

MEDIA AGENCY (name): KTVU CHANNEL/FREQUENCY NO.: Channel 2 PERSON SUBMITTING REQUEST (name): Jay Martinez ADDRESS: 2 Jack London Sq Oakland TELEPHONE NO.: 510 874 0242	FOR COURT USE ONLY FILED MAY 23 2016 DAVID H. YAMASAKI Chief Executive Officer/Clerk Superior Court of CA County of Santa Clara BY <u>[Signature]</u> DEPUTY
Insert name of court and name of judicial district and branch court, if any: Santa Clara Superior Court Dept 50	
TITLE OF CASE: People v Antolin Garcia Torres	
NAME OF JUDGE: Honorable Vanessa A. Zecher	
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST	CASE NUMBER: 213515

1. PORTION OF THE PROCEEDINGS TO BE COVERED (e.g., particular witnesses at trial, the sentencing hearing, etc.):
Trial
2. DATE OF PROPOSED COVERAGE (specify): 5.23.2016 . (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 checked="" type="checkbox"/> TV camera and recorder	d. <input checked="" 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: 5.17.2016

Jay Martinez
(TYPE OR PRINT NAME)

Telephone No.: 510 874 0242

Jay Martinez
(SIGNATURE)

Assignment Mgr
(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

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Insert name of court and name of judicial district and branch court, if any: Santa Clara Superior Court Dept 50	CASE NUMBER: 213515
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ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	

AGENCY MAKING REQUEST (name): KTVU

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):
 At the direction of the Sheriff's deputy
 - (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): Proceeding on 5/23/2016 at 9 AM
6. The order made on (date): _____ is terminated modified as follows (specify): _____

7. Number of pages attached: 4

Date: 5/19/2016

[Signature]
 JUDGE

(See reverse for additional information)

CASE NAME: — People v Antolin Garcia Torres	CASE NUMBER: 213515
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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.

ADA

THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

GENERAL RULE 2

GENERAL RULE 2: USE OF RECORDING DEVICES IN COURTHOUSE FACILITIES

- A. COVERAGE BY PROFESSIONAL MEDIA
- B. USE OF RECORDING DEVICES GENERALLY PROHIBITED
- C. VIOLATIONS

A. COVERAGE BY PROFESSIONAL MEDIA

(Eff. 1/01/12)

This Rule 2A applies to "Media" as defined by California Rules of Court, Rule 1.150 (b)(2).

(1) MEDIA REQUEST FOR COVERAGE

The media may request an order permitting media coverage using only the approved Judicial Council of California forms MC-500, Media Request to Photograph, Record, or Broadcast, and form MC-510, Order on Media Request to Permit Coverage. Forms are available on the Court's website.

The forms shall be filed electronically with the Court's Public Information Officer, or another Court employee designated by the Court Executive Officer, at least five court days before the portion of the proceeding to be covered unless good cause is shown. An electronic signature on the MC-500 by a member of the media is acceptable. A signed file-stamped order will be returned electronically to the requester.

Requests for media covered are governed by California Rule of Court (CRC) 1.150(e).

(Eff. 1/01/13)

(2) FILMING JURORS

Photographing and filming any juror or summoned prospective juror is prohibited.

(3) MEDIA IN OTHER AREAS OF COURTHOUSE

Unless approved by written order of the Presiding Judge or the Supervising Judge of that courthouse, filming, videotaping, photographing and electronic recording of any kind is not permitted in any other part of the courthouse, including but not limited to, entrances,

exits, halls, stairways, escalators and elevators. Application for permission for media coverage in these areas of the courthouse shall be directed to the Court's Public Information Officer, or another Court employee designated by the Court Executive Officer, who shall be responsible for coordinating approval or denial by the Presiding Judge or the Supervising Judge of that courthouse. The Court's Public Information Officer, or another Court employee designated by the Court Executive Officer, shall serve as the onsite manager for medial relations and shall use professional judgment in determining appropriateness and permissibility of approved onsite media activities.

