

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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*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 Art 2.420(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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<sup>1</sup> 11/13/14

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*In re Amendments to Florida Rule of Judicial*

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see also *Marino v. Univ. of Fla.*, 107 S3d 231,

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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 v. NSA, 656 F.3d 844 (4th Cir. 2013), *cert. denied*, 134 S.Ct. 2303 (2014).

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<sup>3</sup> See *ACLU v. NSA*, 656 F.3d 844 (4th Cir. 2013), *cert. denied*, 134 S.Ct. 2303 (2014).

*Cellphone Data Spying: It's Not Just the NSA, N.Y. Times*, <http://www.nytimes.com/2013/12/08/us/politics/cellphone-data-spying.html>.

## A. The Federal Freedom of In

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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



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Mr. [REDACTED]

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TPD [REDACTED]

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TPD Chief [REDACTED]

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TPD [REDACTED]

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<sup>7</sup> 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] to  
 [REDACTED] JEPm *TPD Changes Tracking Policy*, [REDACTED]  
 [REDACTED] Ap 13, 2014, available at  
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<sup>8</sup> See *TPD Chief Talks § Use, supra (T do . . . ch*  
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B. Information in Judicial Opinions and Records

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Meet the Machines That Steal Your Phone's Data, *Asp* 25, 2013

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<sup>15</sup> Available at <http://www.fda.gov/oc/2013/09/25/Meet-the-Machines-That-Steal-Your-Phone-s-Data>

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<sup>16</sup> <http://www.fda.gov/oc/2013/09/25/Meet-the-Machines-That-Steal-Your-Phone-s-Data>

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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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Benjamin James Stevenson  
FaBaNo598909  
ACLU ~~John~~  
PoBa 2723  
PhFL 32591-2723  
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F. 786.363.1985  
~~John~~

Nathan Freed Wessler  
N.YBaNo4878880 (Ath  
AinLU ~~John~~  
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NoNY0004  
T212.549.2500  
F. 212.549.2654  
~~John~~

*Pro Hac Vice*

*Counsel for Intervenor ACLU*