

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE,)
)
 Plaintiff,) SECOND DIVISION
)
 vs.)
) NO(s). 305636 - 305690
)
 ARTERRIUS ALLEN, ET AL.)
)
 Defendants.)

**ORDER TEMPORARILY GRANTING STATE'S MOTION NO. 1,
MOTION FOR PROTECTIVE ORDER**

This matter came before the Court upon motion of the State for a protective order pursuant to Tenn. R. Crim. P. 16(d).

As grounds for the protective order, the State alleges that pretrial discovery provided by the State has been posted to a social media website by at least one individual accused in this consolidated action. The State further alleges that the posting of this information has involved a risk of danger to other defendants in these cases and that witnesses otherwise involved in these cases have been intimidated. The State asserts that these issues have arisen directly due to the discovery materials being posted on a social media website.

As a remedy, the State requests that the Court modify the Scheduling Order to permit the State to work with the parties on adequate protective measures to minimize the concerns present. The State also makes a limited request that the Court prohibit the posting of discovery materials on social media websites.¹

The Court is concerned about the presence of possible improper influences being brought to bear upon parties or witnesses to the case, and the Court is particularly concerned that these efforts to interfere with the judicial process may be ongoing or continuing. Of course, although proof has not been submitted yet in support of the motion, the State has a substantial interest in securing a fair trial. This significant interest, of course, must also be balanced against the free speech rights of participants, as well as the Sixth Amendment right of defendants to receive a fair trial.

As an interim measure, the Court temporarily grants the motion, subject to possible expiration or entry of a more permanent order being contingent upon proof being introduced at a hearing to be held on October 29, 2018. Accordingly, the Court hereby **ORDERS** as follows:

¹ At least at this point, the State does not request a broader prohibition on the dissemination of pretrial discovery materials.

1. The Court hereby stays the State's discovery completion date, which is presently set for October 31, 2018, pending further order of the Court. No other provisions of the Case Management Order are affected by this Order.
2. Given the limited nature of the request, the Court orders that all parties and their counsel are prohibited from electronically posting any pre-trial discovery materials produced by the State on any social media websites, such as Twitter, Facebook, Google+, My Space, LinkedIn or YouTube. If parties have posted such materials, the parties shall take immediate action to comply with this Order.
3. Because of the significant governmental interests at stake, the limited nature of the remedy, and the fact that ample alternative channels of communication exist, the Court believes that the appropriate balance is struck on a temporary basis. However, this order does not prohibit counsel or parties from discussing, duplicating, or sharing pretrial discovery in ways not prohibited by this Order. This Order also does not prohibit any party from seeking relief from its prohibitions prior to the hearing on October 29, 2018.

It is so ordered.

Enter, this the 10th day of October, 2018.



TOM GREENHOLTZ, Judge

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