned on a first come, first serve basis. Each person assigned public seating will be issued a tag indicating his/her seating assignment. That person will display the tag on the outside of his/her clothing and sit in that seat while in the courtroom.
4. Specified seats will be assigned to victims or the family of a victim in the case and the Victim Coordinator of the District Attorney's office or his/her designee. The same rule concerning display of tags and utility of seats set forth above apply.

5. Specified seats in the gallery of the Courtroom will be assigned to the defendant's family. The same rule concerning display of tags and utility of seats set forth above apply.
6. Eight (8) seats in the gallery of the courtroom will be assigned to the defense counsel team.
7. Eight (8) seats in the gallery of the courtroom will be assigned to the District Attorney's office.
8. Specified seats in the gallery of the courtroom will be assigned to the bailiffs, and such other seats as needed to enforce the Orders and Plans of the Court and to ensure the due and proper administration of justice and security in this case.
9. The seats will be assigned by the 33rd Presiding Judge through the Court Administrator.
10. Courtroom pass tags for the public for a specific date are to be turned into the bailiff's desk upon leaving the courtroom and will be reallocated before the next half-day court session begins. Public seating will be allocated on a first come, first served basis for each half-day session. Courtroom passes for the public will be distributed for the morning session from 8:30 a.m. to 8:45 a.m. and for the afternoon session from 1:00 p.m. to 1:15 p.m. Public passes will be distributed adjacent to the security screening at the foyer of the courtroom. They must be returned to the bailiff OUTSIDE the 33rd District Courtroom when you leave your designated session. If all the passes for a specific session are not distributed during the time period set out, the available passes may be obtained from the bailiff OUTSIDE the 33rd District Courtroom.
11. Any seat not filled by the court's first recess will be filled with waiting public, or in the case where there is no member of the public waiting to come into the courtroom, with members of the media, except as qualified in this Order.
12. Gallery seating assigned to the defense counsel team, District Attorney's office, Victim Coordinator, Media reserved seating, Clerk reserve seating, Court reserved seating, and security seating will be permanently reserved to allow staff in each of these offices to enter and leave the courtroom as necessary to provide support functions to the media, court and counsel.

II. INNER SECTION OF THE COURTROOM (IN FRONT OF THE BAR)

1. No member of the media, family, students, or public will be allowed beyond the bar (the partition separating the gallery from the inner section of the courtroom) at any time, with the exception of those persons listed in Section II, 2, below. Persons sitting in front of the bar are all to be lawyers or approved staff of the defense or prosecution, law enforcement personnel actively involved with the defendant, witnesses called to the witness stand, members of the Court's office, jurors, and the designated court reporters.

2. Only members of the media designated by the Media Plan and expressly approved by written Order of the 33rd Presiding Judge may be in the inner section of the courtroom at appropriate recesses and even then, only when supervised by the court reporter designee, bailiff and district clerk representative. These persons shall remain in their designated location at all times when Court is in session.

III. GENERAL RULES

1. The media and the public are reminded that any attempt by anyone, without leave of the Court, to communicate with a member of the jury panel, juror or alternate, respecting the case prior to return of any final judgment in the trial on the merits and any attempt by anyone, without leave of the Court, to communicate with or influence a member of the jury once selected as a juror or alternate in the proceedings, until the return of any final judgment in the trial on the merits, may be punished as a criminal cause of action and as criminal contempt of court and such other sanctions as deemed by the 33rd Presiding Judge to be necessary for the due and proper administration of justice.
2. After proceedings commence, everyone present in the courtroom shall be seated and shall not stand in the back of the courtroom.
3. Members of the public and media personnel outside the courtroom shall not create distractions and shall avoid restricting movement of persons passing through the halls and/or the doors of the courtroom.
4. No person shall distribute, publish or broadcast in any fashion, the names, home or work telephone or facsimile numbers, e-mail addresses, home or work addresses of any person called to be a member of the venire from which the jury is to be chosen or any person chosen to serve on the jury for the trial in this case.
5. No person shall be permitted to wear or display any clothing or ornaments (including, but not limited to shirts, T-shirts, coats, pants, buttons, placards and badges) that contains any written or visual commentary about the proceedings or express an opinion about the guilt, innocence, punishment, sanction, or action to be taken against or on behalf of the defendant; or contains any written or visual commentary or representation of the victims of the crimes of which the defendant stands accused
 - i within the courthouse; and/or
 - ii in the courtroom in which the case is being tried.

