

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 23-cr-20191-MSN
)	
v.)	
)	
TADARRIUS BEAN,)	
DEMETRIUS HALEY, and)	
JUSTIN SMITH,)	
)	
Defendants.)	

ORDER REGARDING MEDIA AND ELECTRONIC DEVICES

This Order updates and supplements this Court’s September 21, 2023 order. (*See* ECF No. 50.)

Pursuant to Federal Rules of Criminal Procedure 53 and 57, Local Rule 83.2, and Federal Judicial Conference Policy, any broadcasting, televising, recording, or photographing of court proceedings is strictly prohibited. The prohibition includes all areas on the floors of the Courthouse occupied by the courts during judicial proceedings, whether or not court is in session. This restriction also applies to the overflow room of this Court.

Local Rule 83.2 generally prohibits the possession of electronic devices beyond the security checkpoints of the Odell Horton Federal Building. Exceptions are made for certain individuals, including attorneys, their paralegals and assistants under their supervision, and

members of the media.¹ Local Rule 83.2(b)(1). Attorneys, their paralegals, and assistants may use their devices in the courtroom, but only for court-related business. Local Rule 83.2(b)(2).

Members of the media, like others, are prohibited from using electronic devices on the floors occupied by the courts during the progress of or in connection with judicial proceedings, regardless of whether court is in session.² This restriction applies to the overflow room of this Court. However, members of the media are permitted to use their electronic devices in the overflow room for note-taking purposes only, provided that such use does not involve recording, photographing, or broadcasting of any kind. The Court has also designated a media room on the basement level of the Courthouse where members of the media may otherwise use their electronic devices. For further inquiries or requests, the Clerk’s Office has established a dedicated email address for media inquiries: mediainformation@tnwd.uscourts.gov.

Additionally, Local Rule 83.2 prohibits the taking of photographs and audio or video recordings on the floors occupied by the courts during the progress of or in connection with judicial proceedings, regardless of whether court is in session. The prohibition applies to the overflow room of this Court and the basement-level corridors.

¹ For the purposes of this order, “media” refers to full-time professional journalists employed by media organizations that have records of substantial and original news coverage of legal proceedings or public affairs. *Cf.* Supreme Court of the United States, Media Requirements and Procedures (July 10, 2023), https://www.supremecourt.gov/publicinfo/press/Media_Requirements_And_Procedures_Revised_071023.pdf.

² “[Rules on the use of electronic devices] protect[] the legitimate government interest of ensuring criminal defendants receive fair trials by lessening courtroom distractions, preventing juror and witness intimidation, and guarding against online influence.” *Somberg v. McDonald*, 2024 WL 3964004, at *11 (6th Cir. Aug. 28, 2024); see *Estes v. Texas*, 381 U.S. 532, 545–57 (1965); *Hils v. Davis*, 52 F.4th 997, 1004 (6th Cir. 2022).

The Court directs attention to Federal Rule of Criminal Procedure 53, which explicitly prohibits the taking of photographs in the courtroom during judicial proceedings and any broadcasting of such proceedings. And Federal Rule of Criminal Procedure 57 requires that all local rules be consistent with the Federal Rules of Criminal Procedure.

Federal Protective Service officers are authorized to cite and seize any unauthorized electronic devices used in the courtroom or any overflow room. The United States Marshal and/or Courtroom Security Officers may also take necessary steps to enforce Local Rule 83.2, including temporarily seizing the unauthorized device and/or immediately notifying a judicial officer of any such violation for appropriate action or sanction. Local Rule 83.2(c)(1).

Any violation of this Order, including the improper use of electronic devices or unauthorized photographing, recording, or broadcasting of proceedings, may warrant contempt of Court and will be adjudicated accordingly.

IT IS SO ORDERED, this 6th day of September, 2024.

s/ Mark S. Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE