

United States v. Shnewer: Decorum Order

Hon. Robert B. Kugler
District of New Jersey
July 13, 2007

The following order was prepared by the District of New Jersey's United States District Judge Robert B. Kugler for *United States v. Shnewer*, No. 1:07-cr-459 (D.N.J. June 5, 2007).

Order

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

- 1) Trial of this matter will begin promptly at 9:30 a.m., Monday through Thursday. A one-hour lunch recess will generally be from 12:30 p.m. until 1:30 p.m.
- 2) The Court will provide mid-morning and mid-afternoon breaks.
- 3) No cameras of any kind, including camera cell phones, video cameras (including video cell phones and video cameras connected to laptop computers), and audio recording devices are permitted in the trial courtroom or overflow courtrooms except as provided in this Order.
- 4) Courtroom
 - A. There are approximately seventy (70) seats available for the general public in courtroom 4D. One-half of those seats will be reserved for credentialed members of the media, and the other half will be reserved for the general public, all on a first come, first served basis. When there are no more seats available in courtroom 4D, other spectators will be directed to the overflow courtroom or media center as appropriate.
 - B. Defense counsel and their clients shall sit along the wall opposite the jury box facing the jury.
 - C. Government Counsel and Agents shall occupy the tables closest to the jury box.
 - D. Sketch artists may sit in the first row of seats.
 - E. Seats directly behind counsel tables are reserved for staff assisting assigned counsel.
- 5) Only attorneys assigned to this case and credentialed members of the media may have cell phones, PDAs, Blackberries, laptops, or other digital or electronic devices in the courtroom or overflow courtrooms. No other individuals are permitted to possess cameras, cellular phones, camera or video telephones, tape recording devices, laptops, or other electronic devices. This rule is in full compliance with The Standing

Order of the District of New Jersey that ensures compliance with the Model Circuit Electronic Device Policy. The Standing Order is available at <http://www.njd.uscourts.gov/rules/StandOrd/StandOrd05-03-ElecDev.pdf>.

- 6) Photographic, audio, or video recording or transmission of court proceedings is strictly prohibited. Any violation of this prohibition 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 employer or principal.
- 7) The Court will not permit any depictions or identification of individual jurors in any manner including, but not limited to, artist renditions or written descriptions.
- 8) Doors to the courtroom will open at 9:00 a.m.
- 9) All attendees must be seated by 9:15 a.m.
- 10) Attendees, both the general public and the press, must remain seated until the Court recesses.
- 11) No one except working court staff, assigned counsel, and those assisting assigned counsel will be permitted to enter the courtroom once proceedings, including voir dire and the trial, begin. This applies to everyone, including parties, members of the press, and the general public.
- 12) Attendees may not converse or make gestures that are disruptive to the proceedings or distract jurors or witnesses.
- 13) Defendants are not permitted, while in the courtroom, to communicate or attempt to communicate with anyone but assigned defense counsel, staff assisting defense counsel, and their codefendants. This prohibition includes verbal communication and gestures. Violation of this Order may result in Defendants' being barred from the courtroom.
- 14) No one, except for the Court and Defendants' counsel, may attempt to communicate with Defendants. Anyone other than the Court or Defendants' counsel who attempts to communicate with Defendants in any way will be ejected from the courtroom and permanently barred from the proceedings.
- 15) The United States Marshal and his Deputies shall be responsible for maintaining order and decorum in the courthouse. All orders given by the Marshal or his deputies shall be deemed orders of this Court and must be complied with immediately. Failure by any person to do so will be subject to sanctions by the Court.
- 16) The courtroom will have wireless internet access. The password will be supplied to counsel assigned to the case and credentialed members of the media.
- 17) Overflow Courtroom for Public and Media
 - A. The Court will provide an overflow room for the general public on the fifth floor of the courthouse. A live audio and video feed from the trial will be provided. The video will include whatever is

shown on the screen in the trial courtroom. A Court Security Officer shall be present at all times when the Court is in session to ensure compliance with this Court's orders.

- B. The Court will provide an overflow room for the media on the third floor of the building that houses the United States Post Office. The media overflow room will be furnished with some tables to accommodate laptops. A live audio and video feed from the trial will be provided. The video will include whatever is shown on the screen in the trial courtroom. A Court Security Officer shall be present at all times when the Court is in session to ensure compliance with this Court's orders.
- C. Cameras for the video feed will be fixed on the witnesses, counsel, and the Court, and will not focus on the jury.
- D. No cameras or tape recording devices may be used in either of the overflow courtrooms.
- E. Laptop computers will be permitted for note-taking purposes or live written reporting of the proceedings. The overflow rooms will have wireless internet access.
- F. Photographic, video, and audio recording or transmission of court proceedings is strictly prohibited in the overflow courtrooms.
- G. There shall be no broadcasting from the courtroom or overflow rooms. Any violation of this prohibition may result in the banning of all laptops from this courtroom or the closing of the overflow room altogether. In addition, the Court will enter contempt sanctions against any violator, and if attending in the capacity of an employee or agent, the Court will enter sanctions against the employer or principal.
- H. The Court will permit only credentialed members of the media to enter the media overflow room.
- I. Seating in the overflow rooms is on a first come, first served basis.

18) Juror Logistics

- A. The identities of the jurors shall not be revealed to the public or media. Any references to the jurors in public, including within the courtroom, shall be by juror number only.
- B. Voir dire will be conducted in Courtroom 4D and will be remotely broadcast to the overflow courtrooms for both the media and general public. All rules enumerated herein, including seating arrangements, apply to the trial as well as to voir dire.
- C. Any attempt to contact the jurors or to interact with the jurors in any way or to obtain any personal information about the jurors is strictly prohibited. In the event of contact with any juror, the Court will inquire into how the juror information became available. Any one violating this Order will be subject to criminal contempt proceedings. See 18 U.S.C. §§ 401, 402.

- D. Conversations, interviews, and written communications with prospective jurors before the completion of voir dire and with selected jurors, including alternates, before the Court discharges the jury at the conclusion of trial, are prohibited.
 - E. During jury deliberations, jurors will be completely sequestered.
 - F. After the jury renders a verdict and the Court discharges the jury, jurors may consent to talk with anyone they want concerning the case. However, jurors are not obligated to discuss this case with anyone at the trial's conclusion, and once a juror indicates his or her desire not to discuss the trial there can be no further attempts to contact that juror.
- 19) At no time may any attorney or party affiliated with this case hold a press conference in the courthouse. Likewise, no attorney or party otherwise affiliated with this case may hold a press conference on the front or rear steps of the courthouse or at any point of ingress or egress from the courthouse.
- 20) The Court will provide a website containing information relating to the trial at <http://www.njd.uscourts.gov/FortDixTrial/index.html>. All evidence will be available on the website as it is introduced into the Court. The Court has a dedicated e-mail address, fortdixtrial@gmail.com, for inquiries.

Dated: 7/13/2007

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge