

**CR-20092300-003
State of Arizona vs. Jason Eugene Bush**

**Pima County Superior Court
110 W. Congress Street
Tucson, AZ 85701**

**Judge John Leonardo
Division 10**

Media Information Packet



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Media Information Packet

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1. Purpose and Basic Tenets

This document sets forth guidelines for reporters and media organizations covering and providing news reports about the trial in CR-20092300-003, State of Arizona vs. Jason Eugene Bush. The court expects that concerns regarding any issues regarding media coverage will be addressed in an atmosphere of open communication between the court, the parties and media organizations. The terms and provisions of this media information packet may be altered at anytime to ensure and preserve the rights of the parties.

The goals of this media plan are:

- To maintain a professional atmosphere in the courthouse so that parties to the case may pursue justice in an orderly manner, preserving due process.
- To ensure that access and information needs of the public and the media are accommodated by the court to the fullest extent consistent with the needs of justice in this case.

Basic tenets of the plan:

- The accused has the right to a fair trial free from prejudice due to outside influences.
Constitution of the United States, Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.
- The media and the public have a right of access to our system of justice.
Constitution of the United States, Amendment I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.
- Other court proceedings must not be adversely impacted by ongoing proceedings in this matter.

2. Court Policies

- Arizona Supreme Court Rule 122 sets forth definitions of acceptable media activity as it relates to the reporting of court proceedings in Pima County Superior Court. (Rule is attached.)

- Pima County Superior Court Policy 1103 sets forth additional requirements on media representatives as they report on court proceedings at the courthouse. (Policy is attached.) While Policy 1103 prohibits the use of cameras and audio recorders in courthouse hallways it does not prevent media interviews conducted without cameras and audio recorders.
- All media representatives and their organizations are expected to be familiar with this plan in connection with CR-20092300-003, State of Arizona vs. Jason Eugene Bush.

3. Summary of Charges:

Jason Eugene Bush is charged with two counts of first-degree murder; one count of attempted first-degree murder; one count of burglary in the first-degree; one count of aggravated assault, serious physical injury; one count of aggravated assault, deadly weapon/dangerous instrument; one count of armed robbery; and one count of aggravated armed robbery in connection with the deaths of Raul Junior Flores and Brisenia Flores and the shooting of Gina Marie Gonzalez. (Indictment is attached.)

Trial for Jason Eugene Bush is scheduled to begin with jury selection on Tuesday, March 15, 2011, at 10:30 a.m. While jury selection is open to the public and the media, no cameras will be allowed to film the proceedings under provisions of Arizona Supreme Court Rule 122. Cameras will be allowed to film court proceedings starting with opening statements in the case.

4. Courtroom Television Camera:

- For the duration of this proceeding, the television pool camera will be positioned to the left rear of the courtroom in the gallery. Other members of the pool will be seated on the rows near the pool camera. Additionally, a wireless microphone may be placed in the courtroom at designated locations in order to provide audio of courtroom proceedings to the television pool feed. No filming may take place unless Judge Leonardo is on the bench. Filming shall stop when Judge Leonardo leaves the bench at any point during proceedings.
- The court will identify the television news outlets that have requested permission for a camera two business days in advance of the start of the trial.
- Judge Leonardo will rule on requests regarding witnesses who may not be filmed during trial. Television pool camera operators or producers may be ordered to alter the appearance of certain witnesses or to refrain from the filming of other certain witnesses at any time during trial proceedings. The filming of the defendant is authorized during the trial except when he is engaged in conversations with members of his legal defense team. The filming of victims' representatives in the courtroom gallery shall not be allowed unless the victims give their permission. Finally, the court has ordered "that

there shall be no photographing of the jurors at any location, including the courthouse and outside the courthouse, until jurors are discharged.”

- At no time will the camera be positioned to take and record readable pictures of any paperwork on counsel tables. At no time will the camera be positioned to take and record pictures of the defendant entering and exiting the courtroom under escort from judicial security or being dressed at counsel tables for any session of the trial.
- Any violations of the television pool practices outlined above, during any of these proceedings, will be subject to sanctions at the discretion of Judge Leonardo.

