

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS
ARKANSAS CRIMINAL DIVISION

STATE OF ARKANSAS,)

v.)

JESSIE LLOYD MISKELLY, JR.,)
CHARLES JASON BALDWIN and)
DAMIEN WAYNE ECHOLS.)

Nos. CR-93-516-517-518

FILED
at _____ o'clock _____ m

SEP 23 1993

LAVADA NORRIS, CLERK

MEMORANDUM IN SUPPORT OF MOTION OF
MEMPHIS PUBLISHING COMPANY TO INTERVENE

Memphis Publishing Company doing business as The Commercial Appeal
("MPC"), submits the following memorandum in support of its motion to intervene:

On or about September 14, 1993, defendant Charles Jason Baldwin filed a motion with this Court to seal all court filings in this case. Members of the press generally have standing to oppose sealing orders, and have a right to a hearing on the merits to contest particular motions requesting sealing orders. In a series of cases, the United States Supreme Court has repeatedly recognized that representatives of the news media have standing to contest the validity of court orders impeding the flow of information about criminal proceedings to the public. See, e.g., Press-Enterprise Co. v. Superior Court (Press Enterprise I), 464 U.S. 501 (1984); Globe Newspaper Co. v. Superior Court, 457 U.S. 569, 609 n.25 (1982); Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980);

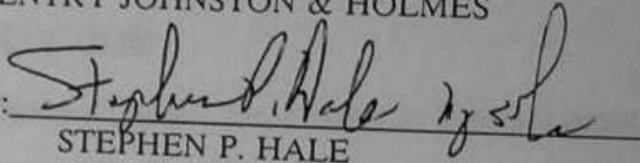
Nebraska Press Association v. Stuart, 427 U.S. 539 (1976). The Arkansas Supreme Court has similarly held that the "news media, even though not a party to the litigation in the trial court, has standing to question the validity of [exclusion of the press from voir dire during a criminal trial]." Commercial Printing Co. v. Lee, 553 S.W.2d 270, 271 (Ark. 1977).

Accordingly, MPC respectfully requests that its motion to intervene in this action be granted.

Respectfully submitted,

ARMSTRONG ALLEN PREWITT
GENTRY JOHNSTON & HOLMES

By:



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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served upon all counsel of record by mail, this 22nd day of September, 1993.

