

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

THE SARASOTA HERALD-TRIBUNE, )  
TAMPA TRIBUNE, WFLA-TV NEWS )  
CHANNEL 8, and THE HERALD, )  
 )  
Petitioners, )  
 )  
v. )  
 )  
STATE OF FLORIDA and )  
JOSEPH P. SMITH, )  
 )  
Respondents. )  
\_\_\_\_\_ )

Case No. 2D05-5408

Opinion filed November 23, 2005.

Petition for Writ of Certiorari to the Circuit  
Court for Sarasota County; Andrew D.  
Owens, Jr., Judge.

Gregg D. Thomas, James J. McGuire, and  
Rachel E. Fugate of Holland & Knight LLP,  
Tampa, for Petitioners.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and Cerese Crawford Taylor,  
Assistant Attorney General, Tampa, for  
Respondent State of Florida.

Elliott C. Metcalfe, Jr., Public Defender, and  
Adam Tebrugge, Assistant Public Defender,  
Sarasota; and James Marion Moorman, Public  
Defender, and Robert A. Young and Paul  
Valcore, Assistant Public Defenders, Bartow,  
for Respondent Joseph Smith.

PER CURIAM.

**ORDER ON MOTION TO CERTIFY A QUESTION  
OF GREAT PUBLIC IMPORTANCE**

The Respondent, the State of Florida, has filed motions requesting rehearing, rehearing en banc, and to certify a question of great public importance. This court will resolve the motion for rehearing and the motion for rehearing en banc at a later date. However, to facilitate the State's interest in seeking review in the supreme court, we grant the motion to certify a question of great public importance at this time.

We recognize that the Media's interests under the First Amendment and the State's interest in protecting the privacy of the family members of the victim in the prosecution of a first-degree murder case are conflicting. The resolution of this conflict, especially after the enactment of section 406.135, Florida Statutes (2001), is a matter of great public importance. To facilitate review of this issue and to permit the supreme court to have undisputed jurisdiction to stay the order of this court if it deems that appropriate, we certify the following question:

**IN ORDER TO PROTECT THE PRIVACY OF THE VICTIM'S  
FAMILY, DOES A TRIAL COURT HAVE LEGAL  
AUTHORITY TO BAR ALL MEMBERS OF THE MEDIA  
FROM VIEWING PHOTOGRAPHS OF A MURDER VICTIM  
THAT HAVE BEEN INTRODUCED INTO EVIDENCE  
DURING A PUBLIC TRIAL AT WHICH THE STATE SEEKS  
THE DEATH PENALTY?**

ALTENBERND, CASANUEVA, and VILLANTI, JJ., Concur.