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FILED DISTRICT COURT
Third Judicial District
FEB 10 2015
By _____
SALT LAKE COUNTY
Deputy Clerk

**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

<p>STATE OF UTAH, Plaintiff, v. JOHNNY BRICKMAN WALL, Defendant.</p>	<p><u>DECORUM ORDER</u> Case No. 131903972 Judge James T. Blanch</p>
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The court enters this Decorum Order (“the Order”) pursuant to Rule 33(b) of the Utah Rules of Criminal Procedure, section 78A-2-201 of the Utah Code Annotated, and the court’s inherent authority to control the proceedings.

The Order establishes standards of conduct for those attending the jury trial in this case, which is scheduled to begin February 17, 2015. The objectives of the Order are to:

- Secure the Defendant’s right to a fair and impartial jury trial;
- Protect against unfair prejudice to the parties;
- Permit the public access to criminal justice proceedings;
- Allow for electronic media coverage of criminal justice proceedings; and
- Ensure the orderly and efficient management of criminal justice proceedings.

To achieve these objectives, the court orders the following:

DECORUM ORDER

1. This Order (and its attachments which are incorporated herein by reference) shall govern the conduct of all court personnel, news reporters, and members of the public attending the trial.

Public Courtroom Seating

2. Courtroom S41, although a larger courtroom, has limited seating. The number of Spectators shall not exceed courtroom capacity.

- a. Seating in the first row behind the prosecution table shall be reserved for family members appearing in support of Uta von Schwedler.
- b. Seating in the first row behind the defense table shall be reserved for family members appearing in support of Defendant.
- c. The remaining rows shall be open for general seating.

Entering and Exiting the Courtroom

3. Entering and exiting the courtroom shall occur without disruption or distraction.
4. At the end of court proceedings, spectators shall remain in the courtroom until the jury, the judge, and the Defendant have withdrawn and the bailiff gives permission to leave.

Conduct of Spectators

5. The terms "Spectator" or "Spectators," as used in this Order, include all persons attending the proceedings, including news reporters, but excluding court personnel, counsel, or their support staff.

6. All Spectators shall be quiet and orderly.

7. No Spectator shall make audible comments of any kind during trial or related proceedings.

8. No Spectator shall engage in provocative, disruptive, distracting, or uncivil behavior of any kind.

9. No Spectator shall wear or display pins, buttons, signs, clothing, or photographs expressing support for or against the Defendant or the alleged victim in this case.

10. No Spectator shall be permitted to pass the bar or enter into the well of the courtroom without judicial authorization.

11. Spectators shall consider the age of children and the length of court sessions when deciding whether to bring children into the courtroom. Children whose age or capacity is incompatible with prolonged silence and restricted movement shall not be brought into the courtroom. Spectators who supervise a child who becomes restless or disruptive shall immediately remove the child from the courtroom.

12. Spectators shall not bring newspapers or magazines into the courtroom.

Use of Portable Electronic Devices

13. As used in this Order, the term “portable electronic device” has the same definition as in Rule 4-401.02 of the Utah Code of Judicial Administration, a copy of which Rule is attached to this Order.

14. Spectators may silently use portable electronic devices inside the courtroom so long as such use does not interfere with the proceedings or distract others.

15. Portable electronic devices shall be placed on “silent” mode. The bailiff shall secure any portable electronic device that gives an audible alarm or signal during court proceedings. The bailiff shall retain the portable electronic device until the end of that court day and then return it to the owner.

16. Unless authorized by the court under Rule 4-401.01 of the Utah Code of Judicial Administration, no spectator shall use a portable electronic device to record or transmit images or sound of court proceedings.

17. No spectator shall tweet or text message information about the trial to trial witnesses excluded from the Court room under Rule 615 of the Utah Rules of Evidence. News reporters shall be permitted to tweet from the courtroom to facilitate coverage of the trial and related proceedings to the general public.

18. Use of portable electronic devices in violation of this Order shall result in the Spectator being removed from the courtroom.

19. During trial and jury selection, prospective, seated, and alternate jurors are prohibited from researching and discussing the case. Once selected, jurors shall not use a portable electronic device while in the courtroom and shall not possess a portable electronic device while deliberating.

20. Witnesses who have been excluded from the courtroom shall not view accounts of other witness testimony or speak to other witnesses about the subject matter of their testimony before testifying.