(Eff. 1/01/13)

Cameras and recording devices shall be turned off while being transported in any area of the court unless expressly permitted by court order. Filming, video taping and photographing of the interior of any courtroom through the glass door windows or through the double doors, or otherwise is prohibited. No recording devices shall be permitted in any courtroom unless the judge hearing a matter within the courtroom has expressly authorized such use in a written order pursuant to CRC 1.150 and this Local Rule 2A.

(Eff. 1/01/13)

B. USE OF RECORDING DEVICES GENERALLY PROHIBITED

This Rule 2B applies to all individuals, other than "Media" as defined by California Rules of Court, Rule 1.150(b)(2).

(1) COURTHOUSE FACILITIES

Any and all "photographing" and/or "recording" and/or "broadcasting" as defined by California Rules of Court, Rule 1.150(b) of people, things, conversations, or proceedings is strictly prohibited in any courthouse facility, including but not limited to stairways, elevators, waiting areas, hallways, entrances, security screening stations, service areas, through windows, through doors, and with respect to any other accessible areas of courthouse facilities, whether access was intended or not, absent written order of the Supervising Judge of the specific courthouse facility. Any device that appears capable of photographing, recording, or broadcasting is subject to confiscation.

(2) COURT PROCEEDINGS

Court proceedings may not be photographed, recorded, or broadcast, as defined by California Rules of Court, Rule 1.150(b), without express permission of the Court. Use of a recording device of any type is not permitted in any courtroom unless the judge hearing a matter within the courtroom has expressly authorized the use of such device in a written order, or oral order on the record made during the hearing at issue. Except upon approval by the judicial officer hearing the matter, all cell phones and other personal communication devices shall be turned off

before entering the courtroom and stored out of sight. Any cell phone or personal communication device or device that appears capable of photographing, recording, or broadcasting which is visually observed in the courtroom is subject to confiscation.

(Eff. 01/01/12)

C. VIOLATIONS

Any violation of this Local Rule or an order made under this Local Rule, or of California Rule of Court, Rule 1.150, is an unlawful interference with the court proceedings 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.

(Eff. 1/01/12)

General Rules: Summary - 1 - 2 - 3 - 4 - 5

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Lisa R. Rafferty
Vice President
Legal Affairs

May 6, 2016

The Honorable Judge Vanessa A. Zechner
Superior Court of California
County of Santa Clara
191 N 1st St
Suite A
San Jose, CA 95113-1006

Re: People v. Garcia-Torres, Case No. C1233134

Dear Judge Zechner:

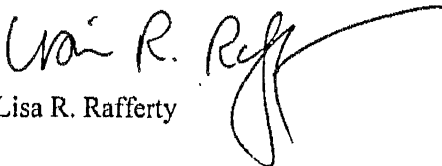
I represent Fox Television Stations, LLC, and its television station KTVU ("KTVU"), in connection with its request that the court permit a pool camera to cover the trial of People v. Antolin Garcia-Torres. KTVU submits this letter in support of its request.

As the court is aware, this case has received a high level of public interest and has been covered extensively by local news organizations. Now that it is entering the trial phase, it is vital that the public be permitted access to the courtroom proceedings. Given the highly circumstantial nature of the evidence against the defendant, preventing the general public from witnessing the trial events exactly as they are presented to the jury could significantly undermine public confidence in both the legal system in general and the ultimate verdict in this case in particular.

Any prejudicial effect that cameras in the courtroom might have on the defendant's right to a fair trial can be eliminated with appropriate instructions to the jury. Media coverage of the trial will be widespread regardless of the court's decision on this request, and jurors will as a result be required to avoid local news coverage throughout their service on this jury. There will be no additional harm to the defendant if cameras are permitted to record the proceedings, and the public's right to have meaningful access to an important trial will be satisfied. The professional operation by experienced local news stations of a pool camera will prevent any disruption of the court during trial.

We respectfully request that the Court allow KTVU and other interested news organizations to operate a pool camera for this trial.

Very truly yours,


Lisa R. Rafferty