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Attorneys for Interested Persons

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
LORI VALLOW DAYBELL,)
)
Defendant.)
_____)
)
EASTIDAHONEWS.COM, LLC,)
COURT TV MEDIA, LLC, THE)
ASSOCIATED PRESS, THE)
MCCLATCHY COMPANY DBA THE)
IDAHO STATESMAN, KSL.COM, A)
SUBSIDIARY OF DESERET)
DIGITAL MEDIA, KTVB (TV), A)
DIVISION OF KING)
BROADCASTING COMPANY,)
KUTV / KMYU, CBS)
BROADCASTING INC., ON BEHALF)
OF CBS NEWS/48 HOURS,)
DATELINE, NBC NEWS, ADAMS)
PUBLISHING GROUP DBA THE)
POST REGISTER, SINCLAIR)
BROADCAST GROUP)
(KBOI/KYUU), CABLE NEWS)
NETWORK, INC (CNN), KIFI ABC)
IDAHO FALLS, MIFI CBS IDAHO)
FALLS, KXPI FOX IDAHO FALLS,)

Case No. CR 22-21-1624

**DECLARATION OF
GRACE WONG**

KPVI NBC POCA TELLO, KIVI ABC)
 NAMPA, KNIN FOX NAMPA,)
 KXMN ABC COEUR D' ALENE,)
 KLEW CBS LEWISTON, KXLY ABC)
 SPOKANE, KMVT CBS TWIN)
 FALLS, KBOI FM BOISE, KIDO AM)
 BOISE, KVLI AM IDAHO FALLS,)
 KID FM IDAHO FALLS, KBAR AM)
 JEROME, KHTR LEWISTON, KOZE)
 LEWISTON, KEGE FM)
 POCA TELLO, KWIK AM)
 POCA TELLO, KSPT AM)
 SANDPOINT, AMERICAN)
 BROADCASTING COMPANIES,)
 INC. D/B/A ABC NEWS)
)
 Interested Persons.)
 _____)

I, Grace Wong, declare as follows:

1. My name is Grace Wong. I am Senior Director of Courtroom Coverage for Court TV Media, LLC ("Court TV"), a subsidiary of The E.W. Scripps Company, and have worked in this capacity or in a similar role since October 2018.
2. For approximately 30 years I have worked as a producer for various media entities including ABC News, CNN//Turner Broadcasting, and the former *Court TV* cable network. During that time, I have worked on dozens of proceedings in which cameras were permitted in the courtroom.
3. Court TV was responsible for "pool coverage" of the hearing in this case on August 16, 2022. I was at the courthouse that day and was the producer of Court TV's pool coverage.

4. I strongly object to the characterizations of Court TV's coverage of that hearing as set forth in Defendant's Motion to Clarify Media in the Courtroom. Court TV complied in all respects with the Court's Order Governing Courtroom Conduct dated April 14, 2022.
5. Court TV takes very seriously its obligation to comply with any Court orders regarding cameras in the Courtroom and to fulfill its responsibilities in a manner that does not interfere with the natural flow of the Court proceedings. In fact, Court TV has a strong reputation for professionalism when reporting about court proceedings, including video and audio recording of those proceedings.
6. Court TV is particularly cognizant of its obligations to abide by court orders and to maintain appropriate court decorum when Court TV is providing pool coverage, which Court TV has done in numerous cases, including many of the country's most high-profile trials. Court TV has distributed pool feeds to dozens of media organizations and millions of viewers, all in strict compliance with Court orders.
7. Prominent recent trials for which Court TV has provided pool coverage include *Minnesota v. Chauvin*, the trial of a Minneapolis police officer charged with murder for kneeling on George Floyd's neck until he died; *Depp vs. Heard*, the trial of the civil defamation case that actor Johnny Depp brought against his ex-

wife Amber Heard; and the death penalty trial against *Nikolas Cruz*, the Parkland, Florida school shooter who pled guilty to the murder of 17 students and staff members. Court TV also provided pool coverage for the two-day preliminary hearing in the case against Chad Daybell on August 3 & 4, 2020, in the same courthouse, in the same courtroom as this hearing in this case.

8. In the August 16, 2022 hearing in this case, as in the proceedings in other cases Court TV has covered, Court TV complied in all respects with the operative court orders and rules.
9. Assertions to the contrary in the pending Defendant's Motion to Clarify Media in the Courtroom appear to be based either on misunderstandings about technical aspects of courtroom camera coverage of trials or unfounded speculation.
10. Contrary to the implication in the Defendant's Motion, neither Court TV nor any other media outlet surreptitiously placed cameras or microphones in the courtroom on August 16, 2022. Rather, in accordance with the court's Order Governing Courtroom Conduct, the placement of the cameras and microphones was approved by the Trial Court Administrator. While the cameras and microphones are small (so as not to distract from the proceedings), they are not invisible and were not hidden. In my experience, it is not unusual to have the cameras and microphones placed as they were placed for the August 16, 2022 hearing in other hearings in which no jury is present.

11. No conversations between the defendant and her lawyers were recorded during the coverage of the August 16, 2022 hearing. In accordance with Court TV's editorial policy and this court's Order Governing Courtroom Conduct, Court TV does not record conversations between attorneys or their clients. No such audio recording occurred at the August 16, 2022 hearing.

12. To avoid inadvertently recording courtroom conversations between attorney and client or between co-counsel, Court TV requested and obtained permission of this court to put Court TV microphones at the bench and at the tables/podium where the attorneys would be speaking. This placement allows the dedicated Court TV sound technician to mute all microphones except the one for the person then speaking on the record. Only a microphone that is not muted transmits sound that becomes part of the broadcast or the recording. This ability to differentiate between speakers would not be possible if Court TV simply employed the court's audio system.

13. Court TV also did not broadcast or record any notes written between the defendant and her counsel or broadcast or record any conversations between the defendant and her counsel in a manner that would allow anyone to visually determine the content of the conversations. The Defendant's motion does not claim otherwise.

14. In short, it appears that the defendant's principal complaint against the coverage of the August 16 hearing is that the video at times focused on the defendant while others were speaking. Yet nothing in this Court's Order Governing Courtroom Conduct nor in any court rule prohibits camera

coverage from focusing on the defendant.

15. In no way did Court TV violate the Court's Order Governing Courtroom Conduct. Accordingly, Court TV respectfully requests the opportunity to continue placing cameras and microphones to cover Court proceedings in this matter which has garnered significant public interest locally, nationally, and internationally.

I DECLARE under penalty of perjury pursuant to the law of the State of Idaho the foregoing is true and correct.

Dated: September 7, 2022

/GRACE WONG/
STEVEN J WRIGHT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused to be served on the 8th day of September 2022 a true and correct copy of the foregoing *DECLARATION OF GRACE WONG* to the person(s) listed below.

Lindsey Blake, Esq. efile and serve

Robert H. Wood, Esq. efile and serve

R. James Archibald, Esq. efile and serve

John Thomas, Esq. efile and serve

Dated: September 8, 2022

WRIGHT LAW OFFICES, PLLC

/Steven J Wright/
STEVEN J WRIGHT