

SUPREME COURT-STATE OF NEW YORK

CRIMINAL TERM, SUFFOLK COUNTY

PRESENT:

Hon. ROBERT W. DOYLE
Justice of the Supreme Court

X
THE PEOPLE OF THE STATE OF NEW
YORK,

-against-

ZACHARY GIBIAN,

Defendant.

X

THOMAS J. SPOTA, SUFFOLK COUNTY
DISTRICT ATTORNEY
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DEFENDANT'S ATTY:
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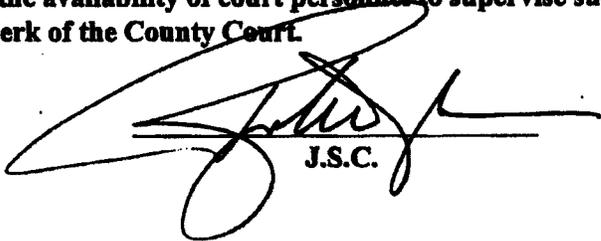
NEWSDAY and NEW YORK DAILY NEWS
LEVINE SULLIVAN KOCH & SCHULTZ, LLP
By: Nicole A. Auerbach, Esq.
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New York, New York 10169

The Court is in receipt of a letter application from Newsday and the Daily News whereby they seek an order allowing "that videotape and photographs entered into evidence during the trial in this prosecution be made available for public inspection and copying."

To the extent that these organizations seek copies of the videotape or of certain photographs that have already been received in evidence, the application must be denied. The Court has neither the technological capability to copy these items of evidence nor the personnel needed to supervise such a task were it technically possible to do. Any suggestion that the Court release these items to newspaper representatives so that they may copy them is out of the question. Once these items are admitted into evidence, they may not leave the custody of the Court until such time as the trial is completed.

However, subject to the availability of court personnel and with the approval of the Chief Clerk of the County Court, the items of evidence may be made available for inspection by members of the press at an appropriate time during a break in the trial proceedings or at the conclusion of the trial. The extent to which such evidence is available will be subject to the discretion of the Court after allowing an opportunity for both defendant and the People to be heard. Once again, the scheduling of this session is subject to the availability of court personnel to supervise such and subject to the approval of the Chief Clerk of the County Court.

Dated: NOVEMBER 9, 2006


J.S.C.