

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SISKIYOU  
311 Fourth Street, Yreka, California 96097

OCT 27 2014  
BY:   
HON. LAURA MASONAGA  
Clerk: Mary Frances McHugh

Dated: 10-27-14  
Reported: not reported

NATURE OF PROCEEDINGS: SPECIAL ORDER RE MEDIA

**THE COURT ORDERS:**

For the protection of the public, all parties, and court personnel, and to facilitate the fair and orderly resolution of cases the following orders are made regarding media at the Courthouse. This order is subject to modification based upon specific circumstances and the discretion of an individual trial judge in that judge's courtroom or the Assistant Presiding Judge in the event of the unavailability of the Presiding Judge.

No one except authorized court and court security personnel may use a camera to take pictures in any portion of the Courthouse or any portions of multi-use buildings that are used as a courthouse except as permitted by California Rule of Court 1.150, or as permitted by order of a judge as set forth in this Order.

No photographs shall be taken of any defendant/witness who is in custody and who is entering or exiting the Courthouse at 311 Fourth Street at any entryway. Taking photographs of conferences between an attorney and a client, witness or aide is prohibited. Taking photographs of conferences between attorneys is prohibited.

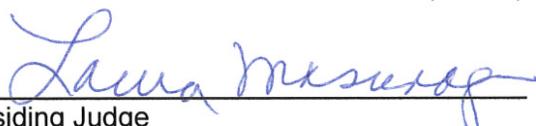
The Court finds that the congregation of media at entries of the Courthouse attracts onlookers which increase security concerns in the transport and delivery of in-custody court participants. This creates the potential for the need for increased security staff which would be an administrative and financial burden to the Court. Media agencies are advised that the cost for additional security in such instances may be charged to the media agency/ies involved.

This order applies not only to the use of cameras, but also to the use of camera devices such as camera enabled cellular telephones and other camera enabled or digital image-capture devices of any kind. However, this order does not prohibit the use of portable image-capture devices used solely for the purpose of imaging documents.

A copy of this order shall be posted on the Court's website and shall be made reasonably available or posted near every security entry point in to each court building; and at such other locations as the court's Executive Officer or designee shall direct. Violation of this order may result in seizure of the device, monetary sanctions pursuant to Section 177.5 of the Code of Civil Procedure, and/or a finding of contempt pursuant to section 1209 of the Code of Civil Procedure.

Any court staff, security personnel or peace officer who becomes aware that a person is using a camera or camera device in violation of this order is directed to advise such individual orally of this order, and take steps to provide the person with a copy of this order as soon as practical. Security personnel or a peace officer who have reasonable cause to believe a violation of this order has occurred are requested to prepare an incident report, and if the circumstances warrant immediate corrective action because the person persists in violating this order despite being informed of it or has violated the order in a way that appears to have a significant adverse impact upon court security or the fair and orderly resolution of cases, shall take possession of the device and bring the person without unnecessary delay to the nearest available judicial officer, Assistant Presiding Judge or Presiding Judge, as may be appropriate, to determine if there is sufficient cause to believe there has been a violation of this order without good cause or substantial justification. Such judicial officer may take such action or issue such orders to show cause re imposition of sanctions or contempt pursuant to Code of Civil Procedure sections 128, 177.5, and 1209, and concerning the device, as may be appropriate.

Dated: 10/27/14

  
Presiding Judge

Copies to: SISKIYOU COUNTY SHERIFF OFFICE, 305 BUTTE ST., YREKA, CA 96097

MEDIA AGENCY (name): CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): ADDRESS:  <p style="text-align: center;">TELEPHONE NO.:</p>	FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any:	
TITLE OF CASE:	
NAME OF JUDGE:	
<b>MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST</b>	CASE NUMBER:

1. PORTION OF THE PROCEEDINGS TO BE COVERED (e.g., particular witnesses at trial, the sentencing hearing, etc.):
  
2. DATE OF PROPOSED COVERAGE (specify): \_\_\_\_\_ . (File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance):
  
3. TYPE OF COVERAGE
 

a. <input type="checkbox"/> TV camera and recorder	d. <input type="checkbox"/> Audio
b. <input type="checkbox"/> Still camera	e. <input type="checkbox"/> Other (specify):
c. <input type="checkbox"/> Motion picture camera	
  
4.  SPECIAL REQUESTS OR ANTICIPATED PROBLEMS (specify):
  
5.  INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage (estimate): \$  
 Amount unknown
  
6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC- 510 is attached (required by Cal. Rules of Court, rule 1.150).

