

# **Billionaire Kraft's Claims of Prejudicial Pretrial Publicity Trump Florida's Sunshine Laws**

*By: Maria Fehretdinov of Stearns Weaver Miller*

Florida Judge Joseph Marx ruled yesterday that all video and audio recordings related to a prostitution case involving Billionaire Robert Kraft in his pending criminal case for soliciting prosecution be sealed, albeit temporarily. The ruling comes after Kraft and the women involved in the sting, one of which is represented by [Katie Phang](#), moved a Florida court to prevent the videos of Kraft's (and the other 24 defendants') alleged solicitation from ever being released to the public on the grounds that the evidence was obtained in violation of their Constitutional Rights and the release would prevent them from obtaining a fair trial. However, a coalition of media outlets in Florida turned to Florida's right to access public records as the basis to compel their release and protect the "[public's right to monitor this important proceeding](#)." However Judge Marx also ruled that photographs of the surveillance are not covered by his order and that the videos can be released once the juries are sworn in each case; the cases are resolved by plea agreement; the state drops the charges; or at a time when the judge finds the fair trial rights of the defendants are not at risk. [Florida's Sunshine Laws](#) provide that all state, county, and municipal records (including law enforcement records) have to be open to the public. Under Florida Law, the only public records exempt from this public disclosure must fall within the statutory definition of active criminal intelligence or investigative information. Thus, for instance, the time, date, location, and nature of a reported crime or arrest; the crime charged; the name, age and address of the person arrested and the purported victim; and the documents required to be given to the person arrested (including charging documents and indictments) are all subject to public disclosure. Attorneys practicing in Florida should be knowledgeable of the constraints of these laws, particularly in high profile matters where press is likely to be involved.