

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 1991

IN THE SUPREME COURT  
STATE OF WYOMING  
FILED  
SEP 25 1991  
*Jerrill D. Carter*  
JERRILL D. CARTER, CLERK

In the Matter of the Adoption of )  
Rule 53(a), W.R.Cr.P., Relating )  
to Media Access to Courts. )

ORDER ADOPTING RULE 53(a), W.R.Cr.P.,  
RELATING TO MEDIA ACCESS TO COURTS

The court having deemed it necessary and advisable to adopt Rule 53(a), W.R.Cr.P., relating to media access to courts, it is therefore

ORDERED that Rule 53(a), W.R.Cr.P., attached hereto, shall be, and it is hereby, adopted by this court; and, that the present paragraph in Rule 53, W.R.Cr.P., be designated subparagraph (b), Rule 53, W.R.Cr.P.; and it is further

ORDERED that the order adopting Rule 53(a), W.R.Cr.P., shall be published in the advance sheets of the Pacific Report and thereafter in the Wyoming Reporter; and, that Rule 53(a), W.R.Cr.P., shall become effective 60 days after the publication in the advance sheets of the Pacific Reporter and thereupon spread at length on the journal of this court.

Dated the 25<sup>th</sup> day of September, 1991.

BY THE COURT:  
*Walter Urbickit*  
WALTER URBICKIT  
Chief Justice



**PROPOSED RULE 53(a), W.R.Cr.P.**

**Rule 53(a). Media access to courts.**

The taking of photographs in the courtroom during the progress of judicial proceedings, or radio or television broadcasting of judicial proceedings from the courtroom, may be permitted at the discretion of the court. Permission may be granted if there is substantial compliance with the following requirements and conditions:

- (1) The media shall apply for approval of media coverage to the judge presiding over the proceedings to be covered. This application must be made at least 24 hours prior to the proceedings unless good cause is shown for a later application. Only the equipment approved by the presiding judge in advance of the court proceedings may be used during the proceedings.
- (2) In a trial of major importance the presiding judge may appoint a media coordinator and may require that photographic, television or radio broadcast coverage of the trial be pooled.
- (3) No photographic, radio or television broadcast equipment shall be used which produces any distracting sound or light. Audio pickup should be made through any existing audio system in the court facility if practical. If no suitable audio system exists in the court facility, microphones and related wiring shall be as unobtrusive as possible. Artificial lighting devices shall not be used.
- (4) There shall be no movement of equipment during court proceedings.
- (5) No person may enter the courtroom for the purpose of taking photographs or radio or television broadcast after court is already in session.
- (6) There shall be no audio broadcast of conferences between attorney and client or between counsel, or between counsel and the presiding judge.
- (7) There shall be no close-up photography or visual recording of members of the jury.
- (8) The privilege to photograph, televise and record court proceedings may be exercised only by persons or organizations which are part of the accredited news media. Film, videotape, photographic and audio reproduction shall not be used for unrelated advertising purposes.

(9) The presiding judge may for cause prohibit the photographing, radio or television broadcast of a participant in a court proceedings on the judge's own motion or on the request of a participant in a court proceeding. In cases involving the victims of crimes, confidential informants, undercover agents and in evidentiary suppression hearings a presumption of validity attends such requests. The trial judge shall exercise broad discretion in deciding whether there is cause for prohibition. This list of requests which enjoy the presumption of validity is not exclusive; the court may, in its discretion, find cause for prohibition in comparable situations.