

IN THE FLORIDA SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

v.

JAMES THOMAS

Defendant.

Case No. 37 2008 CF 003350

Judge: Hon.

Division: A

BN 175470

v.

AMERICAN CIVIL LIBERTIES UNION
OF FLORIDA, INC.,

Intervenor.

/

ACLU'S REPLY IN SUPPORT OF
MOTION FOR PUBLIC ACCESS TO SEALED JUDICIAL RECORDS

In

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Order

(May 2, 2014)

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pages 1-24) of

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Miami Herald Pub. Co. v. Lewis, 426 S2d 1, 8 (Fla 1982).

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Lewis, 426 S2d 8; see also Fla R

Jd Adm 2.420(a)(1) (11/13/14)

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See *State Farm Mut. Auto. Ins. Co. v. LaForet*, 591 S2d

1143, 1144 (Fla 4DCA 1992) (A by

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I. Section 119.071(2)(d) Florida Statutes, Does Not Justify Continued Sealing of the Transcript

§ 119.071(2)(d), Fla

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See infra Pd.VOa

² 19.071(2)(d)

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In re Amendments to Florida Rule of Judicial Admin. 2.420-Sealing of Court Records & Dockets, 954 S2d 6, 17 (Fla2007) (19.071(2)(d))

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see also Marino v. Univ. of Fla., 107 S3d 231, 1233 (Fla1dCA 2013) (19.071(2)(d))

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§ 482(b)(1)

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id. § 482(b)(1), § 482(b)(1)

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III. The Federal Caselaw and Statutes Cited by the State Have No Bearing On This Case

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See generally ACLU of Pa. v. ...

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³ See *J.K. v. ...* (2013), p. 125-6

Cellphone Data Spying: It's Not Just the NSA, N.Y. Times, 12/08/13, p. 125

A. The Federal Freedom of In

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§ 125 ACLU

Mo. 20 (q) *In re Amendments*, 954 S.2d 17).

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§ 125 *In re Polypropylene Carpet Antitrust Litig.*, 181 F.R.D. a

689 (q) *Dellwood Farms, Inc. v. Cargill, Inc.*, 128 F.3d 122, 1126 (7th Cir

1997)). *see infra* Part IV, ¶ 125

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IV. Extensive Information About Cell Site Simulators Is In the Public Domain

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Aug 23, 2010, p. 125

(Feb 18 DCA 2013) (P. 10)

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Mr. [REDACTED]

[REDACTED]

([REDACTED]).

TPD [REDACTED]

[REDACTED]

TPD Chief [REDACTED]

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⁷ See *TPD Chief Talks § Use (DaMa 16, 2014),*
 [REDACTED] 20140317/NEWS/303170020; [REDACTED] Is
Cellphone Stingray Invasive or Essential?, DaMa 16, 2014,
 [REDACTED] 20140317/NEWS/303170020, [REDACTED] b
 [REDACTED] JEPm *TPD Changes Tracking Policy*, [REDACTED]
 DaMa 13, 2014, available at
 [REDACTED] 20140413/NEWS 01/304130018, [REDACTED] th
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⁸ See *TPD Chief Talks § Use, supra (T do . . . ch*
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Meet the Machines That Steal Your Phone's Data, *Asp* 25, 2013

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¹⁵ Available at <http://www.fda.gov/oc/ohrt/2013/09/20130925-01.pdf>

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¹⁶ <http://www.fda.gov/oc/ohrt/2013/09/20130925-01.pdf>

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D. Information Released by the Federal Government

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Cf. Downs, 522 S.2d 935 (Ga.

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CONCLUSION

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§ 111g, 2010, p

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CERTIFICATE OF SERVICE

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DaMa, 27, 2014

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Nathan Freed Wessler
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F. 212.549.2654
~~John~~

Pro Hac Vice

Counsel for Intervenor ACLU