

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Edward W. Nottingham

Criminal Case No. 05-cr-00545-EWN

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. JOSEPH P. NACCHIO,

Defendant.

RULES OF ORDER FOR TRIAL

1. Trial will begin promptly at 8:30 a.m., Monday, March 19, 2007, with jury selection in Courtroom A201. On subsequent days, trial will commence in Courtroom A1001 at a time to be announced by the court on the previous day. Trial will be held Monday through Thursday of each week until completed. All participants must be seated before trial begins.
2. Courtroom A201. (***Jury selection only.*** Spectator seating capacity approximately 110)
 - a. Jury Panel Seating
All seats behind bar on left side, facing bench
 - b. Reserved Seating
Defendant's family in first row in well of court, left side, facing bench
Press, first two rows on right side, facing bench (approximately 22 spaces)
Public, last three rows on right side, facing bench (approximately 34 spaces)

Seating by the public and press at beginning of trial day and after recesses will be first come, first served until seating capacity is filled. Members of press must display credentials. The USM may implement a day-pass system for members of the press and public.

3. Courtroom A1001. (Spectator seating capacity approximately 42)
 - a. Reserved Seating
Defendant's family in first row in well of court, left side, facing bench
Press, first row on each side of courtroom (approximately 12 spaces)
Public, last two rows on each side of courtroom (approximately 30 spaces)

Seating by the public and press at beginning of trial day and after recesses will be first come, first served until seating capacity is filled. Members of press must display credentials. The USM may implement a day-pass system for members of the press and public.
 - b. Media representatives with credentials will be allowed to use battery-powered laptops for note-taking purposes during jury selection and trial. Cell phones and PDA devices must be silenced in the courtroom. No tape recording devices or stand-alone cameras are permitted in the courtroom.
 - c. Paging devices that do not have transmission capability will be permitted but their alert signals must be inaudible.
 - d. Photographing and video or audio recording or transmission of court proceedings are prohibited.
 - e. No conversations or gestures that would disrupt the proceedings or distract jurors or witnesses are permitted.
4. Courtroom A702. Remote facility for video and audio transmission of proceedings from Courtrooms A201 and A1001. (Seating capacity approximately 65)
 - a. No stand-alone cameras or tape recording devices are permitted in courtroom. Laptop computers permitted for note-taking purposes. Cell phones, PDAs and paging devices need not be silenced. They must be taken outside the courtroom for conversations.
 - b. Photographing and video or audio recording or transmission of court proceedings are prohibited.
5. The original exhibits admitted in evidence will not be available to the public for copying or inspection. They may be viewed on the public courtroom screen at the time they are received in evidence and displayed to the jury.

6. Juror Contacts and Security
 - a. Following jurors, obtaining their license plates numbers, photographing them, or attempting in any way to obtain their identities is prohibited.
 - b. Conversations, interviews and written communications with prospective jurors, and with selected jurors, including alternate jurors, before the court has discharged the jury are prohibited.
 - c. Sketch artists rendering drawings of court proceedings are prohibited from drawing detailed sketches of any member of the jury; however, silhouettes with no distinguishing features may be done.
7. Media interviews of trial participants in the courtroom and hallways or lobbies of the courthouse are prohibited. Interviews and conversations with the media may be conducted outside the courthouse, in the designated area.
8. The Media Relations Protocol Statement of the Office of the Clerk (copy attached) is hereby approved and adopted as the order of this court.

SO ORDERED.

Dated this 6th day of March, 2007.

BY THE COURT:

s/ Edward W. Nottingham
EDWARD W. NOTTINGHAM
United States District Judge

U. S. DISTRICT COURT FOR THE DISTRICT OF COLORADO
MEDIA RELATIONS PROTOCOL STATEMENT
CONCERNING CASE NUMBER 05-CR-00545-EWN
UNITED STATES V. JOSEPH P. NACCHIO
(March 6, 2007)

The following information is furnished by the Office of the Clerk of Court under the authority of the U.S. District Court for the District of Colorado. Its primary intent is to assist news media representatives in the safe and orderly coverage of the trial and case outcome of 05-cr-00545-EWN, *United States v. Joseph P. Nacchio*.

The jury trial is currently scheduled to begin with jury selection on March 19, 2007. The case is expected to be in trial for a period of six to eight weeks. The Honorable Edward W. Nottingham is the presiding judge. The trial location is the Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, CO 80294. Jury selection will take place in courtroom A201. The trial will be held in courtroom A1001.

This protocol statement will apply to all media representatives covering the Nacchio trial. Protocol requirements are applicable inside of the courthouse, outside of the courthouse, in the main trial courtroom, and in the overflow courtroom. The overflow courtroom will be in use as needed and will have both audio and video feeds from the trial courtroom. At this time, courtroom A702 has been designated as the overflow courtroom.

Media relations security outside of the courthouse will be coordinated by the Federal Protective Service. Security concerns within the courthouse will be addressed by the United States Marshals Service and Court Security Officers.

