

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

FILED
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CIRCUIT COURT
MULTNOMAH CO.

STATE OF OREGON,)
)
Plaintiff,) Case No. 20CR50067
)
v.)
) ORDER REGARDING TRIAL PROCEDURES
ALAN JAMES SWINNEY) AND PUBLIC ACCESS
)
Defendant,)

Public access coverage within this courtroom during this trial is prohibited due to COVID-19 social distancing procedures. Because of this, special arrangements are being made to allow public access online and in separate observation courtrooms; procedures are set out below. All members of the media and public are subject to this order.

Jury selection in this case will occur on Monday, September 27th. Jury selection is not eligible for electronic recording pursuant to UTCR 3.180(9)(e) and no electronic recording is permitted. Interested parties should not expect to have access to any issues being handled in the courtroom on September 27th—there will not be a livestream nor will the observation courtrooms be open.

Public access coverage is permitted as authorized in this order beginning September 28, 2021 through the duration of the trial. Trial will be held in Room 11A. Supporters of Mr. Swinney will be able to observe the trial in Room 8B. Supporters of the alleged victims will be able to observe the trial in Room 10C. Media members will be allowed to self-select which observation room is most appropriate for them to observe.

I. ORDER REGARDING USE OF PUBLIC ACCESS COVERAGE EQUIPMENT AND ELECTRONIC DEVICES BY REGISTERED MEDIA MEMBERS

- A. Because the trial will be publicly livestreamed, there is no prohibition on the use of electronic equipment to record or stream the trial from the observation courtrooms.
- B. Television broadcasters: There may be one pool camera used by television broadcasters. It shall be used in accordance with UTCR 3.180(10). Placement is to be approved by the court. In the event of multiple television broadcasters, broadcasters may determine amongst themselves who will operate the equipment for any given day. Absent specific approval from the judge, the operator may not set up the camera while the court is in session.

- C. No depictions, photographs or recording of the jurors are allowed at any location during the entire course of the trial. No one other than court staff may contact the jurors. No depictions, photographs, or recording of defendant being shackled or unshackled from handcuffs or other restraints are allowed, or depictions while they are visibly shackled or handcuffed. Modification of photographs or videos that blur restraints or handcuffs is permitted. Depictions of the defendant while surrounded by deputies is permitted. No audio recordings are allowed of defendants' conversations with their attorneys. No video depictions of any written notes between defendant and his attorneys are permitted.
- D. No operation of public access recording equipment during recesses is permitted.
- E. When in the hallways or common areas outside of the courtroom, all persons are required to use the texting or transmission functions of all electronic devices, including phones, tablets, or laptops only as authorized by SLR 3.182. No one is permitted to operate or use any audio, video or photographic recording functions while in the hallways, lobbies, courtrooms or other common areas of the courthouse. Additionally, users may not make audible phone calls or voice texts or memos while in the hallway areas.
- F. Jurors must have any smart phone, tablet or laptop in their possession turned all the way off (not just in silent mode) while in the courtroom. Jurors may not use the device at any time while all jurors are in the jury room deliberating. Jurors may not use any electronic device to look up any information in relation to the deliberations until they have been discharged by the court. Jurors may use an electronic device in the jury room during breaks in trial or during deliberations for their personal business. However, no juror is permitted to operate or use any device's audio, video or photographic functions at any time while in the jury room, whether the jury is then deliberating or not. All other verbal instructions given to jurors apply as well.
- G. Witnesses must have must have any electronic device in their possession turned all the way off (not just in silent mode) while in the courtroom and may not use such a device for any purpose while in the courtroom without first obtaining permission from the court. The witnesses may view items via electronic means and operate devices as necessary for the presentation of evidence and testimony while under oath. Attorneys must discuss this requirement with their witnesses.

II. ADDITIONAL TRIAL ORDERS:

- A. All persons present in any courtroom or online are expected to behave in a manner that preserves the solemnity, decorum and dignity of the court. Pursuant to UTCR 3.010, no one may be permitted to enter or remain during the proceedings who is wearing any item that exhibits any sign, message, design or depiction which in the court's discretion, may tend to influence any juror or affect the orderly administration of these proceedings. The court may make such an order upon a

motion by a party or upon its own motion.

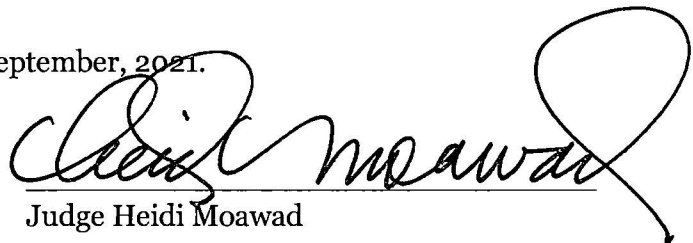
- B. Jurors and Attorneys representing the parties may have beverages in closed containers such as water bottles or insulated cups with lids that can be closed. Courtroom observers and others may have water in water bottles. No other food or drink is permitted in any courtroom.

III. ENFORCEMENT

The Multnomah County Sheriff's Office and its deputies and court staff may enforce the provisions of this order by notifying the person they see in violation of the provisions of the order and by bringing any violations to the court's attention. Deputies may also enforce its provisions in compliance with any other training, policies, or orders they follow in acting as courtroom security and bailiffs in this case. The court shall enforce this order in accordance with the procedures set out in UTCR 3.180(9) and (10), and if applicable, with contempt proceedings.

These procedures apply for any and all portions of this trial whether on or off the record, including but not limited to motions, trial and sentencing. The provisions of this order may be modified in writing or verbally by the court at the court's discretion. Pursuant to UTCR 3.180(3), the court may deny or limit public access coverage if there arises a reasonable likelihood public access coverage would interfere with the rights of the parties to a fair trial, would affect the presentation of evidence or outcome of the trial, or interfere with the efficient administration of justice.

IT IS SO ORDERED this 24th day of September, 2021.



Judge Heidi Moawad