

Supreme Court of Florida

MONDAY, APRIL 11, 2011

CASE NO.: SC10-916

Lower Tribunal No(s): 1D08-5315

GARY FONTAINE BELL

vs. STATE OF FLORIDA

Petitioner(s)

Respondent(s)

The State's March 3, 2011, motion to strike Appellant's initial brief on the merits is hereby granted. Within fifteen days of the date of this order, Appellant shall file an initial brief that does not include information identifying the minor victim of a sexual offense. See Florida Rule of Judicial Administration 2.420(d)(1)(B)(xiii); § 119.071(2)(h), Florida Statutes (2010).

Because we have granted the State's motion to strike appellant's initial brief, we deny as moot the State's March 3, 2011, motion to toll time for filing its answer brief.

We consider the State's March 3, 2011, motion to seal the court record and the State's March 3, 2011, motion to seal the Appellant's initial jurisdictional brief as motions to determine the confidentiality of appellate court records pursuant to Judicial Administration 2.420(f)-(g). We hereby grant the State's motions. Unless otherwise ordered by this Court, the court file and record-with the exception of the merits briefs to be filed in this Court-shall remain sealed in the Clerk's office, except when in use by the Court, and may be reviewed only by the below-listed authorized individuals. Pursuant to Florida Rule of Judicial Administration 2.420(e)(3)(A)-(H), we make the following findings in support of our decision.

(A) The instant case is a proceeding to review a district court decision in a criminal case on the basis of express and direct conflict.

(B) The identity of the victim in this case is confidential pursuant to Florida Rule of Judicial Administration 2.420(d)(1)(B)(xiii).

(C) In any documents filed in this Court and during any oral argument that may be ordered, the victim should be referred to as simply "the victim" or by the victim's initials only.

(D) The progress docket and similar records generated to document activity in this case should not contain the victim's name and thus are not confidential.

(E) The identity of the minor victim in this case is the information to be kept confidential.

(F) The appellant, the guardians of the victim, the attorneys of record in this case or their agents, and necessary court personnel are permitted to view the sealed items in this case.

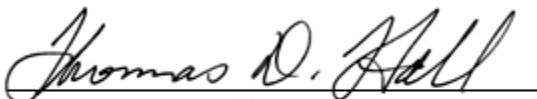
(G) We find that (i) the degree, duration, and manner of confidentiality ordered by the court are no broader than necessary to protect the interests set forth in Florida Rule of Judicial Administration 2.420(c); and (ii) no less restrictive measures are available to protect the interests set forth in rule 2.420(c).

(H) The Clerk of this Court is directed to publish this order in accordance with Florida Rules of Judicial Administration 2.420(e)(4) and 2.420(g)(4).

Counsel is cautioned that any future documents filed with this Court that contain confidential information must be filed with the "Notice of Confidential Information within Court Filing" required by Florida Rule of Judicial Administration 2.420(d)(2).

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court

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Ed

Served:

MICHAEL R. ROLLO
TRISHA MEGGS PATE
CHRISTINE ANN GUARD
GISELLE DENISE LYLEN