**CERTIFICATION**

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 1.150, the provisions of the court order, and any additional restrictions imposed by the court.

Date:

..... (TYPE OR PRINT NAME) ▶ \_\_\_\_\_ (SIGNATURE)

Telephone No.: \_\_\_\_\_

\_\_\_\_\_  
(SUPERVISORY POSITION IN MEDIA AGENCY)

**NOTICE OF HEARING (A hearing is optional.)**

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the Court:			

Clerk, by \_\_\_\_\_, Deputy

MEDIA AGENCY (name): CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): ADDRESS: <div style="text-align: right;">TELEPHONE NO.:</div>	FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any:	
TITLE OF CASE:	
NAME OF JUDGE:	
<b>ORDER ON MEDIA REQUEST TO PERMIT COVERAGE</b>	CASE NUMBER:

AGENCY MAKING REQUEST (name):

1. a.  No hearing was held.
- b.  Date of hearing: \_\_\_\_\_ Time: \_\_\_\_\_ Dept./Div.: \_\_\_\_\_ Room: \_\_\_\_\_
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 1.150 (see reverse).
3.  **THE COURT FINDS** (findings or a statement of decision are optional):  Attached  As follows:

**THE COURT ORDERS**

4. The request to photograph, record, or broadcast is
  - a.  **denied.**
  - b.  **granted** subject to the conditions in rule 1.150, California Rules of Court, **AND** the following:
    - (1)  The local rules of this court regulating media activity outside the courtroom (copy attached).
    - (2)  The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
    - (3)  Payment to the clerk of increased court- incurred costs of (specify): \$ \_\_\_\_\_  to be determined.
    - (4)  The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 1.150, and any local rule or order.
    - (5)  Personnel and equipment shall be placed  as directed  as indicated in the attachment  as follows (specify):
    - (6) (i)  The attached statement of agreed pooling arrangements is approved.
    - (ii)  A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
    - (7)  This order
      - (i)  shall not apply to allow coverage of proceedings that are continued.
      - (ii)  shall apply to allow coverage of proceedings that are continued.
    - (8)  Other (specify):

5. Coverage granted in item 4b is permitted in the following proceedings:
  - a.  All proceedings, except those prohibited by California Rules of Court, rule 1.150, and those proceedings prohibited by further court order.
  - b.  Only the following proceedings (specify type or date or both):
6.  The order made on (date): \_\_\_\_\_ is  terminated  modified as follows (specify):

7.  Number of pages attached:

Date: \_\_\_\_\_

(See reverse for additional information)

\_\_\_\_\_  
JUDGE

CASE NAME:	CASE NUMBER:

**FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 1.150)**

- |  |  |
|--|--|
| 1. Importance of maintaining public trust and confidence in the judicial system                            | 11. Effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness |
| 2. Importance of promoting public access to the judicial system  | 12. Effect on excluded witnesses who would have access to the televised testimony of prior witnesses   |
| 3. Parties' support of or opposition to the request  | 13. Scope of the coverage and whether partial coverage might unfairly influence or distract the jury   |
| 4. Nature of the case  | 14. Difficulty of jury selection if a mistrial is declared   |
| 5. Privacy rights of all participants in the proceeding, including witnesses, jurors, and victims          | 15. Security and dignity of the court  |
| 6. Effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding | 16. Undue administrative or financial burden to the court or participants  |
| 7. Effect on the parties' ability to select a fair and unbiased jury                                       | 17. Interference with neighboring courtrooms   |
| 8. Effect on any ongoing law enforcement activity in the case  | 18. Maintaining orderly conduct of the proceeding  |
| 9. Effect on any unresolved identification issues  | 19. Any other factor the judge deems relevant  |
| 10. Effect on any subsequent proceedings in the case   |  |

