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DISTRICT COURT
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WASHINGTON COUNTY
BY

FIFTH JUDICIAL DISTRICT COURT

WASHINGTON COUNTY, STATE OF UTAH

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| STATE OF UTAH, | ) | **SECOND AMENDED DECORUM ORDER** |
| Plaintiff, | ) | |
| vs. | ) | |
| WARREN STEED JEFFS, | ) | Case No. 061500526 |
| Defendant. | ) | |

This case has generated substantial public interest and media attention. In light of this interest, the Court has set forth below several rules of conduct and other guidelines designed to govern the expectations of the people involved in the trial and those observing the trial so that the decorum of an open court will be maintained throughout the proceedings. The overall purpose of these rules and guidelines is to secure the defendant's constitutional right to a fair and impartial jury while permitting the public to exercise its First Amendment right of access to criminal proceedings, to protect the identity and privacy of jurors, and to protect jurors, witnesses, and parties from unnecessary commotion, confusion, or influence.

IT IS THEREFORE ORDERED that the following rules and guidelines for the conduct of the trial be adhered to. If regulation of any matter discussed appears to the Court to be necessary or require modification, the Court may rescind or modify that portion of the order.

**Security**

Security during these proceedings shall be divided between the St. George City Police Department, which shall have responsibility for security outside the Courthouse, and the Washington County Sheriff's Department, which shall have responsibility for security inside the Courthouse.

## Parking

Parking for media satellite trucks shall be limited to 8 units in the north parking lot of the Courthouse. All other parking on the exterior of the Courthouse will be regulated by the St. George City Police Department, and, if necessary, enforced by Order of the Court.

## Courtroom Passes

The Court recognizes the fact that most members of the public will be informed of the conduct of these proceedings through reports made by the media. Therefore, in recognition of the limited number of seats available, the Court will arrange for certain courtroom passes to assure that the individuals described below are able to attend the trial proceedings.

A total of 20 media passes will be issued, one of which will be reserved for a pool photographer to be assigned by request and court order. No more than one media pass will be issued to any specific media organization, unless that media organization is the one which supplies the designated pool photographer.

The protocol for the issuance of passes to the media will be as follows:

Passes will be distributed to the media organizations for each day of the proceedings. Passes will be assigned to a media organization, as opposed to a specific individual in that organization.

1. Media passes will be issued to representatives of media organizations based on the Court's credentialing process.

2. A person requesting a media pass must be prepared too present for inspection credentials identifying the person as a member of a media organization.

## Seating

The seating in the District court courtroom is limited to approximately 60 seats, which includes the jury box. The protocol for seating will be as follows:

1. There will be no reserved seating for the hearing to administer the jury questionnaire.

2. The first row of the courtroom will be reserved for the pool photographer, court personnel and other media. Seating for additional media representatives will be in the in the remaining designated rows.

3. Pooling of photographic resources is required and it will be the sole responsibility of the media representatives to make those arrangements. The seating location of the pool photographer

will be at the direction of the bailiff, with the approval of the court.

4. The bailiff will allow representatives of the media holding passes to begin entering the courtroom no more than 15 minutes prior to the start of any court session.

5. Media representatives with passes must be seated no later than 10 minutes before the start of a court session.

6. 10 minutes before each court session is to begin, the bailiff will permit members of the public, on a first come, first served basis, to occupy any vacant seats, except seats in the front row.

7. Media representatives who have not been issued courtroom passes or who do not take their seats within the time prescribed may be seated as part of the general public.

8. All persons must be in the courtroom and seated 5 minutes before the time set for the start of the court session.

9. Once a court session begins, no one, except court personnel, counsel, or their support staff, will be allowed to enter or leave the courtroom, except for emergency purposes. Media representatives will be allowed to leave during a court session only for the purpose of meeting a publication or broadcast deadline. Ingress and egress must be accomplished without disruption. Distractions will not be tolerated, and permission to attend may be revoked.

**Rules of Conduct for the Trial Sessions**

Pursuant to Rule 33 of the Utah Rules of Criminal Procedure, as well as the Court's inherent authority to assure the proper administration of justice, the Court sets forth the following rules of conduct for the trial sessions in the above-titled case:

1. Any person entering the courthouse must first pass through a magnetometer and, if necessary, will be subject to a search of his or her person and any containers in his or her possession.

2. Quiet and order among those observing the trial shall be maintained at all times during the course of the trial. Audible comments of any kind by any spectator during the trial sessions, and provocative or uncivil behavior within the courthouse at any time, will not be tolerated.

3. The wearing of pins, buttons, signs, clothing, etc., in the courthouse which expresses support for or against parties in this case, shall be prohibited.

4. Court personnel, jurors, witnesses, parties, and counsel and their supporting staff only shall be permitted before the bar railing. No member of the public or representative of the media shall be permitted before the bar railing unless specifically called by the Court.

5. Supervisors of children whose age might be incompatible with prolonged silence and restricted movements should consider the length of the trial sessions indicated in the trial schedule. Supervisors of disruptive children will be directed to immediately remove disorderly children from the courtroom.

6. Spectators, including representatives of the media, shall remain seated in the courtroom until the jury, the judge, and the defendant have withdrawn and the bailiff has given permission to leave the courtroom.

7. No newspapers will be permitted in the courtroom.

8. No electronic or audio recording devices shall be permitted in the courtroom, except for the still photography equipment of the pool photographer.

Any person violating these rules of conduct will be subject to the discipline of the Court, including, but not limited to, the contempt authority of the Court, and barring that person from the courtroom.

