

Judicial-Media Committee

Minutes of meeting on Sept. 18, 2017

Members present: Co-chairs Karen Florin and Judge Robert Devlin; Claude Albert, Judge Patrick Clifford, Melissa Farley, Judge Susan Handy, Paul Hartan, Judge Barbara Bailey Jongbloed, Attorney Dan Klau, Eric Parker, Chris Powell, Gary Roberge, Judge Hope Seeley, Judge Elliot Solomon and Judge Dawne Westbrook. Also in attendance was staff liaison Rhonda Stearley Hebert.

- I. Judge Devlin opened the meeting at 3 p.m.
- II. The committee approved minutes from its meeting on April 3, 2017.
- III. Connecticut State Police Capt. Mark Sticca and Lt. Rob Palmer provided a very interesting presentation on hate crimes and sovereign citizens. After the presentation, members thanked both Capt. Sticca and Lt. Palmer for their insight.
- IV. Judge Susan Handy reported on the *2017 Journalism School for Judges*. The event was well attended and greatly enjoyed by the judges.
- V. The committee next turned to a continued discussion of whether the camera rules regarding cases with sexual assault charges should be reconsidered. Current court rules do not allow photos or video of court proceedings where the victim of a sexual assault was killed. Journalists have requested that the rule be changed, so that, with a judge's permission, they would be able to videotape or photograph these types of cases. Co-Chair Karen Florin noted that under the current rules, defendants guilty of sexual assault and murder get a break that others charged with far less serious charges don't receive. She added that judges would still retain the discretion to decide on a case-by-case basis on whether to allow cameras.

Judge Devlin reported that Office of Victim Services Director Linda Cimino -- who is a member of the committee but could not be at the meeting -- felt strongly that cameras should not be allowed. However, it was suggested that cameras might be considered if the victim's family was OK with, or wanted cameras at the proceeding, Judge Devlin said. Under those circumstances, he said, he could see allowing in a camera, with the judge being able to craft whatever restrictions he/she saw fit. As such, he added, the rules could potentially be amended so that sexual assault/murder cases were not completely out of bounds.

Following the discussion, Judge Devlin said he would work on a draft rule to present at the next meeting.

VI. Attorney Rachel Baird and Ed Peruta, president of American News & Information Services Inc., addressed the committee. American News is a credentialed news media organization, and Mr. Peruta and Attorney Baird had two issues to present to the committee for further discussion:

- Mr. Peruta was not allowed to get copies of photos/exhibits that had been entered into evidence as full exhibits during a murder trial he videotaped, and which were not the subject of any sealing order (State v. Hiral M. Patel). Attorney Baird also noted that the Appellate Court agreed 2-1 that the trial court had erred regarding this matter.

<http://www.jud.ct.gov/external/supapp/Cases/AROap/API74/174AP387.pdf>
<http://www.jud.ct.gov/external/supapp/Cases/AROap/API74/174AP387E.pdf>

- Mr. Peruta said the committee also needs to address how the camera rules actually work in the courtroom and that they need to be refined. In support, he provided the following information: During a trial, a camera operator for American News & Information Services inadvertently videotaped jurors, in violation of the court's order allowing cameras into the case. The judge in turn revoked his order allowing cameras into the trial, even though the jurors didn't indicate they had any concerns about being videotaped.

VII. The committee scheduled its next meeting for April 9, 2018, and adjourned.