

IN

**10:58 am, Oct 06, 2016**

ANNETTE SHAW

CLERK OF COURTS

ASHLAND COUNTY, OHIO

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO  
GENERAL DIVISION**

**STATE OF OHIO,**

**Plaintiff,**

**CASE NO. 16-CRI-187**

**vs.**

**JUDGMENT ENTRY (JE6)  
RECORDING AND PHOTO  
GRAPHIC EQUIPMENT INSIDE AND  
OUTSIDE COURT ROOM – VIDEO  
HEARING PARTICIPATION**

**SHAWN M. GRATE,**

**Defendant.**

The Court finds it necessary for the safety, security and maintenance of all Court proceedings in this matter to issue certain orders governing the conduct of all participants and those in attendance at hearings and/or trial, or participating in hearings conducted in this matter by means of video conferencing. In issuing these orders, the Court considers the physical facilities in which the Court proceedings are conducted, the ingress and egress available to the courtroom for all participants, including the jury, the jury room and Court office facilities, the length and width of the available hallways and stairways leading to the courtroom, the exits available from the courtroom, and the rights of all parties and participants to have free access to the area of any hearing or trial.

It will be the order of the Court that all recording and photographic equipment, including still, movie and videotape equipment, together with lights and accessories, tape recorders, etc., will not be permitted in the hallway on the second floor of the Courthouse.

**JM# 174**

It will be the further order of the Court that no individual, or group of individuals, acting individually or in concert, or with equipment, shall impede or bar the free access of all participants, jurors, witnesses and the general public in going to or from the courtroom in the hallways and stairways of the Courthouse.

It is further ordered that all broadcasting, television, recording and taking of photographs in the courtroom by news media during sessions of the Court, including recesses between sessions, shall be subject to Superintendence Rule 12, and the conditions imposed thereunder. A written application and permit shall be filed by 8:00 A.M. on the date of the start of the day's proceedings to be covered under Superintendence Rule 12 of the Rules Governing the Courts of Ohio (Supt.R. 12). Said applications will be filed with the Alyssa Britton or Molly Bernard of the Court's criminal case staff. A sample application is attached hereto as Exhibit "A".

Not more than one portable television, videotape or movie camera with one operator and not more than one still photographer with two cameras shall be allowed. Each of the two still cameras permitted by the Rule is limited to two lenses. For purposes of radio broadcasting, not more than one audio system is permitted. If an existing audio system is available and suitable, it shall be used. If an audio system is not available, then microphones and other necessary equipment shall be as inconspicuous as possible but must be visible. Portable audio recording equipment may be used by reporters if it is visible.

Electronic or photographic equipment that produces distracting sound or light shall be prohibited by the Judge.

No artificial lighting, other than that normally used in the courtroom, is permitted.

**JM# 175**

No photographing or filming of potential jurors or jurors chosen for trial is permitted. If a witness objects to being filmed, photographed or recorded during their testimony, then such devices must be turned off. For purposes of this order, if defendant testifies, he becomes a witness under Supt.R. 12.

Still photographers, television and radio representatives shall not move about the courtroom from the place where they have been positioned by the Judge, except to leave or enter the courtroom.

Audio pickup or broadcast of conferences in a court facility or court-provided/sponsored video conference between attorney and client, between counsel only and the Judge, or solely between counsel are prohibited.

Media representatives are not permitted to either transmit or record anything from the courtroom other than court proceedings and only by means previously approved.

All pooling arrangements are the responsibility of the media representatives. Pooling arrangements must be made without involving the Court. If any disputes arise, the Judge may exclude all contesting media representatives. Any disputes among the media shall be brought to the attention of the Lead Court Bailiff assigned for the day, or the Court Administrator, Tina Carpenter.

Video proceedings. Hearings conducted by Skype for Business video conferencing, and which are substantive or otherwise involve the active participation of the Defendant shall be open to all interested media. Hearings conducted by Skype for Business video conferencing, and which are solely conferencing communications between the Judge and Counsel (not involving the Defendant), Attorney and Client, or

**JM# 176**

only between Counsel will be closed to media (the same as an in-chambers discussion and the similar limitation noted above). Persons not affiliated with legitimate media or news organizations may be prohibited from individually and directly participating in any open video hearing, and in such event, the Court will make available appropriate space and streaming equipment for publicly viewing the proceeding.

Media or news organizations that wish to participate by direct link to any hearing conducted by means of Skype for Business shall submit a written application and permit at least 24 hours prior to the first scheduled video hearing following the date of this judgment entry for which direct link access is desired. Only one permit application shall be required of any single news organization or media agency. Said applications will be filed with Alyssa Britton or Molly Bernard of the Court's criminal case staff. A copy of the application is attached hereto as Exhibit "A".

Any media or news organization that is granted a permit to directly access video hearings conducted by the Court shall *not* share the video hearing link with any other individual or entity that does not, itself possess a valid permit for direct access participation, nor shall it otherwise publish the provided video access link. Due to the volume of public interest generated by this case, the Court must be able to manage direct-access video hearing participants in a manner that is not disruptive of the proceeding nor too demanding on the internet band width available to the Court, but which still provides convenient media access to such proceedings. During all video hearings, public access viewing will always be made available to members of the public and/or media not possessing a direct access link to a video hearing.

When granted direct access and linkage to a video hearing, all individuals, media and news organizations possessing a direct access permit are prohibited from activating any microphone or sound projecting device that may be heard by other participants of the video hearing, and shall not initiate or engage any video feed or projection from the permitted participant that may be observed by any other participant. Direct access to video hearings is provided for the viewing convenience of the media, and any individual, media or news organization that fails to comply with the direct participation restrictions of this order, including prohibited publication of the hearing access link, or who otherwise disrupts or interferes with any video hearing may be immediately removed from direct access to the video hearing by Judge, without notice, and may have their permit for future direct access revoked.

If any media representative fails to comply with the conditions set by either the Judge or this Order, the Judge may permanently revoke any permission to broadcast or photograph the trial or hearing.

The provisions of this judgment entry shall be effective from 7:30 A.M. on each morning involving one or more hearings conducted in this matter, until 30 minutes after Court recesses for the day, and will otherwise remain in force until further order of the Court.

It is so ordered.

  
\_\_\_\_\_  
Ronald P. Forsthoefel, Judge

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO  
GENERAL DIVISION

STATE OF OHIO,

Plaintiff,

CASE NO. 16-CRI-187

vs.

SHAWN M GRATE,

MEDIA COVERAGE REQUEST  
AND JUDGMENT ENTRY

Defendant.

Permission is hereby requested for \_\_\_\_\_ of  
(Name of Individual, if applicable)

\_\_\_\_\_  
(Name, address, and telephone number of Network, Television Station, Newspaper or other Media Organization)

to cover the above case, as stated below, pursuant to the Amended Rules of  
Superintendence and the Code of Judicial Conduct.

Requested coverage:

Direct connection access to Skype for Business Video Hearings, utilizing the  
following email address for hearing notice and video link transmittal (one-time  
submission):

\_\_\_\_\_

Courtroom access for proceedings occurring on the following date (submit by  
8:15 a.m. on the day of hearing):

\_\_\_\_\_

In the event more than one media source (*i.e.*, still photos, video, etc.) are  
requesting coverage, "pooling" arrangements are to go into effect according to the  
Rules of Superintendence.

Dated: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_  
MEDIA (Signature)

It is so approved and ordered.

\_\_\_\_\_  
Ronald P. Forsthoefel, Judge

**JM# 179**