

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 23 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES OF AMERICA)

v.)

WILLIAM R. CLEMENS,)

Defendant.)
_____)

Criminal Action No. 10-223 (RBW)

ORDER

To ensure that the proceedings in this matter are conducted in an orderly manner and that both parties obtain a fair adjudication, it is hereby

ORDERED that the following rules shall govern these proceedings:

- (1) Trial of this matter will begin promptly at 9:15 a.m., unless otherwise instructed by the Court, Monday through Thursday, and recess at 5:00 p.m. The lunch recess generally will be from 12:30 p.m. to 1:30 p.m. All participants must be at counsel's table when the proceedings are scheduled to commence. The doors to the Courtroom will open at 9:00 a.m. Should the Court's schedule and handling of other matters permit trial to proceed on Fridays, the Court will alert the parties to Friday hours the preceding Thursday morning.
- (2) Consistent with the Judicial Council's Policy Guidelines, cameras of any kind (including camera telephones and laptop computer cameras), video cameras of any kind (including video telephones and video cameras connected to laptop computers), and audio recording devices of any kind are not permitted in the Courthouse. However, the attorneys for the parties and witnesses may bring in their cellular telephones, smartphones, or personal digital assistants, even if such items have photographic, video recording, and audio recording features, provided these items are turned off (not set to the "vibrate" mode) during the proceedings.
- (3) Courtroom 16.
 - a. Reserved Seating:
 - i. The defendant's family and close personal friends may sit on the front row of seats on the right side of the courtroom facing the bench;

- ii. Any defense counsel not able to sit at the defense table shall, due to the lack of space, sit in the seats to the right of the table that are against the wall in the well of the courtroom;
 - iii. Any defense counsel not able to sit at the defense table or in the well of the courtroom shall sit in any unoccupied space in the first row of seats on the right side of the courtroom facing the bench;
 - iv. Government counsel shall sit at the prosecutor's table on the left side of the courtroom facing the bench;
 - v. Any government counsel not able to sit at the prosecutor's table shall sit in the seats behind the government table in the well of the courtroom and in the first row of seats on the left side of the courtroom facing the bench;
 - vi. Sketch artists may sit in the second row of seats on the left side facing the bench;
 - vii. Attorneys for any witnesses may sit in any unoccupied space in the first row of seats on either side of the courtroom;
 - viii. Members of the press may sit in the second, third, fourth, and fifth rows of seats behind the defendant's family on the right side of the courtroom facing the bench and in any unoccupied space on the second row of seats on the left side of the courtroom. Members of the press must display credentials if requested by court staff or the United States Marshal's Service;
 - ix. Members of the general public may occupy all remaining rows of seats. Seating for the general public at the beginning of the trial day and after each recess will be on a first-come, first-served basis until all seating capacity is filled.
- b. Other than items authorized by this Court for counsel and the media to possess, no other individuals are permitted to have in the courtroom cameras, camera or video telephones, tape recording devices, laptops, or other electronic devices. Cellular telephones are allowed in the Courtroom, provided that the device is not prohibited under Paragraph (2) of this Order, and that the device is turned off (not set to the "vibrate" mode) during the proceedings.
 - c. Paging devices that do not have a transmission capability will be permitted, but their alert signal must be on the inaudible (not set to the "vibrating" mode) setting.

- d. Photographing, video and audio recording, or transmission of court proceedings are strictly prohibited.
 - e. No person may tweet, blog, or otherwise make use of any electronic device within the courtroom.
 - f. No conversations or inappropriate gestures are permitted in the gallery. No conversations or gestures that would disrupt the proceedings or distract jurors or witnesses are permitted.
 - g. Any member of the general public or press who desires to view the proceedings from Courtroom 16 must be seated before the proceedings are scheduled to commence and, except in case of emergencies, may not exit the courtroom until there is a recess. Any credentialed member of the press not seated fifteen minutes prior to the commencement of the proceedings will forfeit their seat. No member of the general public or the press will be permitted to enter the Courtroom while the proceedings are in progress.
- (4) Courtroom 2 will be one of two remote locations for the audio and video transmission of the proceedings from Courtroom 16. Members of the general public and the press are authorized to access this Courtroom. Courtroom cameras will be fixed on the witness, counsel, and the Court, with no focus on the jury. Exhibits admitted into evidence and published to the jury will not be displayed in Courtroom 2 due to the technical inability to do so.
- a. No cameras, cellular telephones, or tape recording devices may be used in the off-site Courtroom.
 - b. Photographing, video and audio recording, or transmission of court proceedings are strictly prohibited. There shall be no retransmittal of the live feed from Courtroom 16 from Courtroom 2. Furthermore, there shall be no blogging, tweeting, or any other utilization of social media or the internet from Courtroom 2. Any violation of this prohibition may result in the closing of the remote facility.
- (5) The First Floor Media Center will be the second remote location for video and audio transmission of proceedings from Courtroom 16. Cameras will be fixed on the witness (unless otherwise ordered by the Court), the parties' tables, and the Court, with no focus on the jury. In addition, exhibits admitted into evidence and published to the jury will be displayed in this room.
- a. No cameras, cellular telephones, or tape-recording devices may be used in the Media Center. Laptop computers are permitted only for note-taking purposes, live written reporting, blogging or tweeting of the proceedings.

