

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STANLEY PATRICK WEBER,

Defendant.

CR. 17-50033-JLV

ORDER

Rapid City Journal Criminal Justice Reporter Arielle Zionts by letter to the court requested permission for Ms. Zionts "or any other Journal reporter or freelancer to bring a laptop, audio recording device and camera to the upcoming Stanley Patrick Weber trial." Ms. Zionts' letter set out reasons a reporter may find the use of these devices in the courtroom helpful during trial.

Courtroom use of the requested devices and technology is strictly regulated in United States District Courts. Federal Rule of Criminal Procedure 53 prohibits courtroom photographing and broadcasting from any courtroom. The Judicial Conference of the United States sets policy and promulgates guidance for district courts in the conduct of court proceedings including jury trials. Judicial Conference policy prohibits the broadcasting, recording or photographing of courtroom proceedings for the purpose of public dissemination. Guide to Judiciary Policy Vol. 10, Ch. 4, § 410.10(a). In addition, this court's Standing Order 18-03 and Criminal Local Rule of Practice

57.5 prohibit the use of the requested devices and technology in courtrooms in the District of South Dakota.

Having carefully considered Ms. Zions's request and being mindful of the important role reporters and media organizations play in our democratic society, it is

ORDERED that Ms. Zions or any other media organization reporter may bring a laptop with a silent keyboard into the courtroom for use in reporting the proceedings in this case which are open to the public. Use of any other device or technology is prohibited.

IT IS FURTHER ORDERED that each such reporter shall provide to the Court Security Officers a photocopy of his or her press/media credentials upon entering the Rapid City Courthouse and shall make all electronic devices and technologies available for inspection by Court Security Officers and personnel from the United States Marshal Service.

IT IS FURTHER ORDERED that all provisions of the attached Standing Order 18-03 and Criminal Local Rule of Practice 57.5 remain in effect and are enforceable except as specifically modified by this order.

Dated September 13, 2019.

BY THE COURT:



JEFFREY L. VIKEN
CHIEF JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

IN RE: PROTOCOL WITHIN THE)	
UNITED STATES FEDERAL BUILDINGS)	STANDING ORDER 18-03
AND U.S. COURTHOUSES)	

This order applies to the United States courthouses at Aberdeen, Pierre, Rapid City, and Sioux Falls, and any court function located in a facility other than a United States courthouse, until further order of this court.

IT IS ORDERED that the following rules shall apply in any United States courthouse or other court facility (on site or off site) in the District of South Dakota:

1. GENERAL CONDUCT. No person shall loiter, sleep, or conduct himself or herself in an abusive or disorderly manner. Any person entering the courthouse under the influence of intoxicating liquor or drugs shall be detained until the U.S. Marshals Service is notified for proper disposition.

2. ELECTRONIC SEARCH. Any person entering a court facility shall be deemed to have consented to an electronic search of the person by a security officer and to a search of any bag or container in the possession of the person. In the discretion of the presiding judge, identifiable residents of the courthouse, officers of the court, and individuals having proof of a medical condition that precludes electronic search, *e.g.*, certain pacemakers, may be excluded from electronic search upon entry. However, a security officer may require the search of a building resident if the officer believes the building resident possesses a weapon, destructive device, or component. Any person refusing to submit to search shall be denied entry into the court facility.

3. MAIL. All mail and packages received at a United States courthouse shall be electronically searched for the presence of weapons, destructive devices, or components.

4. CELLULAR AND ELECTRONIC DEVICES. Except by permission of the presiding judge, no person shall photograph, videotape, televise, broadcast, or record, or cause to be photographed, videotaped, televised, broadcast, or recorded any courtroom proceeding, including proceedings of the grand jury. No person shall take any photographic, videotape, television, or sound recording equipment into (1) any courtroom except upon the express permission of the presiding judge, or (2) any jury room, or (3) any corridor on

the floor on which a courtroom or jury room is located. This paragraph does not apply to (1) the official court reporter who may use a voice-recording device in connection with his or her official duties, or (2) the use of electronic means for the presentation of evidence or the perpetuation of the record as authorized by the presiding judge.

Cellular phones and electronic devices may be brought into courthouses in the United States District Court for South Dakota unless the presiding judge places restrictions on these devices. All cellular and electronic devices must be turned off in the courtroom and any corridor on the floor on which a courtroom or jury room is located unless specifically authorized by order of the court. Cellular and electronic devices are devices capable of communicating, transmitting, receiving, or recording messages, images, sounds, data, or other information by any means, including, but not limited to, a computer tablet, cell phone, or Bluetooth device. Individuals who bring such devices into courtrooms may be asked by court security personnel to demonstrate that the device is turned off. Members of the Bar and employees of members of the Bar are exempt from this provision.

Use of any camera or sound recording devices in the courtroom or any corridor on the floor on which a courtroom or jury room is located is prohibited unless specifically authorized by order of the court.

However, an electronic device that is essential to a person's health or welfare (such as an insulin pump) may remain on in the courtroom.

News media personnel who possess recording devices shall be allowed entry into a court facility, provided the news media personnel are escorted through the building by a representative of the tenant agency being visited. If no tenant representative is available, entry with the recording devices shall be denied. In courthouses where jury and grand jury facilities are located contiguous to public access corridors, news media personnel will not be allowed to possess recording devices on the floors housing the jury and grand jury facilities during jury deliberations or grand jury sessions.

Photographic, videotape, television, and sound recording devices are permitted in courtrooms and in adjacent corridors to naturalization ceremonies, investitures, attorney admissions, and other ceremonial functions unless specifically prohibited by the presiding judge.

5. SEATING OF SPECTATORS AND NEWS MEDIA. On days with judicial proceedings, the officer in charge of security may reserve for members of the news media and spectators designated areas for seating in the courtrooms, and all persons shall abide by the designation. Spectator seats not designated for the news media are available to spectators on a first-come,

first-served basis. Only court personnel, attorneys of record, litigants, security personnel, and other persons specifically authorized by the presiding judge are permitted in the well of the courtroom.

6. PHOTOGRAPHING GRAND AND PETIT JURORS AND GRAND JURY WITNESSES. In order to protect the integrity and independence of grand and petit jurors, no person shall photograph or attempt to photograph any grand juror, petit juror, or grand jury witness without the express approval of the individual juror or witness or the express approval of the presiding judge. No one shall photograph or otherwise record the motor vehicle or motor vehicle license of any such juror. Leaflets or other juror information pamphlets shall not be given to a juror or placed in any place where the juror might reasonably be expected to obtain the printed matter. Such action may constitute an unlawful attempt to influence, intimidate, or impede a juror or witness, in violation of 18 U.S.C. § 1503 and 18 U.S.C. § 1510.

7. FOOD, DRINK, AND TOBACCO. No Person shall consume any beverage other than water, eat any food, or use any tobacco or tobacco product in a courtroom at any time without prior approval of the presiding judge.

8. ENFORCEMENT. The United States Marshal and his or her deputies and court security officers shall enforce this Order, and, in doing so, may remove from a courtroom or courthouse any person who violates this Order. In addition, the United States Marshal and his or her deputies and court security officers may confiscate any electronic device from any person who violates this Order, provided that the United States Marshal, his or her deputies, or court security officers immediately present the device to the presiding judge. Presiding judges may establish different rules which must be followed.

IT IS SO ORDERED this 15th day of October 2018.

