


IT IS SO ORDERED this 3rd day of October, 2022 at Waukesha, Wisconsin.

By the Court:



Jennifer R. Dorow
Circuit Court Judge, Branch 2

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

STATE OF WISCONSIN,

Plaintiff

vs.

SECOND AMENDED
Order Governing Trial Administration
Case No. 2021CF001848

Darrell E. Brooks

Defendant

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 know and the obligations of the media to attend the proceedings, and (3) the court's own interest in maintaining order and an environment which permits all participants to focus on their responsibilities without undue distractions. To address these important considerations, and in accordance with SCR Chapters 61, 68 and 70, this Order will govern conduct of the media and attendance of the public in all matters concerning the above matter in the courtroom, courthouse, court facilities and on the county grounds. Adherence to this Order is mandatory, and shall serve as direction to the media, media coordinator and the public during the course of this case. This Order is subject to modification at any time by the Court.

DEFINITIONS

Court facilities means facilities used in the operation of the Circuit Court including without limitation the courtroom, court chambers, the office of any judicial officer, court reporter, Clerk of the Circuit Court, jury room, jury assembly areas, judicial staff areas, areas that may affect the security of the court, court staff, the public, and any other facilities used in the operation of a court where court proceedings are conducted or judicial staff is housed.

INQUIRIES

Inquiries concerning clarification or application of this Order may be directed to either, the Waukesha County Media Coordinator, Mark Krueger, Fox 6, (or his designee), or the Third

Judicial District Court Administrator, Michael Neimon, who will act as liaison with the Court. Monica Paz, Clerk of Circuit Court, will be the Public Information Officer for any court related documents or information that will be dispersed throughout the proceedings. Security concerns generated by this Order shall be addressed with Waukesha County Sheriffs Department Captain Neil Dussault.

AUDIO/VIDEO CAMERA

Court TV will be providing a remote control three camera pool feed on behalf of the media. The video cameras will be stationary and located in areas approved by the judge. Court TV will transmit a pooled live audio/video feed from the media conference room located in the back of the courtroom to the Jury Assembly Room, if available, or another location as determined by the court, except as provided herein. All audio/video equipment allowed must not be recording or transmitting when court is not in session, sometimes referred to a recess or break. A "recess" means any time the judge is not on the bench, or when the judge states that a break or recess is being taken and proceedings are not actually being conducted. The audio/video equipment shall not be recording or transmitting a live feed unless a videographer is present to operate it. There will be no filming of the jury, family members or gallery. There will be no filming of any juvenile witness's face. Any juvenile witness may only be filmed from the shoulders down.

The Court is mindful that the use of the pool cameras may result in some members of the gallery being captured on video. The Court has authorized Court TV to use multiple cameras and microphones as unobtrusively as possible to provide fair and accurate coverage of the proceedings. This inadvertent or incidental recording of the gallery is permitted, but nonetheless expected to be minimal and similar to what was captured by the Court's prior live streams. All members of the gallery present during the proceedings shall be presumed to be aware of the live stream and the possibility of being captured on camera.

Pursuant to SCR 61.07, audio pickup, broadcast or recording of a conference in a court facility between an attorney and client, co-counsel, or attorneys and the trial judge held at the bench is not permitted.

There shall be NO recording, audio, video or otherwise, of any part of the jury selection process (voir dire), except that the pool videographer may capture 30 minutes of video without audio of the judge and parties during the proceedings (B Roll) for news coverage purposes.

No party, member of the media, or anyone else may disclose or report on the subject matter or content of any question asked of the jurors during the jury selection process, as well as the answers provided by the jurors, until after a jury is empaneled by the Court.

PAGERS/CELL PHONES/ELECTRONIC DEVICES

Member of the media and general public will not be permitted to have pagers/cell phones/electronic devices on while in the courtroom. There shall be no video or audio recording by cell phones, smart devices, tablets or any other device in the courtroom at any time. There shall be no electronic device that has any audio/video, recording or access to the internet capabilities used in the courtroom at anytime unless specifically approved by the Court. The Waukesha Sheriffs Department will use their discretion when enforcing this section.

In all other respects, the use of a computer, cell phone or other electronic device, including personal wearable electronics, applications, or tools with communication capabilities to share any information about this case or other matters are prohibited if the use interferes with court system security.

STILL PHOTOGRAPHY

There shall be no more than one individual acting as a still pooled photographer permitted in the courtroom on behalf of all media. That individual will be motionless and equipped with a non-flash camera with as quiet an action as possible. This individual may use a cell phone as their camera but no recording. The photographer's location will be in the front row, last seat from the main aisle, behind the prosecution side of the courtroom unless otherwise directed by the Court. There shall be no photographs taken of the jury, family members or gallery. The person's media credentials shall be clearly visible.

The Still pooled photographer must take extra precautions during the jury selection process to avoid capturing images of the jury pool, whether directly or indirectly.

Members of the general public will not be permitted to have a camera in the courtroom.

The Waukesha Sheriffs Department will use their discretion when enforcing this section.

