

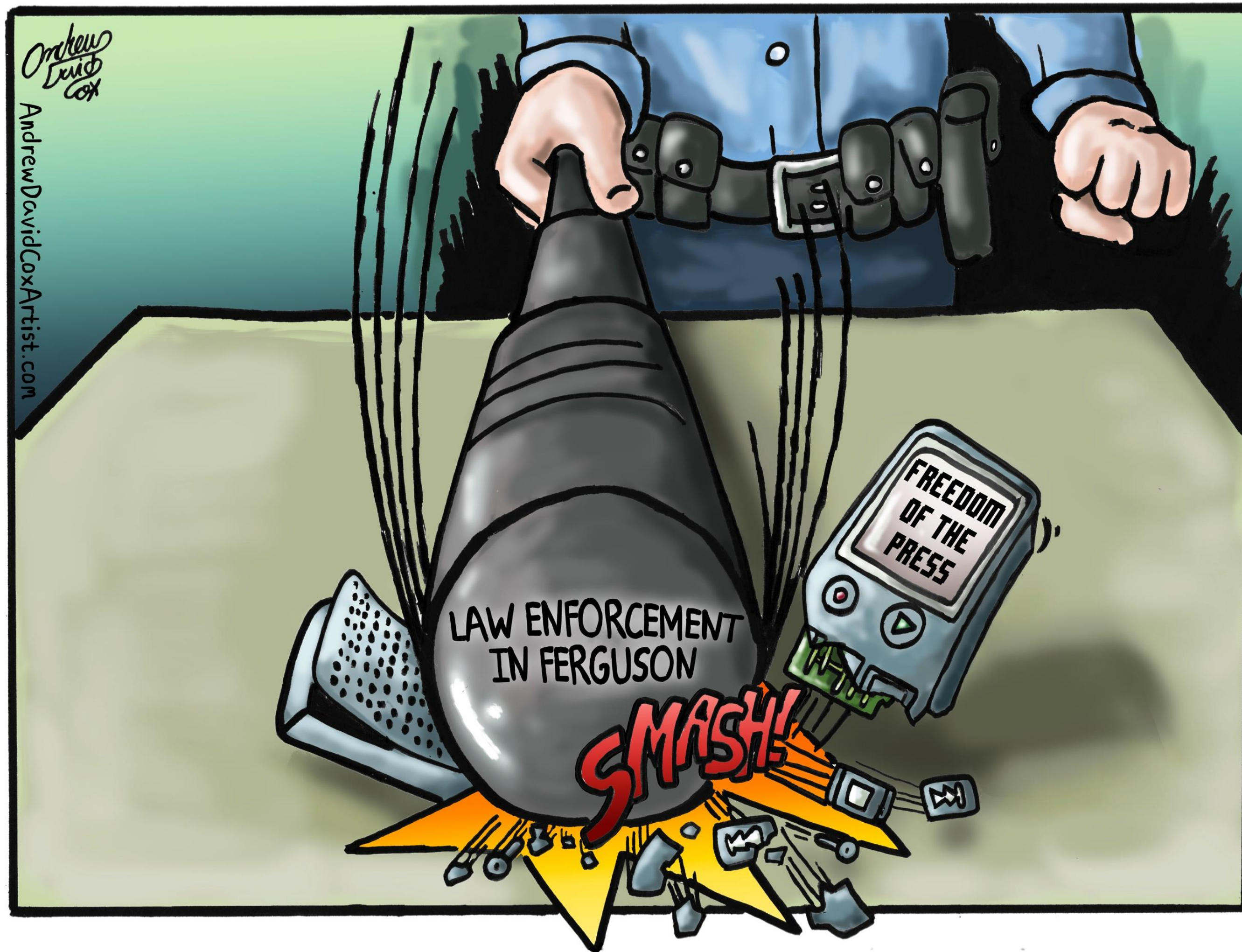
# Media Issues:

## A Case of Distress from Blocked Public Access in Ferguson

### Pre-Trial Publicity and Fair Trial

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Dr. Annette Taylor

**Q:** How did access to information during the Ferguson, Missouri, protests inform police and journalist protocols?



**PRIOR RESTRAINT:**  
Governmental censorship of material before its distribution on the grounds that it is libelous or harmful.

**CHILLING EFFECT:** When threat of legal action inhibits or discourages legitimate exercise of rights

**SUNSHINE LAWS:** Statutes calling for transparency in government records and proceedings

**A:** ACLU: Ferguson police report on Michael Brown's death violates law

More journalists arrested, released in Ferguson



Ferguson's massive cover-up: How police departments are protecting Michael Brown's killer

MSNBC HOST CALLS 'B.S.' ON FERGUSON MEDIA COVERAGE  
'I can't take it anymore'

Ferguson Update: 'Sunshine Law' Pricey As City Fills Records Requests in Michael Brown Case

**Q:** How has the United States Court of Appeals for the Second Circuit handled cases dealing with pretrial publicity and what alternative avenues need to be exhausted to produce a fairer trial?

**Pretrial Publicity:** Refers to news coverage that might influence potential jurors' opinions as to the guilt or innocent of a defendant prior to the start of a criminal trial

**Decisions by the United States Court of Appeals for the Second Circuit:**

In *National Broadcasting Co. v. Cooperman*, the Supreme Court of New York, Appellate Division, Second Department ruled there was nothing that supported that extrajudicial claims were convincingly liable to jeopardize defendant's civil liberties. As a result of the judge's unclear and overbroad ruling, the court order was overturned.

In the *United States v. Corbin*, the United States District Court For The Eastern District of New York determined that the defendant failed to produce proof that the publicity would present an obstacle in selecting an unbiased jury. The court issued a prior restraint on the distribution of the photos of Corbin in manacles, but this was an excessive attempt to protect his right to a fair trial. The court refused Corbin's motion to terminate the charges because he failed to demonstrate extensive public opinion of his charge.