

IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY, FLORIDA

CASE NO. 12-CF-1083-A

STATE OF FLORIDA,

Plaintiff,

vs.

GEORGE ZIMMERMAN,

Defendant.

ORDER DENYING STATE'S SECOND MOTION FOR GAG ORDER

This matter came before the Court on October 26, 2012, upon the State's Second Motion for Gag Order, for consideration of temporarily restricting extrajudicial statements. The Court carefully considered the pertinent circumstances surrounding this case, the argument of counsel and the controlling law.

This Court is being asked to consider whether a gag order should be issued. While the parties acknowledge this Court possesses the authority to issue a gag order, the question is whether circumstances justify such an extreme step. *See Gentile v. State Bar of Nevada*, 501 U.S. at 1075, 111 S.Ct. 2720, 115 L.Ed. 2d 888 (1991).

The media companies urge this Court to deny the State's motion because there has been no demonstration of prejudice, such as an inability to seat an impartial jury. Those entities rightfully acknowledge the alternatives available to this Court to ensure that an impartial jury can be selected. Those tools include a change of venue, a larger than normal jury venire, individualized *voir dire*, and stern instructions to the jurors as to their sworn duty to decide the issues based only upon the evidence.

Upon review of the exhibits attached to the motions and memoranda and exhibits introduced at the hearing, there has not been an overriding pattern of prejudicial commentary that will overcome reasonable efforts to select a fair and impartial jury. Accordingly, this Court does not find that a gag order is necessary at this time to

guarantee a fair trial. This Order shall be without prejudice for any party to file additional motions if deemed necessary.

It is hereby **ORDERED** that the State's Second Motion for Gag Order is **denied**.

DONE in chambers at Sanford, Seminole County, Florida this 29th day of October, 2012.


DEBRA S. NELSON, Circuit Judge

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