

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

December 18, 2013

CASE NO.: 1D13-5721

L.T. No.: 16-2012-CF-011572-AX

Morris Publishing Group, LLC, d/b/a v.
etc. et al.

State of Florida and Michael D.
Dunn

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

Petitioners' emergency petition for review of orders excluding the press from receiving public records is granted with respect to the October 24, 2013, and November 19, 2013, orders of the trial court, which are hereby vacated except to the extent that they grant Petitioners' motion to intervene in this matter. This disposition is without prejudice to a subsequent motion to determine confidentiality of the records at issue or for a protective order limiting the disclosure of discovery materials. Should such a motion be filed, or if the trial court considers the matter on its own motion,* the court is directed to immediately convene an evidentiary hearing, after providing appropriate notice to the Petitioners, for the purpose of determining whether closure (including, but not limited to, deferral of public access to pretrial discovery materials upon timely *in camera* review of such materials) in this cause is warranted by law. See generally Florida Freedom Newspapers, Inc. v. McCrary, 520 So. 2d 32 (Fla. 1988); Miami Herald Pub. Co. v. Lewis, 426 So. 2d 1 (Fla. 1982); WESH Television, Inc. v. Freeman, 691 So. 2d 532 (Fla. 5th DCA 2007). Following the hearing, the trial court shall promptly enter an order, stating with specificity its findings of fact and its reasons for granting or denying closure in this matter. Any party or intervenor adversely affected by such order may file a timely petition for review with this court. See Morris Communications Co., LLC v. State, 844 So. 2d 671 (Fla. 1st DCA 2003).

* The trial court, which was motivated by its "affirmative constitutional duty to minimize the effects of prejudicial pretrial publicity," see Gannett Co., Inc. v. DePasquale, 443 U.S. 368, 378 (U.S. 1979) (citation omitted), acted with proper intent to preserve the defendant's paramount Sixth Amendment right to a fair trial, one without the effects of prejudicial pretrial publicity or the potential disclosure of criminal discovery that could likewise imperil the fairness of the proceeding.

THOMAS, RAY, and MAKAR, JJ., concur.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Trisha Meggs Pate, A.A.G.
Edward L.Birk
Timothy J.Conner
Erin J.Wolfson, A.S.A.
Hon.Suzanne Bass, Judge

Hon.Pamela Jo Bondi, A.G.
Hon Russell L.Healey, Judge
Jennifer Mansfield
Jay Kubica, A.A.G.
Cory Strolla

George D.Gabel, Jr.
Crystal T.Broughan
Meagan L.Logan
Samuel Steinberg, A.A.G.

am



JON S. WHEELER, CLERK

