

CASE NO. CR 29-22-2805
BY JDS DEPUTY

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,

Plaintiff,

vs.

BRYAN C. KOHBERGER,

Defendant.

Case No. CR29-22-2805

SECOND AMENDED
ORDER GOVERNING
COURTHOUSE AND
COURTROOM CONDUCT

This Order governs courthouse and courtroom conduct and media activities and may be amended from time to time.

The court is mindful of the need to balance: (1) the constitutional right of the defendant to a fair hearing; (2) the public’s right to information in conjunction with the constitutional and statutory rights of the media to attend the proceedings; (3) the court’s interest in maintaining order and an environment that permits all participants to focus on their responsibilities without undue distractions; and (4) the court’s interest in the safety of the public and court personnel, and the need to follow all Idaho Supreme Court Orders, as may be changed or amended from time to time. With these factors in mind, pursuant to Idaho Court Administrative Rules (I.C.A.R.) 45, 46(b), and 49,

IT IS HEREBY ORDERED:

I. COURTROOM SEATING AND ATTENDANCE

A) Seating for Victims’ Families, Counsel, Defendant’s Family, and Court Personnel

Certain seating may be reserved for counsel, authorized court personnel, the defendant’s family and the victims’ families.

B) Pooled Media Seating

The representatives of the media serving as the pooled camera staff shall be seated in an area approved by the Court, as designated by the Administrative District Judge, presiding judge, Trial Court Administrator, or Bailiff subject to a limit of two (2) media members operating the pooled audio and video recording of the hearing and one (1) media member handling the pooled still photography.

C) General Public and Additional Media Seating

The public and members of the media, not designated as pooled camera staff, may be permitted in the courtroom as space permits on a first come basis. No person may reserve seats. No standing in the courtroom will be allowed.

D) Seating in Front of the Bar

No person other than court personnel designated by the Court, the Defendant, and counsel and their assistants shall be permitted to sit in front of the bar of the courtroom without specific authorization of the court.

E) Entry and Exit During Court Proceedings

Spectators, including members of the media and the public, shall be seated before court is in session during any portion of a hearing. No entry or re-entry to the courtroom shall be permitted while court is in session.

II. GENERAL RESTRICTIONS AND REQUIREMENTS

A) Security Screening

All persons entering the courtroom are subject to security screening. No food, beverage, firearms, or other weapons are permitted in the courthouse. All handbags, backpacks, or purses are prohibited in the courtroom. Any personal property items are subject to inspection.

B) Cell Phones

Cell phones are permitted, but must be turned off and SHALL NOT be used for recording or the transmission of sounds or images. Violation of this rule may result in confiscation of the phone.

C) Other Electronic Devices

ONLY authorized members of the media, designated court personnel, and counsel and their assistants may use computers, laptops, and other similar devices for note taking. They SHALL NOT record or transmit sounds or images in or from the courtroom. Violation of this rule may result in confiscation of the device.

D) Disruptive Behavior

Any activity or behavior which is considered disruptive by the Court will result in removal from the courtroom. Any spectator who creates a visual or auditory disturbance of the court proceedings may be removed from the courtroom and/or the building at any time at the discretion of court security personnel.

E) COVID-19 Precautions

On the date of any hearing in the above captioned matter, if there are any Orders in effect from either the Idaho Supreme Court or the Second Judicial District Administrative District Judge

regarding COVID-19 safety protocols, all persons attending any hearing shall be required to comply with those Orders. Information about such Orders on the date of any hearing may be obtained from the contacts set forth in paragraph III(F) below.

III. MEDIA COVERAGE

A) Camera/Still Photography

If the Court allows cameras in the courtroom and orders that the media coverage be pooled, then all media shall have access to and share the video, audio, and still photographs received from the permitted cameras. Members of the media shall designate and agree on the operator of each camera permitted pursuant to I.C.A.R. 45.