5. Courtroom Still Cameras:

- For the duration of this trial, the pool still camera will be positioned along side of the television pool camera when one is present. If there is no television pool camera, a still pool camera will be positioned to the left rear of the courtroom in the gallery. The still camera operator will be required to utilize sound reduction methods as outlined in Arizona Supreme Court Rule 122.
- At no time will the camera be positioned to take and record readable pictures of any paperwork on counsel tables. No photography may take place unless Judge Leonardo is on the bench. Photography shall stop when Judge Leonardo leaves the bench at any point during proceedings.
- Judge Leonardo will rule on requests as to which witnesses may not be photographed during trial. Still pool camera operators or their editors may be directed to alter the appearance of certain witnesses or to refrain from the filming of other certain witnesses at any time during trial proceedings. A list of witnesses, including those who may not be photographed or who may be photographed with certain specific restrictions, will be provided to media representatives in a timely manner. The photographing of the defendant is authorized during the trial. The photographing of victim’s representatives in the courtroom gallery shall not be allowed unless the victims give their permission. Finally, the court has ordered “that there shall be no photographing of the jurors at any location, including the courthouse and outside the courthouse, until jurors are discharged.”
- Any violations of the still camera pool procedures outlined above, during any of these proceedings, will be subject to sanctions at the discretion of the Judge Leonardo.

6. Trial transcripts:

Any media organizations desiring transcripts of court proceedings are required to contact the office of the Managing Court Reporter at 740-3114 to make arrangements for the purchase of transcripts.

7. Reserved Seating in the Courtroom:

- Media outlets, which have consistently reported about the case in the months leading up to the trial, will be assigned seats in the courtroom. Priority for assigned seats will be given to: the Arizona Daily Star, KVOA-TV, KGUN-TV, KMSB-TV, and KOLD-TV. Other media organizations shall be considered for seats within the block of courtroom seats reserved for media organizations.
- Members of the defense team will have up to five seats in the first row of the gallery directly behind the defense table reserved for their use.
- Members of the victim's family will have up to four seats reserved for their use in the second row of the gallery on the right side of the courtroom gallery.
- If more members of the public want to observe the trial than seats available, the remainder of the seats in the gallery will be subject to assignment by admission to the courtroom on a first-come, first-served basis.

8. Electronic Equipment:

Electronic equipment such as cell phones (including camera phones), radios and pagers belonging to either representatives of media organizations or the public must be turned off or deactivated while inside the courtroom. Persons found to be in violation of this directive will be immediately excluded from the courtroom. Media representatives may use laptop computers while court is in session as long as the computers are set to operate in quiet mode. The court reserves the right to reconsider the use of laptop computers. If it is determined that the computers are a distraction in the courtroom, their use will be discontinued.

9. Courthouse Security:

All persons entering the courthouse are required to pass through electronic security devices and to submit any and all equipment for search at the discretion of security officers.

10. Arizona Cameras in the Court Rule 122
Effective January 1, 2009
Electronic and Photographic Coverage of Public Judicial Proceedings

XII. Miscellaneous Provisions Rule 122. Electronic and Photographic Coverage of Public Judicial Proceedings

Electronic and still photographic coverage of public judicial proceedings conducted by a judicial officer during sessions of court may be permitted in accordance with the following guidelines:

(a) No electronic or still photographic coverage of juvenile court proceedings shall be permitted, except that such coverage may be permitted in adoption proceedings for the purpose of memorializing the event, with the agreement of the parties to the proceeding and the court.

(b) Electronic and still photographic coverage of public judicial proceedings other than the proceedings specified in paragraph (a) above may be permitted in the discretion of the judge giving due consideration to the following factors:

(i) The impact of coverage upon the right of any party to a fair trial;

(ii) The impact of coverage upon the right of privacy of any party or witness;

(iii) The impact of coverage upon the safety and well-being of any party, witness or juror;

(iv) The likelihood that coverage would distract participants or would detract from the dignity of the proceedings;

(v) The adequacy of the physical facilities of the court for coverage;

(vi) The timeliness of the request pursuant to subsection (f) of this Rule; and

(vii) Any other factor affecting the fair administration of justice.

