

**IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE**  
**DIVISION III**

STATE OF TENNESSEE )

vs. )

CLIFFORD EDWARD CLARK, ALIAS )

DOCKET NO. - 90618

KNOX COUNTY CRIMINAL COURT  
KNOXVILLE, TN

2009 JUL 22 PM 2:02

FILED  
BY JOY R. MCCROSKEY

**ORDER**  
**REGARDING MOTION TO DISMISS INDICTMENT**

In this case the defendant, by and through counsel, has moved to dismiss the Indictment in the above styled case charging him with criminal trespass. The court has considered the argument herein and the documents attached to the motion. The criminal warrant was taken out by a University of Tennessee Police Officer, Lt. Dana McReynolds upon complaint of the U.T. Dean of Students, it is not necessary that the officer have sworn out the offense after the offense occurred in his presence, but the officer may swear out a warrant upon investigation in his jurisdiction. The statute T.C.A. § 40-7-103, applies only to a warrantless arrest. In this case a warrant was sworn out, was a valid warrant, and therefore the Grand Jury has returned a valid indictment following the warrant. Thus the motion to dismiss the indictment in violation of T.C.A. § 40-7-103 and T.C.A. § 40-2-102, Tennessee Rules of Criminal Procedure 6 (d) are respectfully denied.

The Clerk will forward a copy of this order to counsel for the defendant and to the office of the Knox County District Attorney General.

ENTER this the 22<sup>nd</sup> day of July, 2009.

CERTIFIED TRUE COPY  
*Jay R. McCroskey*  
CRIMINAL COURT  
KNOX COUNTY, TN  
BY *McCroskey*  
DEPUTY CLERK

*Mary Beth Leibowitz*  
MARY BETH LEIBOWITZ, JUDGE  
CRIMINAL COURT DIVISION III  
SIXTH JUDICIAL DISTRICT

**IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE**  
**DIVISION III**

STATE OF TENNESSEE )

vs. )

CLIFFORD EDWARD CLARK, ALIAS )

) DOCKET NO. - 90252, 90618, 90821, 91484

FILED  
BY JOY R. MCCROSKE  
2009 JUL 22 PM 2:02  
KNOX COUNTY CRIMINAL COURT  
KNOXVILLE, TN

**ORDER**  
**REGARDING MEDIA REQUEST**

In this cause the applicant, John Lee, purported to be Executive Producer of PNTV located at 8604 Chapman Highway, Knoxville, Tennessee 37920, has requested to use a video camera in each of the four cases of the defendant, Clifford Clark. Mr. Lee has made his respectful request and came to court on several occasions with his hand-held video camera for the purpose of videoing court proceedings regarding Mr. Clark. The Court requested that it be given a little time to determine whether or not Mr. Lee would fall within Rule 30, of the Supreme Court Rules. For the following reasons the court does not believe that Mr. Lee falls within the medial rules which authorizes legitimate media upon notice and acceptance by the court to come into the court to video for public broadcast.

1. Mr. Lee has given the court a business card as Executive Producer of PNTV and states that he broadcasts on the Public Community TV Channel. A copy of his business card is attached hereto as Exhibit 1. Mr. Lee has offered no other information about PNTV, although on questioning by the Court, he stated that he does videotaping for individuals and came into this court after having been requested by the defendant, Mr. Clifford Clark, to videotape evidence which was made available for viewing to Mr. Clark and his attorney. He states that Mr.

Clark wished to pay him to perform this service, but because he was not permitted to make a private video tape the service never occurred. Thus he says it is his independent desire to video tape the proceedings in Mr. Clark's case.

2. On inquiry when the court inquired as to Mr. Lee had his media card issued or where his media card came from, Mr. Lee reported that he had made the card himself.

It is this court's opinion, as it stated to Mr. Lee in open court, that anyone can make a business card, with at home equipment as well as a press badge, and bring a hand-held video camera into a courtroom, and declare themselves media. That does not make "legitimate media" under Rule 30. Any citizen may use the community television stations in any community to broadcast their personal opinions. The use of equipment by other than legitimate media who directly or indirectly feeds news to the general public and is in business for the purpose of giving news to the general public and so chartered, is what the Supreme Court intended to be legitimate media.

The state opposes Mr. Lee's application as the state has opined that Mr. Lee has a specific agenda and is not a legitimate news organization.

Further, the court is concerned that valid and accurate court reporting is the court's obligation to provide. During the last hearing the defendant on his own motion brought his own court reporter who was also allowed to participate as a court reporter taking transcription.

Thus the motion of Mr. Lee to present himself as media and to be permitted to use a camera or other recording device under Rule 30 of the Supreme Court Rules, is hereby respectfully denied.

The Clerk shall send a copy of this order to Mr. John Lee, PNTV 8604 Chapman Highway, Knoxville, Tennessee 37920, to counsel for the defendant and to the office of the Knox County District Attorney General.

ENTER this the 22<sup>nd</sup> day of July, 2009.



MARY BETH LEIBOWITZ, JUDGE  
CRIMINAL COURT DIVISION III  
SIXTH JUDICIAL DISTRICT

CERTIFIED TRUE COPY  
*Jay R. McCloskey*  
CRIMINAL COURT  
KNOX COUNTY, TN  
BY *[Signature]*  
DEPUTY CLERK

**FINNU**

**CHARTER CHANNEL 6  
COMCAST CHANNEL 12  
KNOXVILLE TENNESSEE**

**WINNER BEST MUSIC VIDEO  
LOS ANGELES MUSIC AWARDS  
AS SEEN ON HISTORY CHANNEL**

**JOHN LEE, EXECUTIVE PRODUCER  
865-745-0494 CTVKNOX.ORG**