

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

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CASE NO. 2012-CF-35337-A

STATE OF FLORIDA,

Plaintiff,

vs.

BRANDON LEE BRADLEY,

Defendant.

MITCH NEEDELMAN
2012 MAR 22 P 12:46
FILED IN VIENNA-14
CLERK OF CIR. CT.
BREVARD CO. FL.

**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) and 119.071(c)(1) 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 specifically a video captured by the camera mounted on Deputy Barbara Pill's patrol vehicle in the above-captioned matter to the public.

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

1. The above-captioned matter has generated an extraordinary amount of publicity.
2. Although the video has not been disclosed to the Defendant, the Defendant has reason to believe the video depicts Deputy Pill being shot.
3. Any publishing of the video, publishing of stills from the video, or comments describing



the contents of the video would further aggravate the prejudicial publicity.

4. Any publishing of the video, publishing of stills from the video, or comments describing the contents of the video 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 video, publishing of stills from the video, or comments describing the contents of the video would invade the privacy of Deputy Pill's family.
6. Any publishing of the video, publishing of stills from the video, or comments describing the contents of the video 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;
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 video 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 video 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 video.

3/3

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, and via U.S. Mail delivery to Sheriff J.R. "Jack" Parker, Brevard County Sheriff's Office, 700 Park Avenue, Titusville, FL 32780, this 20th day of March, 2012.



~~MICHAEL MARIO PIROLO, ESQ.~~
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