Michael K. Jeanes, Clerk of Court
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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT 09/18/2014

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
K. Schermerhorn
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ
DAVID JEREMY BODNEY

v.

JODI ANN ARIAS (001)

KIRK NURMI
JENNIFER L WILLMOTT

CAPITAL CASE MANAGER

RULING

The Court has considered the Request for Camera Coverage and Modification of May 21, 2014 Ruling filed August 21, 2014 and the oral argument conducted on September 15, 2014.

In the request, various media outlets seek a court order authorizing broadcast of video coverage of the court proceedings each trial day to begin 30 minutes after the conclusion of each trial day's proceedings. The State does not object to the motion. Defendant objects for reasons stated during oral argument on September 15, 2014 and in sealed proceedings and pleadings previously filed on the issue of live media broadcast of the trial. The Court previously ruled on the issue of live broadcast of the trial by sealed minute entries dated November 14, 2013 and May 21, 2014.

During oral argument on September 15, 2014, counsel for the defendant stated the mitigation witnesses for the defendant had been assured there would be no live broadcast of the penalty trial. He further stated that if the penalty trial is broadcast, most of the defendant's mitigation witnesses will not participate in the proceedings for fear of being harassed and/or threatened. Defense Counsel also orally requested the Court revoke the media's intervenor status.

The Court affirms all finding made in its rulings dated November 14, 2013 and May 21, 2014. The minute entries containing these rulings were sealed to protect the witnesses, jurors,

attorneys and the defendant's right to a fair and impartial jury for the penalty phase retrial. This Court believes the orders contained in those minute entries provide for the least restrictive media access to the trial that will protect the defendant's right to a fair penalty phase retrial. Nothing presented on September 15, 2014 alters the findings made in those minute entries. A broadcast delay of 30 minutes after trial has finished each day will not diminish or eliminate the likelihood of harm noted in the court's previous rulings. In fact, the avowal by defense counsel regarding the participation of mitigation witnesses if the proceedings are broadcast supplements the court's findings in its previous orders.

The Court is mindful of its obligation to allow public and media access to the trial. That access should not include live broadcast of the trial prior to a verdict for the reasons addressed in previous sealed proceedings. The public and media may attend the penalty phase trial each day. The media will be permitted to videotape the trial each day using their own equipment. The videotaped recordings may be played after a verdict has been reached. During the trial, Court policy allows the media to "tweet" from the courtroom. A still camera has been authorized to be in the courtroom during the trial. At the conclusion of the trial, the Court's FTR recordings will be available to the public following a public record request and payment of required fees. In the event there are insufficient seats in the courtroom, Maricopa County Superior Court Administration has authorized an overflow room for those who wish to view the trial.

For the reasons set forth above,

**IT IS ORDERED** denying the Request for Camera Coverage and Modification of May 21, 2014 Ruling filed August 21, 2014.

The Court finds revoking the media's intervenor status is not appropriate or necessary.

**IT IS ORDERED** denying the defendant's request to revoke the media's intervenor status.