

Welcome





From the media

Bill Kelly

Nebraska Public Radio, senior producer

Austin Svehla

Norfolk Daily News, court reporter

Scott Buer

Chief photographer, KETV Omaha



From the Judiciary

Judge Jeffrey J. Funke

Supreme Court, 5th Judicial District

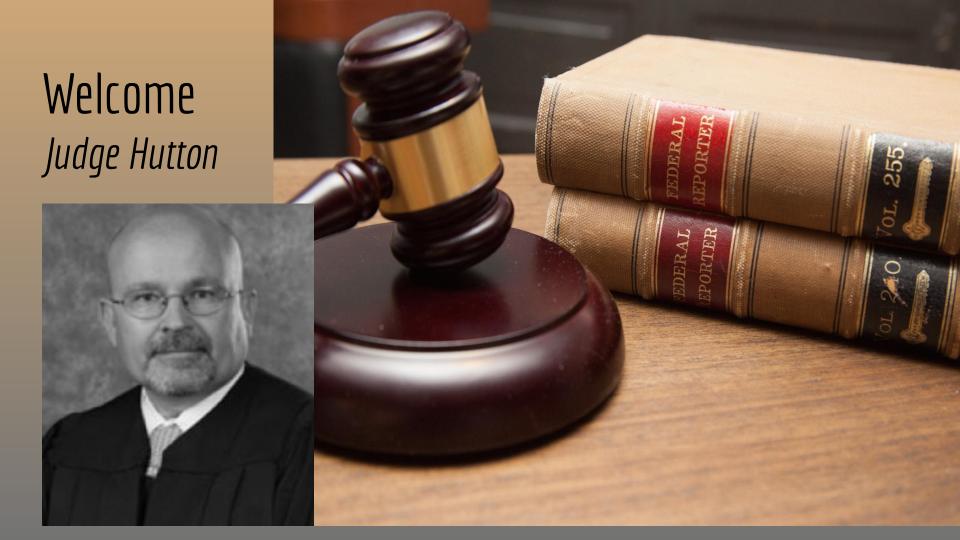
Judge Todd Hutton

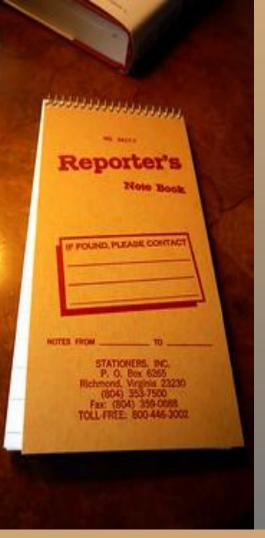
County Court, 2nd Judicial District
Cass, Otoe, Sarpy counties

Judge Gary Randall

Retired, Douglas County District Court

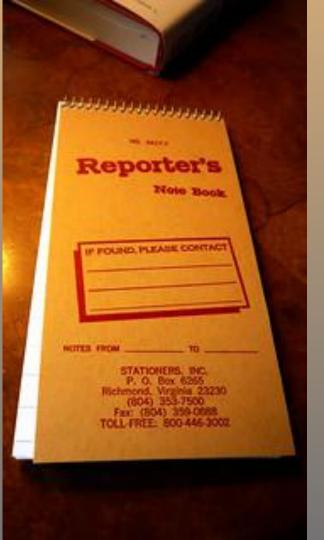






Outline for today

- So you have to cover a trial
- Steps in process
- > JUSTICE
- > Legal language
- > Courtroom etiquette
- Bench/Media guidelines
- > Tips & Resources
- > Q+A



So ... You have to cover a trial

The Case

A Husker linebacker was involved in a July 4th crash that killed a fellow student, who was a passenger in his SUV, when it flipped on Interstate 80 just west of the Waverly exit.

The player is being tried on felony vehicular homicide while under the influence.