B) Courtroom Media Requirements

Allowed media representatives and their equipment will be located in an area of the courtroom designated by the Administrative District Judge, presiding judge, Trial Court Administrator, or Bailiff. The number and placement of pooled cameras being used to audio or video record the proceedings is subject to the approval of the Court; two (2) audio/video recording devices and one (1) still camera are permitted inside the courtroom. Any traditional still camera shall have a silent shutter. No flash photography is allowed. No live broadcasting, transmitting, or streaming from the courtroom is allowed. No movement around the courtroom will be allowed during court proceedings. Camera and audio equipment shall not be set up nor disassembled at any time while court is in session.

C) Portion of Proceedings Which May be Televised

Photography, video, and audio is NOT permitted during a recess in the court proceedings. "Recess" means any time the judge is not at the bench or is not on the record. No electronic device shall record the audio and/or video of any bench conference ("side bar") between the court and counsel nor any conferences between an attorney and client or conferences among counsel. No live broadcasting, transmitting, or streaming from the courtroom is allowed.

D) Restrictions on Video and Photographs

No video or still photography shall be taken of any papers, documents, or notes which may be located on or around counsel tables or used by counsel. No video or still photography shall be taken of the victims' families or defendant's family without their express permission.

E) Interviews, Reporting, and Vehicle Parking

News conferences, interviews, or reporting is prohibited inside the courtroom or courthouse common areas. News conferences, interviews, or reporting in the courthouse parking lot or on courthouse grounds is prohibited during the hours of 7:00 a.m. to 7:00 p.m. PST. Any news conferences, interviews, or reporting from the courthouse grounds shall be done in a manner to

not impede foot traffic, obstruct access to the courthouse, or interfere with the daily operations of Latah County. Media vehicle parking is prohibited in the upper courthouse parking lot during the hours of 7:00 a.m. to 7:00 p.m. PST. In addition, any interviews, media reporting, or media parking shall be subject to any additional orders by the Administrative District Judge or the presiding judge.

F) Media Inquiries

Media inquiries and communications regarding these matters shall be directed to Latah County District Court at courtclerk@latah.id.us or by phone at (208) 883-2255; Nate Poppino, Court Communications Manager for the Idaho Supreme Court at npoppino@idcourts.net or by phone at (208) 296-9055; or Roland Gammill, Trial Court Administrator for the Second Judicial District at rolandg@co.nezperce.id.us or by phone at (208) 799-3077.

G) I.C.A.R. Rules 45 and 49

All other provisions of Idaho Court Administrative Rules (I.C.A.R.) 45 and 49 apply and any authorization under this Order may be revoked at any time, without prior notice.

IV. SECURITY

A) Courthouse Area Security

Security officers may quiet or disperse members of the public or the media so as to not hinder other members of the public and court staff from having access to the building, the Clerk of the Court's office, and any other courtrooms or offices in the building.

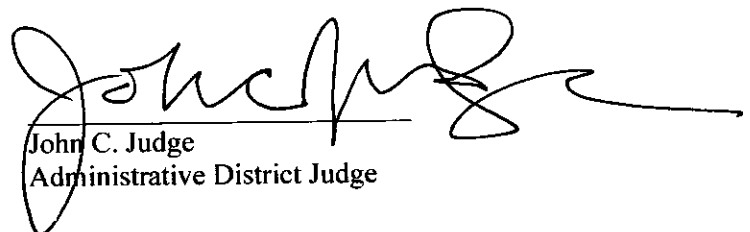
B) Disruptive Behavior

Any activity or behavior which is considered disruptive by the Court will result in removal. Any spectator who creates a visual or auditory disturbance of the court proceedings may be removed from the courtroom and/or the building at any time at the discretion of court security personnel.

Violations of this Order may subject the violator to a charge of contempt. The Clerk of the Court shall post this Order at conspicuous locations within the courthouse and provide copies to all interested parties.

IT IS SO ORDERED.

Dated: January 4, 2023


John C. Judge
Administrative District Judge