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March 8, 2019

The Honorable Robert E. Morin  
Chief Judge  
Superior Court of the District of Columbia  
500 Indiana Avenue NW  
Washington, D.C., 20001

Dear Chief Judge Morin:

I am the director of news and programming at WTOP radio, which broadcasts in the Washington, D.C. area, and nationally via our digital platforms.

I am writing to you concerning audio recordings of a recent case in D.C. Superior Court. The case number is 2015 CF1 007047, United States vs. Daron Wint

Two WTOP reporters -- Megan Cloherty and Jack Moore -- covered the initial trial in September and October 2018 and are now working on a podcast about the case. The case involved a shocking and brutal crime. The trial helped provide answers to both the victims' families and the larger community; the defendant, Mr. Wint, was convicted on all counts. The aim of the podcast is to detail how through a complex, lengthy trial, justice was delivered in this high-profile case.

We are seeking portions of the sound recordings from the trial. We have been informed that these sound recordings do, in fact, exist but that the court generally does not release such sound recordings.

While it may be long-standing practice or custom not to make such sound recordings publicly available, we are not aware of a specific rule that would bar the release of this material upon request.

Of particular relevance in this case would seem to be D.C. Superior Court Rule 36-I, which governs the recording of court proceedings and the release of transcripts. This rule makes clear that the audio recording of court proceedings, in many cases, is a practice mandated by the court.

Rule 36-I section (a) states: "All proceedings must be recorded by a court reporter or by a suitable recording device."

Since the recordings exist; and because the records are mandated by the court as part of the process of creating the official record; and because the release of selected portions of the audio recordings to members of the public upon request after the conclusion of a trial would not unduly jeopardize a client's right to a fair trial; we cannot think of any other reasonable grounds upon which to deny our request.

In fact, it seems to us incongruous that the court would release written transcripts upon request but simultaneously seek to shield from public view the audio recordings that the court has also directed be created.

We would also note that many other court systems release audio recordings of court proceedings.

The District Court of Maryland releases audio recordings of a case to any requester for \$15. The Montgomery County, Maryland, District Court provides audio recordings of all trials dating back to 1982.

Many federal courts release audio files of their proceedings. Even the notoriously press-shy Supreme Court releases audio files of oral arguments.

We respectfully ask that our request for copies of audio files of this case be considered. We understand that, given the lengthy nature, of the trial, it maybe not be technically feasible to provide audio recordings of the entire trial. We would be satisfied with being provided with select portions of the proceedings that we would be happy to delineate further.

We would also note that we asked Kathy Kirby, senior partner at the Wiley Rein law firm, to review this letter in her capacity as the First Amendment counsel for the Radio Television Digital News Association.

We think you will agree that a more fundamental principle is at stake than just these specific audio recordings. Public access to court proceedings helps hold courts accountable by ensuring the process is transparent and open for all to review.

We understand the First Amendment right of access to judicial proceedings is far from absolute, but we believe our role as journalists provides a vital service, helping to shine a light on the justice system and holding it to the highest standards of integrity.

Respectfully,

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