But first .. before the trial:

- > Arrest: local police
- > Jail: local sheriff
- > Felony charges: county prosecutor
- > Arraignment: first appearance
- > Various motions: defense and prosecutor
- > Jury/bench trial: voir dire

CRIMINAL JUSTICE PROCESS (Felony) Release on Cash Bond Not Guilty Release on Supervision Dismissal Court Initial Pretrial Appearance Arraignment Remain in Jail Release Preliminary Appearance (Held on Bond) Interview Arraignment Hearing 'Not Guilty' Plea 'Guilty' Plea Serve Full Sentence Released Without Supervision Problem Solving Court Presentence Investigation Parole Direct Prison/Jail Commitment Court Sentencing Found Guilty Charges Dismissed Post Release Probation Supervision Fine and/or Community Service Revoked to Prison/Jail Discharge Commitment

Know before you go:

Where will the case be?
What judge?
What courtroom?
What can I say?
What can I do?

Where do I find this out – quickly?????

Types of Nebraska Courts

The Supreme Court

The Supreme Court's main responsibility is to look at cases from other courts to be sure that they didn't make any mistakes, and to see that the state's court and probation systems run smoothly. It looks at all cases invodeath penalty or It or when the case of the court and probation on about the Court and probation of the court and the

The St. urt is also in charge of a lawyers in the State of Nebraska.

The Supreme Court has a Chief Justice and six associate justices. The six associate justices each come from a different area of the state called a district, and the Chief can come from anywhere in the state. The Governor appoints the justices from a list given to him by a special committee whose job is to recommend people be judges.

The Court of Appeals

The Court of Appeals' job is to hear all appeals not involving penalties of death, or life in prison. So, whenever someone believes that rules were not properly followed in the lower court (usually a county or district court), they can have the court of appeals hear the case again, to see if anyone made any mistakes that could make them change the decision.

The Court of Appeals has six judges, one from each of the same six districts as the Supreme Court. One of these six judges is appointed by the Supreme Court as chief judge.

District Courts

here are 12 ial districts 56 district rt judges to se re all 93 of Neoraska's counties. District Courts hear all serious criminal cases, many civil cases including divorce cases.



County Courts

The County Courts also have 12 judicial districts (some of which have only one county, and some have up to 17), there are 58 county court judges. County Courts handle all minor criminal cases, traffic violations, guardianship, adoption, and juvenile cases (unless there is a Separate Juvenile Court in the district).

Separate Juvenile Courts

The Separate Juvenile Courts only deal with crimes committed by youth under 18, and with children who have been abused or neglected by their parents.

Workers' Compensation Court

The seven Workers'
Compensation Court judges
hold hearings in different towns
across the state. They decide

cases where people have been injured on their job.

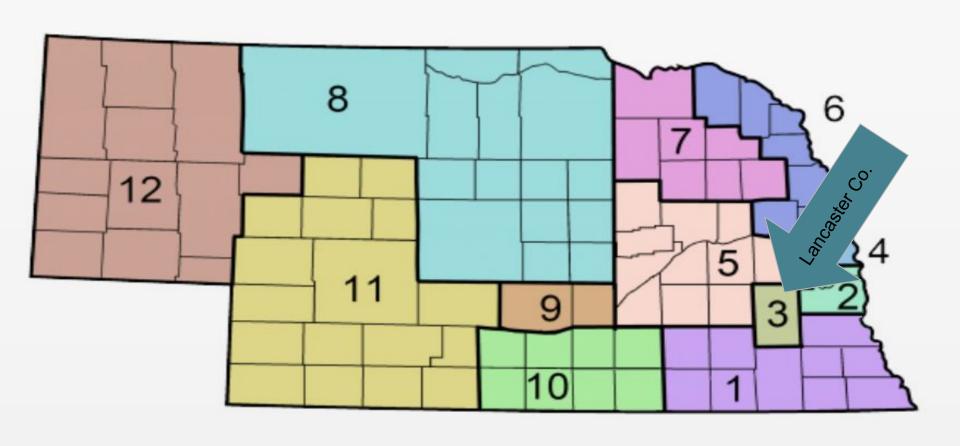
Drug & Problem Solving Courts

Nebraska has special courts for adults with drug problems, family drug treatment courts, and juvenile drug courts. Omaha has a special court just for young adults who commit crimes.

Drug and other problem solving courts operate through the regular trial court system, with county, juvenile, or district court judges.

Small Claims Court

Small claims court is a part of county court limited to noncriminal actions involving arguments over amounts of money owed, damage to property, or other smaller issues. Lawyers may not participate.



JUSTICE SYSTEM

The state's trial court management system.