IV. MEDIA GUIDELINES

Preamble

Trial of this cause shall be open to the public and the press. The Court shall not impose any

restrictions on reporting of the proceedings in open court. However, to ensure the fair, orderly administration of justice in this case, and to ensure the constitutional rights of the parties, counsel for the parties, and the media, the Court finds it necessary to issue this Order. This Order takes effect immediately and will remain in effect for pre-trial, voir dire, the jury selection process and all trial proceedings related to this cause and shall continue until entry of final judgment or further orders of this Court.

The Court has carefully evaluated the press' First Amendment rights against the defendant's Sixth Amendment right to a fair trial. In doing so, the Court takes judicial notice of the directives to trial courts set forth by the United States Supreme Court in *Sheppard v. Maxwell*:

Due process requires that the accused receive a trial by an impartial jury free from outside influences. Given the pervasiveness of modern communications and the difficulty of effacing prejudicial publicity from the minds of the jurors, the trial courts must take strong measures to ensure that the balance is never weighed against the accused...The courts must take such steps by rule and regulation that will protect their processes from prejudicial outside interferences. Neither prosecutors, counsel for defense, the accused, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function.

Sheppard v. Maxwell, 384 U.S. 333, 362 (1966).

The Court also takes judicial notice of the extraordinary media coverage generated about this case.

Accordingly, the Court FINDS that a compelling governmental interest continues to exist in preserving the defendant's right to a fair trial by an impartial jury.

The Court FINDS that allowing members of the public or the media to interview any member of the venire or any person chosen from the venire to serve on the jury for the trial of the case before return of the final verdict in the trial on the merits would generate pre-trial publicity that would interfere with the defendant's right to a fair trial by an impartial jury.

The Court FURTHER FINDS that, after the final verdict is delivered in the trial on the merits, members of the venire panel and members of the jury for the trial of this case may be interviewed, but have no obligation to talk to anyone, including members of the media, and may refuse all interviews or comment.

The Court FINDS that the defendant is entitled to a fair impartial jury and a speedy trial.

The Court FINDS that a change of venue alone would be ineffective in ensuring the defendant's right to a fair and impartial trial.

The Court FINDS that sequestration of the jury alone would be ineffective in ensuring the defendant's right to a fair and impartial jury.

The Court FINDS that a change of venue in combination with sequestration of the jury would be ineffective in ensuring the defendant's right to a fair and impartial jury.

Finally, the Court FINDS that no less restrictive means exists to deal with the specific threat to the judicial process and to the defendant's right to a fair trial by an impartial jury.

Media Guidelines Order
33rd Judicial District

THEREFORE, the Court makes the following Orders:

1. A copy of this Order shall be delivered to members of the media attending proceedings connected with the case on trial. Each media organization, company or entity shall be responsible for ensuring that its employees, representatives or contractors have notice of all the provisions of this Order. All persons representing, employed by, or contracting with a media organization, company or entity shall be presumed to have notice of all the provisions of this Order.
2. Except as specified in this Order, *no* pictures or visual representations of any person connected with or participating in the proceedings in the case, whether still, moving, or videotaped shall be made, taken or transmitted in or from any location inside the courthouse building.
3. No proceeding or session will be delayed or continued for the sole purpose for allowing media coverage. Upon request, the court will inform media agencies of settings. If any films, videotapes or photographs are made during court proceedings, they shall not be considered part of the official court record.
4. *No cameras* of any type are permitted in the courtroom during voir dire and jury selection in this case.
5. No audio recording or audio broadcast is permitted within the courtroom at any time.
6. No person shall make, distribute, publish or broadcast in any fashion or in any medium, any picture, photograph, or visual representation of any person called to be a member of the venire from which the jury is to be chosen for the trial in this case.
7. No person shall make, distribute, publish or broadcast in any fashion or in any medium, any picture, photograph, or visual representation of any person chosen to serve on the jury for the trial in this case.

