

Defendants shut down TV, news cameras

By Tim Richard
staff writer

A convict and a man accused of murder used powers granted them by the Michigan Supreme Court to shut down news cameras in two Oakland circuit courts.

"TV cameras are as popular as a penny toilet in a diarrheal ward," said Rochester attorney Robert F. Wick, who represented the convict.

"At this point," said Channel 7 reporter Erik Smith, "my assessment is that this whole thing is futile."

"THIS THING" was a Supreme Court experiment allowing TV cameras, newspaper still cameras and tape recorders in Oakland courts — if the people to be photographed don't object.

Practically everyone objected. The experiment began Thursday, and by noon it was clear that any action film would come from corridor interviews, not courtroom scenes.

In Circuit Judge John N. O'Brien's second-floor courtroom, Tony Marsh, through attorney David Girard, objected to any film or tape coverage of anyone involved in his murder-sodomy case.

Court rules allowed no counter-argument and gave the judge no discretion. "It is so ordered," O'Brien ruled.

So Al Allen, his Channel 2 cameraman and photographer Doug Baumann of the Oakland Press packed up.

MARSH IS charged with strangling to death and sodomizing Pamela Lamoreaux, whose body was discovered in Lower Straits Lake, her bloody clothing scattered on the beach of the Commerce Township pond.

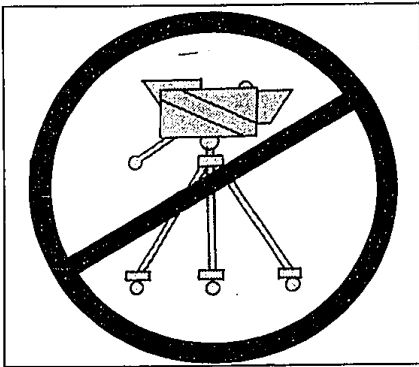
As Marsh, shackled, stood under guard in the jury box, Girard and assistant prosecutor Joyce F. Todd argued three pre-trial motions before O'Brien. The judge:

- Withheld ruling on Marsh's request for a change in location of the trial.

- Granted his request that, if he takes the stand himself, the prosecution may not interrogate him on his three previous convictions.

- Denied Girard's motion to dismiss the case.

Todd said in an interview follow-



to being filmed by Channel 7, but everyone else said no. CAMERAMAN Earl Wilson took some footage of two women spectators in the courtroom, but they asked him not to use it. So Wilson taped an audio note to the station's editors not to use the shot.

Channel 7's Smith was unsure what the Sonny Baker hearing was about. "We came to make some pictures in court. I don't know what case it was," he said.

Smith added that some people asked that their names not be used. That, however, cannot be prevented because names of people involved in circuit and district court cases, along with their testimony, are matters of public record under the state constitution.

CHANNEL 2 took some inconsequential footage in a divorce case before O'Brien.

"The husband's attorney forgot to object," said attorney Michael Friedman of Troy who was representing the wife.

ing the hearing that if Marsh is convicted for a fourth time, he faces a mandatory life sentence.

FOR DECADES Michigan court rules have prohibited news cameras and tape recorders in courtrooms, although reporters may take notes, artists may sketch, and spectators may watch.

In August the high court decided 4-3 to lift the ban effective Feb. 1, and Oct. 15 date in six counties — Oakland, Grand Traverse, Ingham, Marquette and Westland.

But the high court set up two hurdles, even after the broadcaster or newspaper has obtained the judge's permission to film:

First, the defendant, prosecution and crime victim must all consent to electronic and film coverage. In the Marsh hearing, the defendant was able to shut it down.

Second, an individual witness may object. That occurred in Judge Robert Templin's fourth-floor circuit courtroom, where Sammy Baker, who is serving a sentence for criminal sexual conduct in Kalamazoo state prison, was having a hearing because his case was remanded from the Court of Appeals.

A probation officer testifying in the Baker hearing had no objection

The rule allowing cameras and tape recorders in court shall be applied only when the judge presiding over the case, the parties, and, in a criminal case, the crime victim(s) consent . . .

— Michigan Supreme Court
administrative order 87-4

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