(c) The judge may limit or prohibit electronic or still photographic coverage only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the above factors that outweighs the benefit to the public of camera coverage.

(d) Electronic and still photographic coverage of the appearance or testimony of a particular witness may be prohibited if the judge determines that such coverage would have a greater adverse impact upon the witness or his or her testimony than non-electronic and non-photographic coverage would have.

(e) The law generally applicable to inclusion or exclusion of the press or public at court proceedings or during the testimony of particular witness shall apply to the coverage hereunder. The exercise of the judge's discretion in limiting or precluding electronic or still photographic coverage shall be reviewable only by special action.

(f) Requests by the media for coverage shall be made to the judge of the particular proceeding sufficiently in advance of the proceeding or portion thereof as not to delay or interfere with it. Unless the judicial proceeding is scheduled on less than three days notice, the request to tape or photograph a proceeding must be made no less than two days in advance of the hearing. The judge shall notify all parties and witnesses of the request. If there is any objection to a request for camera coverage or an order allowing electronic or still photographic coverage, the court shall hold a hearing promptly.

(g) Objections of a party to coverage must be made on the record prior to commencement of the proceeding or portion thereof for which coverage is requested. Objections of a non-party witness to coverage of his or her appearance or testimony may be made to the judge at any time. Any objection not so made will be deemed waived.

(h) Nothing herein shall alter the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

(i) Individual journalists may use their personal audio recorders in the courtroom, but such usage shall not be obtrusive or distracting and no changes of tape or reels shall be made during court sessions. In all other respects, news reporters or other media representatives not using cameras or electronic equipment shall not be subject to these guidelines.

(j) No media film, videotape, still photograph or audio reproduction of a judicial proceeding shall be admissible as evidence in such proceeding or in any retrial or appeal thereof.

(k) Coverage of jurors in a manner that will permit recognition of individual jurors by the public is strictly forbidden. Where possible, cameras should be placed so as to avoid photographing jurors in any manner.

(l) Absent express permission of the court, there shall be no audio recording or broadcasting of conferences in the court building between attorneys and their clients, between attorneys, of jury interviews or in any part of the court building where a judicial proceeding is not being conducted.

(m) It shall be the responsibility of the media to settle disputes among media representatives, facilitate pooling where necessary, and implement procedures which meet the approval of the judge of the particular proceeding prior to any coverage and without disruption to the court. If necessary the media representatives shall elect a spokesperson to confer with the court.

(n) No more than one television camera and one still camera mounted on a tripod, each with a single camera operator, shall be permitted in the courtroom for coverage at any time while court is in session. The broadcast media shall select a representative to arrange the pooling of media participants. The court shall not participate in the pooling agreement.

(o) The judge of a particular proceeding shall, in a manner, which preserves the dignity of the proceeding, designate the placement of equipment and personnel for electronic and still photographic coverage of that proceeding, and all equipment and personnel shall be restricted to the area so designated. Whenever possible, media equipment and personnel shall be placed outside the courtroom. Videotape recording equipment not a component part of a television camera shall be placed outside the courtroom. To the extent possible, wiring shall be hidden, and in any event shall not be obtrusive or cause inconvenience or hazard. While court is in session, equipment shall not be installed, moved or taken from the courtroom, nor shall photographers or camera operators move about the courtroom.

(p) All persons engaged in the coverage permitted hereunder shall avoid conduct or dress which may detract from the dignity of the proceedings.

(q) If possible, media equipment shall be connected to existing courtroom sound systems. No flash bulbs, strobe lights or other artificial lights of any kind shall be brought into the courtroom by the media for use in coverage of a proceeding. Where the addition of higher wattage light bulbs, additional standard light fixtures, additional microphones or other modifications or improvements are sought by the media, the media, through their spokesperson, shall make their recommendations to the presiding judge of the Superior Court, who may direct whatever modifications or improvements deemed necessary. Any such modifications or improvements shall be made and maintained without public expense.

