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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,)	Case No. CR01-21-34839
)	
vs.)	OBJECTION TO LIVE-STREAMING
)	
AARON ANSON VON EHLINGER,)	
)	
Defendant.)	
_____)	

COME NOW, Katelyn M. Farley and Whitney Welsh, Deputy Prosecuting Attorneys, in and for the County of Ada, State of Idaho, and object to any live-streaming of the trial in the above-named case. On April 25, 2022, a reporter informed the State that the Ada County Trial Court Administrator plans to use a livestream "YouTube" feed from the trial in this case. Although the State has not seen an order reflecting such, it objects in an abundance of caution if live-streaming the trial on "YouTube" is in fact being contemplated in this case¹.

First, the State is concerned about the chilling effect live-streaming a trial of this nature may have on crime victims and their support systems. Although the State understands that the Court in

¹ Although it does not appear in the Register of Actions, the State has received the "Order On Request to Obtain Approval to Video/Audio Record, Broadcast, or Photograph a Court Proceeding" and has no objection to such Order.

no way would allow any streaming of the complaining witness's testimony, the State frequently calls people close to the victim as witnesses in these types of cases. Specifically in this case, the State has subpoenaed the victim's mother; the defense has subpoenaed a close friend. The State would like to shield these people from suffering the same type of harassment the victim has suffered in this case. Moreover, details of the medical examinations the victim underwent in this case include highly personal information that would not appropriate to be live-streamed. There is a difference between a witness agreeing to take the stand in a trial open to the public and a trial that is being streamed live via "YouTube." While victims and witnesses may choose to engage in the former, their consent and understanding of the process does not always extend to the latter.

Second, the content of the trial may violate YouTube's user policy and community standards. The Information in this case alleges that the Defendant forcibly raped the victim. Although the State will not introduce direct video, audio, or photos of such, the content of testimony and evidence includes "[n]on-consensual sex acts or unwanted sexualization." Thus, it is the State's understanding that YouTube may terminate the Court's live feed at any time for its failure to comply with their policies.

Finally, the State is concerned that no order or guideline for viewers, including a prohibition to copy, has been entered into the Court's record. Even if the Court were to enter such an order, enforcing it would be nearly impossible given that the live-stream would go well beyond the borders of Ada County. The Court's inability to enforce such an order could lead to unintended consequences that deprive the parties of the proper administration of justice. I.C.A.R 45(a). It is likely that the evidence presented at trial, if disseminated to the public, could complicate the parties' abilities to find unbiased jurors should this trial end in a mistrial. Further, this trial is expected to extend beyond just one day. If evidence presented on the initial days of trial is disseminated to the public, the parties' abilities to exclude trial witnesses from being privy to trial testimony may be compromised.

The State agrees that public does have a right to view the trial in this case. However, that right does not necessitate a live "YouTube" feed, where the distribution of such feed cannot be controlled by the Court, the content of which may violate "YouTube" policy. There are no current restrictions regarding the numbers of persons permitted in a courtroom due to Covid. The only limitation is the courtroom size. Should the numbers of interested public exceed courtroom capacity, allowing the public access to the trial by streaming it to another space in the Ada County Courthouse, where the Court can issue an order regarding any restrictions to videoing or copying

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content pursuant to Idaho Court Administrative Rule 45, is a reasonable accommodation which assures the proper administration of justice.

DATED 4/25/2022.

JAN M. BENNETTS
Ada County Prosecuting Attorney



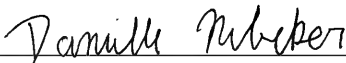
By: Whitney Welsh
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on April 25, 2022, I caused to be served, a true and correct copy of the foregoing Objection to Live-Stream upon the individual(s) named below in the manner noted:

Jon R. Cox PO Box 1828 Boise ID 83701

- By depositing copies of the same in the United States mail, postage prepaid, first class.
- By depositing copies of the same in the Interdepartmental Mail.
- By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- By faxing copies of the same to said attorney(s) at the facsimile number: _____
- By e-mailing copies of the same to _____
- By hand delivering copies of the same to defense counsel.
- By serving copies of the same via iCourt e-File and Serve.



Legal Assistant