Each case record includes such information as:

- Case summary
- Parties to the case
- Offense Information (criminal only)
- Financial information (costs/judgments assessed and paid)
- Register of actions a listing of documents filed by attorneys, court hearings, judge orders entered, etc.
- Judge notes (if applicable)

Case records available through online searches are public record. Most court-filed documents are viewable online as electronic images. When viewing a case online, document images will be available as clickable link

Things to know

- Records are public
- One time case search \$15 up to 30 records
- Frequent searches? Get a <u>subscriber</u>
 account
 - o Annual fee \$100
 - Up to 10 users on one password
- General searches are free.
- Viewing details of a case are \$1/each
- Search by Judgment Date and/or Court Case Number. Each of these searches is a \$1 charge, with no additional charges for accessing document images.
- Video tutorial <u>is here</u>



JUSTICE Search



The JUSTICE court case search system provides access to criminal, civil, traffic, iuvenile, and probate cases filed in all 93 of Nebraska's county and district courts.

The JUSTICE system can provide you with all of the public information on up to 30 cases, as it's been entered by the court. This information includes:

- Case Detail, such as the date and outcome of the trial, what the case was about, and who the judge was
- Party Listing, including the plaintiff and defendant, and often times their associated attorneys as wall
- Court Cost Information, including all fees associated with the case.
- Payments by and to the Court.
- Register of Actions, so you can follow everything that's been done with the case up to, during, and after the case, should it have been recorded.

Important: Refer to the Installation Dates for each court to ensure the case information you are looking for will be available.

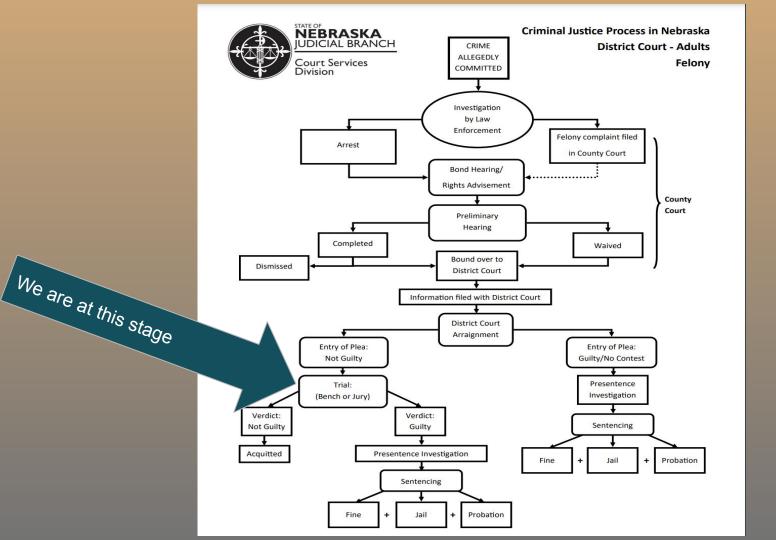
You will not be able to view court documents using this service. To view documents online you must be a Nebraska.gov subscriber.

Credentialed or not

- You can cover your trial without a court credential
 - No laptops, no photos and no cellphone.
- But it's a really good idea to <u>fill the paperwork</u>
 <u>PDF Version</u>
- Expanded Media Requests <u>must be filed for photo/video privileges</u> [PDF]

<u>List of credentialed media</u>







A trial's key moments + what to look for

- Key moments:
 - Opening/closing statements
 - What about jury: Voir Dire
 - Lots can happen before jurors are seated
 - Change in charges
 - Plea agreement
 - Jury instructions
 - Key witnesses (Obtaining a witness list)
 - Evidence and exhibits
 - How to obtain
 - Consider: Discretion, statements/evidence barred from consideration
 - Verdict
 - Sentencing



Court records terms to know

Affidavit

A written statement of facts made under oath

Bond form

Signed by Defendant, promising to appear as scheduled; shows monetary amount or condition of pretrial release from custody

Citation

Electronic or handwritten ticket generally issued by law enforcement officer

Complaint

Formal charging document filed by prosecuting attorney

Information

An accusation of some criminal offense in the nature of an indictment, but which is presented by a competent public officer such as a county attorney instead of a grand jury.

More terms to know

Journal entry

This is the written record of a hearing's proceedings in summary form.