**Guidelines for the Media**

1. Rule 4-401 of the Code of Judicial Administration, which governs the conduct of the media in the courtroom, is attached to this order. The Court expects that Rule 4-401 will be followed and strongly recommends that the media adhere to the provisions of the Utah Principles and Guidelines for News Reporting.

2. No flash photography shall be permitted in the courtroom.

3. No party, counsel, representative of the media, or member of the public shall publish in any way the name or address of any juror or prospective juror, nor a likeness of any juror or prospective juror, in a manner that discloses or may disclose the identity of that person. This restriction also includes any photographs in which jurors are in the background. No contact or conversation with a prospective juror will be permitted until dismissed from jury service. Moreover, no contact or conversation will be permitted with any seated juror until discharged after trials. This prohibition shall apply to prospective jurors until the jury is discharged after trial. This does not prohibit publication of the demographic composition of the jury.

4. The Court appoints Rick Davis, Fifth District Trial Court Executive, to meet periodically with media representatives during the trial to make any adjustments to the Court's Decorum Order as a result of changed circumstances. All complaints, concerns, challenges, and questions from media representatives should be first registered with him during the trial.

5. An unanswered copy of the jury questionnaire may be provided by the Court after the jury has been selected.

6. No cellular phones will be allowed in the courtroom. Pagers which are vibration-activated will be allowed. Use of a cellular phone will be allowed only outside of the courtroom.

7. With the exception for the pool photographer in the courtroom, no photography, still or live, will be allowed inside of the courthouse.

8. The publication or dissemination of any privileged document, conversation, or writing at counsel table for either party that is not officially part of the record of the Court's proceedings is prohibited. The enhancement of any photograph or video image for the purpose of discerning the content of a privileged writing not part of the record of the Court's proceedings is also prohibited. There will be no disclosure by any member of the media of any privileged conversations or writings at counsel table while the Court is in session. The media will respect the attorney-client and attorney work product privileges.

9. Copies of this order will be posted in the courthouse.

10. Each media representative, even a substitute for a day, is expected to read and comply fully with this order.

Any person violating these prohibitions will be subject to the discipline of the Court, including, but not limited to, the contempt authority of the Court, and barring that person from the courtroom.

Dated this 30 day of July, 2007.

BY THE COURT:

Judge James L. Shumate
Fifth Judicial District Court
Washington County

**Rule 4-401. Media in the courtroom.**

1. Intent:

To establish uniform standards and procedures for conduct and the use of photographic equipment in the courts of the state.

To permit access to the courtroom by the news media while preserving the participants' rights to privacy and a fair trial.

Applicability:

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

This rule governs photography and conduct during sessions of court and recesses between sessions.

This rule shall not diminish the authority, conferred by statute, rule or common law, of the judge to control the conduct of proceedings in the courtroom.

As used in this rule, the term "courtroom" includes the courtroom and areas immediately adjacent to the courtroom.

Statement of the Rule:

(1) (A) Filming, video recording, and audio recording in a trial courtroom are prohibited except to preserve the record of proceedings. The trial court's video signal of proceedings may be transmitted to an overflow room. No recording of the video may be made in the overflow room, except as part of a pilot program approved by the Judicial Council with the permission of the presiding judge of the court and the judge presiding at the hearing.

(B) Filming, video recording, and audio recording in an appellate courtroom are permitted to preserve the record of proceedings and as permitted by procedures of those courts. A video signal of proceedings may be transmitted to an overflow room where it may be copied.

(2) Still photography, filming and audio and video recording in the courtroom for ceremonial or court approved public information programs are permitted when arranged through the presiding judge of the court.

(3) No one may photograph a juror or prospective juror before the person is dismissed.

(4) Still photography in a courtroom is prohibited, but it may be permitted in the discretion of the judge presiding at the hearing. A request to photograph in a courtroom shall be filed with the judge presiding at the hearing at least 24 hours prior to the hearing. A judge may permit photography with less than 24 hours notice upon a showing of good cause. In determining whether to permit still photography and, if so, how to regulate it, the judge presiding at the hearing should consider whether:

(A) photography can be accommodated without distracting the participants;

(B) there is a substantial likelihood photography would jeopardize the right to a fair hearing or trial; or

(C) the privacy interests of the victim of a crime, a party in a civil case or a witness outweigh the interest of the public in access to a photograph of the person.

(5) Conduct in the courtroom.

(A) The judge presiding at the hearing may position reporters and equipment in the courtroom to permit reasonable news coverage. The judge may require reporters to share a single photographer.

(B) Photographers shall not use flash or strobe lights. Media representatives shall use normally available courtroom equipment unless the presiding judge and the judge presiding at the hearing approve modifications, which shall be installed and maintained without public expense.

(C) Proceedings in the courtroom shall not be disrupted. Members of the public in the courtroom shall:

(i) avoid calling attention to themselves;

(ii) not place equipment in or remove equipment from the courtroom while court is in session;

(iii) not make comments in the courtroom during the court proceedings;

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

(v) present a neat appearance in keeping with the dignity of the proceedings;

(vi) not conduct interviews in the courtroom until the hearing is concluded and the court is recessed;

(vii) not, if the hearing is a trial, conduct interviews in the courtroom until the trial is concluded;

(viii) not use a camera or tape recorder to conduct interviews in the courtroom; and

(ix) comply with the orders and directives of the court.

(6) The court may remove anyone violating these rules from the courtroom and revoke the privileges contained in this rule.