

# Judge Refuses to Seal Bulk of Documents in High Profile Kidnapping Trial

## *Defendant Argued Online Publicity Required Sealing*

By Jennifer A. Mansfield

On February 2, 2018, Florida Circuit Judge Marianne L. Aho issued a written ruling denying a request to seal most of the documents produced by the State to a defendant being prosecuted for kidnapping, and granted closure for only a handful of the 1,000+ pages of documents the defendant sought to have sealed. *State v. Williams*, Case No. 16-2017-CF-00539.

Defendant Gloria Williams is accused of kidnapping a newborn baby girl in Jacksonville, Florida, and transporting her to South Carolina where she raised her as her own child. Eighteen years later, law enforcement authorities tracked down the child and arrested Defendant Williams. Williams now faces trial in Jacksonville, Florida.

The defense filed a motion seeking to seal all 1,000+ pages of documents the defense obtained from the State, until the jury had been seated in the case. In Florida, all discovery materials released to a defendant are public records, and before an order can be entered to seal those records, the defense must prove (1) an imminent danger to her right to a fair trial, (2) other methods of protecting the fair trial rights won't be effective, and (3) sealing the materials would be effective at preventing the harm sought to be avoided.

This case was unusual because Williams' defense attorney took the very rare step of requesting and conducting an evidentiary hearing to show the amount of news reports. Although Florida law requires an evidentiary showing before sealing court or public records, it is actually rare for a defense attorney to request such an evidentiary hearing.

Here, the defense put on the testimony of a private investigator, who spend 4 ½ days searching the Internet for reports about the Williams case. He found two closed-groups on Facebook devoted to the case and 235 news articles, "many of which were duplicative of content but that included unique comments." Defense counsel then characterized the coverage as "saturated," and argued that media coverage has changed significantly since the time when the case law establishing Florida's closure standard was established, because of the pervasiveness of the Internet. Thus, defendant's motion was a full assault on the established standards for closure of records released to a defendant.

The judge was very cognizant of the competing constitutional rights at issue, and at the first hearing held that the blanket order of protection for all the documents did not meet the legal standard for closure. She required the defense to narrow the documents sought to be sealed and to make specific objections as to why each should be sealed. She then scheduled a second hearing, where the defense and media attorneys presented argument on the narrowed scope of the closure requests.

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Ultimately, the judge ruled in favor of releasing the vast majority of items. She only temporarily sealed personal medical bills, medical records, social security numbers, and school records of the alleged victim, as well as documentation of an unrelated criminal offense from which the alleged victim in this case may have been an alleged victim in another case as a minor, and portions of video and audio of witness interviews that contain confessions or admissions by the defendant. For all other materials the judge denied the motion to temporarily seal.

The judge rejected defendant's argument that the Internet reports would have a greater impact than traditional media. "After review of the evidence, the Court finds that there has been extensive publicity surrounding this case; however, Defendant has not established that such publicity has been, thus far, overwhelmingly adverse." The judge also held that the defendant had not shown how members of the two private Facebook groups could not be identified through traditional voir dire.

The sealed materials, other than medical records and social security numbers, will be opened once defendant trial or legal proceedings are completed.

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