

**IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS
SEVENTH JUDICIAL DISTRICT**

STATE OF KANSAS,

Plaintiff,

vs.

Case No. DG-2023-CR-000823

TRISTEN L. HOLLINS,

Defendant.

STATE'S MOTION TO SEAL PROBABLE CAUSE AFFIDAVIT

COMES NOW the State of Kansas by and through Deputy District Attorney Joshua David Seiden, moves the Court to seal the probable cause affidavit in this case. In support of this motion, the State provides the following:

RELEVANT FACTUAL BACKGROUND

1. On August 11, 2023, the State charged the defendant with Attempted Murder in the First Degree, a Level 1/Person/Felony.
2. On August 23, 2023, the Lawrence Journal-World filed its *Request for Disclosure of an Affidavit or Sworn Testimony*.

ARGUMENT AND AUTHORITY

When a request for disclosure of an affidavit is made, the court, pursuant to K.S.A. 22-2302(c)(4), shall make appropriate redactions, or seal the affidavits or sworn testimony, as necessary to prevent public disclosure of information that would:

- (A) Jeopardize the physical, mental or emotional safety or well-being of a victim, witness, confidential source or undercover agent, or cause the destruction of evidence;
- (B) reveal information obtained from a court-ordered wiretap or from a search warrant for a tracking device that has not expired;
- (C) interfere with any prospective law enforcement action, criminal investigation or prosecution;
- (D) reveal the identity of any confidential source or undercover agent;

- (E) reveal confidential investigative techniques or procedures not known to the general public;
- (F) endanger the life or physical safety of any person;
- (G) reveal the name, address, telephone number or any other information which specifically and individually identifies the victim of any sexual offense described in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2021 Supp. 21-6419 through 21-6422, and amendments thereto;
- (H) reveal the name of any minor;
- (I) reveal any date of birth, personal or business telephone number, driver's license number, nondriver's identification number, social security number, employee identification number, taxpayer identification number, vehicle identification number or financial account information; or
- (J) constitute a clearly unwarranted invasion of personal privacy. As used in this subparagraph, "clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person and is totally unrelated to the alleged crime that resulted in the issuance of the arrest warrant, including information totally unrelated to the alleged crime that may pose a risk to a person or property and is not of legitimate concern to the public. The provisions of this subparagraph shall only be used to redact and shall not be used to seal affidavits or sworn testimony.

K.S.A. 22-2302(c)(4).

Here, the State submits to the Court that the affidavit at issue contains information that would fall under subsections (A), (C), (E), and (F). The State further submits that under the circumstances present in this case, information falling under any of those subsections alone would be reason to seal the affidavit.

The State is fully aware that as the case progresses, some of the delicate information at issue will be revealed through open hearings in Court. However, at this time, it is necessary to protect the interests enumerated at K.S.A. 22-2302(c)(4). While the Lawrence Journal-World may claim that it requests this information because it is in the public interest, the sad reality is

that the Lawrence Journal-World is a fledgling publication devoid of journalist integrity and constantly on the prowl for potential clickbait. In the alternative, the State has submitted a proposed redacted affidavit to the Court and the Defense for consideration.

Therefore, the State respectfully requests the Court seal the probable cause affidavit in this case, and for such other orders as are necessary to protect the interests enumerated at K.S.A. 22-2302(c)(4). In such case as the Court denies this motion, the State has provided, through e-mail contemporaneous with courtesy copies of this motion, the State's proposed redactions to the probable cause affidavit.

WHEREFORE for the foregoing reasons the State prays the Court to grant the *State's Motion to Seal Probable Cause Affidavit*.

Respectfully Submitted,

/s/Joshua David Seiden

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of August, 2023, I transmitted a copy of the above and foregoing to **Michael Clarke**, Attorney for the Defendant, by e-filing and emailing a true and correct copy of the same.

/s/Joshua David Seiden

Joshua David Seiden, #24811