

IN THE COUNTY COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA

v.

ROBERT KRAFT,

Defendant.

Case Nos.

2019MM002346AXXXNB

2019MM002348AXXXNB

MOTION TO DESTROY AND SECURE SUPPRESSED VIDEO EVIDENCE

COMES NOW Defendant Robert Kraft (“Defendant”), by and through the undersigned counsel, and hereby respectfully moves to destroy suppressed video recordings (“the Videos”), derived from the Jupiter Police Department’s illegal and unconstitutional “sneak and peek” warrant, including video surveillance and body camera footage from the traffic stop of Defendant and others, and to appoint a special master to oversee both the destruction of the Videos and the securing of them in the interim.

1. As stated more fully in the accompanying Memorandum of Law, the Fourth District Court of Appeal has now affirmed this Court’s ruling that the Videos were obtained in violation of the United States and Florida Constitutions, and its affirmance has now become final. Considering that the Videos never should have been created according to judicial rulings that are binding and conclusive, the Videos should be destroyed so that they can never be subject to any misuse, intentional or otherwise. Such relief is necessary and appropriate to safeguard Defendant’s constitutional right of privacy and to deter the type of unlawful search and seizure committed by the Jupiter Police Department in this case.

2. Notably, Defendant wants to spare Florida’s taxpayers any further undue burden associated with these proceedings and is open to bearing the expense of a special master to oversee

the destruction of the Videos and ensure compliance with this Court's orders. In addition, Defendant is glad to engage with the State in an effort to arrive at a joint proposal for a candidate (or candidates) whom the Court might consider appointing to serve as the special master in this case.

DATED: September 21, 2020

Respectfully Submitted,

GRAYROBINSON, P.A.

By: /s/ Frank A. Shepherd

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Attorneys for Defendant Robert Kraft

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed with the Clerk of Court using the Florida Courts E-Filing Portal and served via E-Service upon the all counsel of record in this case, on this day, **September 21, 2020**.

By: /s/ Frank A. Shepherd
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