

CIRCUIT COURT FOR THE JUDICIAL CIRCUITS OF FLORIDA

Palm Beach Newspapers, Inc. v. Bludworth

12 Fla. Supp. 2d 94 (1985) · Decided April 15, 1985

SUMMARY

The court addresses a newspaper's request under Florida's Public Records Law for investigative and prosecution-related records concerning a homicide, arson, and related criminal proceedings. It orders disclosure of specified reports and witness statements, subject to limited redactions protecting targets of an ongoing criminal investigation, and requires continuing disclosure as additional records are provided to criminal defendants. The court also addresses whether its disclosure orders should be stayed pending appeal.

CASE DETAILS

COURT	Circuit Court for the Judicial Circuits of Florida
WRITING FOR THE COURT	Richard I. Wennet
JURISDICTION	Florida
DECIDED	April 15, 1985
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs sought an order under Florida's Public Records Law requiring defendants to disclose records concerning a death, an arson investigation, criminal prosecutions, and a witness-tampering indictment. After an in camera hearing, the circuit court entered an order requiring disclosure of specified records, subject to limited redactions, and addressed whether the order should be stayed pending appeal.
STANDARD OF REVIEW	The court exercised its discretion under section 119.07(2)(b), Florida Statutes, to conduct an in camera review and determine whether records were exempt as active criminal investigative information.
PRECEDENTIAL VALUE	Published circuit court opinion; persuasive authority outside the issuing court

TOPICS

- administrative law
- first amendment
- appellate procedure
- criminal procedure

PRACTICE AREAS

Florida public records law

administrative law

constitutional law

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether records disclosed to a criminal defendant through discovery remain exempt from public disclosure as active criminal investigative information when the state demonstrates that an ongoing investigation would be substantially jeopardized by disclosure.
2. Whether the First Amendment requires public disclosure of records that have already been disclosed to persons accused of criminal activity.
3. Which requested records were subject to disclosure, and what redactions or withholding were permissible under the Public Records Law.
4. Whether the court's disclosure orders should be stayed pending appeal.

HOLDINGS

1. Prior disclosure of investigative materials to a criminal defendant through discovery does not require complete public disclosure when the state demonstrates through an in camera hearing that an ongoing investigation would be substantially jeopardized by disclosure.
2. The First Amendment does not require immediate public disclosure of investigative information when the court finds a compelling interest in maintaining confidentiality and narrowly tailors the withholding to protect the ongoing investigation.
3. Defendants were required to release specified law-enforcement reports, witness statements, and expert-witness statements, subject to limited redaction of identities of targets or subjects of the ongoing investigation; one additional witness statement could be withheld.
4. The State Attorney remained under a continuing obligation to disclose public records provided to Ramer, Bruno, or their attorneys in connection with their prosecutions, and records withheld as active criminal investigative information had to be released when the investigation became inactive.

KEY QUOTATIONS

“The Court finds that Satz is controlling, and that the decision did not address prosecutions where the State demonstrates in an in camera hearing, an on going investigation which would be substantially jeopardized by requiring disclosure.” (96)

“The Court has attempted to balance the public’s right of knowledge with the need of the State to prosecute and bring to justice criminal activity within the State.” (96)

“Furthermore, as to any records not yet required to be disclosed to Plaintiffs because the records have been determined to be “active criminal investigative information,” Defendants shall release those records to Plaintiffs immediately without the need for a hearing if the criminal investigation/s which gave rise to the exemption shall become “inactive”” (98)

FACTUAL BACKGROUND

The requested records concerned the May 13, 1984, death of Ronald Dean Densberger, Jr., an arson at a beauty salon, the prosecution of Ralph Ramer in Case No. 85-381 CF, and a witness-tampering indictment against Maria Bruno. Some records had been disclosed to Ramer in criminal discovery, while others had not yet been disclosed. Based on in camera testimony and review of the records, the court found that an ongoing criminal investigation could be harmed by public disclosure of portions of the records.

PROCEDURAL HISTORY

The matter came before the circuit court on plaintiffs' complaint and ore tenus motions concerning disclosure and an appellate stay. The court conducted an in camera hearing, heard testimony from a law-enforcement officer, reviewed the disputed records, and ordered disclosure of specified records while permitting redaction of identities connected to the ongoing investigation. The court stayed its order temporarily to allow defendants to seek an emergency stay from the appellate court.

DISPOSITION

other

CASES CITED

- Satz v. Blankenship, 407 So. 2d 396 (Fla. 4th DCA 1981)
- Satz v. Blankenship, 413 So. 2d 877 (Fla. 1982)