

THE STATE OF NEW HAMPSHIRE

STRAFFORD COUNTY

DOVER DISTRICT COURT

MEDIA PETITION

Now comes David Montenegro, Reporter for the New Hampshire Free Press, New Hampshire Independent Media Center, and the Ridley Report, and requests that this Honorable Court permit Reporter to make photographic, videographic, and/or audiophonic recordings of any and all proceedings to be heard in open court, subject to the guidelines of District Court Rule 1.4 (c)-(h), and in support thereof states as follows:

1. The right of public access to proceedings in court is protected by the first and sixth amendments to the Constitution of the United States of America; Part I, Articles 8 and 22 of the Constitution of New Hampshire; and an overwhelming volume of precedent. cf. enclosed *Media Memorandum*, hereafter “MM”.
2. In addition to protecting the rights of the accused, public trials serve as a check on the courts and engender public confidence in the judicial system. Id.
3. In order to justify closing of any matter before the court, such closure must be shown to satisfy the following four criteria:
  - (a) the closure must advance an overriding interest,
  - (b) the closure ordered must be no broader than necessary to protect that interest,
  - (c) reasonable alternatives to closure must be considered, and
  - (d) the judge must make particularized findings to support the closure on the record.

Petition of WMUR Channel 9 & a., 148 N.H. 644, 813 A.2d 455 (2002).

4. This right of access is presumptive. In case of uncertainty, the right of access controls. Op. cit.

5. Electronic media, subject to certain guidelines concerning equipment operation, enjoy the same rights of access as other forms of media. Id.
6. In support of Reporter's press credentials, the enclosed *Press Portfolio* is submitted. The New Hampshire Free Press is a newspaper based in Keene, New Hampshire; the Ridley Report is a video news service with cable broadcast distribution in Manchester, New Hampshire; and the New Hampshire Independent Media Center is an Internet news service.
7. Not-for-profit media serve a valid and special media purpose, with unique social advantages over those of for-profit media. MM, supra.
8. The court has no power to "suppress, edit, or censor events which transpire in proceedings before it," Craig v. Harney, 331 U.S. 367, 374 (1947).

Wherefore, the Defendant respectfully requests that this Honorable Court:

1. Permit Reporter, or designated assistants, to make photographic, videographic, and/or audiophonic recordings, subject to the guidelines of District Court Rule 1.4 (c)-(h), of any and all proceedings to be heard in open court.
2. Grant such other relief as is equitable and just.

On May 19, 2009  
Signed \_\_\_\_\_  
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