LIVE STREAM

Court TV will provide live streaming of the entire trial except during the jury selection process. A copy of the link will be posted to the Court's website, as the link was not yet available at the signing of this Order.

Any live streaming or live feed by the media while at the Courthouse is permitted only in areas designated for the media as outlined in this order.

The only official record of the proceedings shall be the court record prepared by the official court reporter(s).

The Court will not live stream the jury selection process (voir dire). Zoom will be made available for victims, victim-witness, the parties, family of the defendant and court staff, but only upon written request and prior approval by the Court. Zoom information (meeting ID and password) shall not be disclosed to anyone not approved by the Court. The Court will utilize a waiting room and anyone not properly identified and pre-approved by the Court will not be allowed into the Zoom meeting. All participants on Zoom other than the Court shall keep their audio muted and cameras off. Anyone on the zoom who does not follow these instructions shall be subject to immediate removal from the Zoom and not allowed back in.

SEATING

Trial Seating

Attendance during the trial will be limited to available benches in the courtroom with certain exceptions. The first and second rows behind the prosecution table will be reserved for victims. The first row behind the defense table will be reserved for the defendant's family. The last row in the gallery will be reserved for the media. The court will determine with counsel from both parties the number of seats they wish to have assigned to them in the public gallery, if any. The remaining seats and rows will be available to the general public on a first come first serve basis. Under no circumstances may a seat be saved. Any seats remaining open 15 minutes after the start of both the morning and afternoon sessions of court may be filled by other members of the public or media. No one will be permitted to stand at any location in the public areas of the courtroom except security and court personnel. Lawyers not involved in this case shall be treated as members of the public.

All persons seated in the gallery are hereby put on notice that while seated in the gallery, and in particular in the first row of the gallery, they may be captured by the cameras in the court room and appear in the live stream broadcast by the Court.

Once seated in the courtroom, spectators may leave, but they will not be permitted to reenter the courtroom until the Court takes a break and goes off the record.

The Waukesha Sheriff's Department will use their discretion when enforcing this section.

Jury Selection (Voir Dire) Seating

Seating during the jury selection process (voir dire) will be modified to account for members of the jury pool sitting in the gallery.

It is anticipated that 340 jurors will be summoned for this trial over the course of three to four days, with 105 being called in on day one of trial. Approximately 40 jurors will be present in the courtroom for the voir dire examination and the remainder will be in a place assigned by the Clerk of Court, where they will see and hear the voir dire electronically from their remote location. Those jurors who are in the remote location will note any question to which they will respond if called to the courtroom. 16 jurors will be selected for the trial.

The first and second rows behind the prosecution table will be reserved for jurors. The third and fourth rows behind the prosecution table will be reserved for victims. The first row behind the defense table will be reserved for the defendant's family. The last row behind the defense table will be reserved for the media. The remaining seats and rows will be available to the general public on a first come first serve basis. Under no circumstances may a seat be saved. Any seats remaining open 15 minutes after the start of both the morning and afternoon sessions of court may be filled by other members of the public or media. No one will be permitted to stand at any location in the public areas of the courtroom except security and court personnel.

All other provisions of the section on trial seating remain in full force and effect.

COURTROOM ATTIRE AND SIGNAGE

Placards, signs and similar items are not permitted in the courtroom. Spectators will not be permitted to wear clothing or colors expressing sympathy or support for either the defendant or the victims in the case. Persons wearing any such clothing, including visible pins, arm bands, emblems or any other similar attire will not be permitted in the courtroom.

MEDIA PARKING DURING

Media vehicles are required to park and stage in the east side of the North Parking lot on Moreland Boulevard across the street from the Courthouse. No media will be allowed to park in the 'horseshoe' parking lot between the Courthouse and the Justice Center buildings.

JURY ASSEMBLY ROOM

Courthouse Room CG6, known as the Jury Assembly Room (JAR) will be available to the media during the pendency of the case, if not otherwise being used by the Courts. Media may use electronic devices in this room. The room will be opened one hour prior to the start of scheduled hearings and closed 30 minutes after court concludes. When available, video will be fed from the courtroom to the JAR and will be displayed on numerous screens. Space is available on a first come/first serve basis. Security will not be provided in this room. If you leave your belongings in this room, the Court and Waukesha County are not responsible. No equipment of any kind will be allowed in any halls of the courthouse. Media will be required to go through routine screening upon entry to the courthouse.

INTERVIEWS

Broadcasting, interviewing or questioning of counsel, family members or others is prohibited in the hallways. Broadcasting and interviews must be conducted in the JAR or in a designated interview area outside the Courthouse away from the main public entrance.

If trial counsel makes themselves available for interviews, they shall be conducted in the JAR or in the designated media area outside the courthouse. No interviews shall be conducted outside of these two designated areas.

AREAS ADJACENT TO COURTROOM

For security and safety, the hallway area immediately outside the courtroom will be kept reasonably clear of congestion. Stairwells and emergency exits will not be obstructed in any manner by the media, their equipment or the public. The Sheriff's Department will monitor compliance.

POSTING

This order shall be posted in all court buildings.