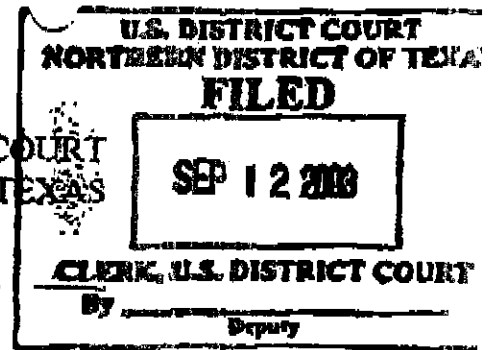


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION



UNITED STATES OF AMERICA

v.

THOMAS CAMPBELL BUTLER, M.D.

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§

CRIM. NO. 5:03-CR-0037-C

**ORDER RE: EXTRAJUDICIAL STATEMENTS BY PARTIES,
THEIR COUNSEL AND AGENTS**

For good cause shown, the Court hereby finds that:

1. Trial in this case is set to commence on November 3, 2003. This case has generated extensive local and national publicity in both the print and broadcast media. This pervasive publicity can be expected to continue during the pendency of the action.
2. There is a substantial likelihood that certain form of publicity, to wit, extrajudicial statements of a prejudicial nature by parties and their representatives to members of the press, might impair the rights of the defendant, the government and the public to a fair trial by an impartial jury.
3. To protect that right to a fair trial it is necessary for the court to take limited steps to restrain the parties and their representatives and witnesses from making prejudicial statements to the press.
4. The limited protective order to be made herein is expected to ensure a fair

trial and that measures less restrictive than the order would not be expected to achieve that result.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. This order is binding on all attorneys, both for the government and the defense, on the defendant, on the witnesses, on the agents and representatives of these parties and counsel. It shall remain in force during the pendency of this action or until further order of this Court.
2. No person covered by this order shall make any statement to members of any television, radio, newspaper or magazine organization about the case (other than matters of public record) that could interfere with a fair trial or prejudice the defendant, government, or the administration of justice. Statements or information intended to influence public opinion regarding the merits of this case are specifically designated as information which could prejudice a party.
3. No person covered by this order shall make any statement to members of any television, radio, newspaper or magazine organization concerning: the evidence produced or expected to be produced at trial; the strength or weakness of the case; the theories of the prosecution or defense; the actual or anticipated testimony or credibility of prospective witnesses; or the motives of the parties or their counsel in prosecuting or defending the case.

4. Parties may discuss, without elaboration or any kind of characterization, the general nature of any allegations or defenses; information contained in the public record; scheduling information; and, any decision or order by the court that is a matter of public record.
5. Counsel are reminded of their ethical duties and obligations as set forth in Texas Disciplinary Rules of Profession Conduct, Rule 3.07, Trial Publicity. Counsel not members of the State Bar of Texas are on notice that they will be held to those same standards.
6. No person covered by this order shall avoid its effect by actions which indirectly, but deliberately, bring about a violation of this order.

A copy of this order shall be served on all counsel for the government and defendant immediately upon its entry.

Entered this 11th day of September, 2003.



SAMUEL CUMMINGS
UNITED STATES DISTRICT JUDGE