

FILED  
TIME 1:38 AM

OCT 14 2010

VIRLYNN TINNELL  
CLERK SUPERIOR COURT

BY: psj DEPUTY

October 13, 2010

Hon. Stephen Conn  
Mohave County Superior Court  
401 E Spring Street  
Kingman, AZ 86401  
Fax 928-753-0709

Dear Judge Conn,

This letter is a request from KPNX to place a camera your courtroom on Friday, October 15, 2010 and for subsequent events in case of *Arizona v. McCluskey* (case CR-2010-00823).

This request is pursuant to Rule 122 of the Arizona Supreme Court. KPNX is aware of its obligations under the rule regarding placement of equipment and sharing of video.

If you have any questions, please contact me or assistant news director Jerome Parra at 602-257-6630.

Yours truly,

Kevin Curran MBA  
Assignment Editor



58015CR201000823



**Cullison, Sherri**

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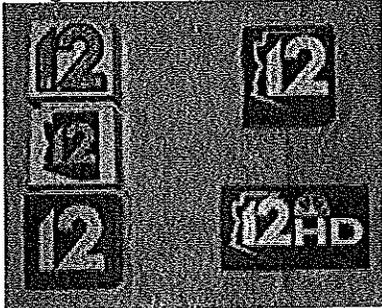
**From:** Curran, Kevin [kcurran@12news.com]  
**Sent:** Wednesday, October 13, 2010 4:39 PM  
**To:** Cullison, Sherri  
**Subject:** Rule 122

<http://www.supreme.state.az.us/rules/2008RulesA/R-07-0016.pdf>

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ATTACHMENT\*

**Rule 122. Electronic and Photographic Coverage of Public Judicial Proceedings**

Electronic and still photographic coverage of public judicial proceedings ~~in the courtroom and areas immediately adjacent thereto~~ conducted by a judicial officer during sessions of court may be permitted in accordance with the following guidelines:

(a) No electronic or still photographic coverage of juvenile court proceedings shall be permitted, except that such coverage may be permitted in adoption proceedings for the purpose of memorializing the event, with the agreement of the parties to the proceeding and the court.

(b) Electronic and still photographic coverage of public judicial proceedings other than the proceedings specified in paragraph (a) above may be permitted in ~~the sole discretion of the judge of the particular proceeding~~ giving due consideration to the following factors:

(i) The impact of coverage upon the right of any party to a fair trial;

(ii) The impact of coverage upon the right of privacy of any party or witness;

(iii) The impact of coverage upon the safety and well-being of any party, witness or juror;

(iv) The likelihood that coverage would distract participants or would detract from the dignity of the proceedings;

(v) The adequacy of the physical facilities of the court for coverage; and

(vi) The timeliness of the request pursuant to subsection (f) of this Rule; and

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\* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

(vi- vii) Any other factor affecting the fair administration of justice; .

(c) The judge may limit or prohibit electronic or still photographic coverage only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the above factors that outweighs the benefit to the public of camera coverage.

~~(e)~~ (d) Electronic and still photographic coverage of the appearance or testimony of a particular witness may be prohibited if ~~in the sole discretion of the judge of the proceeding,~~ the judge determines that such coverage would have a ~~substantially~~ greater adverse impact upon the witness or his or her testimony than non-electronic and non-photographic coverage would have.

~~(d) Nothing in paragraph (b) or (c) above shall be construed as requiring the judge of the particular proceeding to state grounds or make findings in support of the determination to permit, limit or preclude electronic and still photographic coverage, and the exercise of the judge's discretion in limiting or precluding such coverage shall not be subject to judicial review.~~

(e) The law generally applicable to inclusion or exclusion of the press or public at court proceedings or during the testimony of particular witness shall apply to the coverage hereunder. The exercise of the judge's discretion in limiting or precluding electronic or still photographic coverage shall be reviewable only by special action.

(f) Requests by the media for coverage shall be made to the judge of the particular proceeding sufficiently in advance of the proceeding or portion thereof as not to delay or interfere with it. Unless the judicial proceeding is scheduled on less than three days notice, the request to tape or photograph a proceeding must be made no less than two days in advance of the hearing. The judge shall notify all parties and witnesses of the request. If there is any objection to a request for camera coverage or an order allowing electronic or still photographic coverage, the court shall hold a hearing promptly.

(g) Objections of a party to coverage must be made on the record prior to commencement of the proceeding or portion thereof for which coverage is requested. Objections of a non-party witness to coverage of his or her appearance or testimony may be made to the judge at any time. Any objection not so made will be deemed waived. ~~This provision shall not diminish the judge's authority to preclude or limit coverage of a proceeding in the judge's sole discretion as above provided.~~

(h) – (k) [No change]

(l) Absent express permission of the court, there shall be no audio recording or broadcasting of conferences in the courtroom building between attorneys and their clients, between attorneys, or between attorneys and the court of jury interviews or in any part of the court building where a judicial

proceeding is not being conducted.

(m) – (q) [No change]

(r) Television or still cameras which produce distracting sound shall not be permitted. In this regard, the presiding judge may consider a non-digital still camera acceptable so long as it is contained in a “blimp” system or is the type of camera such as a Nikon F4 with a Nikon CS 13 camera blimp (otherwise known as a “corduroy sock”) which if accompanied by a device that effectively muffles camera sounds.

(s) Cameras and microphones used in the coverage permitted hereunder shall meet the “state of the art.” A camera or microphone shall be deemed to meet the “state of the art” when equal in unobtrusiveness, technical quality and sensitivity to equipment in general usage by the major broadcast stations in the community in which the courtroom is located. ~~The current “state of the art” for television cameras shall be met by cameras meeting or exceeding the performance levels of the RCA TK 76 camera system or the IKEGAMI HL 77 camera system or the SONY BP300 camera system.~~

(t) Any questions concerning whether particular equipment complies with these guidelines shall be resolved by the presiding judge of the Superior Court or designee.

(u) To facilitate implementation of this rule, the presiding judge of the Superior Court may appoint an advisory committee to make recommendations regarding improvements affecting media coverage of judicial proceedings.

(v) In the case of coverage of proceedings in the Arizona Supreme Court and Courts of Appeal, references herein to the “judge of the particular proceeding” or the “presiding judge of the Superior Court” shall mean the Chief Justice of the Arizona Supreme Court or the Chief Judge of the Court of Appeals, as the case may be.