**PROHIBITED COVERAGE (Rule 1.150)**

This order does not permit photographing, recording, or broadcasting of the following in the court:

- |  |   |
|--|---|
| 1. The jury or the spectators                                      | 5. A conference between counsel and the judge at the bench ("sidebars") |
| 2. Jury selection  | 6. A proceeding closed to the public                                    |
| 3. A conference between an attorney and a client, witness, or aide | 7. A proceeding held in chambers  |
| 4. A conference between attorneys                                  |   |

**MEDIA PERSONNEL AND EQUIPMENT (Rule 1.150)**

NOTE: These requirements apply unless the judge orders otherwise. Refer to the order for additional requirements.

- |  |  |
|--|--|
| 1. No more than one television camera  | 6. No distracting sounds or lights   |
| 2. No more than one still photographer   | 7. No visible signal light or device that shows when equipment is operating  |
| 3. No more than one microphone operator and no obtrusive microphones or wiring | 8. No disruption of proceedings, nor public expense, to install, operate, or remove modifications to existing sound and lighting systems |
| 4. No operator entry or exit or other distraction when the court is in session | 9. No media agency insignia or marking on equipment or clothing  |
| 5. No moving equipment when the court is in session                            |  |

**SANCTIONS FOR VIOLATING THIS ORDER (Rule 1.150)**

Any violation of this order or rule 1.150 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

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#### (h) Duration of accommodations

The accommodation by the court must be provided for the duration indicated in the response to the request for accommodation and must remain in effect for the period specified. The court may provide an accommodation for an indefinite period of time, for a limited period of time, or for a particular matter or appearance.

*(Subd (h) amended effective January 1, 2006.)*

*Rule 1.100 amended effective January 1, 2010; adopted as rule 989.3 effective January 1, 1996; previously amended effective January 1, 2006; previously amended and renumbered effective January 1, 2007.*

#### Advisory Committee Comment

**Subdivision (g)(2).** Which court is the "appropriate reviewing court" under this rule depends on the court in which the accommodation decision is made and the nature of the underlying case. If the accommodation decision is made by a superior court judicial officer and the underlying case is a limited civil, misdemeanor, or infraction case, the appropriate reviewing court is the appellate division of the superior court. If the accommodation decision is made by a superior court judicial officer and the case is anything other than a limited civil, misdemeanor, or infraction case, such as a family law, unlimited civil, or felony case, the appropriate reviewing court is the Court of Appeal. If the accommodation decision is made by a judicial officer of the Court of Appeal, the appropriate reviewing court is the California Supreme Court.

**Ref.:** Cal. Fms Pl. & Pr., Ch. 112, "Civil Rights: Government-Funded Programs and Activities," Ch. 322, "Juries and Jury Selection," Ch. 329, "Juvenile Courts: Delinquency Proceedings," Ch. 395, "Parties"; W. Cal. Pro., 2 "Courts" §§32, 32\*, 189.

## Chapter 6

### Public Access to Court Proceedings

#### Rule 1.150. Photographing, recording, and broadcasting in court

##### (a) Introduction

The judiciary is responsible for ensuring the fair and equal administration of justice. The judiciary adjudicates controversies, both civil and criminal, in accordance with established legal procedures in the calmness and solemnity of the courtroom. Photographing, recording, and broadcasting of courtroom proceedings may be permitted as circumscribed in this rule if executed in a manner that ensures that the fairness and dignity of the proceedings are not adversely affected. This rule does not create a presumption for or against granting permission to photograph, record, or broadcast court proceedings.

*(Subd (a) adopted effective January 1, 1997.)*

##### (b) Definitions

As used in this rule:

(1) "Media coverage" means any photographing, recording, or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment.

(2) "Media" or "media agency" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency.

(3) "Court" means the courtroom at issue, the courthouse, and its entrances and exits.

(4) "Judge" means the judicial officer or officers assigned to or presiding at the proceeding, except as provided in (e)(1) if no judge has been assigned.

