

FILED IN OFFICE

OCT 28 2016

C. Dillard

CLERK

IN THE SUPERIOR COURT
 FOR THE COUNTY OF FLOYD
 STATE OF GEORGIA

STATE OF GEORGIA

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v.

CASE NO. 01-16707-JFLO02

JOSEPH S. WATKINS

**ORDER PERMITTING ACCESS TO TRIAL RECORDINGS BUT DENYING
 REQUEST FOR COPIES OF BACK-UP RECORDINGS**

The above styled case comes before the court on a Motion filed by Undisclosed LLC, a Delaware Company that is apparently producing a podcast regarding the trial in this case, seeking an Order permitting it to “access and copy” back up audio tapes/recordings of several proceedings in this case. Movant served a copy of its motion upon the District Attorney but not the Defendant. Specifically, the Movant seeks copies of the back-up audio tapes/recordings of the Preliminary Hearing, Bond Hearing, and Trial. There has been no response filed by the District Attorney.

The Movant cites *Green v Drinnon, Inc.*, 262 Ga. 264 (1992), in support of its argument that the back-up audio tapes/recordings are public records subject to inspection and copying pursuant to Uniform Superior Court Rule 21. Rule 21 provides, “[a]ll court records are public and are to be available for *public inspection* unless public access is limited by law or by the procedure set forth below.” *Green* held that “the tape

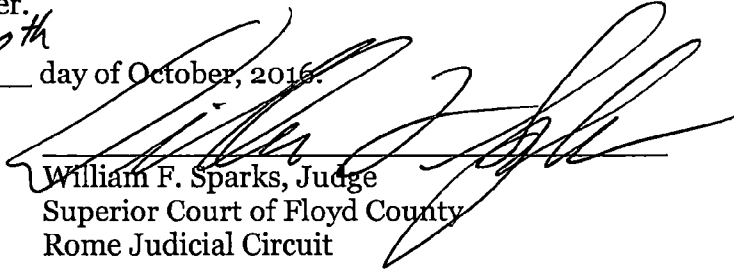
or *its transcript* must be made available for public inspection under Rule 21.” Id. at 265 (emphasis added). Nothing in *Green* entitles Appellant to *copies* of a court reporter’s back-up tapes/recordings, and Movant has not cited any other Georgia case that requires this Court to permit Movant to have *copies* of the court reporter’s back-up tapes/recordings, as opposed to making them available for inspection.

The Court has spoken with the court reporter in this case, and the Court has been informed that the court reporter does have possession of back-up audio tapes/recordings from the trial of this case which took place on June 25, 2001 through July 2, 2001, but the court reporter has not yet determined if she has possession of the back-up tapes/recordings of the Preliminary Hearing and Bond Hearing sought by Movant. The Court is informed there is an ongoing effort by the court reporter to determine if she can locate those missing recordings.

The Court hereby ORDERS the court reporter to make the back-up trial recordings available for inspection by Movant at a mutually convenient time, but the Court DENIES Movant’s request to copy, or for a copy, of said tapes/recordings. Should the court reporter locate the missing back-up tapes/recordings, she will so inform Movant and make those back-up tapes/recordings available for inspection as well. Movant may NOT duplicate, record or copy these tapes/recordings in any form or format, and Movant will be responsible for compensating the court reporter for her time in complying with this Order, which will require supervising Movant’s inspection of the tapes/recordings, at her usual per diem rate of \$200 per day. The Movant shall make payment arrangements with the court reporter, in advance of any inspection,

satisfactory to the court reporter.

So ORDERED this 28th day of October, 2016.



William F. Sparks, Judge
Superior Court of Floyd County
Rome Judicial Circuit

Cc: Sarah Brewerton-Palmer
Leigh Patterson