Motion

Application to court to obtain a ruling or order in favor of applicant

Pre-sentence Report (PSI)

Investigation of defendant completed by probation; contains personal information, criminal history, and screenings; designed to provide information to the Court for sentencing purposes. The PSI is confidential.

Pretrial Release

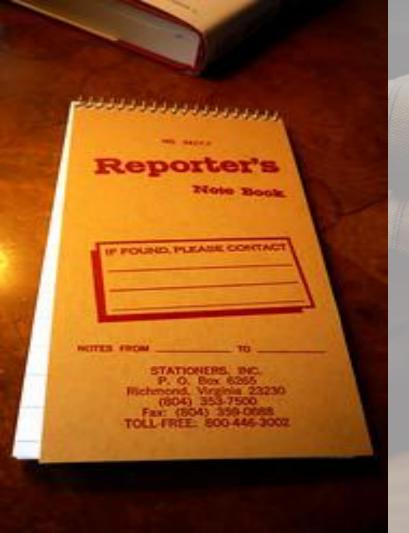
Conditions a defendant must adhere to between the time of filing of charges to court adjudication.

Probable Cause

A Constitutionally prescribed standard of proof; a reasonable ground for belief in the existence of certain facts.

Tips from the bench Judge Randall





Bench/Press Guidelines

It may seem old fashioned ...

Call

Stop by

Ask questions





Closing Judge Funke

Before you go ... Take our survey

This is brief survey and will serve to help us craft future educational panels.

https://forms.gle/5CPYESkqHFBhvBqVA

It will only take a couple minutes.

THANK YOU AGAIN FOR YOUR PARTICIPATION AND QUESTIONS



Why you should be covering the courts

- Great stories
- Local stories
- Important stories
- Easy & newsworthy audio/video
- Visual content for your website
- Puts you in direct contact with sources

DEVELOPING STORY

CAMERAS NOW ALLOWED IN THE COURTROOM

County and District Courts

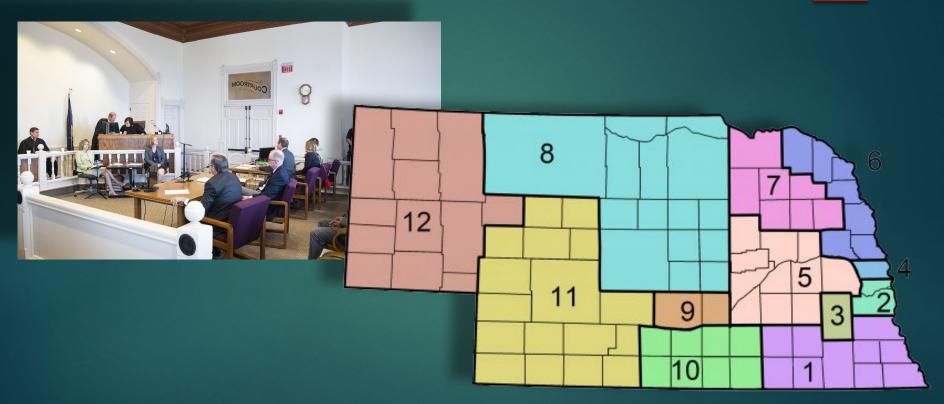


Photo: Bill Kelly

Court documents provide information IN THE COUNTY COURT OF JOHNSON COUNTY, NEBRASKA



CR17- 1-33 THE STATE OF NEBRASKA, COMPLAINT Plaintiff, COUNT I: MURDER—FIRST DEGREE §28-303(1) Statute: 828-303 PATRICK W. SCHROEDER, Penalty: Class I or IA Felony (d.o.b. 06-20-1977), USE OF A WEAPON TO COMMIT Defendant. A FELONY §28-1205(1) Statute: §28-1205(1)(b) Penalty: Class II Felony

The complaint and information of Richard R. Smith, County Attorney of Johnson County aforesaid, made in the name of the State of Nebraska, within and for said County of Johnson, State of Nebraska, the 21st day of April, 2017, says that PATRICK W. SCHROEDER, 2725 N. Highway 50, Tecumseh, Nebraska, on or about the 15th day of April, 2017, in the County of Johnson, State of Nebraska, did then and there,

COUNT I

kill Terry Berry, Jr., purposely and with deliberate and premeditated malice,

COUNT II

use a deadly weapon to commit a felony which may be prosecuted in a court of this state,

contrary to the form of the Statutes in such cases made and provided, and against the peace and dignity of the State of Nebraska.

