

Public Comments on Proposed Amendments to Rules for Expanded Media Coverage (Chapter 25) (due January 6, 2014)

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(received)

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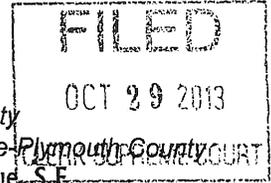
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RE: Comments to Proposed Amendments to Rules for Expanded Media Coverage (Chapter 25)

To the Members of the Iowa Supreme Court:

First let me say that I generally support access to the courts by the media and we need to be much more media friendly and many of the proposed amendments to Chapter 25 are certainly appropriate. However, I want to present some comments on the proposals that relate to initial appearances and media access under Chapter 25.3(2)(a) and 25.3(3)(a).

Initial appearances in the Third District often take place from home via video link, by phone by Magistrates, District Associate Judges, and District Judges and of course in person. When done in person, which is the primary procedure, the Judges meet with the Defendants in the booking area of the jail or law enforcement center. There is limited space in the booking areas, no general public access, and certainly no regular media access. It is highly unlikely that the media would even be aware of an initial appearance taking place. Initial appearances occur at varying times i.e. early in the mornings, later in the mornings, later in the day and possibly in the evenings depending on the circumstances. There is no court staff available to assist the Judge except for the jail staff at the facility at the time. The Defendants sometimes are in cuffs or shackles, jumpsuits, or bloodied and disheveled from the underlying activity that brought about the arrest. The process of the initial appearance is quick and expedient usually needing little more than a few minutes to complete even in the more complicated case.

Further, there is never any defense lawyer present nor is there a prosecutor present and often, there are others facing charges who will have an initial appearance at or near the same time who may not be subject to the media coverage request directly but will be inadvertently be exposed to it because of the media presence. As you can see allowing media access to an initial appearance is fraught with peril and problems. I believe most of us operate under the rule of thumb that an initial appearance should be done within 24 hours of arrest. To add an expanded media request to this mix would most certainly cause an initial to take place at the courthouse more than 24 hours after arrest and thereby potentially invoking issues of significant Constitutional import.

I would therefore urge that initial appearances not be subject to expanded media and those related proposed changes not be implemented. Thank you for your consideration of my thoughts and comments.

Sincerely,
 Jeffrey A. Neary
 District Court Judge, 3rd Judicial District



Supervising Judge – Plymouth County Drug Court