

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR VOLUSIA
COUNTY, FLORIDA.

CASE NO.: 2020 303750 CFDB

DIVISION: 40

STATE OF FLORIDA

VS.

DOUGNITRIO D. SMITH, JR.

**ORDER GRANTING DEFENDANT'S MOTION TO DETERMINE
CONFIDENTIALITY OF COURT RECORDS**

This Matter is before the Court on the Defendant's Motion to Determine Confidentiality of Court Records Confidential, pursuant to rule 2.420(c)(9), Florida Rule of Judicial Administration. The Defendant seeks an order sealing the following information relative to this criminal case:

a. ***Quasi Ex Parte Motion for Appointment of a Mental Health Expert, as well as the Justice Administrative Commission's Response to said Motion***, and having considered the Motion of the Defendant, legal authority, and being advised the State has no objection, it is hereby

The Court **GRANTS** the motion as follows:

1. Confidentiality of the documents is required to protect the following interests:
 - a. Obtaining evidence to determine the legal issues in a case;
 - b. Protecting work product and/or attorney client privilege;
 - c. Complying with the established public policy set forth in the Florida or United States Constitution, specifically: United States Constitution Amendments 5, 6, 8 and 14; and Florida Constitution Article I Sections 2, 9, 16, 17, and 21; and Florida Rules of Criminal Procedure Rule 3.220.
2. The Court further finds that no less restrictive measure is available to protect these issues, and that the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interests.

Wherefore, it is hereby ORDERED that:

The Clerk of the Circuit Court is hereby directed to seal immediately the following materials related to this matter and to keep such materials from public access:

The following documents within the court file:

Quasi Ex Parte Motion for Appointment of a Mental Health Expert, and the Quasi Ex Parte Order granting this Motion, the Justice Administrative Commission's Response to the aforementioned Motion.

However, the files and progress dockets shall otherwise remain available to the public subject to any substitution of the party's name set forth above.

It is further **ORDERED** that any materials sealed pursuant to this Order shall be conditionally disclosed upon the entry of a further order by this Court finding that such opening is necessary for purposes of judicial or governmental accountability or First Amendment rights.

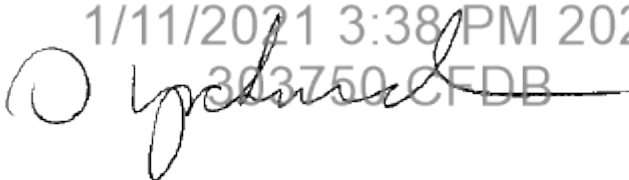
It is further **ORDERED** that any materials sealed pursuant to this order may otherwise be disclosed only as follows:

1. to any judge of this Circuit for case-related reasons;
2. to the Chief judge or his or her designee;
3. to the Defendant or his attorneys of record; or
4. by further order of the Court.

It is further **ORDERED** that, within 10 days of the date of this Order, the Clerk shall post a copy of this Order on the bulletin board and the Clerk's website for a period of 30 days to provide public notice.

It is further **ORDERED** that the Clerk is hereby authorized to unseal any materials sealed pursuant to this Order for the purpose of filing, microfilming or imaging files, or transmitting a record to an appellate tribunal. The materials shall be resealed immediately upon completion of the filing.

DONE AND ORDERED in Daytona Beach, Volusia County, Florida.

1/11/2021 3:38 PM 2020
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e-Signed 1/11/2021 3:38 PM 2020 303750 CFDB

Circuit Judge

Cc:

Ann E. Finnell, Esq.
Heatha Trignonos, Assistant State Attorney