

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF SHOSHONE

STATE OF IDAHO,

Plaintiff,

vs.

MAJORJON A. KAYLOR,

Defendant.

Case No. CR40-23-970

ORDER RE: COURT TV REQUEST
FOR VIDEO/AUDIO AT JULY 3, 2023
PRELIMINARY HEARINGS

THE COURT, having considered the above Request for Approval dated and submitted June 29, 2023 at 9:49am by Lenn Thornhill Assignment Director on behalf of Court TV, under Rule 45 of the Idaho Court Administrative Rules, hereby orders that permission to video/audio record the above hearing is: GRANTED IN PART as to the request for video recording of the proceedings, and DENIED as to the request to audio record the proceedings. As a result, Court TV is hereby authorized to video record the proceedings to be held in this case on July 3, 2023, at 8:30am (Status Conference) and 1:30pm (Preliminary Hearing), subject to the provisions of Rule 45 of the Idaho Court Administrative Rules and the Order regarding Courthouse and Courtroom Conduct as entered on June 26, 2023, and as amended and entered on June 29, 2023. No live broadcasting is authorized.

All video or images captured in the courtroom, whether before, during or after the actual court proceedings, by any pool photographer or video camera operator shall be shared with other media organizations as required by Rule 45 of the Idaho Court Administrative Rules.

DATED: 6/30/2023 9:46:05 AM



Hon. Keisha L. Oxendine
Magistrate Judge, #683

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ORDER GOVERNING
COURTHOUSE AND
COURTROOM CONDUCT

*(AMENDED TO CORRECT DUPLICATION OF
TCA CONTACT INFORMATION)*

This Order governs courthouse and courtroom conduct and media activities and may be amended at any time at the discretion of the presiding judge or Administrative Judge for the First Judicial District.

The court is mindful of the need to balance: (1) the constitutional right of the defendant to a fair hearing; (2) the public's right to information in conjunction with the constitutional and statutory rights of the media to attend the proceedings; (3) the court's interest in maintaining order and an environment that permits all participants to focus on their responsibilities without undue distractions; and (4) the court's interest in the safety of the public and court personnel, and the need to follow all Idaho Supreme Court Orders, as may be changed or amended from time to time. With these factors in mind, pursuant to Idaho Court Administrative Rules (I.C.A.R.) 45, 46(b), and 49,

IT IS HEREBY ORDERED:

I. COURTROOM SEATING AND ATTENDANCE

A) Seating for Victims' Families, Counsel, Defendant's Family, and Court Personnel

Certain seating may be reserved for counsel, authorized court personnel, the defendant's family and the victims' families.

B) Pooled Media Seating

The representatives of the media serving as the pooled camera staff shall be seated in

an area approved by the Court, as designated by the Administrative District Judge, presiding judge, Trial Court Administrator, or court security officer(s) subject to a limit of two (2) media members operating the pooled video recording of the hearing and one (1) media member handling the pooled still photography.

C) General Public and Additional Media Seating

The public and members of the media, not designated as pooled camera staff, may be permitted in the courtroom as space permits on a first come basis. No person may reserve seats. No standing in the courtroom will be allowed.

D) Seating in Front of the Bar

No person other than court personnel designated by the Court, the Defendant, and counsel and their assistants shall be permitted to sit in front of the bar of the courtroom without specific authorization of the court.

E) Entry and Exit During Court Proceedings

Spectators, including members of the media and the public, shall be seated before court is in session during any portion of a hearing. No entry or re-entry to the courtroom shall be permitted while court is in session.

II. GENERAL RESTRICTIONS AND REQUIREMENTS

A) Security Screening

All persons entering the courthouse and courtroom are subject to security screening. No food, beverage, firearms, or other weapons are permitted in the courthouse. All handbags, backpacks, purses, or other personal property are subject to inspection.

B) Cell Phones

Cell phones are permitted, but must be turned off and SHALL NOT be used for recording or the transmission of sounds or images. Violation of this rule may result in confiscation of the phone.

C) Other Electronic Devices

ONLY authorized members of the media, designated court personnel, and counsel and their assistants may use computers, laptops, and other similar devices for note taking. They SHALL NOT record or transmit sounds or images in or from the courtroom. Violation of this rule may result in confiscation of the device.

