

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

IN THE INTEREST OF:

D.P.	CASE NO. 97-4001
J.B.	CASE NO. 97-3987
T.B.	CASE NO. 97-3999
L.B.	CASE NO. 97-3998

ORDER

This cause came before the Court on the Movant's, WCPX-TV CHANNEL 6, Motion to Release Videotape, and the Court after having heard argument of counsel, having taken testimony, and being otherwise fully advised in the premises, the Court finds as follows:

The Court finds the videotape taken on October 8, 1997 was a student record and initially had the protection of Section 228.093, Florida Statutes. Further, the Court has viewed the videotape and finds that it is an excellent record of the childish behavior exhibited by the students which are named in this case. It is not as aggravating or cruel as the original reports to the public indicated. It was a taunting, followed by the victim's attempt to stop the taunting, followed by a melee when other students attempted to intervene. This, the Court assumes, is not the first time youngsters have ganged up on each other.

As such, the people's right to evaluate on their own the quality and cause of the animosity in this case should be given due consideration.

The Court further finds that in Chapter 39, Florida Statutes, certain exemptions are provided regarding the confidentiality of juvenile proceedings. The youngsters were originally arrested on felony matters but discovery was given to the defense attorneys, including this videotape, at a point in time when only misdemeanors were formally charged by petition. They

were, however, in custody under the felony arrest when the tape was disclosed to defense counsel.

The Court therefore believes the videotape should be released to the public on the following conditions:

1. The non-charged students and victim's faces shall be obliterated unless a child and the child's parents waives, in writing, this provision of this Order, and
2. This Order shall not take effect for five (5) days to allow any party to file a Notice of Appeal which will automatically delay the release of the videotape until the appeal is resolved.
3. That the State Attorney, in whose possession the tape is presently, shall make available to WCPX-TV CHANNEL 6, through its attorneys or agents, a copy of the videotape in question, and prior to WCPX-TV CHANNEL 6 publishing or broadcasting the videotape, or in any other way releasing the images contained thereon, WCPX-TV CHANNEL 6 shall obliterate any non-charged student and the victim's faces electronically or otherwise. The parties shall work together to ensure this is accomplished.

DONE and ORDERED in Chambers at Viera, Brevard County, Florida, this 6 day of November, 1997.

ORIGINAL SIGNED BY
LAWRENCE V. JOHNSTON
CIRCUIT JUDGE
Lawrence V. Johnston
Circuit Judge

Conformed copies to:

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