

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

CRIMINAL DIVISION

v.

MD – 001473-2009

RICHARD POPLAWSKI,

Defendant

ORDER RESTRICTING EXTRAJUDICIAL STATEMENTS
OF PARTIES, WITNESSES AND ATTORNEYS

AND NOW, to-wit, this 14th day of April, 2009, after hearing in open Court, pursuant to Pennsylvania Rules of Criminal Procedure 110 & 111 and to insure that the right of the accused to a fair trial by an impartial jury is not interfered with by extrajudicial statements and pre-trial disclosure of evidence, it is ORDERED:

1. The attorneys for the parties, and any person employed in the law firm or public office that employs the attorneys, are ORDERED to comply with Rule 3.6 of the Pennsylvania Rules of Professional Conduct, which provides as follows:

a. RULE 3.6 – TRIAL PUBLICITY

(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(b) Notwithstanding paragraph (a), a lawyer may state:

(1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;

- (2) information contained in a public record;
- (3) that an investigation of the matter is in progress;
- (4) the scheduling or result of any step in litigation;
- (5) a request for assistance in obtaining evidence and information necessary thereto;
- (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and
- (7) in a criminal case, in addition to subparagraphs (1) through (6):
 - (i) the identity, residence, occupation and family status of the accused;
 - (ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;
 - (iii) the fact, time and place of arrest; and
 - (iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).

2. All law enforcement personnel, and in particular, officers of the Pittsburgh Bureau of Police, involved, directly or indirectly, with the investigation of the crimes charged, the apprehension of the defendant or preparation for trial in this matter are PROHIBITED from making extrajudicial (out of Court) statements that such person knows

or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter. They are further PROHIBITED from disseminating or disclosing any investigative reports, documents or items of evidence reasonably likely to be introduced as exhibits in any proceeding in this matter, other than documents filed as a public record.

3. Any person who has been called as a witness or has been advised by any party that he or she is likely to be called as a witness, or reasonably believes that he or she is likely to be called as a witness, in any proceeding in this matter, is PROHIBITED from making extrajudicial (out of Court) statements that such person knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

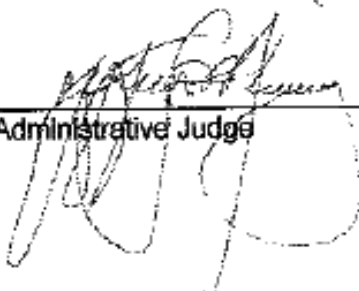
4. All Court personnel, and all other employees of the County of Allegheny involved in the housing, transportation or care of the accused or in the collecting, gathering, examining or analyzing of evidence, are PROHIBITED from making extrajudicial (out of Court) statements that such person knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter. They are further PROHIBITED from disclosing any information, or disseminating any documents, related to this matter

5. Counsel for the Commonwealth shall provide any witness, investigator, law enforcement personnel, or any other person known by such counsel to be involved in or associated with the prosecution of this action with a copy of this Order.

6. Counsel for the defendant shall provide any witness, investigator, or other person known by such counsel to be associated with the defense of this action with a copy of this Order.

7. Appropriate sanctions will be imposed upon any person violating this Order.

BY THE COURT:


_____, A. J.
Administrative Judge