

IN THE COUNTY COURT OF THE
11TH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR MIAMI-DADE COUNTY

CASE NO. B14-2900
JUDGE WILLIAM ALTFIELD

STATE OF FLORIDA, :
 Plaintiff, :
 :
v. :
 :
JUSTIN DREW BIEBER, :
 Defendant. :
.....:

**DEFENDANT’S MOTION TO PROHIBIT PUBLIC
DISCLOSURE OF VIDEO TAPES**

COMES NOW the defendant in the above captioned case and moves this Court for an Order prohibiting the State of Florida, including the Miami-Dade County State Attorney’s Office and the Miami Beach Police Department, from disclosing any and all public records containing recorded electronic media depicting the defendant while in state custody and at any time during the booking process, which are exempt from disclosure under Article 1, Sections 23 and 24 of the Florida Constitution, and Chapter 119 of the Florida Statutes. In support of his motion, the defendant states briefly as follows:

On January 23, 2014, the defendant was arrested by the Miami Beach Police Department on suspicion of Driving While Under the Influence, Resisting Arrest Without Violence and Driving on a Suspended Driver License. The Defendant was eventually taken from the location of the initial traffic stop and transported by police to the Miami Beach Police Station for further investigation, booking and processing. While in custody at the Miami Beach Police station, the defendant was captured on videotape in various states of undress, which show intimate personal parts of the defendant's body. Such depictions are exempt from disclosure under Article 1, Sections 23 and 24 of the Florida Constitution, and Chapter 119, Florida Statutes.

On February 6, 2014, one videotape depicting the defendant in the Miami Beach Police Department was published by the media. The videotape depicted the defendant being patted down by the police officer. Significantly, that videotape had not yet been disclosed to the defense pursuant to discovery demanded by the defense under F.R.Crim.P. 3.220. The defense does not know how the media obtained that videotape.

On February 7, 2014, defense counsel was informed by the State Attorney's Office that there is a pending public records request by news media outlets for all videotape footage of the defendant while in state custody at the Miami Beach Police station. As of the filing of the instant motion, defense counsel have not received

copies of, nor viewed the videotapes, but were advised by the prosecution as to the exempt images that are on them.

Because of the urgency of this matter, the defendant is filing the instant preliminary motion so as to prevent irreparable harm which would be caused if any such videotape is released prior to the defendant having had an opportunity to bring the matter before the Court for hearing. After defense counsel has had an opportunity to view the videotapes in question, a supplement to the instant motion and memorandum of law will be filed.

WHEREFORE the defendant respectfully requests that the Court order a stay on all public records requests for videotaped footage of the defendant while in police custody, pending further order of the court.

I certify that on February 7, 2014, a true copy of the foregoing was mailed and e-mailed a to ASA David Gilbert, DavidIGilbert@MiamiSAO.com of the Office of the State Attorney, 1351 N.W. 12th Avenue, Miami, Florida 33136; and the Miami Beach Police Legal Department *via facsimile*.

Respectfully submitted,

**BLACK, SREBNICK, KORNSPAN
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