THE STATE OF NEBRASKA,

Richard R. Smith, #23455

PO Box 263
Tecumseh NE 68450 BYTHECLERK OF COUNTY COUR

The Complaint

CR17- '33

COMPLAINT

COUNT I:

MURDER—FIRST DEGREE

Statute: \$28-303(1) Penalty: \$28-303

Class I or IA Felony

COUNT II:

USE OF A WEAPON TO COMMIT A FELONY

Statute: §28-1205(1) §28-1205(1)(b) Penalty:

Class II Felony

Court documents provide information

IN THE COUNTY COURT OF JOHNSON COUNTY, NEBRASKA

The Affidavit

THE STATE OF NEBRASKA, Plaintiff, PATRICK W. SCHROEDER, DOB: 06/20/1977 Defendant, STATE OF NEBRASKA COUNTY OF JOHNSON

Case No. NSP17-000006

APPLICATION AND AFFIDAVIT FOR ARREST WARRANT

Your Affiant contacted an investigating officer with NeDOC via phone, and through this discussion was informed that Berry may have been strangled by Schroeder with a towel that was located in their cell. The NeDOC investigator further informed Your Affiant that the towel was still in the cell, and that the cell had already been sealed and secured. Your Affiant was additionally informed during this call that Berry had been transported from the Johnson County Hospital in Tecumseh, Johnson County, Nebraska, to Bryan Medical Center, West Campus, in Lincoln, Lancaster County, Nebraska, so more advanced medical care could be rendered to Berry. THE THE RESIDENCE HERE SHE THE THE THE THE PARTY OF THE PARTY.

COMES NOW, INVESTIGATOR STACIE L. LUNDGREN, A age and first duly sworn upon oath, deposes and states as follows:

Your Affiant is a certified law enforcement officer and a Criminal

years, specifically as a Criminal Investigator with the Nebraska State Patrol for 7 years, and State Patrol currently stationed in Wahoo, Nebraska, Your Affiant has ser experienced in investigating misdemeanors and felonies, including but not limited to homicides, physical assaults, domestic violence assaults, and sexual assaults.

Your Affiant has learned of the following facts through an investiga

WHEREFORE, Your Affiant does believe that, based on the preceding information, probable

cause does exist to show that the crimes of Murder in the First Degree (Nebraska State Statute §28-303), and Use of a Deadly Weapon to Commit a Felony (§28-1205) were committed, and prays the Court to issue a Warrant for the arrest of PATRICK W. SCHROEDER, DOB: 06/20/1977.

DATED this 215t day of April, 2017.

Court documents provide information



IN THE COUNTY COURT OF OTOE COUNTY, NEBRASKA

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT STATE OF NEBRASKA COUNTY OF OTOE

COMES NOW the undersigned affiant, Deputy James Parsons, duly sworn upon his oath on this 21st day of April, 2018, states and alleges as follows: I am employed with the Otoe County Sheriff's Department, Otoe County,

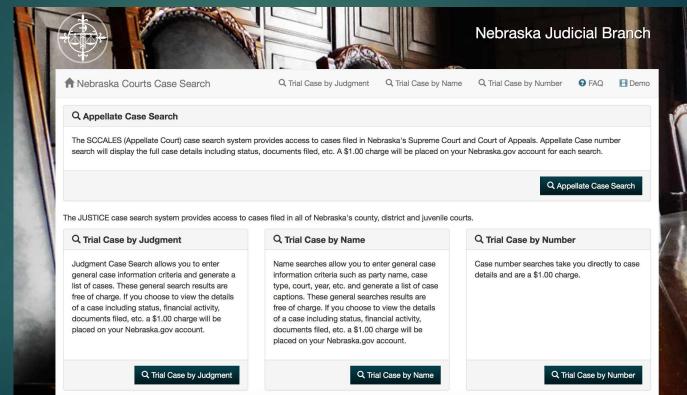
- Nebraska as a Deputy Sheriff and I am a Certified Law Enforcement Officer in the
- State of Nebraska.
- I have been a Certified Law Enforcement Officer i since the year 2000 and have completed all qualification and co requirements to maintain my status as a Certified Law Enforce State of Nebraska and as a Deputy Sheriff for Otoe County, Ne Through my duties as an Deputy Sheriff for Otoc
 - have personal experience encountering livestock and other an

