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Southern Judicial Circuit**

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TO: Court Personnel, Law Enforcement and Attorneys  
FROM: Hon. Richard M. Cowart, Chief Judge  
RE: Communication Devices  
Date: April 27, 2022

An ever growing number of wireless communication devices that have the capability of recording and transmitting sound, pictures, and video have required this Court to establish policies regarding possession of all communication devices in the courtroom. Courtroom deputies are now being required to remove individuals' devices for disturbing the Court's proceedings. Communication devices have become a distraction to jurors, witnesses, attorneys and the Judge.

During jury trials it is **imperative** that jurors only consider evidence produced during the trial under the Court's supervision. Further, jurors are not to discuss a case with anyone during a trial, or research any aspect of a case. Communication devices can directly research via the internet and can communicate with individuals outside the courtroom without the knowledge of anyone; therefore, said devices use shall be prohibited by jurors while in attendance at trial or during jury deliberations.

Accordingly, communication devices will no longer be allowed in the courtroom while Court is in session **except** in accordance with the attached new communication device policy. Failure to comply with these policies may result in a fine, incarceration, or both for Contempt of Court. Said policy shall become effective May 1, 2022 and I am authorized to state that all acting Superior Court Judges of the Southern Judicial Circuit concur.

## SOUTHERN JUDICIAL CIRCUIT

### Communication Device Policy

- I. All cellular smartphones, or other wireless communication devices including but not limited to **SMART WATCHES, EARPODS, EARBUDS, PERSONAL DATA ASSISTANTS, IPODS, TABLETS, LAPTOP COMPUTERS** or any electronic device that possesses the capability of communicating information from one person to another, hereinafter referred to as **device(s)**, are not permitted in any of the courtrooms of the Superior Court in the Southern Judicial Circuit, *except* exempt persons. Exempt persons are those persons specifically enumerated in Section II below or otherwise permitted by Court Order of the Judge before whom the particular case or proceeding is pending. Any **device(s)** found on a person in the courtroom contrary to this policy may be subject to seizure and forfeiture of said **device(s)**.
- II. The following persons shall be exempt from the prohibition against carrying **device(s)** into the courtrooms of the Southern Judicial Circuit.
  - A. Judicial Officials
  - B. Court Employees assigned to work in the Southern Judicial Circuit
  - C. Law Enforcement Officers assigned for security purposes for scheduled court sessions and/or Law Enforcement Officers under a subpoena
  - D. Attorneys are exempted from the prohibition of bringing **device(s)** into the courtroom but are subject to Section III below, as are all "exempted" persons
  - G. Any other person(s) exempted by the presiding Judge
- III.
  - A. No **device** shall ever be heard in Court. Except with permission of the Court all cell phones will be silenced, and will be made certain any transmissions do not interfere with Court proceedings. If a **device(s)** "is used" in any courtroom, or interferes with courtroom proceedings, the presiding Judge may confiscate the **device** and impose sanctions for Contempt. The presiding Judge shall Order removal of that person(s) from the courthouse and exemption privileges will be revoked.
  - B. Never will any **device(s)** be used for photos or recordings without the express permission of the presiding Judge.
  - C. This policy is not intended to prohibit attorney(s) (or parties) from performing on-line research where access is available either through the Court or otherwise.
- IV. The Sheriffs Department of each County in the Circuit will have primary responsibility to confiscate any **device** from any person who attempts to enter the courtroom with a **device**. Any person who refuses to remove the **device** or cooperate with the Sheriffs Department may be excluded from the courtroom and be held in Contempt.

**NOTHING IN THIS POLICY LIMITS THE COURT'S AUTHORITY TO IMPOSE OTHER REASONABLE LIMITATIONS ON USE OF DEVICES WHERE NECESSARY TO MAINTAIN CONDITIONS CONDUCTIVE TO THE ORDERLY CONDUCT OF COURT PROCEEDINGS**