



proceedings at such time as they resume. All current orders regarding media access remain in full force and effect.

The United States Supreme Court in *Sheppard v. Maxwell*, 384 U.S. 333(1966) focused on the trial court's duty to protect the Defendant's constitutional right to fair trial, as follows:

Due process requires that the accused receive a trial by an impartial jury free from outside influences. Given the pervasiveness of modern communications and the difficulty of effacing prejudicial publicity from the minds of the jurors, the trial courts must take strong measures to ensure that the balance is never weighed against the accused. . . . The courts must take such steps by rule and regulation that will protect their process from prejudicial outside interferences. Neither prosecutors, counsel of defense, the accused, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function. Collaboration between counsel and the press as to information affecting the fairness of a criminal trial is not only subject to regulation, but is highly censurable and worth of disciplinary measures.

*Id.* at 362-363. Additionally, the U. S. Supreme Court in *Nebraska Press Association v. Stuart*, 427 U.S. 539 (1976) observed

. . . pre-trial publicity – even pervasive, adverse publicity – does not inevitably lead to an unfair trial. The capacity of the jury eventually empanelled to decide the case fairly is influenced by the tone and extent of the publicity, which is in part, and often in large part, shaped by what attorneys, police and other officials do to precipitate news coverage. The trial judge has a major responsibility. What the judge says about a case, in or out of the courtroom, is likely to appear in newspapers and broadcasts. More important, the measures a Judge takes or fails to take to mitigate the effects of pre-trial publicity – the measures described in *Sheppard* – may well determine whether the defendant receives a trial consistent with the requirements of due process. . . .

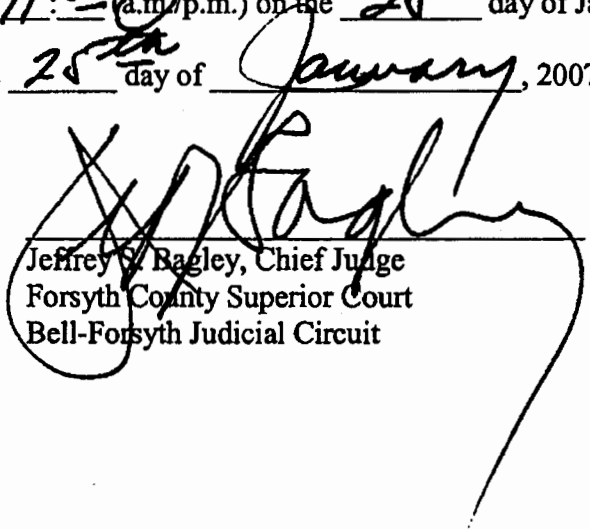
*Id.* at 554-555.

Pursuant to the holding in *Nebraska Press Association v. Stuart*, this Court does not take any steps which proscribe the press or media from reporting events that transpire in the courtroom. This Court, however, ORDERS and DIRECTS that from this date

forward, prosecutors and persons affiliated therewith, the accused, court staff – including Clerk of Court, Sheriff and his lawful Deputies, bailiffs, court reporters, and witnesses, whether law enforcement officers or not, shall not release, make or authorize the release of any extrajudicial statement, for dissemination by any means of communication or to any other person, relating to those matters and concerning the location of the transferee county and further that the Order Setting Venue which names the transferee county be sealed until opened by the Court at 9:00 a.m. on Friday prior to the beginning of jury selection. The order shall remain sealed until Friday, February 23, 2007, at 9:00 a.m.

This order is effective from 11:50 (a.m./p.m.) on the 25<sup>th</sup> day of January, 2007.

SO ORDERED, this 25<sup>th</sup> day of January, 2007.



Jeffrey S. Bagley, Chief Judge  
Forsyth County Superior Court  
Bell-Forsyth Judicial Circuit

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