The Search Warrant

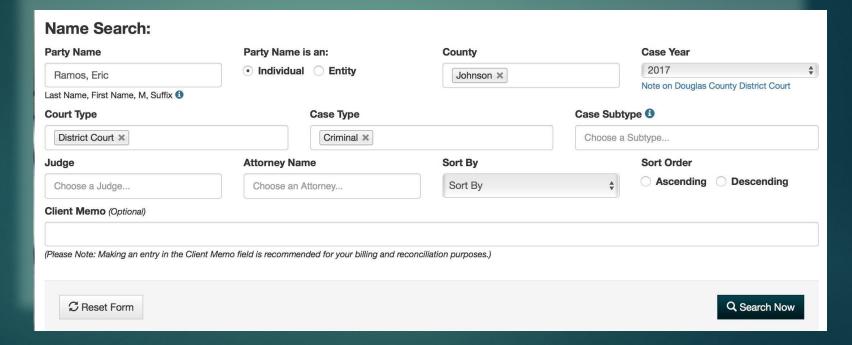
- Due to my observations listed above, I believe further evidence of the crimes of Improper Disposal of a Carcass and/or of Abandonment or Cruel Neglect of Livestock Resulting in Death may be located in the outbuildings and residence located at 1742 F Road, Unadilla, Otoe County, Nebraska.
- 13. I request a search warrant for the following: all outbuildings and the residence located at 1742 F Road, Unadilla, Otoe County, Nebraska, and all persons found inside the outbuildings and residence for the purpose of discovering and seizing, to wit:
 - a) animal carcasses;

 - c) equipment used for the care of or destruction of animals;

Finding court documents: https://www.nebraska.gov/justice/index.shtml



Finding court documents: https://www.nebraska.gov/justice/index.shtml



Get Credentialed

Go to

https://supremecourt.nebraska.gov

Media tab

Application and instructions



				_ Courts
REQUIRE	State Court Form ED EV: 07/2020	REQUEST AND NOTICE FOR EXPANDED NEWS MEDIA	Printing the form and handwriting the answers.	 Only needed for use of electronic devices Must be a credentialed journalist attending
	. § 6-2004(B)(1)	COVERAGE OF PROCEEDINGS	Completing the form electronically.	
	IN THE DIS	TRICT COURT OF DAWSON COUNTY, N DAWSON	EBRASKA	
State of I	Vebraska	Case N	No. 20-181	
VS.	_	Plaintiff(s)	EST AND NOTICE FOR INDED NEWS MEDIA	
Kathleen	E Jourdan	X S	'orong constitution	departed or providing a poor iccu, it riccessary:
		Defendant(s)	ouna recording eq	uipment (List specific equipment):
	J	02/09/2021 (date) hea ission for the following: (Must	digital audio recorder	r, two microphones, two mic stands, two cables.
\boxtimes	Authority to:			
	∀ideo/audio feed for oth	o record for traditional news st		
		raphic equipment (List specific	 Is requestor 	capable of providing a pool feed, if necessary?
	Use television	on/video camera (List specific equipment):	dovice/s) for the l	imited nursees of huseling as blessing during sour
	Use sound/a	audio recording equipment (List specific equipme	ent): digital audio recorder and	
⊠		estor would like to: og from inside the courtroom (does not include am to the public from the courtroomto-gavel ng/closing statements jury verdict (excludin gavel-to-gavel trial coverage.		

