

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CRIMINAL DIVISION**

STATE OF FLORIDA,

CASE NOS.: 18-09851-CF

-v-

**MICHAEL DREJKA,
Defendant.**

DIVISION: D

**MOTION TO SEAL AND/OR DETERMINE CONFIDENTIALITY OF
COURT RECORDS**

COMES NOW, the Defendant, MICHAEL DREJKA, by and through the undersigned counsels, respectfully requests that this court Seal and/or make part of the information contained within this case Confidential regarding the Court Records as the case moves forward. In support thereof, the Defendant states:

1. The Defendant, MICHAEL DREJKA, is the Defendant in this now high profile and nationally known case.

2. On behalf of the Defendant, all of the Defendant's counsels' have given written notice of this motion to the State Attorney's Office, which will assumedly be passed onto the Victim's family. Further, being public record, it is clear that this motion will be available for view by the public at large. The motion identified this file by case number, described the confidential information requested to be sealed or kept confidential; specified the anticipated information and date that we would request it be kept sealed and/or confidential; and advised that if the motion is denied by the court then the subject material will not be treated as sealed nor kept confidential by the Court of the Clerk nor Pinellas County Sheriff's Office.

3. I respectfully request that the Court determine that the following court records or portion of a record be kept confidential and order the Clerk and Pinellas County Sheriff's Office to seal the records in accordance with Rule of Judicial Administration 2.420(c)(7)-(c)(8) and with Rule of Judicial Administration 2.420(c)(9):

- a. Particular information within a document, more particularly, the anticipated filing of the Notice of Address Change, to be filed upon the

Defendant, MICHAEL DREJKA, his wife and family members moving soon;

- b. Particular documents within the court file, the anticipated filing of the Notice of Address Change, date to be filed unknown, but **very soon**.
[emphasis added]
- c. The Defendant's address and any location listed on the document mentioned above.

4. The Court should determine the portion of the record, more so document, that the defense seeks to be kept sealed and/or kept confidential by both the Clerk of Court and Pinellas County Sheriff's Office for the following reasons:

- a. Confidentiality should be required due to the national attention, publicity, media, protests and death threats made against the Defendant, MICHAEL DREJKA, his wife and family as stated in Rule of Judicial Administration 2.420(c)(9):

(A) Confidentiality is required to:

- (i) prevent serious and imminent threat to the fair, impartial, and orderly administration of justice;
- (iii) protect a compelling government interest;
- (iv) obtain evidence to determine legal issues in this case;
- (v) avoid substantial injury to innocent third parties;
- (vi) avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of proceeding sought to be closed;
- (vii) comply with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law;

(B) the degree, duration, and manner of confidentiality ordered by the court shall be no broader than necessary to protect the interests set forth in subdivision (A); and

(C) no less restrictive measures are available to protect the interests set forth in subdivision (A).

5. To reiterate Rule of Judicial Administration 2.420(c)(9)(B)-(C) as referenced above, there is **no less restrictive measure available to protect these interests and the degree, duration, and manner of confidentiality sought is no broader than necessary to protect these interests.** [*emphasis added*]

6. The entire defense team, Lysa Clifton, Esq., Bryant Camareno, Esq., and John Trevena, Esq., along with the Defendant, MICHAEL DREJKA, his wife, the family's liason, the defense team's Private Investigator, Mr. William Parks, and the Defendant's Surety, Ms. Tina Ruffo and they all agree with the Defendant's motion to seal and keep the Defendant and his family's address confidential from the record, Clerk of Court and Pinellas County Sheriff's Office and therefore out of public records, requests and knowledge during the case.

7. I certify that this motion is made in good faith and is supported by a sound factual and legal basis.

8. I acknowledge that I may be subject to Court sanctions if this motion is not made in good faith and is not supported by a sound legal or factual basis.

WHEREFORE, the Defendant, by and through the undersigned counsels, who are appearing on behalf of the Defendant and this Motion to Seal And/Or Determine Confidentiality of Court Records, respectfully requests that this Court grant the motion thereby sealing and keeping the Defendant, MICHAEL DREJKA, and his family's address confidential throughout the remainder of the case and order the Clerk of the Court and Pinellas County Sheriff's Office to maintain the same level of confidentiality regarding the Defendant's address to allow him and his family to maintain a level of privacy during the remainder of this national, high profile case and control the media's access to his home as they continue to stalk his residence. Further, we again request and reiterate the importance that the motion be granted for reasons listed in Rule of Judicial Administration 2.420(c)(9), which specifically details the need for Confidentiality to **“prevent serious and imminent threat to the fair, impartial, and orderly administration of justice;...protect a compelling government interest; obtain evidence to determine legal issues in this case; avoid substantial injury to innocent third parties; and avoid substantial injury to a party by disclosure of matters...”** while he awaits trial, along with his family as there is no less

restrictive means to protect the privacy interests of the Defendant and his family during the duration of this case. [*emphasis added*]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the Pinellas County State Attorney's Office, SA6eservice@co.pinellas.fl.us, by e-service on this 26th day of September, 2018.

Respectfully submitted,

/s/ Lysa Clifton

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