

STATE OF MICHIGAN
IN THE 13TH JUDICIAL CIRCUIT
FOR THE COUNTY OF ANTRIM

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

SHAWN MICHAEL FIX,
BRIAN HIGGINS,
ERIC MOLITOR,
MICHAEL JOHN NULL, and
WILLIAM GRANT NULL,

Defendants.

Nos. 2022-005166-FH, 2022-
005165-FH, 2022-005168-FH, 2022-
005169-FH, 2022-005167-FH

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PEOPLE'S MOTION FOR PROTECTIVE ORDER OF DISCOVERY MATERIALS

NOW COMES the People of the State of Michigan, by and through Attorney General Dana Nessel and First Assistant Attorney General William Rollstin and moves this Court to enter a protective order, prohibiting the disclosure of all discovery materials in this matter and states the following:

1. Under MRC 6.201(E), on motion and a showing of good cause, the court

may enter an appropriate protective order. In considering the existence of good cause, the court shall consider the parties' interests in a fair trial; the risk to any person of harm, undue annoyance, intimidation, embarrassment, or threats; the risk that evidence will be fabricated; and the need for secrecy regarding the identity of informants or other law enforcement matters. *Id.*

2. In a criminal case, every defendant has a right to a fair trial by panel of impartial, indifferent jurors. *People v Jendrzewski*, 455 Mich. 495 (1997); *Irvin v Dowd*, 366 U.S. 717 (1961).

3. This case and the related state and federal cases have received national and international media attention, and as a result, it may be difficult to find jurors who have not experienced any exposure to this case.

4. Additionally, a local freelance reporter recently interviewed Defendant Eric Molitor, and during the course of that interview, Defendant Molitor agreed to provide the reporter with the entirety of the discovery materials the People provided to the defense.

5. Disclosure of discovery materials to reporters and other individuals risks unnecessarily tainting the pool of prospective jurors, jeopardizing every defendant's right to a fair and impartial trial.

6. The disclosure of discovery materials in this case, would include the disclosure of the victim's and other witnesses' personal information, exposing all of them to the risk of harm, harassment, undue annoyance, intimidation, embarrassment, and threats.

7. Also, given that this case is the result of a domestic terrorism investigation by the Federal Bureau of Investigation and the Michigan State Police, there is a need for secrecy regarding the identity of informants and law enforcement investigative

techniques.

8. By stipulation of the parties, the District Court in this case entered such a protective order, which is attached to this motion as Exhibit 1.

9. For these reasons, there is good cause to enter the protective order in this case.

WHEREFORE, the People respectfully request that the Court enter a protective order prohibiting the disclosure of discovery materials, provided by either party, to anyone other than the parties in this case, the attorneys and their employees in this case, the United States' Attorney's Office, and law enforcement officers in this case.

Respectfully submitted,

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Dated: January 25, 2023