

Model Restrictive and Protective Order

BE IT REMEMBERED, that the court, after considering the following:

1. The prior proceedings in this cause of action, and other related actions of which the court takes judicial notice;
2. The pre-trial publicity which has already occurred in this cause, which includes local and national newspaper coverage, radio news broadcast coverage, and television news coverage, of which the court takes judicial notice;
3. The rulings and opinions which set out the inherent power of the court to control its own proceedings, and to assure that a fair trial is provided for the state and the defendant in this cause;
4. Issues on transport security areas.

Whereupon the court does find that it is necessary to enter this restrictive order to protect and provide for a fair and impartial trial in this cause of action.

Under the Constitution and laws of this state and of the United States, each defendant and the state are entitled to the due process of law and a fair and impartial trial by jury. As within its constitutional powers and jurisdiction to make certain that the defendant and the state receive a fair and impartial trial, this restrictive order is reasonable and necessary, and further that less restrictive measures have been considered by the court but are found to be ineffective in affording a fair and impartial trial in this case.

Further, the court finds that this trial, once the jury is selected, is anticipated to last and that such restrictive order shall restrict conduct for a limited time period, which is necessary to afford the state and defendant a fair and impartial trial in this case.

IT IS THEREFORE ORDERED as follows:

When the term “this case, matter, action, cause, proceeding, or trial” is referred to in this Restrictive Order, it shall expressly apply to the case currently on trial before the court and all cases currently pending against the defendant.

1. The courtroom and auxiliary courtroom, jury room, and all area delineated as a security area In Exhibit “A” attached hereto (map of area) and incorporated herein by reference, are designated as security areas and shall be referred to as the “security area.”
2. The possession or use of dangerous weapons, typewriters, binoculars, cameras, recording equipment, or any type of electronic equipment, except as specifically authorized by this court, is strictly prohibited in the security areas unless authorized by a court order allowing cameras in the courtroom, and then only in compliance with that specific order.
3. The broadcasting or “showing” of any type of film, video tape, or picture, or broadcasting of any recording or pictures of these proceedings made in violation of the foregoing restrictions is prohibited.
4. No interviews shall be conducted inside the security area at any time.

5. No unauthorized persons shall be permitted in front of the railing in the courtroom while the trial is being conducted.
6. All persons in the security area shall conduct themselves in an orderly and quiet manner.
7. At all recesses and adjournments, and any other time the jury is retiring from the courtroom, spectators shall remain seated in the courtroom until the jury and the defendant have had ample time to withdraw and the spectators have been given permission to disperse.
8. No one except attorneys of record, court personnel, witnesses, or jurors may examine or handle exhibits except by order of the court.
9. Entrance ways and corridors of the courthouse are to be kept clear at all times.
10. Nothing except that which occurs in open court, adduced only in evidence and in argument, may be disseminated.
11. No party to this action, nor any attorney connected with this case as defense counsel or prosecutor, nor any other attorney, nor any judicial officer or employee, nor any public official, including but not limited to any chief of police or sheriff, nor any agent, deputy, or employee of such persons, nor any grand juror, nor any witness having appeared before the grand jury or summoned by request or subpoena to testify in this trial, shall release or authorize the release for public dissemination of any matters relating to this case, except that which has been adduced into evidence and in argument in open court.

Said persons shall not express, outside of court, an opinion or make any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence.

Said persons shall not make any statements outside of court as to the nature, substance, or effect of any testimony that has been given.

Said persons shall not make any statements as to the identity of any prospective witness, or his/her probable testimony, or the effect thereof.

Said persons shall not make any out-of-court statement as to the nature, source, or effect any purported evidence alleged to have been accumulated as a result of the investigation of this matter.

Said persons shall not make any statements as to the content, nature, substance, or effect of any testimony which may be given in any proceeding related to this matter, except that a witness may discuss any matter with any attorney of record in this case.

This restrictive order does not include any of the following:

- a. Factual statement of the accused person's name, age, residence, occupation, and family status.
- b. The time and place of the arrest; the identity of the arresting officer's agency.
- c. The nature and text of the charge as reflected in the indictments and public records.
- d. Quotations from, or any reference without comment to, public records of the court in the case, and to other public records heretofore disseminated to the public.
- e. The scheduling and result of any stage of the judicial proceeding held in open court in an open and public session.

- f. A request for assistance in obtaining information.
- g. Any information as to any person not in custody who is sought as a possible suspect or witness.
- h. A request for assistance in obtaining evidence or the names of possible witnesses.

12. The court designates _____, herein after referred to as “Court Press Liaison,” as the information and media representative to assist the media in obtaining current and accurate public information regarding the court action in this case. The Court Press Liaison shall coordinate the following:

- a. Setting time and location for public release of information regarding this case;
- b. Information releases from the trial court, district attorney’s office, law enforcement, and defense counsel’s team;
- c. Press credentials and information regarding access to court proceedings; and
- d. Information regarding cameras in the courtroom, pooling requirements, courtroom security requirements, and such other public information needs as appropriate.

13. The sheriff’s office, district attorney’s office, and defense counsel team is ORDERED to coordinate public release of information with the Court Press Liaison to insure the due and proper administration of justice in this case.

It is ORDERED that a copy of this restrictive order be served on the Sheriff, District Attorney, Defense Counsel, the Court Press Liaison, and served with any subpoenas issued in this case or if the witness has already been served with subpoena or will not be subpoenaed, then counsel calling that witness must hand deliver a copy of this restrictive order to all such witnesses. It is further ORDERED that a copy of this restrictive order be hand delivered to counsel in this cause of action by the bailiff of this court.

The Court Press Liaison shall provide a copy of these ORDERS and the court’s *Guidelines for Cameras in the Courtroom* shall be provided to such media requesting information in this case.

These ORDERS are subject to revision and amendment by the trial judge and such times as deemed proper for the due and proper administration of justice in this case.

The court hereby ORDERS the Sheriff and such law enforcement assisting the Sheriff in this case, District Attorney and his/her office and staff, the defense counsel team and his/her office and staff, and such other persons designated by the trial court to comply with these restrictive and protective orders.

It is ORDERED that any observed violation of these orders is to be immediately reported to the court. It is ORDERED that any violation of these orders shall be deemed sufficient cause for excluding the violator from any of the security areas and such action may include Contempt of Court charges.

It is ORDERED that this restrictive order shall remain in full force and effect until this case has been disposed of or until further order of the court.

SIGNED AND ORDERED THIS _____ DAY OF _____.

JUDGE

WE ACKNOWLEDGE THAT WE HAVE RECEIVED A COPY OF THE ABOVE AND FOREGOING ORDER AND HAVE READ AND UNDERSTAND SAID ORDER.

DISTRICT ATTORNEY

COUNSEL FOR DEFENDANT

SHERIFF

COURT PRESS LIAISON