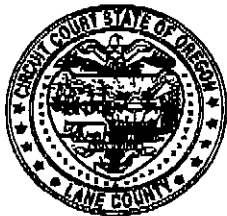




CIRCUIT COURT OF THE STATE OF OREGON

FOR LANE COUNTY
LANE COUNTY COURTHOUSE
125 E. 8TH AVENUE
EUGENE, OREGON 97401-2926



JACK A. BILLINGS
CIRCUIT JUDGE
(541) 682-4250
FAX (541) 682-7437

June 26, 2009

Denae D'Arcy
KVAL News
P.O. Box 1313
Eugene OR 97440

Rob Romig
Eugene Register Guard
P.O. Box 10188
Eugene OR 97440

RE: *Media Access Request - State v. Ellmers*
Case No. 20-09-01803

Dear Mr. Romig and Ms. D'Arcy:

Each of you has made a request respectively for still photographic and television coverage of events in the above captioned case. As this case is assigned to me, I am responding to those requests.

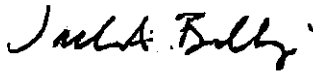
Change of plea and sentencing in this case has been scheduled for 8:30 a.m. on June 30, 2009 in courtroom 304. I have inquired of both the District Attorney and the defendant, through counsel, their positions about the coverage that you have requested. Mr. Ellmer's attorney indicates that the defendant adamantly opposes this coverage. The District Attorney, Alex Gardner is in favor of coverage. Assistant District Attorney David Vill has conferred with the various victim family members who may wish to address the court and/or defendant. He has advised that some, though not all, of those family members strongly prefer that they not be subject to still or television photography in the courtroom.

Accordingly, I have decided to deny your respective requests for coverage. I am mindful that UTCR 3.180 requires that the court place substantial reasons on the record for such denial. I intend to do so at the commencement of the sentencing proceeding. In the first instance, I am of the view that no court rule can supplant a defendant's constitutional right to due process. This defendant's strong opposition to publicity places this question before the court.

Denae D'Arcy
Rob Romig
June 23, 2009
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More importantly, I consider the victims in this case as within the language of "parties" as set forth in 3.180 (3)(a). As you know, the Oregon Constitution now provides that these victims have a right under Article 1, sections 42 and 43 to be present and make statements. A number of them have expressed through the District Attorney that the presence of television and/or still photography would tend to intimidate them in what will be in any case an intensely stressful event. Those victims who wish to address the media can do so outside the courtroom. The public's "right to know" will be adequately covered by any media representatives in the audience taking notes in the usual manner.

Sincerely yours,



Jack A. Billings
Circuit Judge

JAB:sk

cc: Liz Rambo, TCA

FAXED to KVAL
7:45 am 6/30/09 sk