

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR DESOTO COUNTY, FLORIDA

IN RE: HOMICIDE INVESTIGATION  
ARCADIA POLICE DEPARTMENT  
APD Case No. P16-9423

**FILED**

SEP 23 2021

NADIA K. DAUGHTREY  
CLERK OF COURTS

**ORDER (1) DETERMINING CONFIDENTIALITY OF RECORDS AND  
(2) DIRECTING THE CLERK OF COURT TO SEAL SEARCH WARRANT  
AFFIDAVIT AND SEARCH WARRANT, DATED SEPTEMBER 16, 2021, FOR 120  
DAYS OR UNTIL SUCH TIME AS FORMAL CHARGES ARE FILED, WHICHEVER  
OCCURS SOONER**

THIS MATTER is before the Court on the *ex parte* request of Arcadia Police Lt. Troy Carrillo - 105, for a Motion to Determine Confidentiality of Court Records, received by the Court on September 22, 2021. Lt. Carrillo seeks an *in camera* determination of confidentiality of an affidavit for search warrant and the resulting search warrant issued by the Court on September 16, 2021, pursuant to Fla. R. Gen. P. & Jud. Admin. ("Rule") 2.420(c) and (f).

Lt. Carrillo avers that law enforcement is currently investigating a homicide that occurred in 2016, at the intersection of Bond Street and Alabama Avenue, in Arcadia, Florida. As part of the investigation, law enforcement personnel have interviewed and/or investigated multiple individuals, some of whom are believed to be potential co-defendants who are still at large, and law enforcement is conducting an active criminal investigation into these potential co-defendants. Pursuant to these investigations, law enforcement has obtained a search warrant for evidence in connection with the homicide, and Lt. Carrillo avers that releasing the information contained in the search warrant affidavit and search warrant would impair the ability of law enforcement to locate potential co-defendants and potentially jeopardize the identity of persons providing confidential information to law enforcement to further the investigation, so that these documents should be considered confidential and sealed, pursuant to Rule 2.420(c)(7) and (9), § 119.0714, Fla. Stat., and § 119.011(3)(a)-(c), Fla. Stat.

As a preliminary matter, the Court finds it appropriate under the circumstances to conduct the hearing on Lt. Carrillo's motion *in camera*. See Rule 2.240(f)(1)(A). It has been shown that this matter is an on-going criminal investigation and the search warrant affidavit and search warrant both relate sensitive, active criminal intelligence and criminal investigative information. See § 119.011(3)(a)-(d), Fla. Stat. The request implicates interests identified in Rule 2.420(c)(9), including the prevention of a serious and imminent threat to the fair, impartial, and orderly administration of justice; the promotion of a compelling government interest; the avoidance of substantial injury to parties providing confidential information to law enforcement; and the

protection of the ability to obtain evidence to determine legal issues in this case. See Rule 2.420(c)(9)(A)(i),(iii), (iv) and (v).

Moreover, the documents contain "active criminal investigative information" that, upon Lt. Carrillo's averment, would impair the ability of the state attorney or law enforcement to locate or prosecute co-defendants in this case. See § 119.0714(h), Fla. Stat.; § 119.011(3)(c)5.b and (d), Fla. Stat. The information could also potentially jeopardize the identity of confidential informants or other persons providing information in furtherance of the investigation. See § 119.0714(1)(f), Fla. Stat. As such, the information is confidential and not subject to disclosure at this early stage of the proceedings, pursuant to § 119.0714, Fla. Stat., and Rule 2.420(c)(7) and (9).

The Court's consideration of this motion takes into account the need to balance the State's interest in protecting the safety of witnesses and the integrity of an ongoing police investigation with the public's right of access to court proceedings and records. See *Barron v. Florida Freedom Newspapers*, 531 So. 2d 113, 114 (Fla. 1988); see also *News-Press Publishing Company v. State*, 345 So. 2d 865 (Fla. 2d DCA 1977). A compelling need to protect the administration of justice has been identified, and this interest shall be protected by sealing the search warrant affidavit and search warrant. The Court finds that the degree, duration, and manner of confidentiality to be no broader than necessary and this action to be the least restrictive measure available to protect the interests at issue. See Rule 2.420(c)(9).

It is, therefore,

**ORDERED** that:

(1) The search warrant affidavit and search warrant, dated September 16, 2021, are hereby deemed confidential.

(2) The Clerk of Court shall seal the search warrant affidavit and search warrant, dated September 16, 2021, in their entirety, for 120 days, or until such time as formal charges are filed, whichever date occurs sooner. **The Clerk of Court is directed to publish this Order pursuant to the procedures set forth in Rule 2.420(e)(4).**

**DONE AND ORDERED** in Chambers at Arcadia, DeSoto County, Florida, this 23 day of September 2021.

  
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**DON T. HALL, Circuit Court Judge**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been furnished by U.S. mail, electronic mail, or hand delivery to: **Lt. Troy Carrillo-105**, Arcadia Police Department, 725 N. Brevard Avenue, Arcadia, Florida 34266, on this 23 day of September 2021.

By: \_\_\_\_\_

**Judicial Assistant**