D) Disruptive Behavior

Any activity or behavior which is considered disruptive by the Court will result in removal from the courtroom. Any spectator who creates a visual or auditory disturbance of the court proceedings may be removed from the courtroom and/or the building at any time at the discretion of court security personnel.

III. MEDIA COVERAGE

A) Camera/Still Photography

If the Court allows cameras in the courtroom and orders that the media coverage be pooled, then all media shall have access to and share the video, audio, and still photographs received from the permitted cameras. Members of the media shall designate and agree on the operator of each camera permitted pursuant to I.C.A.R. 45.

B) Courtroom Media Requirements

Allowed media representatives and their equipment will be located in an area of the courtroom designated by the Administrative District Judge, presiding judge, Trial Court Administrator, or court security officer(s). The number and placement of pooled cameras being used to broadcast and/or record the proceedings is subject to the approval of the Court; two (2) recording devices and one (1) still camera are permitted inside the courtroom. The still camera shall have a silent shutter. No flash photography is allowed. No movement around the courtroom will be allowed during court proceedings. Camera and equipment shall not be set up nor disassembled at any time while court is in session. No audio recording is authorized. The media may submit a written request on a form approved by the Court or County for a copy of the audio recording of any hearing. This form may be obtained and submitted by contacting Tamie Eberhard, Shoshone County District Court Clerk: teberhard@co.shoshone.id.us.

C) Limits on Photography and Video Recording:

No broadcasting is authorized inside the courthouse or courtroom. Photography and video is NOT permitted during a recess in the court proceedings. "Recess" means any time the judge is not at the bench or is not on the record. No electronic device shall record the audio and/or video of any bench conference ("side bar") between the court and counsel nor any conferences between an attorney and client or conferences among counsel.

D) Restrictions on Video and Photographs

No video or still photography shall be taken of any papers, documents, or notes which may be located on or around counsel tables or used by counsel. No video or still photography shall be taken of the victims' families or defendant's family without their express permission.

E) Interviews and Reporting

No member of the media shall conduct conferences, interviews, or news reporting inside the courtroom or courthouse common areas. Any conferences, interviews, or reporting from the courthouse grounds shall be done in a manner to not impede foot traffic, obstruct access to the courthouse, or interfere with the daily operations of Shoshone County. A media staging area will be designated on the courthouse lawn to the east of the courthouse. In order to ensure county and city employees, visitants, and victim's families have adequate parking, the media may park under the freeway across from the Harvest Foods grocery store in public parking areas. In addition, any interview or media reporting shall be subject to any additional orders by the Administrative District Judge or the presiding judge.

F) Media Inquiries

Media inquiries and communications regarding these matters shall be directed to Karlene Behringer, Trial Court Administrator for the First Judicial District at kbehringer@kcgov.us or by phone at (208) 818-4811; or Nate Poppino, Court Communications Manager for the Idaho Supreme Court at npoppino@idcourts.net or by phone at (208) 296-9055. Documents available for public access can be located at: <https://coi.isc.idaho.gov>.

G) Courtroom Media Written Requests:

Any request for video or photography in the courthouse or courtroom must be submitted in writing on the approved Idaho Supreme Court form. This form may be obtained and submitted by contacting Tamie Eberhard, Shoshone County District Court Clerk at teberhard@co.shoshone.id.us. All requests must be submitted at least 4 hours prior to any scheduled hearing, unless timely request is excused for good cause in the discretion of the presiding judge.

H) I.C.A.R. Rules 45 and 49

All other provisions of Idaho Court Administrative Rules (I.C.A.R.) 45 and 49 apply and any authorization under this Order may be revoked at any time, without prior notice.

IV. SECURITY

A) Courthouse Area Security


Security officers may quiet or disperse members of the public or the media so as to not hinder other members of the public and court staff from having access to the building, the Clerk of the Court's office, and any other courtrooms or offices in the building.

B) Disruptive Behavior

Any activity or behavior which is considered disruptive by the Court will result in removal. Any spectator who creates a visual or auditory disturbance of the court proceedings may be removed from the courtroom and/or the building at any time at the discretion of court security personnel.

Violations of this Order may subject the violator to a charge of contempt. The Clerk of the Court shall post this Order at conspicuous locations within the courthouse and provide copies to all interested parties.

DATED: **June 29, 2023**

A handwritten signature in black ink, appearing to read 'Keisha L. Oxendine', written over a horizontal line.

Hon. Keisha L. Oxendine
Magistrate Judge #683