Hearings and Trials in County & District

Nebraska State Court Form REQUIRED AD 1:01 REV: 07/2020 Neb. Ct. R. § 6-2004(B)(1) IN THE DISTRICT COURT OF DAWSON COUNTY DISTRICT State of Nebraska REQUEST AND NOTICE FO EXPANDED NEWS MEDIA COVERAGE OF PROCEEDING DAWSON Cat	Printing the form and handwriting the answers. Completing the form electronically.	
Plaintiff(s)	Sound recording equipment (List specific equipment):	
vs. Kathleen E Jourdan	digital audio recorder, two microphones, two mic stands, two cables.	
Defendant(s)		
Beginning with the 02/09/2021 (date) hear news media requests permission for the following: (Must r		
Authority to:	Is requestor capable of providing a pool feed, if necessary?	
∀ideo/audio record for traditional news sto feed for other media.	A dovice/s) for the limited purpose of tweeting or blooming during PPROVED	dD.
Use photographic equipment (List specific equipment):	Digital Still Camera MED	-11
Use television/video camera (List specific equipment):	TEDIA MEDIA	
Use sound/audio recording equipment (List specific equipment cable	ipment): digital audio recorder and	
In addition, requestor would like to: ☐ Tweet/blog from inside the courtroom (does not incl ☐ Livestream to the public from the courtroom. ☐ gavel-to-gavel ☐ opening/closing statements ☐ jury verdict (excl ☐ Delayed gavel-to-gavel trial coverage. ☐ Other:		

REQUIRE AD 1:01 RE	EV: 07/2020 . § 6-2004(B)(1)	REQUEST AND NOTICE FO EXPANDED NEWS MEDIA COVERAGE OF PROCEEDING TRICT COURT OF DAWSON COUNTY	Printing the form and handwrithe answers. Completing the form electroni		Using I	Electror	nics for Soc	ial Media
	DISTRIC							
State of N	Nebraska	Cas	e No. <u>20-181</u>					
VS. Kathleen	E Jourdan	Plaintiff(s)	UEST AND NOTICE FOR PANDED NEWS MEDIA RAGE OF PROCEEDINGS					
		Defendant(s)						· · ·
		02/09/2021 (date) hearing under Jussion for the following: (Must mark all that ap		and at	hers. Syulley Los			ess, law enforcement in a room outside.
	∀ideo/audio feed for other	record for traditional news stories. My stater media.	ion ☑ is/ is not able t				. N N	ov 8, 2021
	☑ Use photogram	aphic equipment (List specific equipment):	Digital Still Camera		Docwell is set !	o learn nero	·	a I incoln Wolffall.
	Use television/video camera (List specific equipment):			to 0	JournalStar Neb news @LJSNebraskaNews - Novey Bailey Boswell is set to learn here today whether she will be sentenced to death row for the killing and dismemberment of a Lincoln woman. If to death row for the killing and dismemberment of a Lincoln woman. If to death row for the killing and dismemberment of a Lincoln woman. If to death row for the killing and dismemberment of a Lincoln woman. If the sentence of			
	Use sound/a	udio recording equipment (List specific equip	ment): <u>digital audio record</u>	ulti	imate journalsta	r.com/news		↑
☒	Livestreal	og from inside the courtroom (does not inclu m to the public from the courtroom.		Q	1 1	1	♡ 1	
		gavel-to-gavel trial coverage.	any pointy) 🔲 settlemony	_				

Judge can approve, deny or modify a media request

				DAWSON COUNTY		
	IN THE DISTRICT COU	RT OF DAW	SON COUNTY, NEBRASKA	APR 16 2021		
	STATE OF NEBRASKA,)		FILED BY BECKY BORYCA CLERK OF DISTRICT COURT		
)				
	Plaintiff,)	Case No. CR20-181			
)				
	vs.)				
) ORDER GRANTING CONDITIONAL				
	KATHLEEN JOURDAN,)	EXPANDED NEWS MED	DIA		
)	COVERAGE OF PROCEEI	DING		
	Defendant,)				

On April 16, 2021, the April 15, 2021 request of ABC (KH) (KFXL-TV) for expanded media coverage of a proceeding in the above calcourt. Upon consideration of such request, the court orders as follows:

- 1. Authority is granted to audio/video record for traditional the proceeding to be held on May 11, 2021 and proceedings in the case on be made in compliance with the terms of this order.
 - 2. Such authority includes the use of photographic, television

2. Such authority includes the use of photographic, television/video, sound/audio

equipment including a single video camera, a single still camera, a single tripod, a single microphone, necessary cables and a laptop editor.

3. The authority does not include tweeting or blogging from inside the

courtroom.

4. If any audio, video, or photographic records are made under the authority of

equipment including a single video camera, a single still camera, a single tripod, a single microphone, necessary cables and a laptop editor.

