

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

STATE OF IOWA, Plaintiff, vs. JELANI ARMON FAULK, Defendant.	No. FECR030833 ORDER FOR TEMPORARY PROTECTIVE ORDER
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This case is before the Court on Defendant's Motion for Protective Order. Hearing was held on October 20, 2021. The defendant and his attorneys, Charles Kenville and Parker Thirnbeck, appeared by telephone conference call. Assistant County Attorney Steve Tynan appeared for the State.

The defendant sought a protective order concerning a report published by the Department of Criminal Investigation and a letter prepared by the Winnebago County Attorney's office concerning events related to this case. The defendant contends that the State, through its agents, have unnecessarily published information about this case that may not be accurate and is potentially harmful to the defendant's right to a fair and impartial trial. The defendant concedes that the information has now been made public, and the Court cannot enter unconstitutional orders which might restrain the press from publication. However, the Court agrees with defendant publicizing these matters by agents of the State is unnecessary and might potentially adversely affect the ability of the parties to select jurors who have no present inclination towards either party. Iowa rule 32:3.8(f) provides that a prosecutor in a criminal case shall refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of an accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor in a criminal case from making extrajudicial statements that would be prohibited under the rules.

The Court concludes that agents of the State should not be promulgating the already-released information. Accordingly, it is ordered that the Iowa Division of Criminal Investigation shall remove from its website the notice that was posted on October 20, 2021, along with a copy of the letter from the Winnebago County Attorney. Further, the Iowa Division of Criminal Investigation, the Mason City Police Department, Cerro Gordo County Attorney's office, and the Winnebago County Attorney's office are directed not to produce the Winnebago County Attorney's letter and the DCI's statement in any social media outlet and shall remove any such release of information currently on any website, Facebook, Twitter, or any other social media platform.

The clerk of court is directed to provide a copy of this order to Iowa Division of Criminal Investigation through DCI Special Agent Mike Krapfl, Mason City Police Department, Cerro Gordo County Attorney's office, and the Winnebago County Attorney.

These agencies have not had an opportunity to be heard, and this order is subject to further consideration upon appropriate motion.



State of Iowa Courts

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OTHER ORDER

So Ordered

Rustin Davenport, District Court Judge,
Second Judicial District of Iowa

Electronically signed on 2021-10-21 08:59:40