Additional Orders Related to News Reporters and EMC

21. The terms “Electronic Media Coverage” (“EMC”) and “News Reporter” have the same meaning as in Rule 4-401.01 of the Utah Rules of Judicial Administration.

22. EMC of the trial and related proceedings shall be permitted subject to the terms of this Order and any subsequent order related to or restricting EMC.

23. News reporters shall comply strictly with this Order and all provisions of Rule 4-401.01. Failure to do so shall subject the news reporter to contempt sanctions allowed by law, removal from the trial and related proceedings, and (in the discretion of the court) termination of EMC.

24. Recording or transmitting images or sound of the trial or related proceedings without the express permission of the court is prohibited.

25. EMC of the trial and related proceedings is permitted provided that news reporters make a timely written request as required under Rule 4-401.01 of the Utah Code of Judicial Administration.

26. Unless otherwise approved by the judge or the judge’s designee, EMC is limited to one audio recorder and operator, one video camera and operator, and one still camera and operator.

27. If more than one news reporter has requested permission to provide EMC of the trial or related proceedings, it is the responsibility of news reporters to determine who will participate at any given time, how they will pool their coverage, and how they will share audio, video, or photographic files produced by pool coverage.

28. Pool equipment operators shall use equipment that is capable of sharing audio, video, and photographic files to pool recipients in a generally accepted format.

29. The pooling arrangement shall be reached before the trial or proceedings commence and without imposing on the judge or court staff.

30. Neither the judge nor court staff shall be called upon to resolve disputes concerning pooling arrangements.

31. No media interviews will be permitted inside the courtroom.

32. Mr. Peyton Smith, the trial court executive, and Nancy Volmer, the public information officer for the courts, may meet periodically with news reporters before and during the trial to address unforeseen circumstances impacting the news reporters' ability to provide meaningful EMC of the trial and related proceedings.

33. News reporters shall address complaints and concerns to the trial court executive and public information officer.

34. A glassed-in conference room with a view of courtroom S41 and amplified sound from the proceedings in courtroom S41 will be designated as a "media room" for news reporters. To minimize disruption, news reporters who are required by their assignments to type on computers, shuffle papers, move about, or otherwise engage in activities that would be disruptive within the courtroom shall be expected to remain within the designated media room.

Copies of the Order to Be Posted and Read

35. Copies of this Order shall be posted outside the courtroom.

36. All Spectators shall read and comply with the terms of this Order.

37. In their written request for permission to provide EMC of the trial and related proceedings, news reporters shall certify that they have read and understood this Order and its attachments.


38. News reporters may obtain a copy of this Order from the public information officer for the courts.


Penalties for Violation

39. A Spectator who willfully violates the terms of this Order shall be subject to contempt sanctions.

40. A Spectator who violates this Order may be removed from part or all of the trial or related proceedings.

DATED this 10th day of February, 2015.


JUDGE JAMES T. BLANCH
Third District Court



CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 131903972 by the method and on the date specified.

EMAIL: NICHOLAS M DALESANDRO ndalesandro@slco.org
EMAIL: JEREMY M DELICINO jeremy@jeremydelicino.com
EMAIL: MATTHEW B JANZEN mjanzen@slco.org
EMAIL: G FRED METOS fred@gfredmetos.com
EMAIL: ANNA L ROSSI arossi@slco.org

02/10/2015

/s/ CYNDIA VIGIL

Date: _____

Deputy Court Clerk

Attachment A

Utah Code of Judicial Administration

4-401.01

Rule 4-401.01 Electronic media coverage of court proceedings.

Intent:

To establish uniform standards and procedures for electronic media coverage of court proceedings.

To permit electronic media coverage of proceedings while protecting the right of parties to a fair trial, personal privacy and safety, the decorum and dignity of proceedings, and the fair administration of justice.

Applicability:

This rule applies to the courts of record and not of record.

This rule governs electronic media coverage of proceedings that are open to the public.

Statement of the Rule:

(1) Definitions.

(1)(A) "Judge" as used in this rule means the judge, justice, or court commissioner who is presiding over the proceeding.

(1)(B) "Proceeding" as used in this rule means any trial, hearing, or other matter that is open to the public.