Keep a calendar



- ~ Hearing & Trial Dates
- ~Deadlines for attorneys to file documents
- ~Misc reminders to check the status of a case.
- ~For Trials start planning 2 weeks ahead!

Case tracking with a Spreadsheet

DEATH PENALTY					
Moore, Carey Dean	Doc 106 # 55	NE/Dist	Douglas	Request Death Warrant @ SupCourt	PENDING
Torres	4:17CV3078	FED		NE sentencing unconstitutional	
Torres	S-17-740	NE/App	Hall	On April Call	
Hessler	03 0000040	NE/Dist	Scotts Bluff		
Lotter	99 9000001	NE/Dist	Richardson	Appeal: intellectually disabled	AG Brief Due 05/31/2018
Lotter	17-001126	NE/App	Richardson		AG Brief Due 04/30/2018
Mata	99 0000037	NE/Dist	Scotts Bluff		
Galindo	02 0235	NE/Dist	Madison		
Vela	02 0236	NE/Dist	Madison		
Vela	4:18CV3046	FED		Appeal: intellectually disabled	
Sandavol	02 0000238	NE/Dist	Madison		Awaiting Judges opinion
Jenkins	13-2768	NE/Dist	Douglas		
Garcia	13-2322			May Sentencing Hearing	
Schroeder, Patrick	17-17	NE	Johnson	April Sentencing Hearing	
Griffith v. Dept Correctional Services	CI 18 0001026	NE/Dist	Lancaster	Execution Protocol	Relief Hearing 04/25/18



Meet your court personnel.

Clerks, bailiffs, judges, county attorney, public defenders

Going to Court

The Judge is in charge of the courtroom

Review court procedures and rules

Be on time

Look professional

Remember what is at stake for participants

Judges and staff <u>cannot</u> comment on cases



Judges and Reporters have not always gotten along. It track? rado gold mines drawn him off the

W. S. RAKER, editor of the Gretna Reporter, has been sentenced by n Judge Scott, of Omaha, to one year); in the penitentiary at hard labor. it Last spring Raker saw fit to criti-1- cize Judge Scott and he was arrested 1 for criminal libel and found guilty

ONE of the great hunting feats of

the year was that of George E. Farnham of Canaan, Me., who a few



Resources + Links

This presentation and associated resources will be archived on the State of Nebraska's Judicial Branch's website

More resources & links referenced in today's presentation

- JUSTICE registration
- JUSTICE <u>case search</u>
- Credentialing protocol and application
- <u>Request</u> for Expanded News Media Coverage
- Full court <u>media resource page</u>
- Full glossary of <u>legal terms</u>
- Full list of court <u>reports & publications</u>

Journalism-specific resources

Federal courts: A journalist's guide to U.S. federal courts

Poynter: On the Beat: Covering the Courts | 6 tips for reporters tracking state legal cases

Society of Professional Journalists: FOI and the Courts

Reporter's Toolbox

Contact information

List of Media Coordinators by County

Janet Bancroft, Public Information Officer, Administrative Office of Courts and Probation, janet.bancroft@nebraska.gov

<u>Chris Graves</u>, assistant professor of journalism, College of Journalism and Mass Communication, <u>chris.graves@unl.edu</u>

Bill Kelly, senior producer, Nebraska Public Media, bkelly@nebraskapublicmedia.org

Image credits

Slide 1 and throughout: <u>"Court Gavel - Judge's Gavel Courtroom:</u> by <u>weiss paarz photos</u> licensed under <u>CC BY-SA 2.0</u>

Slides 6,7, 23: "Reporter's Notebook from Jim Higgins, Milwaukee Journal Sentinel, Milwaukee, WI.JPG" by gruntzooki licensed under CC BY 2.0

Slide 8: "Car Crash: 12 march 2009" by jenineabarbanel licensed under CC BY-SA 2.0

Slide 15: Lancaster County courtroom, courtesy, Lincoln Journal Star, pool photo

Slide 25: <u>"1920s telephone"</u> by <u>MarkGregory007</u> licensed under <u>CC BY-NC-SA 2.0</u>

Special thanks to the State of Nebraska Judicial Branch for providing graphic, video and related resources from its website and archives.