

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-Filed 1/28/2011

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Michael Angelo MORALES et al.,
Plaintiffs,
v.
Matthew CATE, Secretary of the California
Department of Corrections and Rehabilitation,
et al.,
Defendants.

Case Number 5-6-cv-219-JF-HRL
Case Number 5-6-cv-926-JF-HRL

DEATH-PENALTY CASE

ORDER REGARDING MEDIA
ACCESS TO EVIDENTIARY
HEARING AT SAN QUENTIN
STATE PRISON

On March 30, 2006, the Court conducted a partial evidentiary hearing in the instant litigation at San Quentin State Prison. Due in part to the extremely small size of the execution chamber then examined, the Court directed that two media representatives would be permitted to attend the proceeding, subject to a pooling arrangement with other interested members of the media. (Doc. No. 118 at 2–3.)

A further partial evidentiary hearing at San Quentin is now scheduled for February 8, 2011. The Associated Press, KGO-TV, the San Jose Mercury News, and the Stockton Record have requested that they be permitted to attend the hearing as pool reporters. The Court has sought the views of the appropriate individuals at the prison, and it appears that a slightly greater media presence at the upcoming proceeding is possible in light of the larger size of the new

1 execution chamber. Accordingly, the requests of the Associated Press, the San Jose Mercury
2 News, and the Stockton Record are granted. However, because television coverage of federal
3 court proceedings is disfavored and generally is precluded by the administrative rules applicable
4 to federal courts, *see generally Hollingsworth v. Perry*, 130 S. Ct. 705 (2010); Civil L.R. 77-3,
5 the Court respectfully must decline the request of KGO-TV.

6 One or two additional pool reporters may be accommodated. Any additional reporters
7 who wish to attend should that be the case shall email a request forthwith to the Court's Death
8 Penalty Staff Attorney, George O. Kolombatovich, at g_o_kolombatovich@cand.uscourts.gov.
9 Priority will be given to reporters who have been covering the instant litigation on a regular basis
10 and who are familiar with the factual and legal issues.

11 All reporters selected for the pool must contact Lieutenant Samuel Robinson, Public
12 Information Officer at San Quentin State Prison, to obtain security clearance and to make any
13 appropriate arrangements. A full transcript of the partial evidentiary hearing at San Quentin shall
14 be released to the media and the public not later than the close of business on February 9, 2011.

15 IT IS SO ORDERED.

16
17
18 DATED: January 26, 2011


19 JEREMY FOGEL
20 United States District Judge
21
22
23
24
25
26
27
28