

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

STATE OF OREGON,)
)
Plaintiff,) Case Nos. 19CR53042; 19CR53035; 19CR53040
)
v.)
) ORDER REGARDING
JOSEPH OWAN GIBSON;) PUBLIC ACCESS
RUSSELL EARL SCHULTZ, III;)
MACKENZIE WILLIAM LEWIS))
)
Defendant(s),)

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CIRCUIT COURT
OF MULTNOMAH COUNTY

Except as noted below, the provisions of this Order apply throughout the trial in the above-captioned cases, as well as to any later sentencing and/or other post-trial hearing.

I. TRIAL SCHEDULE

Trial will begin at 9:00 a.m. on Monday, July 11, 2022. It is anticipated that jury selection will run through Thursday, July 14, 2022. It is further anticipated that the jury will be seated and that the next phases of the trial will begin at 9:00 a.m. on Friday, July 15, 2022. Because during jury selection the entire courtroom will be in use (with the gallery filled with prospective jurors), no in-person observers and/or pool cameras can be accommodated during that stage of the proceedings. Pursuant to Uniform Trial Court Rule 3.180, jury selection will not be live-streamed via WebEx.

II. WEBEX STREAMING

- A. Except for jury selection as described above, the entirety of the trial will be live-streamed via the court's WebEx platform. The link for the WebEx stream will be made publicly available. There is no prohibition on the recording and rebroadcast of



the WebEx stream. The Court retains discretion to require that portions of the trial be broadcast via the WebEx stream as audio-only.

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

- A. As used in this Order, the term “public access coverage equipment” carries the same definition as that included in Uniform Trial Court Rule 3.180. Other than as authorized herein, no in-courtroom video, audio or photographic recording by any person is permitted.
- B. All media members who intend to use public access coverage equipment, cell phones, laptops, tablets, or other electronic devices must register with the Public Information Officer in Room 7201A or with the courtroom clerk. No one may check in with the court clerk while the court is on the record. The Court may require presentation of professional credentials. No public access coverage device shall be operated by more than one person at a time.
- C. Television broadcasters: There may be one pool camera used by television broadcasters. It shall be used in accordance with UTCR 3.180(7). 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 Court, the operator may not set up the camera while the court is in session.
- D. Radio broadcasters: There may be one pool audio recorder or other audio device for radio broadcasters. Placement is to be approved by the Court. In the event of multiple radio broadcasters, broadcasters may determine amongst themselves who will operate the equipment for any given day. Absent specific approval from the Court, the operator may not set up the equipment while the court is in session.
- E. Still cameras: Media representatives may use hand-held still cameras or cell phone cameras after registering with the court. The user of a still camera must be seated in the last row of the courtroom, and must remain seated while taking photographs. The camera must be in silent mode, if available, while in operation. The Court retains discretion to terminate the use of cameras if operating noise interferes with court proceedings. The photographer may not engage any audio or video recording function of the device. No flash or artificial light device is allowed. Zoom lenses are allowed.

- F. No audio recordings are allowed of any conversation between any defendant and his attorney(s).
- G. No operation of public access coverage equipment during recesses is permitted.
- H. Media representatives may use electronic devices including laptops, tablets, or smart phones only after registering with the court. Only one person per publication or broadcast agency is allowed to use an electronic device while in the courtroom. All devices must be set in silent mode.
- I. No one may post, send or transfer any text, photographs, video recording, or audio recording or any link to such while the court is in session, but may do so during court recesses.

IV. ORDER REGARDING USE OF ELECTRONIC DEVICES, INCLUDING LAPTOPS, TABLETS, SMART PHONES OR OTHER DEVICES BY OTHERS.

- A. Attorneys who represent the parties in this case and who have identified themselves on the court record may use electronic devices including laptops, tablets or smart phones at any time during trial proceedings without requesting specific permission. Attorneys may not use the camera, audio or video recording function of those devices inside the courtroom without prior Court permission, or outside the courtroom without prior permission from the Presiding Judge.
- B. Deputies with the Multnomah County Sheriff's Department may use equipment furnished to them as necessary to perform their duties.
- C. All court observers (unless otherwise addressed in this order) must have any electronic device in their possession turned completely off (not just in silent mode) while in the courtroom, and may not use such a device for any purpose while in the courtroom. This prohibition applies whether or not court is in session.
- D. Representatives or staff of attorneys who represent parties in the case may possess electronic devices turned on in silent mode after registering with the Court. They may read and respond to text messages or e-mails and may monitor incoming calls but are not otherwise permitted to use the devices within the courtroom.
- 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. Witnesses 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.

V. MATTERS RELATING TO JURORS

No person shall photograph, video, or otherwise record jurors at any location during the entire course of the trial. No one other than court staff may contact the jurors during the trial with respect to their jury service.

VI. 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.

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.

VII. ADDITIONAL TRIAL ORDER:

All persons present in the courtroom or online are expected to behave in a manner that preserves the solemnity, decorum and dignity of the courtroom. 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.


VIII. 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.

IX. SCOPE

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 that 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 5th day of July, 2022.



Benjamin Souede
Circuit Court Judge