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

CASE NO 2012-CF-35337-AXXX-XX

STATE OF FLORIDA,

Plaintiff,

vs

BRANDON LEE BRADLEY,

Defendant

HITCH NEEDLEMAN
2012 JUL 16 P 12:16
JAN 31 CIR CT
BREVARD CO FL

**MOTION TO INTERVENE AND RESPONSE TO MOTION TO INTERVENE
AND/OR MOTION FOR PROTECTIVE ORDER**

COMES NOW, J R "JACK" PARKER in his capacity as Sheriff of Brevard County, Florida, by and through his undersigned counsel, files this Motion to Intervene and Response relative to the Motion to Intervene and/or Motion for Protective Order filed by Intervenor, Stephen B Pill, by and through his attorneys, Eisenmenger, Berry & Peters, P A , and as grounds therefore states

1 J R "JACK" PARKER, in his capacity as Sheriff of Brevard County, Florida, has an interest in this proceeding due to the fact that Sheriff Parker is the custodian of certain photographs, video recordings and audio recordings that depict or record the death of Brevard County Sheriff's Deputy Barbara Ann Pill (hereinafter "Deputy Pill")

2 Intervenor, Steven B Pill, as the surviving spouse of Deputy Pill, as defined in Fla Stat §406 11, is seeking entry of an order for relief in this action

3 As the Court may be aware, the Defendant is facing criminal charges surrounding the death of Deputy Pill

4 In a separately filed action, Andria Michelle Kerchner, is also facing charges surrounding



the death of Deputy Pill in Case No 2012-CF-35338-BXXX-XX

5 The Court may also be aware that motions pertaining to the release of certain discovery, including, but not limited to photographs, video recordings, and audio recordings of Deputy Pill's death, were filed in this action and in Ms Kerchner's case

6 On April 2, 2012, Judge Crawford issued an Order in this matter pertaining to the release of said discovery

7 In his findings, Judge Crawford stated that, "The Court finds that 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 "

8 While the Defendant and Defendant's counsel certainly have the right to view discovery, there is a serious concern that the release of any photographs, video recordings, and audio recordings of Deputy Pill's death, whether intentional or unintentional, would severely impede the interests of justice, and further, would cause hardship and emotional trauma for the immediate family of Deputy Pill

9 Accordingly, J R "JACK" PARKER in his capacity as Sheriff of Brevard County, Florida, has filed this Motion seeking to intervene in this action and seeks an order from this Court exempting any photographs, video recordings, and audio recordings depicting or recording Deputy Pill's death from the public record and further restricting the dissemination and copying of any such materials by the Office of the State Attorney for the Eighteenth Judicial Circuit, Office of the Public Defender for the Eighteenth Judicial Circuit, any other counsel for the Defendant, and the Defendant, to protect the immediate family of Deputy Pill from further hardship and emotional trauma

10 Section 406 136, Florida Statutes, exempts the photographs, video recording, and audio

recordings that depict or record the killing of a person from the provisions of Section 119 07(1), Florida Statutes, pertaining to public records Fla Stat §406 136(2)

11 This court, however, upon the showing of good cause, may issue an order that authorizes any person to view or copy a photograph or video recording that depicts or records the killing of a person or listen to or copy an audio recording that depicts or records the killing of a person, *and may prescribe any restrictions or stipulations that the court deems appropriate* Fla Stat §406 136(4)(a)

12 In all cases in which this Court determines that good cause exists to enable a person to view or copy a photograph or video recording that depicts or records the killing of a person, or listen to or copy an audio recording that depicts or records the killing of a person, that viewing, copying, listening to or other handling of these items, must be under the direct supervision of the custodian of the record or his or her designee Fla Stat §406 136(4)(c)

WHEREFORE, J R “JACK” PARKER in his capacity as Sheriff of Brevard County, Florida, and as custodian of the records at issue, respectfully requests that this Court allow him to intervene in these proceedings for the limited purpose of seeking entry of an Order exempting any photographs, video recordings, and audio recordings of Deputy Pill from public record, and imposing restrictions on the State Attorney’s Office for the Eighteenth Judicial Circuit, the Office of the Public Defender for the Eighteenth Judicial Circuit, any other counsel for the Defendant, and the Defendant, pertaining to the dissemination or copying of any photographs, video recordings, and audio recordings that depict or record the death of Deputy Pill

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to MICHAEL MARIO PIROLO, ESQ , Assistant Public Defender, 2725 Judge Fran Jamieson Way, Building E, Viera, Florida 32940, WAYNE HOLMES, ESQ and TOM BROWN,

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ESQ , Office of the State Attorney, 2725 Judge Fran Jamieson Way, Building D, Viera, Florida
32940, JACK KIRSCHENBAUM, ESQ , Gray Robinson, P A , 1795 W Nasa Blvd , Melbourne,
Florida 32901, GREGORY W EISENMENGER, ESQ and ROBERT R BERRY, ESQ ,
Eisenmenger, Berry & Peters, P A , 5450 Village Drive, Viera, Florida, 32955, and via facsimile to
the Honorable Morgan Laur Remman, this 13th day of July, 2012

CHARLES IAN NASH, ESQUIRE
Florida Bar No 0296619
NASH & KROMASH, LLP
440 South Babcock Street
Melbourne, FL 32901
(321) 984-2440/Fax (321) 984-1040
General Counsel for Brevard County Sheriff's Office