(5) "Photographing" means recording a likeness, regardless of the method used, including by digital or photographic methods. As used in this rule, photographing does not include drawings or sketchings of the court proceedings.

(6) "Recording" means the use of any analog or digital device to aurally or visually preserve court proceedings. As used in this rule, recording does not include handwritten notes on the court record, whether by court reporter or by digital or analog preservation.

(7) "Broadcasting" means a visual or aural transmission or signal, by any method, of the court proceedings, including any electronic transmission or transmission by sound waves.

*(Subd (b) amended effective January 1, 2007; adopted as subd (a) effective July 1, 1984; previously amended and relettered as subd (b) effective January 1, 1997; previously amended effective January 1, 2006.)*

##### (c) Photographing, recording, and broadcasting prohibited

Except as provided in this rule, court proceedings may not be photographed, recorded, or broadcast. This rule does not prohibit courts from photographing or videotaping sessions for judicial education or publications and is not intended to apply to closed-circuit television broadcasts solely within the courthouse or between court facilities if the broadcasts are controlled by the court and court personnel.

*(Subd (c) amended effective January 1, 2006; adopted effective January 1, 1997.)*

##### (d) Personal recording devices

The judge may permit inconspicuous personal recording devices to be used by persons in a courtroom to make sound recordings as personal notes of the proceedings. A person proposing to use a recording device must obtain advance permission from the judge. The recordings must not be used for any purpose other than as personal notes.

*(Subd (d) amended effective January 1, 2007; adopted as subd (c) effective July 1, 1984; previously amended and relettered as subd (d) effective January 1, 1997; previously amended effective January 1, 2006.)*

##### (e) Media coverage

Media coverage may be permitted only on written order of the judge as provided in this subdivision. The judge in his or her discretion may permit, refuse, limit, or terminate media coverage. This rule does not otherwise limit or restrict the right of the media to cover and report court proceedings.

##### (1) Request for order

The media may request an order on *Media Request to Photograph, Record, or Broadcast* (form MC-500). The form must be filed at least five court days before the portion of the proceeding to be covered unless good cause is shown. A completed, proposed order on *Order on Media Request to Permit Coverage* (form MC-510) must be filed with the request. The judge assigned to the proceeding must rule on the request. If no judge has been assigned, the request will be submitted to the judge supervising the

calendar department, and thereafter be ruled on by the judge assigned to the proceeding. The clerk must promptly notify the parties that a request has been filed.

(2) *Hearing on request*

The judge may hold a hearing on the request or may rule on the request without a hearing.

(3) *Factors to be considered by the judge*

In ruling on the request, the judge is to consider the following factors:

- (A) The importance of maintaining public trust and confidence in the judicial system;
- (B) The importance of promoting public access to the judicial system;
- (C) The parties' support of or opposition to the request;
- (D) The nature of the case;
- (E) The privacy rights of all participants in the proceeding, including witnesses, jurors, and victims;
- (F) The effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding;
- (G) The effect on the parties' ability to select a fair and unbiased jury;
- (H) The effect on any ongoing law enforcement activity in the case;
- (I) The effect on any unresolved identification issues;
- (J) The effect on any subsequent proceedings in the case;
- (K) The effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness;
- (L) The effect on excluded witnesses who would have access to the televised testimony of prior witnesses;
- (M) The scope of the coverage and whether partial coverage might unfairly influence or distract the jury;
- (N) The difficulty of jury selection if a mistrial is declared;
- (O) The security and dignity of the court;
- (P) Undue administrative or financial burden to the court or participants;
- (Q) The interference with neighboring courtrooms;
- (R) The maintenance of the orderly conduct of the proceeding; and
- (S) Any other factor the judge deems relevant.

(4) *Order permitting media coverage*

The judge ruling on the request to permit media coverage is not required to make findings or a statement of decision. The order may incorporate any local rule or order of the presiding or supervising judge regulating media activity outside of the courtroom. The judge may condition the order permitting media coverage on the media agency's agreement to pay any increased court-incurred costs resulting from the permitted media coverage (for example, for additional court security or utility service). Each media agency is responsible for ensuring that all its media personnel who cover the court proceeding know and follow the provisions of the court order and this rule.

