

## CASE BRIEF

Lauren Lawhorn

### TITLE

Florida Star v. B.J.F, 1989

### FACTS

Betty Jean Freedman reported to the Jacksonville Sheriff's Office that she had been robbed and sexually assaulted. The Sheriff's Office created a general crime report, which featured Freedman's full name, though in many of the filings Freedman was referred to as 'B.J.F.'. This report was then placed in the press room and made available to people. On October 29, 1983 The Florida Star, a small newspaper in Jacksonville Florida published its paper with an error. A new reporter had copied B.J.F.'s crime report verbatim. With this, the reporter violated the newspaper's policy to not identify rape victims, and her full name was published and spread.

On September 26, 1984 Freedman sued the Sheriff's Office and The Florida Star for violating Florida's shield law, Stat. § 794.03, that states it is unlawful to "print, publish, or broadcast...in any instrument of mass communication" the name of a victim of a sexual offense. The Sheriff's Office decided to settle and pay the victim \$2,500, though the newspaper did not. The Florida Star's defense was that Stat. § 794.03 was unconstitutional, though the trial court rejected this and awarded the victim \$75,000 in compensatory damages and \$25,000 in punitive damages.

### HOLDING

The defense that Stat. § 794.03 was unlawful was first rejected, then later the judgment was reversed on the bases that § 794.03 violated the First Amendment. The Florida Star was then found not liable as B.J.F.'s name was gathered in a lawful way.