

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

FILED

IN AND FOR THE COUNTY OF MOHAVE

2014 SEP 15 PM 3:48

HONORABLE LEE F. JANTZEN
DIVISION IV
DATE: September 15, 2014

VIRLYNN TINKELL
SUPERIOR COURT CLERK

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NOTICE/RULING/ORDER

STATE OF ARIZONA,
Plaintiff,

vs.

NO. CR-2014-01193

JUSTIN JAMES RECTOR,
Defendant.

The Court has received a filing from Marina Belisle of KVVU Fox 5 News in Las Vegas, Nevada, which is an official request to allow media access (camera and reporter) to record the Defendant's court appearance in order to report on the Defendant's case on the broadcast news and on their website. It is not clear whether this request is addressed to this Friday's arraignment or to all court proceedings in this case. The Court will treat it as if it is addressed to both Friday's arraignment and all future Court proceedings.

The Court (through its division 4 email address) has also received an email from Doug McMurdo, of the Kingman Daily Miner requesting permission to take photographs at hearings involving the Defendant. This appears to be a blanket request for all hearings involving the Defendant until this case is complete. This request specifically references Rule 122 of the Rules of the Supreme Court of Arizona.

IT IS ORDERED directing the Clerk to file both the filing by Ms. Belisle and the email from Mr. McMurdo and provide copies of each to counsel for the Defendant and the State.

The Court will treat these requests together and will consider them to be a blanket request to cover all hearings involving the Defendant. This will also address any additional media requests to bring cameras into the courtroom.

Rule 122 of the Rules of the Supreme Court of Arizona is the proper authority under which to make the above requests. The rule states that cameras may be permitted in the courtroom subject to specific requirements. However, under Rule 122(d), allowing or not cameras into the courtroom is within the discretion of the judge, provided, if the judge denies the request, the judge makes specific findings that the likelihood of harm arising from the factors listed in 122(d)(1) would outweigh the benefit



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to the public.

The Court determines that allowing television coverage in the courtroom or cameras in the courtroom would impact the right of both the Defendant and the State to a fair trial. The Court is aware this case is already a high profile case and that a simple internet search shows the interest in this case is not only local but regional and national as well. This early attention to a case like this will already make it more difficult than normal to pick a fair and impartial jury when or if this case gets to trial. Adding cameras in the courtroom for all preliminary hearings, both television cameras and still photography cameras, would only multiply that difficulty.

The Court also determines that allowing cameras in the courtroom or in the halls of the courthouse would significantly affect the right of privacy of potential witnesses, family members of both parties and potential jurors. Despite best efforts made by media members it would be very difficult to avoid showing faces and profiles of people that are not to be shown. Especially in the confined spaces of this courthouse and the courtroom that will be used for most hearings (more on that issue below).

The Court also determines that allowing cameras in the courtroom would potentially affect the dignity of the proceedings. Unfortunately people change their behavior when cameras are around, and not always for the better. Even if the people don't change the circus-like atmosphere associated with putting television cameras into a small courtroom is an undignified distraction that can only interfere with the decorum of a courtroom process that is designed to promote solemnity and is designed to provide fairness to all parties.

Finally, while the Court would not allow cameras in the courtroom for the reasons listed above, it cannot be ignored that part of the Court's determination is made with the realization the physical makeup of the actual courtroom are inadequate to allow cameras. These proceedings (and this includes the arraignment being held at the jail) will be held in small courtrooms which already have limited seating. There are no facilities or structures already in place to facilitate televising of proceedings or taking of pictures. In fact most of the hearings will be held in the Division 4 courtroom on the second floor of the courthouse and there is a large beam in the middle of the room.

The Court determines in the exercise of its discretion under Rule 122(d) for the reasons set forth above, that the harm from allowing photography cameras and television cameras into the courtroom would outweigh the benefit to the public and therefore:

IT IS ORDERED denying both the request to televise any of the proceedings in this matter or to bring a camera into the courtroom.

Furthermore, the Court clarifies this order by specifically addressing what will or will not be allowed:

1. No video or photographic coverage will be allowed inside the courtroom at any time, regardless of whether court is or is not in session.
2. No video or photographic coverage will be allowed inside the courtroom but created by a person or equipment outside of the courtroom in the lobby will be allowed at any time, regardless of whether court is or is not in session.
3. No video or photographic coverage of any juror, whether prospective or selected and whether inside or outside of the courthouse, will be allowed at any time.
4. Audio recording of the proceedings while court is in session will be permitted.
5. Audio recording of any events occurring in the courtroom while court is not in session shall not be allowed.
6. Any audio recording of the proceedings while court is in session which the Court perceives as an attempt to record privileged communications between the Defendant and his counsel will result in the immediate revocation of the right of any media representative to make an audio recording of any part of the proceedings, regardless of who the Court finds responsible for such attempt.
7. No communications in any manner with jurors, whether prospective or selected, shall be permitted under any circumstances and any conduct which the Court perceives as an attempt to violate this preclusion will result in the immediate revocation of the right of any offending media representative to be present either in the courtroom or the courthouse for the remainder of any further proceedings in this case.
8. Except as it relates to other conduct specifically described above, this Order does not preclude any other video or audio coverage in the lobby of the courthouse, on the outside grounds of the courthouse or in the general vicinity of the courthouse.

cc:

Matthew J. Smith*
Mohave County Attorney

Mohave County Public Defender*

Mohave County Probation*

Mohave County Jail*

Doug McMurdo*
Kingman Daily Miner
dmcmurdo@kdminer.com

Marina Belisle
25 TV5 Drive
Henderson NV 89014

Jim McCabe
Mohave County Sheriff

Bob Lawless*
Mohave County Superior Court
Security Coordinator

Kip Anderson*
Mohave County Superior Court Administrator

Virlynn Tinnell*
Clerk of the Superior Court

Honorable Charles W. Gurtler, Jr.*
Presiding Judge of Superior Court

Honorable Steven F. Conn*
Presiding Criminal Judge

Kenneth Gregory*
Judge Pro Tempore

Honorable Lee F. Jantzen
Division IV