

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

August 10, 2017

CASE NO.: 4D17-0462

L.T. No.: 09-11214 CF10A
09-20410 CF10A
11-2594 CF10A

ROBERT COPPINGER

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that this court's August 9, 2017 order is amended only to serve the court reporter:

ORDERED that appellee's July 13, 2017 motion to supplement the record and toll time, and motion to determine confidentiality of court records is granted. The documents in the proposed supplemental records are deemed filed and shall be filed under seal. Further, the court reporter shall prepare and file under seal with the clerk of the lower tribunal a transcript of the Change of Plea hearing held November 3, 2015. The clerk of the lower tribunal is directed to file an amended record on appeal, within five (5) days from the receipt of the transcript, with the portions designated confidential in the motion, as well as the new transcript, to be filed under seal. The April 20, 2017 record is stricken from the docket. The time to file the answer brief is tolled pending the filing of the corrected, supplemented record. The information required by Florida Rule of Judicial Administration 2.420(e)(3) follows:

(A) This appeal involves consolidated appeals from Appellant's judgment and sentence after his final violations of probation in lower court case numbers 09-11214CF10A, 09-20410CF10A, and 11-2594CF10A. The records deemed confidential involve a substantial assistance agreement.

(B) Confidentiality of these court records is required, pursuant to Fla. R. Jud. Admin. 2.420(c)(9)(A):

(i) to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;

(ii) to protect a compelling government interest; and,

(iii) to avoid substantial injury to innocent third parties.

(C) Appellant's name is not to be considered confidential.

(D) Progress docket is to be considered confidential.

(E) The particular records that are to remain confidential are the Substantial Assistance Agreement; any transcripts or documents referencing the Substantial Assistance Agreement, its contents or events resulting from the Substantial Assistance Agreement including those already filed with this Court; the Motion to Determine Confidentiality of Court

Records; this Order; and similar records generated to document this activity in this case, including the progress docket and documents already filed with this Court.

(F) Designated employees of the Attorney General's Office, Appellant's attorney and designated employees or agents of Appellant's attorney are permitted to view these confidential court records, while preserving its confidentiality.

(G) This Court finds that (i) the degree, duration, and manner of confidentiality ordered by the court are no broader than necessary to protect the interest set forth in subdivision (c); and (ii) no less restrictive measures are available to protect the interest set forth in subdivision (c); and

(H) The Clerk of the Court is directed to publish the order in accordance with subdivision (e)(4) by posting a copy of this order, within ten (10) days following its entry, on the Clerk's website and in a prominent public location in the courthouse, to remain posted in both locations for no less than thirty (30) days.

Served:

cc: Attorney General-W. P. B.
Public Defender-P. B.
Clerk Broward

Tatjana Ostapoff
Apex Reporting Group,
Court Reporter

Georgina Jimenez-Orosa
State Attorney-Broward

dl



LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

