

Information No. 09-8366

**ONTARIO
SUPERIOR COURT OF JUSTICE**

MR. JUSTICE DOUGLAS RUTHERFORD)
)
) MONDAY, THE 6th DAY
)
) OF FEBRUARY, 2012

B E T W E E N:

**THE OTTAWA CITIZEN (A DIVISION OF POSTMEDIA NETWORK INC.), and
ANDREW SEYMOUR**

Applicants

- and -

KEVIN REID GREGSON, and THE ATTORNEY GENERAL OF ONTARIO

Respondents

(Use of Personal Electronic Devices in the Courtroom during the Trial)

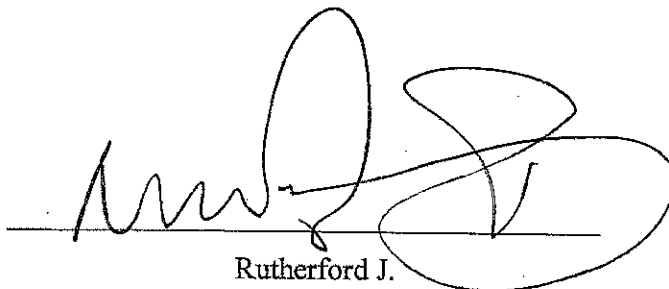
ORDER

THIS APPLICATION, made by the Ottawa Citizen (a Division of Postmedia Network Inc.) and Andrew Seymour, for an Order approving the use of electronic devices in the courtroom to Tweet or otherwise disseminate reports about the proceedings in *R. v. Kevin Reid Gregson* as long as the sound is turned off heard this day at the Court House, 161 Elgin Street, Ottawa, Ontario.

ON READING, the Application Record of the Applicants and upon the consent of the Respondents and the Applicants,

IT IS ORDERED THAT

1. Any personal electronic device [PED] using cellular GSM-based or other wireless technology set so as to receive or transmit information, data or other signals via radio frequency, including mobile telephones, iPhones, BlackBerrys, Palm Treos, and portable computers, must, subject to the terms of this order, be turned off while Court is in session.
2. Notwithstanding paragraph 1, an individual user of such a PED who is a journalist from a recognized media organization may obtain permission in writing from the presiding judge to use the PED to 'TWEET' or otherwise transmit digital information concerning the proceedings from within the courtroom in pursuance of the users' journalistic responsibilities.
3. Any person described in paragraph 2 may apply for such permission by using the form annexed to this Order and the permission, if granted, is subject to variation or termination by the presiding judge and otherwise remains in effect only so long as the user is in full compliance with the terms and conditions set out in the Annex hereto.



Rutherford J.

ANNEX

To the Order of Mr. Justice Rutherford dated February 6, 2012

I, _____ seek permission as a journalist on
Applicants Name - Please Print

behalf of _____
Name of Recognized Media Organization - Please Print Telephone Contact

to use a _____ to create and 'Tweet' or
Describe type of personal electronic device to be used - Please Print

otherwise transmit in digital format information concerning the proceedings in the trial of Kevin Reid Gregson and if permitted to do so I undertake to comply with the following terms and conditions.

Applicant's Signature

Date of Application

Permission Granted

Judge

Date

TERMS and CONDITIONS

1. User is to attend an information session prior to trial or the use of the device at which limits on broadcast and publication of information about the proceedings and compliance with the Order herein will be discussed. (Time and place of such session to be determined and notification given by telephone)
2. User will identify him or herself and the PED to be used to Court Security staff upon entering the courtroom and upon request at other times.
3. User will sit in the back 3 rows in the courtroom in order to maximize the distance between the PED and the court recording system.
4. User will not use the audio capacity, (including sounds and signals) of the PED in the courtroom.
5. User will not take or create any photograph or video in the courtroom.
6. User will abide by any publication bans imposed by the Court.
7. User will not transmit or disseminate information at all from the courtroom during the testimony of [REDACTED]
8. Use of PED by user will at all times be unobtrusive and silent and will not disrupt the proceedings or other persons or interfere with the digital recording system in the courtroom.
9. User will not disseminate, publish, broadcast or transmit in any way any information regarding any portion of the proceedings in which the jury is absent, before the jury retires to begin its deliberations.
10. User undertakes to comply with any other direction from the presiding judge relating to the dissemination of information about the proceedings or the use of PEDs in the courtroom.

ONTARIO SUPERIOR COURT OF JUSTICE

ORDER
(Use of Personal Electronic Device in Courtroom)

Mr. Justice Douglas Rutherford

February 7, 2012