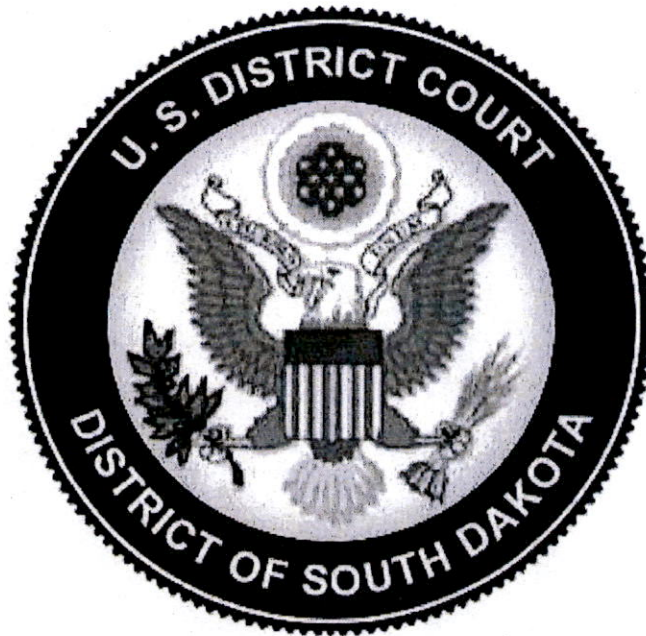


JEFFREY L. VIKEN

Chief Judge

United States District Court
District of South Dakota

CRIMINAL LOCAL RULES OF PRACTICE



**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA**

12/01/15

stances, and the disabling of all weapons. All such measures should be approved prior to trial by the judge and the United States Marshals Service.

LR 57.4 WITHDRAWAL AND SUBSTITUTION OF COUNSEL

- A. In General.** An attorney of record in a case may be permitted to withdraw from representation as counsel of record only by order of the court, or as otherwise provided herein.
- B. Withdrawal With Substitution.** Leave of court is not required where a notice of withdrawal is accompanied by a substitution of counsel, provided that said substitution takes place 30 or more days in advance of trial, the substitution contains a certificate by substituted counsel, and the substitution will not delay the trial or other progress of the case. The notice of withdrawal and substitution must set forth the name and address of the substituted and withdrawing counsel. Withdrawal under this section will be effective upon filing a notice of withdrawal and substitution. Notice of withdrawal must be provided to the client by the withdrawing attorney.
- C. Withdrawal Without Substitution.** Withdrawal without substitution may be granted only upon motion, for good cause shown. Notice of the motion must be provided to the client by the withdrawing attorney.

LR 57.5 RECORDING AND CELLULAR DEVICES

No person will photograph, videotape, televise, broadcast, or record or cause to be photographed, videotaped, televised, broadcast, or recorded any courtroom proceeding, including proceedings of the grand jury. No person will take any photographic, videotape, television, or sound recording equipment into (1) any courtroom except upon the express permission of the presiding judge, or (2) any jury room, or (3) any corridor on the floor on which a courtroom or jury room is located. This paragraph does not apply to (1) the official court reporter who may use a voice-recording device in connection with his or her official duties, or (2) the use of electronic means for the presentation of evidence or the perpetuation of the record as authorized by the court.

Cellular phones and portable devices that contain cellular phones will be permitted in all courthouses in the United States District Court for South Dakota. Cellular devices must be turned off or in silent mode when taken into courtrooms. Individuals who take such devices into courtrooms may be asked

by court security personnel to demonstrate that the device is either turned off or in silent mode.

Photographic, videotape, television, and sound recording devices will be permitted in courtrooms and in adjacent corridors to naturalization ceremonies, investitures, attorney admissions, and other ceremonial functions unless specifically prohibited by the court.

Exceptions to this rule may be granted by the district judge handling the proceeding consistent with the Eighth Circuit Judicial Conference policy.

LR 58.1 SCHEDULE OF FINES

Pursuant to Fed. R. Crim. P. 58(d)(1), the court has, by standing order, fixed sums which may be accepted in lieu of appearances in cases of petty offenses, as defined in 18 U.S.C. § 19. All schedules presently in effect are adopted.