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IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

CASE NO. 2012-CF-35337-A

STATE OF FLORIDA,

Plaintiff,

vs.

BRANDON LEE BRADLEY,

Defendant.

MITCH MEDELMAN
2012 MAR 26 P 1:27
CLERK OF CIR. CT
BREVARD CO FL

**DEFENDANT'S SECOND AMENDED MOTION TO PRECLUDE THE STATE OF
FLORIDA AND ITS AGENTS FROM DISCLOSING
PRE-TRIAL DISCOVERY TO THE PUBLIC**

COMES NOW the DEFENDANT, BRANDON LEE BRADLEY, by and through undersigned counsel, and pursuant to Sections 119.011(3)(b), 119.071(c)(1), and 119.071(2)(e) of the Florida Statutes, Rule 3.220 of the Florida Rules of Criminal Procedure, Art. I, Sections 2, 9, 17, 22, and 23 of the Florida Constitution, and the Fifth, Sixth, Eighth and Fourteen Amendments of the United States Constitution, and moves this Honorable Court to preclude the State of the Florida, including but not limited to the Office of the State Attorney and all law enforcement agencies from disclosing pre-trial discovery material in the above-captioned matter to the public, specifically:

- (1) a video captured by the camera mounted on Deputy Barbara Pill's patrol vehicle;
- (2) a video captured by the camera mounted on Deputy Jim Troup's patrol vehicle;
- (3) photographs taken of Deputy Pill at Holmes Regional Medical Center; and
- (4) video recording of the Defendant's interrogation.

In support of this motion, the Defendant states the following:

1. The above-captioned matter has generated an extraordinary amount of publicity.

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2. Although the videos and photographs have not been disclosed to the Defendant, the Defendant has reason to believe the following:
 - a. the video from Deputy Pill's patrol vehicle depicts Deputy Pill being shot;
 - b. the video from Deputy Troup's patrol vehicle depicts Deputy Pill laying on the ground after being shot;
 - c. the photographs depict Deputy Pill deceased at Holmes Regional Medical Center.; and
 - d. there exists a video recording of the Defendant's interrogation.
3. Any publishing of the videos, publishing of stills from the videos, or comments describing the contents of the videos, and publishing of the photographs would further aggravate the prejudicial publicity.
4. Any publishing of the videos, publishing of stills from the videos, or comments describing the contents of the videos, and publishing of the photographs would unfairly prejudice the Defendant and violate his right to a fair trial, which includes his right to an impartial jury.
5. Any publishing of the videos, publishing of stills from the videos, or comments describing the contents of the videos, and publishing of the photographs or comments describing the contents of the photographs would invade the privacy of Deputy Pill's family.
6. Any publishing of the videos, publishing of stills from the videos, or comments describing the contents of the videos, and publishing of the photographs should be exempt from public records until such time as the above-captioned matter is finally

determined by adjudication, dismissal or other final disposition.

7. There is no First Amendment right of access to pretrial discovery material. Even with the existence of Section 119 of the Florida Statutes, that statutory right must be balanced against the constitutional rights of a fair trial and due process. Florida Freedom Newspapers, Inc. v. McCrary, 520 So.2d 32, 36 (Fla. 1988).

WHEREFORE, the Defendant respectfully requests this Honorable Court:

1. preclude any agent of the State of Florida, including but not limited to the Office of the State Attorney and all law enforcement agencies, from disclosing to the public, including media outlets, the video captured by the camera mounted on Deputy Barbara Pill's patrol vehicle, the video captured by the camera mounted on Deputy Jim Troup's patrol vehicle, the photographs depicting Deputy Pill at Holmes Regional Center, and the video recording of the Defendant's interrogation;
2. preclude any agent of the State of Florida, including but not limited to the Office of the State Attorney and all law enforcement agencies, from disclosing stills from the videos to the public, including media outlets;
3. preclude any agent of the State of Florida, including but not limited to the Office of the State Attorney and all law enforcement agencies, from revealing the contents of the videos and photographs to the public, including media outlets; and
4. preclude any agent of the State of Florida, including but not limited to the Office of the State Attorney and all law enforcement agencies, from publicly commenting on the contents of the videos and photographs.
5. Furthermore, the Defendant respectfully requests this Honorable Court seal from the

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public the above-mentioned pre-trial discovery.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished via courier delivery and electronic mail to the Office of the State Attorney, Viera, Brevard County, Florida, via facsimile to Sheriff J.R. "Jack" Parker, Brevard County Sheriff's Office, 700 Park Avenue, Titusville, FL 32780, and via electronic mail and facsimile to Jack Kirschenbaum, Esq., GrayRobinson, P.A., 1795 W. Nasa Blvd., Melbourne, FL 32901 this 22nd day of March, 2012.



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