- b. Photographing, video and audio recording, or transmission of court proceedings are strictly prohibited. Therefore, no retransmittal of the live fee from Courtroom 16 is permitted. Any violation of this prohibition may result in the banning of all laptops from the remote facility or the closing of the facility.
 - c. Only credentialed members of the media will be permitted to enter the Media Center.
- (6) Sketch artists preparing drawings of court proceedings are prohibited from drawing detailed sketches of any member of the jury; however, silhouettes with no distinguishing features are permitted.
- (7) Any member of the public or press who desires to view the proceedings from Courtroom 16, Courtroom 2, or the First Floor Media Center must comply with any requests made by any Court Security Officer or Court Staff.
- (8) The original exhibits admitted in evidence and published to the jury will not be available to the public for copying or inspecting. The admitting party shall make any necessary arrangements to make available to the media at the end of each trial day a copy (electronic or tangible) of any exhibit that has been published to the jury and not restricted for publication by the Court.
- (9) Juror Contacts and Security.
- a. The voir dire questions will be read to the entire venire in Courtroom 20. Audio of the Court's reading of the voir dire questions will be transmitted from Courtroom 20 to the Media Room. The questioning of individual jurors will take place in Courtroom 16 and will be remotely broadcast (audio and video) to the First Floor Media Center and Courtroom 2.
 - b. During the reading of the voir dire questions, the center rows of the gallery in Courtroom 20 will be reserved for the venire, and the Deputy Clerk shall have the authority to take up additional space in the gallery as needed to accommodate the venire. During the questioning of individual jurors, the defendant's family members will have reserved seating in the first row on the right side facing the bench. Two members of the press, as well as two sketch artists, will have reserved seating in the second row on the right side. During the peremptory strikes, the defendant's family members will have reserved seating in the fifth row on the left side facing the bench. Two members of the press will have reserved seating in the last row on the left side of the courtroom. Members of the press must display credentials upon request.
 - c. Anyone who leaves the Courtroom during the questioning of an individual juror is prohibited from reentering the Courtroom during that juror's questioning.

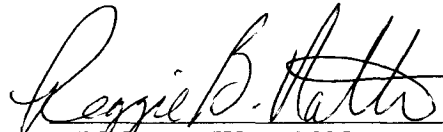
- d. Sketch artists preparing drawings of the voir dire are prohibited from drawing detailed sketches of any member of the venire; however, silhouettes with no distinguishing features may be produced.
- e. Any attempt to contact or interact with jurors, to obtain the location of their residences or job sites, or to otherwise ascertain their identities in any way is strictly prohibited.
- f. In accordance with Local Criminal Rule 24.2, conversations, interviews, and written communications with (1) prospective jurors before the completion of the voir dire, and (2) selected jurors, including alternate jurors, before the Court has discharged the members of the jury at the conclusion of their jury service in this case are prohibited.
- g. After the Court has discharged the jury for the final time, any juror may consent to speak with whomever they please concerning the case; however, no juror is obligated to do so and there must not be further attempts to talk to a juror who has indicated a desire not to have such discussions.

(10) Media.

- a. Interviews of trial participants inside the Courthouse are prohibited.
- b. Consistent with the Court's order of August 23, 2010, the Court expects that all interested participants in this matter—i.e., the parties, any potential witnesses, and counsel for those parties and witnesses—will refrain from making any statements about this case to the media. The Court will not tolerate any attempts to have this case tried in the media.

(11) ANY VIOLATION OF ANY PORTION OF THIS ORDER MAY RESULT IN THE IMPOSITION OF CONTEMPT SANCTIONS AGAINST THE VIOLATOR INDIVIDUALLY AND, IF ATTENDING IN THE CAPACITY OF AN EMPLOYEE OR AGENT, AGAINST THE VIOLATOR'S EMPLOYER OR PRINCIPAL.

SO ORDERED this 23rd day of March, 2012.


REGGIE B. WALTON
United States District Judge