**All media representatives are required to adhere to the protocol as stated below
as well as any orders or directives issued by the court or those federal law
enforcement agencies associated with the court.**

1. Media Contact Liaisons

Judicial assistant to Judge Nottingham, Jamie Hodges, will be the primary contact for media representatives. Ms. Hodges will be addressing media related questions concerning trial schedule, access to the courtroom, and general access to court information. She can be contacted in the chambers of Judge Nottingham at 303-335-2150. Assisting Ms. Hodges will be Clerk of Court Greg Langham, Chief Deputy Clerk Steve Ehrlich, and Administrative Specialist Brenda Martinez-Cobos. Mr. Langham and Ms. Martinez-Cobos can be contacted through the main clerk's office in the U.S. Arraj Courthouse or by telephone at 303-844-2076. Mr. Ehrlich can be contacted at the main clerk's office or by telephone at 303-844-3433.

2. Reserved Media Seating in the Courtroom

Limited reserved seating will be available in both the main courtroom and in the overflow courtroom for those media representatives displaying a court authorized media ID badge. Excluding sketch artists, on busy court days, only one representative from each media organization will be allowed to sit in the reserved seating space. Reserved seating space will be available on a first come, first served basis.

Courtroom seating in the main courtroom will be managed by the USMS through seating passes provided on each day of trial at the entrance of the courtroom. A specific number of public seats will be available. Media representatives with a media ID badge not seated in the reserved media area may occupy unused assigned public seating or view court proceedings from the overflow courtroom.

3. Use of Laptops in the Courtroom

As long as the use of battery powered laptops is not disruptive to court proceedings, media representatives displaying court authorized ID badges will be allowed to possess laptops in the courthouse and to use such devices in the courtroom during jury selection and during the trial. The use of laptop camera or recording functions is not allowed.

4. Use of Cell Phones and PDAs

Unless otherwise determined by Judge Nottingham, throughout the trial, media representatives displaying court authorized badges will be allowed to maintain possession of cell phones and PDAs. All cell phone and PDA devices must remain silent when in the courtroom (see attached order). Cell phone call functions may be used in the public and common work areas of the courthouse and in the overflow courtroom. Use of camera or recording functions on cell phones and PDAs is not allowed at any time while inside the courthouse.

5. Court Authorized Media ID Badges

Media representatives covering the trial from inside the courthouse or from outside the courthouse must obtain a court authorized media ID badge and publicly display the same throughout trial coverage. On entering the courthouse, media representatives must be screened as is required of all public visitors. Representatives must register for a court authorized ID badge using the attached form. Issued media badges will be specific to the coverage of the Nacchio trial. The badges may not be duplicated or shared. At the termination of the trial, media badges must be returned to the clerk's office or a court security officer. **Violations of these protocol**

requirements, orders or directives of the court, or directives of the involved law enforcement officers will result in the revocation of ID badges and media coverage privileges.

6. Availability of Trial Exhibits

Admitted trial exhibits will be available through in-courtroom viewing at the time of presentation by the parties to the court.

7. Availability of Media Workroom

A media workroom will be made available during the trial to those media representatives with court authorized media ID badges. The workroom is located in the first floor center conference room of the Byron G. Rogers U.S. Courthouse, 1929 Stout Street, Denver 80294. Media representatives who wish to install communication and/or data lines in the workroom must do so at their own cost and must coordinate such installation through the court's IT Director, Diann Duino. Ms. Duino can be reached at 303-335-2322.

8. Courtroom Access and Exiting

Judge Nottingham has scheduled jury selection to begin at 8:30 a.m. on March 19, 2007. At the end of each day's proceedings, Judge Nottingham typically announces the start time of the following day's proceedings. Entry into the courtroom will generally be allowed fifteen to thirty minutes before the start of court. Seating will be allowed on a first come, first served basis. Exiting and entering the courtroom during the trial will be allowed as long as it is not disruptive.

9. Availability of Transcripts

Public access to filed transcripts not under seal will normally be available for review in the main clerk's office of the Arraj Courthouse within twenty-four to forty-eight hours from the date of the live proceeding. To order a transcript, contact the primary court reporter, Terri Lindbolm. Ms. Lindbolm can be contacted at 303-628-7877.

10. Interview and Camera Access to Parties

Interviews with involved parties are to occur outside of the courthouse. (See #11 related to outside media area). The use of any camera or photographic equipment is not allowed inside the courthouse.

11. Outside Media and Public Areas

To assist with overall security and general public access to the U.S. Arraj Courthouse, the court has designated a special outside area for media use throughout the Nacchio trial. Interviews, still pictures, and film coverage are to be activated and conducted from within this area. (Please see the attached map indicating the area.) Use of all outside federal areas will be coordinated and managed by the Federal Protective Service.

Public gatherings are allowable in the areas of the public sidewalks surrounding the courthouse. At no time should public access to the courthouse be restricted by news media covering events.

When necessary, the designated outside media area may be gated in order to insure that the entire outside area is safe and secure. Those operating from within the area must display at all times a court authorized media representative ID badge.

Needs of the court to conduct the trial in a safe and orderly fashion may result in the modification of the requirements of this media protocol statement. Thank you for your cooperation.