

CAPITAL CITIES MEDIA, INC., TDBA THE WILKES-
BARRE TIMES LEADER, ET AL. v. TOOLE,
JUDGE, COURT OF COMMON PLEAS
OF LUZERNE COUNTY

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME
COURT OF PENNSYLVANIA, EASTERN DISTRICT

No. 83-599. Decided April 23, 1984

Held: The Pennsylvania Supreme Court's judgment—denying a petition for a writ of prohibition with regard to respondent's orders in a criminal trial prohibiting the publishing of the jurors' names and addresses; the sketching, photographing, televising, and videotaping of the jurors during the proceedings; and the handling of trial exhibits without court permission—is vacated, and the cause is remanded for clarification of the record, which does not disclose whether the Pennsylvania Supreme Court passed on petitioners' federal constitutional claims or denied their petition on an adequate and independent state ground.

Certiorari granted; vacated and remanded.

PER CURIAM.

The proceedings below were brought to challenge an order by respondent who, in a criminal trial, barred the press and public from publishing the names and addresses of jurors. Respondent also prohibited the parties from sketching, photographing, televising, and videotaping the jurors during their service in the criminal proceedings and from handling trial exhibits without permission of the court. Petitioners filed a petition for a writ of prohibition with the Supreme Court of Pennsylvania. However, it was denied without opinion. Petitioners, arguing that they have been denied their federal constitutional rights, now urge us to grant certiorari.

As matters now stand, the record does not disclose whether the Supreme Court of Pennsylvania passed on petitioners' federal claims or whether it denied their petition for a writ of prohibition on an adequate and independent state ground. For this reason, we grant the petition for writ of

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Per Curiam

certiorari, vacate the judgment of the Supreme Court of Pennsylvania, and remand the cause to that court for such further proceedings as it may deem appropriate to clarify the record. See *Philadelphia Newspapers, Inc. v. Jerome*, 434 U. S. 241 (1978) (*per curiam*); *California v. Krivda*, 409 U. S. 33 (1972) (*per curiam*).

So ordered.