8. No person, including those individuals connected with, employed by, or acting on behalf of any news media organization shall interview or attempt to interview any person called to be a member of the venire from which the jury is to be chosen or any person chosen to serve on the jury for the trial in this case until return of the final verdict in the trial on the merits.
9. After the return of the final verdict in the trial on the merits, no interviewer may inquire about specific vote of any juror other than the juror being interviewed, nor may anyone interviewing a juror inquire about the deliberations of the jury.
10. No person may repeatedly request interviews or repeatedly ask questions of a juror or former juror after the juror has expressed his or her desire not to be interviewed.
11. Media operators shall not move equipment while the Court is in session, or otherwise cause distractions. All equipment shall be in place in advance of the commencement of the proceedings or session that is the subject of coverage.
12. At no time will a potential juror, juror or alternate in any proceeding be photographed. Once a final judgment has been entered in the trial on the merits then a potential juror, juror or alternate may voluntarily consent to that persons' photographing.
13. No audio recording or conferences involving counsel at the respective counsel tables or bench conference with the judge at the bench will be permitted.
14. No visual recording of the lips, so as to be readable by a lip reader, of conferences involving counsel at the respective counsel tables or bench conference with the judge at the bench will be permitted.
15. Only still cameras, television and audio equipment that does not produce distracting sound or light shall be employed to cover the trial. The operator of such equipment shall not employ any artificial lighting device to supplement the existing light in the courtroom without the approval of the 33rd Presiding Judge.
16. When pool media is ordered, the media committee will give the 33rd Court bailiff a weekly assignment of the pool media in the courtroom. This will include a maximum of one video, two still photographers, one radio audio operator, and two sketch artists. This list will be given to the bailiff's office the Thursday before the week it goes into effect.
17. The sketch artists, if any, shall remain in their assigned seats while the trial is in progress, except for recesses.
18. No broadcasting, televising, recording, and photographic equipment shall be placed in or removed from the courtroom while the court is in session. Television film magazines or still camera film or lenses may not be changed within the courtroom in any manner which is distracting or disruptive to the trial proceedings as determined by the bailiff or Presiding

Judge.

V. COURTROOM ATTIRE AND ACCESSORIES

1. Persons in the courtroom must be dressed in appropriate courtroom attire. This means the best business attire that you have at your disposal. Gentlemen should, if available, wear dress-collared shirt, tie, slacks, belt and suit jacket. Ladies should, if available, wear business dress, business dress suit or business dress pants suit. Students may wear school uniforms or other appropriate courtroom attire as instructed by your supervising faculty sponsor.
2. No signs, banners, company or media logos, messages, clothing with messages or other distracting, disruptive or potentially improperly prejudicial material may be brought into, worn, or displayed in the courtroom or security areas.
3. No cell phones, pagers, computers, cameras, web cams, recorders, or other equipment may be brought into the courtroom except as specifically permitted by the 33rd Presiding Judge's order.

VI. COURTROOM DEMEANOR

1. Persons in the courtroom must remain silent during all proceedings. There will be no talking, shaking of heads of approval or disapproval of any statements, actions, rulings, testimony or proceedings, or any other signals or signs of approval or disapproval of the proceedings.
2. Children are only permitted in the courtroom if they can conform their demeanor to that required of the adults in the courtroom.
3. There will be no reading of newspapers, magazines, books, or other materials during the court proceedings in the courtroom.
4. There will be no drinks, snacks, chewing gum, smoking or chewing in the 33rd District Courtroom, except for water provided by the bailiff to the witnesses, jurors, or counsel with the permission of the 33rd Presiding Judge.
5. As in all cases, the atmosphere in the courtroom must be quiet, calm, and deliberative. Evidence in the case may be complex, graphic, emotional, and sometimes very tedious. All persons attending the trial must be willing to commit to a serious attitude if attending this trial.

VII. SANCTIONS

There are no warnings or "first bites at the apple." Any violation of the foregoing or other

Court Orders or Plans, and any conduct the 33rd Presiding Judge finds disruptive or interruptive of the proceedings may result in:

1. An order of temporary or permanent exclusion of the offender from the courtroom and security areas.
2. An order of temporary or permanent exclusion of the media organization represented by the offender from the courtroom and security areas.
3. Contempt of Court sanctions carry with them confinement in the County Jail for up to six (6) months and a fine not to exceed five hundred dollars (\$500.00) for each offense.
4. Such other sanctions as deemed necessary by the 33rd Presiding Judge to ensure the due and proper administration of justice.

VIII. NOTICE OF THIS ORDER

Notice of this Order shall be given by its posting on the Court Web Site at www.tinyurl.com/A8L9K, posting outside the 33rd Judicial District Court, and service upon lead counsel for the defense, the District Attorney, the Sheriff, and Victim Coordinator.

SIGNED and ORDERED on this _____ day of _____, 2005.

HONORABLE GUILFORD L. JONES, III
Presiding Judge of the 33rd Judicial District Court