(1)(C) "Electronic media coverage" as used in this rule means recording or transmitting images or sound of a proceeding.

(1)(D) "News reporter" as used in this rule means any person who gathers, records, photographs, reports, or publishes information for the primary purpose of disseminating news and information to the public, and any newspaper, magazine, or other periodical publication, press association or wire service, radio station, television station, satellite broadcast, cable system or other organization with whom that person is connected.

(2) Presumption of electronic media coverage; restrictions on coverage.

(2)(A) There is a presumption that electronic media coverage by a news reporter shall be permitted in public proceedings. The judge may prohibit or restrict electronic media coverage only if the judge finds that the reasons for doing so are sufficiently compelling to outweigh the presumption.

(2)(B) When determining whether the presumption of electronic media coverage has been overcome and whether such coverage should be prohibited or restricted beyond the limitations in this rule, a judge shall consider some or all of the following factors:

(2)(B)(i) whether there is a reasonable likelihood that electronic media coverage will prejudice the right of the parties to a fair proceeding;

(2)(B)(ii) whether there is a reasonable likelihood that electronic media coverage will jeopardize the safety or well-being of any individual;

(2)(B)(iii) whether there is a reasonable likelihood that electronic media coverage will jeopardize the interests or well-being of a minor;

(2)(B)(iv) whether there is a reasonable likelihood that electronic media coverage will constitute an unwarranted invasion of personal privacy of any party or witness;

(2)(B)(v) whether electronic media coverage will create adverse effects greater than those caused by media coverage without recording or transmitting images or sound;

(2)(B)(vi) the adequacy of the court's physical facilities for electronic media coverage;

(2)(B)(vii) the public interest in and newsworthiness of the proceeding;

(2)(B)(viii) potentially beneficial effects of allowing public observation of the proceeding through electronic media coverage; and

(2)(B)(ix) any other factor affecting the fair administration of justice.

(2)(C) If the judge prohibits or restricts electronic media coverage, the judge shall make particularized findings orally or in writing on the record. Any written order denying a request for electronic media coverage shall be made part of the case record.

(2)(D) Any reasons found sufficient to prohibit or restrict electronic media coverage shall relate to the specific circumstances of the proceeding rather than merely reflect generalized views or preferences.

(3) Duty of news reporters to obtain permission; termination or suspension of coverage.

(3)(A) Unless otherwise ordered by the court, news reporters shall file a written request for permission to provide electronic media coverage of a proceeding at least one business day before the proceeding. Upon a showing of good cause, the judge may grant a request on shorter notice.

(3)(B) A judge may terminate or suspend electronic media coverage at any time without prior notice if the judge finds that continued electronic media coverage is no longer appropriate based upon consideration of one or more of the factors in Paragraph (2)(B). If permission to provide electronic media coverage is terminated or suspended, the judge shall make the findings required in Paragraphs (2)(C) and (2)(D).

(4) Conduct in the courtroom; pool coverage.

(4)(A) Electronic media coverage is limited to one audio recorder and operator, one video camera and operator, and one still camera and operator, unless otherwise approved by the judge or designee. If more than one news reporter has requested permission to provide electronic media coverage, it is the responsibility of news reporters to determine who will participate at any given time, how they will pool their coverage, and how they will share audio, video or photographic files produced by pool coverage. The pool equipment operators shall use equipment that is capable of sharing audio, video or photographic files to pool recipients in a generally accepted format. The pooling arrangement shall be reached before the proceedings without imposing on the judge or court staff. Neither the judge nor court staff shall be called upon to resolve disputes concerning pool arrangements.

(4)(B) News reporters shall designate a representative with whom the court may consult regarding pool coverage, and shall provide the court with the name and contact information for such representative.

(4)(C) Tripods may be used, but not flash or strobe lights. Normally available courtroom equipment shall be used unless the judge or a designee approves modifications, which shall be installed and maintained without court expense. Any modifications, including microphones and related wiring, shall be as unobtrusive as possible, shall be installed before the proceeding or during recess, and shall not interfere with the movement of those in the courtroom.

