

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 4:08-cr-596-RV

SAMUEL B. KENT  
\_\_\_\_\_ /

**ORDER**

I take judicial notice that the crimes with which the defendant is charged in this case have received extensive local and national publicity, and such publicity will almost certainly continue.<sup>1</sup> I also take judicial notice that the defendant, the alleged victim, and the prosecuting attorneys in this case have so far demonstrated a willingness to “try this case in the press” and manipulate media coverage to gain favorable attention.<sup>2</sup> Because this case is, and undoubtedly will continue to be, highly scrutinized by the media, and because I find that there is a substantial likelihood that extrajudicial commentary by the trial participants will likely taint the jury pool and will undermine a fair trial to which both the accused and the public are entitled, *see generally United States v. Brown*, 218 F.3d 415 (5<sup>th</sup> Cir. 2000), I find it necessary to take action, *sua sponte*, to preserve a fair trial

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<sup>1</sup> See, e.g., *Federal Judge Indicted on Sexual Abuse Charges*, September 3, 2008, available at [http://www.cnn.com/2008/CRIME/09/03/judge.indicted.ap/index.html?section=cnn\\_lates](http://www.cnn.com/2008/CRIME/09/03/judge.indicted.ap/index.html?section=cnn_lates); *Federal Judge to Court on Sex Charges*, September 3, 2008, available at <http://abcnews.go.com/TheLaw/wireStory?id=5713696>; *Federal Judge Samuel Kent Promises a “Horde of Witnesses,”* September 3, 2008, available at <http://www.chron.com/disp/story.mpl/chronicle/5981119.html>.

<sup>2</sup> See, e.g., *Indicted Judge Kent “Ready” to Fight, Lawyer Says*, August 29, 2008, available at <http://www.galvnews.com/story.lasso?ewcd=29ef5472336d24a4>; *U.S. District Judge Samuel Kent Indicted in Sex Case*, August 28, 2008, available at <http://www.chron.com/disp/story.mpl/metropolitan/5972279.html>.

by an impartial jury by shielding jurors and potential jurors from prejudicial statements. I also recognize that a balancing of First Amendment rights of speech and Sixth Amendment rights to a fair trial is required. After careful consideration, this order attempts to do that. To that end, I am utilizing the least restrictive corrective measures available, and, accordingly, it is ORDERED as follows:

From now until the final disposition in this case, (i) any and all judicial branch employees and courthouse personnel (including, but not limited to, my staff, the clerks, probation officers, secretaries, and court reporters); (ii) the prosecuting attorneys and any and all members of their respective staffs; (iii) the officers, employees and representatives of the United States Marshals Service and court security officers; (iv) any and all state, local, and federal law enforcement officers and employees associated with or assisting in the preparation or trial of this case; (v) the alleged victim and any and all other witnesses expected to be called by either side; and (vi) the defendant and his attorneys, and their respective staff, representatives and agents, SHALL NOT give or authorize any extrajudicial statement or interview to any person or persons associated with any public communications media or that a reasonable person would expect to be communicated to a public communications media relating to the trial, the parties or issues in this case, which could interfere with a fair trial or prejudice the defendant, the prosecutors, or the administration of justice, and which is not a matter of public record. Testimony given in grand jury testimony and tapes or transcripts of tapes made by any of the above parties prior to this trial are not public information. Statements or information intended to influence public opinion regarding the merits of this case are specifically designated as information which could prejudice a party. The attorneys in this case are directed to insure that all persons within the categories described in this paragraph who are or may be involved in the attorneys' respective side (whether prosecution or defense) are fully informed of this order and instructed accordingly.

Nothing set forth above shall prohibit any of the above persons from the following:

- (1) Stating, without elaboration or any kind of characterization whatsoever:
- (a) the general nature of an allegation or defense made in this case;
  - (b) information contained in the public record of this case;
  - (c) scheduling information;
  - (d) any decision made or order issued by the court which is a matter of public record;

(2) Explaining, without any elaboration or any kind of characterization whatsoever, the contents or substance of any motion or step in the proceedings, to the extent such motion or step is a matter of public record in this case and any ruling made thereon to the extent that such ruling is a matter of public record.

IT IS FURTHER ORDERED that any and all courthouse personnel shall under no circumstances disclose to any person, without express authorization by the court, information relating to this case that is not part of the public record of this court. This order specifically forbids the divulgence of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.

The court adopts by reference herein Southern District of Texas Local Criminal Rules CrLR12; CrLR23; CrLR24; CrLR49; CrLR55.

DONE and ORDERED this 5th day of September, 2008.

/s/ Roger Vinson  
ROGER VINSON  
Senior United States District Judge