(5) *Modified order*

The order permitting media coverage may be modified or terminated on the judge's own motion or on application to the judge without the necessity of a prior hearing or

written findings. Notice of the application and any modification or termination ordered under the application must be given to the parties and each media agency permitted by the previous order to cover the proceeding.

(6) *Prohibited coverage*

The judge may not permit media coverage of the following:

- (A) Proceedings held in chambers;
- (B) Proceedings closed to the public;
- (C) Jury selection;
- (D) Jurors or spectators; or
- (E) Conferences between an attorney and a client, witness, or aide; between attorneys; or between counsel and the judge at the bench.

(7) *Equipment and personnel*

The judge may require media agencies to demonstrate that proposed personnel and equipment comply with this rule. The judge may specify the placement of media personnel and equipment to permit reasonable media coverage without disruption of the proceedings.

(8) *Normal requirements for media coverage of proceedings*

Unless the judge in his or her discretion orders otherwise, the following requirements apply to media coverage of court proceedings:

- (A) One television camera and one still photographer will be permitted.
- (B) The equipment used may not produce distracting sound or light. Signal lights or devices to show when equipment is operating may not be visible.
- (C) An order permitting or requiring modification of existing sound or lighting systems is deemed to require that the modifications be installed, maintained, and removed without public expense or disruption of proceedings.
- (D) Microphones and wiring must be unobtrusively located in places approved by the judge and must be operated by one person.
- (E) Operators may not move equipment or enter or leave the courtroom while the court is in session, or otherwise cause a distraction.
- (F) Equipment or clothing must not bear the insignia or marking of a media agency.

(9) *Media pooling*

If two or more media agencies of the same type request media coverage of a proceeding, they must file a joint statement of agreed arrangements. If they are unable to agree, the judge may deny media coverage by that type of media agency.

*(Subd (e) amended effective January 1, 2007; adopted as subd (b) effective July 1, 1984; previously amended and relettered as subd (e) effective January 1, 1997; previously amended effective January 1, 2006.)*

(f) *Sanctions*

Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

*(Subd (f) amended and relettered as subd (f) effective January 1, 1997; adopted as subd (e) effective July 1, 1984.)*

*Rule 1.150 amended adopted as rule effective January*

**Ref.:** Cal. Fm 551, "Trial"; M 26.06[4]; MB P §§2.40[1], [2], 2 [5][e], [f], 2.47, [2], 2.53, 2.60, ; 38, 189.

**Form**

*Chapter 7 adopt*

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*Rule 1.150 amended and renumbered effective January 1, 2007; adopted as rule 980 effective July 1, 1984; previously amended effective January 1, 1997, and January 1, 2006.*

**Ref.:** Cal. Fms Pl. & Pr., Ch. 372, "Motions and Orders," Ch. 551, "Trial"; MB Prac. Guide: Cal. Pretrial Proc., §§26.03, 26.06[4]; MB Prac. Guide: Cal. Trial & Post-Trial Civ. Proc., §§2.40[1], [2], 2.41-2.43, 2.44[1]-[8], 2.45[2][c], [d], [3][a]-[c], [5][e], [f], 2.47, 2.48[1]-[3], 2.49[1], [3], [4], 2.50, 2.51, 2.52[1], [2], 2.53, 2.60, 2.61, 4.19[1][b]; W. Cal. Pro., 2 "Courts" §§37, 38, 189.

### Chapter 7 Form and Format of Papers

*Chapter 7 adopted effective January 1, 2008.*

### Rule 1.200. Format of citations

Citations to cases and other authorities in all documents filed in the courts must be in the style established by either the *California Style Manual* or *The Bluebook: A Uniform System of Citation*, at the option of the party filing the document. The same style must be used consistently throughout the document.

*Rule 1.200 adopted effective January 1, 2008.*

**Ref.:** Cal. Fms Pl. & Pr., Ch. 417, "Points and Authorities"; Cal. Depo. & Disc. Pr., §8.05[1][b]; W. Cal. Pro., 2 "Courts" §189.