

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

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Case No 05-2012-CF-35337-AXXX-XX

642

STATE OF FLORIDA,

Plaintiff,

vs.

BRANDON LEE BRADLEY,

Defendant.

FILED IN VIERA-20  
CLERK OF CIR. CT.  
BREVARD CO. FL.  
2012 APR -3 A 10:39  
FOR NEEDELMAN

ORDER

This cause came on to be heard before this Court on Defendant's Amended Motion to Preclude the State of Florida and Its Agents from Disclosing Pre-Trial Discovery to the Public. The Court having reviewed the file and being otherwise advised in the premises, the Court finds as follows:

The State of Florida, through the State Attorney's Office of the Eighteenth Judicial Circuit, and the Defendant, through the Public Defender's Office for the Eighteenth Judicial Circuit, both oppose the release of Pre-Trial Discovery videos and photographs of Deputy Barbara Pill. The Florida Today Newspaper has opposed the motion and seeks release of the videos and photographs.

The Court finds from the evidence presented that there has been substantial publicity associated with the above case. Every local television station, radio station and newspaper has covered the shooting of Deputy Pill extensively. The above mentioned Defendant is accused of shooting Deputy Pill.

The Defendant has asserted that he is entitled to a fair trial and that the trial be conducted in the county where the alleged crime occurred. The Defendant argues that there is no alternative measure available to the court which would safeguard the Defendant's right to have an impartial jury impaneled in Brevard County without the restriction on disclosing the videos and photographs.

The Defendant further argues that the disclosure of the videos and photographs would invade the privacy of Deputy Pill's family.

The Defendant has also requested a gag order on the contents of the video and photographs. No evidence was presented that law enforcement has done anything unethical regarding comment on the evidence nor is there any proof submitted that they would. There is no evidence to suggest the Court should enter an order restricting law enforcement's comment on the evidence.



Finally the State Attorney and the Defendant argue that any release of the Pre-trial Discovery are exempt from public records until such time as the above-captioned matter is finally determined by adjudication, dismissal or other final disposition.

Florida Statutes Section 119.011(3) (b) provides that "criminal investigative information" shall not be accessible to the public until such time as the information is given to the accused. Therefore this issue must be decided now or the evidence will be available to the public upon the demand for discovery by the Defendant. This issue cannot wait until then to be decided or the State Attorney's Office is required to disclose it to the media by statute.

The Court has reviewed the evidence submitted including the videos and photographs in question as well as the media coverage submitted by the Public Defender's Office.

The Court finds that the once these images are made public record there will be no way to control their continued disclosure via the internet. Once the videos go viral and are circulated throughout the state and even the country there will be no way to secure a fair trial for the Defendant. Only once the jury is sworn in can the court insure the panel's sequestration from the images. The images are of such a graphic nature that any disclosure would severely and negatively impact the potential jury pool if released to the media and viewed by the public.

The State Attorney's Office and the victim's family should also be afforded a fair trial and not be required to move the trial to another county and bear the burden of the expense and the logistical difficulties if it can be avoided. The victim's family should have full and fair access to the court in the county where the crime occurred as well; moving the trial to another county would create further hardship on Deputy Pill's family.

The media does not have an absolute right to these videos and photographs and their disclosure to the public is not necessary to the administration of justice and in fact their disclosure would severely and immediately impede the administration of justice and the rights to a fair trial to the State, the victim's family and the Defendant.

Furthermore, the evidence presented for this motion in the form of the videos and photographs should not be disclosed only to the media in a controlled setting until the trial because there is no assurance that the media would not provide graphic descriptions that would also taint the jury pool in Brevard County.

ORDERED AND ADJUDGED:

1. Defendant's Motion is hereby **GRANTED in part and DENIED in part.**
2. The Court hereby precludes 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, and the photographs depicting Deputy Pill at Holmes Regional Center.
3. The Court hereby precludes 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 stills from videos referenced above.

4. The Court does not 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 above where necessary to further the ongoing criminal investigation subject to the ethical rules for the entities involved.

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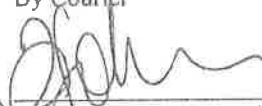
DONE and ORDERED on the 2<sup>nd</sup> day April, 2012 in Chambers at the Moore Justice Center, Viera, Florida.

  
CHARLES G. CRAWFORD  
Circuit Judge

Copies to:

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Delivered to all parties on April 2, 2012 By Courier  Theresa L. Johnson, Judicial Assistant Telephone (321) 617-7258
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