(4)(D) The judge may position news reporters, equipment, and operators in the courtroom. Proceedings shall not be disrupted. Equipment operators and news reporters in the courtroom shall:

(4)(D)(i) not use equipment that produces loud or distracting sounds;

(4)(D)(ii) not place equipment in nor remove equipment from the courtroom nor change location while court is in session;

(4)(D)(iii) conceal any identifying business names, marks, call letters, logos or symbols;

(4)(D)(iv) not make comments in the courtroom during the court proceedings;

(4)(D)(v) not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;

(4)(D)(vi) present a neat appearance and conduct themselves in a manner consistent with the dignity of the proceedings;

(4)(D)(vii) not conduct interviews in the courtroom except as permitted by the judge; and

(4)(D)(viii) comply with the orders and directives of the court.

(5) Violations. In addition to contempt and any other sanctions allowed by law, a judge may remove from the proceeding anyone violating this rule or the court's orders and directives and terminate or suspend electronic media coverage.

(6) Limitations on electronic media coverage. Notwithstanding an authorization to conduct electronic media coverage of a proceeding, and unless expressly authorized by the judge, there shall be no:

(6)(A) electronic media coverage of a juror or prospective juror until the person is dismissed;

(6)(B) electronic media coverage of the face of a person known to be a minor;

(6)(C) electronic media coverage of an exhibit or a document that is not part of the official public record;

(6)(D) electronic media coverage of proceedings in chambers;

(6)(E) audio recording or transmission of the content of bench conferences; or

(6)(F) audio recording or transmission of the content of confidential communications between counsel and client, between clients, or between counsel.

(7) Except as provided by this rule, recording or transmitting images or sound of a proceeding without the express permission of the judge is prohibited. This rule shall not diminish the authority of the judge conferred by statute, rule, or common law to control the proceedings or areas immediately adjacent to the courtroom.

Attachment B

Utah Code of Judicial Administration

Rule 4-401.02

Rule 4-401.02. Possession and use of portable electronic devices.

Intent:

To permit the use of portable electronic devices in courthouses and courtrooms, subject to local restrictions.

Applicability:

This rule applies to the courts of record and not of record.

Statement of the Rule:

(1) Definitions.

(1)(A) "Judge" as used in this rule means the judge, justice, or court commissioner who is presiding over the proceeding.

(1)(B) "Portable electronic device" as used in this rule means any device that can record or transmit data, images or sounds, or access the internet, including a pager, laptop/notebook/personal computer, handheld PC, PDA, audio or video recorder, wireless device, cellular telephone, or electronic calendar.

(2) Possession and use of portable electronic devices in a courthouse.

(2)(A) A person may possess and use a portable electronic device anywhere in a courthouse, except as limited by this rule or directive of the judge.

(2)(B) All portable electronic devices are subject to screening or inspection at the time of entry to the courthouse and at any time within the courthouse in accordance with Rule 3-414.

(2)(C) All portable electronic devices are subject to confiscation if there is reason to believe that a device is or will be used in violation of this rule. Violation of this rule or directive of the judge may be treated as contempt of court.

(3) Restrictions.

(3)(A) Use of portable electronic devices in common areas. The presiding judges may restrict the time, place, and manner of using a portable electronic device to maintain safety, decorum, and order of common areas of the courthouse, such as lobbies and corridors.

(3)(B) Use of portable electronic devices in courtrooms.

(3)(B)(i) A person may silently use a portable electronic device inside a courtroom.

(3)(B)(ii) A person may not use a portable electronic device to record or transmit images or sound of court proceedings except in accordance with Rule 4-401.01.

(3)(B)(iii) A judge may further restrict use of portable electronic devices in his or her courtroom. Judges are encouraged not to impose further restrictions unless use of a portable electronic device might interfere with the administration of justice, disrupt the proceedings, pose any threat to safety or security, compromise the integrity of the proceedings, or threaten the interests of a minor.

(3)(B)(iv) During trial and juror selection, prospective, seated, and alternate jurors are prohibited from researching and discussing the case they are or will be trying. Once selected, jurors shall not use a portable electronic device while in the courtroom and shall not possess an electronic device while deliberating.

(4) Use of portable electronic devices in court chambers. A person may not use a portable electronic device in chambers without prior approval from the judge.

(5) Instruction to witnesses. It should be anticipated that observers in the courtroom will use portable electronic devices to transmit news accounts and commentary during the proceedings. Judges should instruct counsel to instruct witnesses who have been excluded from the courtroom not to view accounts of other witnesses' testimony before giving their own testimony.