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Media Coalition Keeps Court Records Open in Trayvon Martin Shooting Prosecution

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In a Florida murder trial that has garnered international and national headlines, attorneys for a coalition of 17 news outlets have fought back efforts by both prosecutors and defense counsel to seal public court files.

George Zimmerman is charged with second degree murder in the February death of teenager Trayvon Martin, an unarmed African American teenager. Zimmerman, the neighborhood watch coordinator for his gated Sanford, Florida community, has pleaded not guilty and claims Martin attacked him. Martin's family has said that the young man was taking a short cut home after buying a package of Skittles and an iced tea at a nearby store.

In an unusual alliance, the state and defense jointly moved the trial judge, Kenneth R. Lester, Jr. of Florida's Eighteenth Judicial Circuit, for a protective order sealing documents that had been provided to Zimmerman under the discovery provisions of Florida's Rules of Criminal Procedure. Under Florida's Public Records Law, discovery in a criminal proceeding becomes a public record once it is provided to the person arrested.

At Zimmerman's arrest in April, the defense requested, and the state agreed, that the court seal the entire file. The judge agreed. A coalition of national and Florida media outlets quickly filed a motion to intervene, objecting to the blanket sealing and urging a document-by-document analysis with the party seeking closure bearing a heavy burden under the First Amendment and Florida law. At an April 27 hearing, Judge Lester agreed, ordering the opening of the file and further ordering that, once the state serves discovery on the defendant, the parties file motions tailored to any individual documents they sought to seal.

The state provided discovery and filed a motion to seal, as did the defense. Included among the information that they sought to seal were:

- All statements Zimmerman gave to law enforcement;
- Results of tests performed by law enforcement on Zimmerman;
- Audio recordings of witness statements;
- Identifying information for 22 civilian witnesses; and
- Crime scene and autopsy photos.

At the conclusion of the June 1 hearing on this motion, the judge noted the unique nature of Florida's public records law in providing public access to criminal discovery materials. While he expressed his concerns, he told the parties that he would follow the law and review the documents in camera, applying the heavy burden for closure.

Judge Lester on June 12 followed up with a six-page order that denied the closure motions in almost every respect. Order on the State's Motion for Protective Order and the Media Intervenors' Motions to Intervene and to Oppose the Closure of Judicial Records, [State v. Zimmerman](#), Case No. 12-CF-1083-A (Fla. Cir. Ct. June 12, 2012).

The only information that the court sealed outright were photographs of the victim's body (which the media organizations said they had no interest in publishing) and the names of the twenty-two civilian witnesses, whom the court described as people who performed their civic and moral duty to provide information to law enforcement.

The judge also expressed concern over the release of witness names. Throughout the June 12 order, he made observations that most court-access law “predates the rise of the blogosphere” and that “the world has changed.” He lamented the news coverage in this case that “have been routinely disseminated presenting opinion as fact” and that the numbers of calls from the media required the court to dedicate a public information officer. The judge wrote that “common sense” tells him the media will contact witnesses once their names are disclosed, and that “claims that these people will not be affected when their identities are exposed are misguided.”

The court, expressing its goal of protecting the witnesses from unwanted public scrutiny while balancing the public's right to information, created a process for the release of witness names. The court ordered the media outlets to provide the state with the names of people it suspects are among the witnesses and who also have spoken to the media, together with the dates on which those people spoke to the media. If any of the people on that list are among the witnesses, then the state is required to release their full identities and to identify which statements those people gave.

The court ordered the full release of Zimmerman's statements to law enforcement, the results of the tests performed on Zimmerman, all photographs of the crime scene that do not depict Trayvon's body, Martin's cell phone records, emails to the Sanford Police Department, and the recordings of telephone calls Zimmerman received in jail.

Zimmerman's lawyers have filed a motion to reconsider portions of the ruling. That motion remains pending.

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