

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

Commonwealth of Virginia

v.

Crim. No. CR13I 02171-06

Antwain Steward,

Defendant.

ORDER

This case is before the Court after its transfer from the Juvenile & Domestic Relations District Court for the City of Newport News. On October 2, 2013, the Juvenile and Domestic Relations District Court, on motion of the Commonwealth, ordered from the bench that the names of certain witnesses who had testified in open court during the preliminary hearing conducted on that date not be published in the media. On October 3, 2013, the Juvenile and Domestic Relations District Court entered a written order memorializing its October 2, 2013, oral order.

The Daily Press, L.L.C., publisher of *The Daily Press* in Newport News (the "Newspaper"), has moved: (1) for leave to intervene in this case for the limited purpose of seeking the vacation of the October 2 and 3, 2013, orders restraining the publication of witness names, and (2) that said orders be vacated. After notice to the attorneys for the Commonwealth and the defendant, the Newspaper set its motion for hearing on October 8, 2013, at 2:00 p.m.

The Court is advised that the defendant, by counsel, acknowledged receiving notice of the hearing, and has no position on the motion. It appears further that the Attorney for the Commonwealth, having considered the matter further, has withdrawn its request that the names of witnesses be enjoined from publication, and consents to vacation of the orders. It appearing to

the Court that the October 2 and 3, 2013, orders prohibiting publication of information obtained in an open court hearing are prior restraints in violation of both Article I, Section 12 of the Constitution of Virginia and the First Amendment to the Constitution of the United States, and that the Commonwealth no longer contests the motion to vacate the orders, it is hereby ORDERED that (1) the motion of the Newspaper for leave to intervene is GRANTED, and (2) the Order entered in open court on October 2, 2013, and the written order on the same subject matter entered October 3, 2013 be, and hereby are, VACATED.


It is so ORDERED.

The Clerk of this Court shall send a certified copy of this Order to all counsel of record.

ENTER: 10/8 /2013

Hon. Timothy S. Fisher, Chief Judge

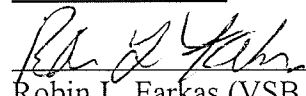
We ask for this:



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Seen and agreed:



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Further endorsement of counsel waived pursuant to Va. Sup. Ct. R. 1:13.

#1492093

Seen and agreed: James Ellison

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I certify that the documents to which this authentication is affixed are true copies of a record in the Newport News Circuit Court, that I have custody of the record, and that I am the custodian of that record.

Rex A. Davis, Clerk

By  **D.C.**