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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

DAVID DALEIDEN AND SANDRA MERRITT,

Defendants.

Case Nos. 2502505 17006621

ORDER OF THE COURT

(Courtroom Decorum and Media)

## I. Introduction

The purpose of this order is: (1) to protect the parties' constitutional rights to a fair and impartial preliminary hearing and trial in this matter; (2) to allow the public and the media to exercise their First Amendment rights; (3) to ensure courtroom proceedings are conducted with respect and decorum for the proper administration of justice; (4) and to ensure the safe and orderly use of the courtroom facilities. The Court may rescind or modify this order at any time based on specific circumstances or in the Court's discretion.

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Order of the Court

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## II. Assigned Courtroom

The preliminary hearing is not currently assigned to a specific courtroom department. This order applies to any department of the San Francisco Superior Court used to conduct the preliminary hearing and/or trial. As such, the order hereinafter refers to the courtroom department as the "assigned courtroom."

## III. Security

The San Francisco Sheriff's Department is responsible for security in the San Francisco Superior Court. All members of the public will be subject to security screenings at the building's entrance. Mandatory secondary security screenings in the form of a security wand will be conducted outside the assigned courtroom prior to entry into the courtroom. All members of the public and the media will be ordered to turn any and all cell phones, laptops, tablets or other electronic devices off and stow them away upon entering the assigned courtroom.

Failure to comply with the rules of this order or to abide by the orders of the Sheriff's Department may result in sanctions, including seizure of the prohibited item, expulsion from the courtroom and/or courthouse, and any other lawful order or response.

## IV. Photography, Video, Audio & Electronic Devices in the Courtroom

The recording or broadcasting of proceedings in the assigned courtroom is restricted in accordance with California Rules of Court, Rule 1.150 and the Court's February 14, 2019 order regarding the preliminary hearing rulings. As such, no still or video cameras will be allowed in the courtroom during the proceedings. No video, audio, or electronic recording devices of any kind are allowed in the assigned courtroom. This includes audio or video recordings for note-taking purposes. All phones, laptops, tablets, and all other electronic devices must be turned off and stowed away while in the assigned courtroom.

Failure to comply with these rules may result in sanctions, including seizure of the prohibited item, expulsion from the courtroom and/or courthouse, and any other lawful order or response.

#### V. Media & Court-Issued Credentials

The Court reserves the right to issue media credentials based on limited seating in the assigned courtroom. Due to limited courtroom seating, court-issued credentials may be required according to the Court's protocol and discretion. The Court will notify the media of this requirement if it becomes necessary.

### VI. Seating

There will be designated seating for the media, the public, court staff and other audience members as deemed necessary by the Court. Standing will not be permitted. If demand for seats exceeds capacity, the Court retains discretion in conducting seating lotteries. The public and media personnel must take their seats at least 15 minutes before the start of any court session. Failure to abide by this time restriction may result in loss of seating as determined by the Court, the Sheriff's Department or the Court's communications staff.

#### VII. Seat Lotteries

The Court reserves the right to conduct a media and/or a public seating lottery at its discretion, if necessary. If ordered, a media lottery for a limited number of unassigned media seats will be held to determine seat assignments. The Court may also conduct a lottery for public seating. Any media credentials and/or court-issued credentials must be worn at all times inside the Hall of Justice. Court-issued credentials cannot be transferred to other media personnel. Loaning another media representative a court-issued credential that does not belong to them or their parent organization will result in the loss of media seat privileges for the duration of the preliminary hearing and/or trial.

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## VIII. Assigned Courtroom Decorum Rules

Once a court session begins, distractions will not be tolerated. Audience members must refrain from outbursts, including reacting orally or physically to questions, testimony, arguments, the presentation of audio or video evidence, or comments made by the judge, attorneys or witnesses.

Audience members are prohibited from talking to one another while court is in session. No member of the audience may speak to the judge or court staff. The bailiff will only allow entrance and exit during breaks in the proceedings or when a witness is entering or exiting. If a person chooses to leave the courtroom during a court session, he or she shall not be allowed to reenter until the next break in the proceedings. No beverages, food or newspapers are allowed in the assigned courtroom.

Any conduct or circumstance that the Court deems prejudicial so as to violate either the People's right to fairly present their case or the defendants' right to a fair hearing and/or trial will be removed from the assigned courtroom. Audience members are prohibited from wearing clothing or other accessories aimed at intimidating the witnesses or disrupting the proceedings in anyway.

#### IX. Exhibits

Requests for access to exhibits will not be considered until the conclusion of the preliminary hearing and/or trial, subject to the Court's post-hearing orders.

#### X. Violations

Anyone violating this order will be subject to the discipline of the Court, including, but not limited to, the Court's contempt authority, seizure of any prohibited items, immediate removal from the assigned courtroom, prohibition from returning to the assigned courtroom and revocation of the court-issued media credential. Photographs, video or audio recordings made in violation of this order will be subject to equipment confiscation and erasure of the prohibited content. Violators may be prohibited from the courtroom for the duration of the proceedings.

### XI. Distribution of Order

This order will be displayed outside the assigned courtroom. It will be delivered to the media and the public via electronic distribution, the Court's Twitter account and its website.

## IT IS HEREBY ORDERED.

Dated: August 2019