(r) Television or still cameras which produce distracting sound shall not be permitted. In this regard, the presiding judge may consider a non-digital still camera acceptable if accompanied by a device that effectively muffles camera sounds.

(s) Cameras and microphones used in the coverage permitted hereunder shall meet the "state of the art." A camera or microphone shall be deemed to meet the "state of the art" when equal in unobtrusiveness, technical quality and sensitivity to equipment in general usage by the major broadcast stations in the community in which the courtroom is located.

(t) Any questions concerning whether particular equipment complies with these guidelines shall be resolved by the presiding judge of the Superior Court or designee.

(u) To facilitate implementation of this rule, the presiding judge of the Superior Court may appoint an advisory committee to make recommendations regarding improvements affecting media coverage of judicial proceedings.

(v) In the case of coverage of proceedings in the Arizona Supreme Court and Courts of Appeal, references herein to the "judge of the particular proceeding" or the "presiding judge of the Superior Court" shall mean the Chief Justice of the Arizona Supreme Court or the Chief Judge of the Court of Appeals, as the case may be.

Added June 15, 1993, effective Sept. 1, 1993. Amended nunc pro tunc July 27, 1993; nunc pro tunc August 30, 1993. Amended Oct. 2, 1998, effective Dec. 1, 1998; Sept. 16, 2008, effective Jan. 1, 2009.
17A A. R. S. Sup. Ct. Rules, Rule 122, AZ ST S CT Rule 122
Current with amendments received through 10/15/08
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11. ARIZONA SUPERIOR COURT IN PIMA COUNTY ADMINISTRATIVE POLICIES
POLICY NO. 1103 DATE ADOPTED: 08/03/1998
TITLE: **ELECTRONIC AND PHOTOGRAPHIC COVERAGE** REVISION EFFECTIVE DATE: 5/10/2010
OF PUBLIC JUDICIAL PROCEEDINGS REVISION: 3
(PREVIOUS – CAMERAS IN THE COURTHOUSE)

The Superior Court in Pima County conforms to Arizona Supreme Court Rule 122 governing the use of electronic and photographic coverage of public judicial proceedings. Consistent with the rule, the court may make reasonable provisions to prevent interference with court employees and members of the public who are conducting business in the courthouse; to maintain the security of the court, employees and the public; and to secure the privacy of jurors serving the court. All use of cameras of any type in the courthouse is prohibited without express permission.

Processing Requests for Coverage during Sessions of Court

Except for juvenile court proceedings, requests for permission for electronic, video, or still photographic coverage of public judicial proceedings shall be made by filing the court's camera request form with the assigned judicial officer presiding over the proceeding, with a copy to the court's community relations coordinator. Such requests shall be made no less than two business days before the proceeding sought to be covered. The assigned judge shall determine whether and under what conditions such coverage shall be permitted in accordance with Supreme Court Rule 122.

At juvenile court, electronic coverage of proceedings is not permitted except in adoption proceedings, and then only with the agreement of the parties to the proceeding and the court, pursuant to Rule 122.

Processing Requests for Coverage in Areas Outside the Courtrooms In areas of the courthouse other than courtrooms, the use of photographic equipment is prohibited without the specific prior authorization of the Presiding Judge or designee.

In the clerk of the court's offices, private parties may take photographs as permitted by the clerk.

Use of Personal Audio Recorders Journalists may use personal audio recorders in the courtroom, but such usage shall not be obtrusive or distracting, as provided in Rule 122.

Any individual using electronic or photographic equipment to cover public judicial proceedings or otherwise within the courthouse is responsible to become familiar with, understand, and follow the requirements of Supreme Court Rule 122 and this policy. Strict compliance with the rule and this policy is required. Failure to do so may result in loss of permission to use such devices in this court and such other sanctions as may be appropriate.

DATED this 10th day of May 2010.

**Honorable Jan E. Kearney
Presiding Judge**