


1 Office of the Public Defender  
2 For the County of San Joaquin  
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6 Allison Nobert, SBN 251279  
7 Attorneys for Defendant

**FILED**  
SUPERIOR COURT-STOCKTON  
**OCT 18 2022**  
BRANDON E. RILEY, CLERK  
BY   
DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN JOAQUIN

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10 The People of the  
11 State of California,  
12 Plaintiff,  
13 v.  
14 WESLEY BROWNLEE,  
15 Defendant.

No. CR-2022-10720

NOTICE OF MOTION AND MOTION  
FOR NOTICE TO DEFENDANT OF  
CERTAIN MEDIA COVERAGE OF  
COURT PROCEEDINGS, AND  
OPPOSITION TO SUCH COVERAGE.  
(California Rules of Court 1.150)  
Date: October 18, 2022  
Time: 1:30 p.m.  
Dept.: TBD

16  
17 PLEASE TAKE NOTICE that on October 18, 2022, or as soon thereafter as the  
18 matter may be heard in Department TBD of the above-entitled Court, WESLEY  
19 BROWNLEE, will move the Court for an Order for notice of any photographic, video  
20 recording or broadcast media presence at all court appearances in the above-named case;  
21 and for an opportunity to be heard before any order permitting such media coverage is  
22 made.

23 This motion is based on this notice and motion, The California Constitution, The  
24 Constitution of the United States, Rule 1.150 of the California Rules of Court, and the  
25 Superior Court of California County of San Joaquin Local Rules of Court 1.107, and on  
26 the following:  
27  
28

1 I

2 SUMMARY

3 The San Joaquin County Superior Court computer system, "FCE", shows that on  
4 October 18, 2022 at 1:30 p.m. in Department Mr. Brownlee will be arraigned on a  
5 complaint filed by the San Joaquin County District Attorney's Office charging him with  
6 special circumstance murder. It is anticipated that the Office of the Public Defender will  
7 be appointed to represent Mr. Brownlee at that time.

8 According to court personnel, eleven agencies have submitted media requests to  
9 photograph, record or broadcast Mr. Brownlee's arraignment hearing. It is anticipated that  
10 all requests will be granted for the October 18, 2022 arraignment hearing only. The  
11 Office of the Public Defender hereby objects to the media requests as that amount of  
12 news coverage will effect the parties' ability to select a fair and unbiased jury. The Public  
13 Defender further requests to be properly notified of any such requests in the future so that  
14 we may timely register any objections and be heard at any hearing regarding such a  
15 request.

16 II

17 LAW AND ARGUMENT

18 Court proceedings may not be photographed, recorded or broadcast, except as  
19 provided in California Rules of Court, 1.150(c). Media coverage may be permitted only  
20 on written order of the judge as provided in this subdivision. (California Rules of Court,  
21 1.150(e).) Requests by media to do so should be filed in writing with the Court at least  
22 five court days before the relevant court appearance unless good cause is shown, and the  
23 court clerk must promptly notify the parties upon receipt of such a request. (California  
24 Rules of Court, 1.150(e)(1).)

25 In ruling on such a request, the Court must consider a series of factors set forth in  
26 Rule 1.150(e)(3), the parties' support or opposition to the request, the nature of the case,  
27 the privacy rights of all the participants, and the effect on the parties' ability to select a


1 fair and unbiased jury. Whether to allow media access to the courtroom proceedings is  
2 within the discretion of the court only after having fairly balanced the respective interests  
3 of the parties. (People v. Dixon (2007) 148 Cal.App.4th 414,437.)

4 On behalf of Mr. Brownlee, the Public Defender objects to Mr, Brownlee being  
5 photographed in court wearing chains or jail clothes, as such depictions of him may  
6 adversely create an atmosphere in court which results in prejudicial treatment and thereby  
7 jeopardizes his opportunity to receive a fair trial in San Joaquin County. Such  
8 appearances tend to create prejudices, which California courts have long recognized (a  
9 defendant should not be shackled in view of the jury (*People v. Garcia* (1997) 56  
10 Cal.App.4th 1349; *People v. Duran* (1976) 16 Cal.3d 282; *People v. Jacla* (1978) 77  
11 Cal.App.3d 878.), and should be permitted to wear civilian clothing during his trial.  
12 (*Estelle v. Williams* (1976) 425 U.S. 501, 508, 96 S.Ct. 1691, 1695; *People v. Taylor*  
13 (1982) 31 Cal.3d 488, 494-499.)).

14 WHEREFORE, on behalf of Mr. Brownlee the Public Defender objects to the  
15 granting of the media requests and asks to be given proper notice of any future media  
16 requests before the date of any court appearance which is made the subject of said  
17 requests; and that the Court allow arguments before any order permitting such media  
18 coverage of a court appearance is made.

19 DATE: October 18, 2022

20 LAW OFFICE OF THE PUBLIC DEFENDER  
21 MIRIAM LYELL, PUBLIC DEFENDER

22   
23 Allison Nobert  
24 Deputy Public Defender