

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA

vs.

Case No. 14-00216-CFAES

CURTIS J. REEVES,

Defendant.

**TIMES PUBLISHING COMPANY'S MOTION TO INTERVENE,
FOR OPPORTUNITY TO BE HEARD, AND OBJECTION TO EXCLUDING
NEWS MEDIA AND PUBLIC FROM SCENE VIEW BY JUDGE AND COUNSEL**

COMES NOW Times Publishing Company, publisher of the Tampa Bay Times, by and through its undersigned counsel, and moves to intervene in this matter for the purpose of presenting arguments related to news media and public access to a view of the scene by the judge and counsel in the case on Friday, February 24, 2017, and states as follows:

1. The United States Supreme Court and Florida Supreme Court have held that the public and news media have the presumptive right of access to all court proceedings in criminal cases. For a court to close a proceeding in a criminal case, the Court must hold a hearing at which the media have an opportunity to be heard. In addition, the Court must make findings based on evidence presented that (a) Closure is necessary to prevent a serious and imminent threat to the administration of justice; (b) No alternatives are available, other than change of venue, which would protect a defendant's right to a fair trial; and (c) Closure would be effective in protecting the rights of the accused, without being broader than necessary to accomplish this purpose. *See Press-Enterprise v. Superior Court*, 478 U.S. 1 (1986); *Press-Enterprise Co. v.*

Superior Court, 464 U.S. 501 (1984); *Miami Herald Publishing Co. v. Lewis*, 426 So.2d 1 (1983); *Barron v. Florida Freedom Newspapers, Inc.*, 531 So.2d 113 (1988).

2. An appellate court in Ohio ruling on these First Amendment issues recently ruled that the trial court was wrong in prohibiting the news media from access to a jury view of a crime scene in a criminal trial without holding the proper hearing where evidence was presented by the party seeking to close the proceeding (the jury view). *State ex rel. Cincinnati Enquirer v. Bronson*, 191 Ohio App. 3d 160 (2010). Where this Honorable Court and counsel in the case visit a location in connection with evidentiary submissions being made in this critical proceeding, the location becomes the courtroom and access cannot be prohibited without the required hearing and findings.

3. For these reasons, we respectfully submit that the news media is entitled to a hearing, and findings meeting the test for closure, are necessary before the media and public can be excluded from the scene view.

Respectfully submitted,

/s/ Alison M. Steele

Fla. Bar No.: 701106

Alison M. Steele, P.A.

146 Second Street North, Suite 310

St. Petersburg, Florida 33701

Telephone: (727) 849-6400

Email: amnestee@aol.com

Attorney for Times Publishing Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Motion has been provided via email to the Office of the State Attorney at SA6eService@pinellascounty.org and Counsel for Defendant, Richard Escobar at rescobar@escobarlaw.com this 23rd day of February 2017.

/s/ Alison M. Steele
Fla. Bar No. 701106