

IN THE JUVENILE COURT OF MEIGS COUNTY, TENNESSEE
FOR THE NINTH JUDICIAL DISTRICT AT DECATUR

IN RE : UNKNOWN

No. UNKNOWN

NOTICED FOR HEARING ON
AUGUST 12, 2025

**MOTION TO INTERVENE FOR THE LIMITED PURPOSE
OF SEEKING ACCESS TO JUVENILE DELINQUENCY
PROCEEDINGS, COURT RECORDS, AND
TRANSCRIPTS OF PREVIOUSLY CLOSED PROCEEDINGS**

Pursuant to Tenn. R. Juv. P. 304 ("Rule 304"), WBIR-TV, the Knoxville NBC affiliate ("WBIR"), moves to intervene for the limited purpose of seeking access to the juvenile delinquency proceedings, court records, and transcripts of previously closed proceedings in this case, which is an unidentified delinquency petition against a 15-year-old for the murder of Richard High.¹ The Clerk of Court has told undersigned that the Court has instructed the Clerk to not reveal anything about the case, including the Case Number.² For the reasons set forth herein and in the accompanying memorandum of law, WBIR respectfully requests that the Court

¹ WBIR is contemporaneously filing a notice of hearing for this motion for August 12, 2025 at 9:00 a.m. before Judge Stokes in Decatur, Tennessee at the Meigs County Courthouse.

² As a result of this instruction, this Motion is being filed as *In re Unknown* with the Case Number as Unknown.

keep future proceedings in this case open to the public, including the press; that the Court unseal the court file in this case (with the name of the juvenile defendant redacted, if the Court determines such redaction necessary); and that the Court provide WBIR and the public with a copy of the transcripts³ for any prior hearings that were improperly closed to the public, with the name of the juvenile defendant redacted as the Court deems necessary.

WBIR has standing to intervene pursuant to Rule 304, which was taken nearly verbatim from Tenn. R. Civ. P. 24, because Tennessee courts “have ‘firmly establishe[d] the right of the public, including the media, to intervene in court proceedings for the purpose of attending the proceedings, or for the purpose of petitioning the Court to unseal documents and allow public inspection of them.’” *Kocher v. Bearden*, 546 S.W.3d 78, 84 (Tenn. Ct. App. 2017) (*Kocher I*) (quoting *Knoxville News-Sentinel v. Huskey*, 982 S.W.2d 359, 362 (Tenn. Crim. App. 1998)); see also *State v. James*, 902 S.W.2d 911, 911-912 (Tenn. 1995) (permitting press to intervene to oppose juvenile delinquency proceeding closure). Here, it is WBIR’s understanding that the June 14, 2025 detention hearing was closed to the public, that future hearings in this case will be closed to the public, and that the entirety of the case file in this case is closed to the public. As such, WBIR has standing to oppose these court and court record closures.

³ If a transcript or the means to make one are not available, WBIR requests any records showing what did occur in the closed hearings, including but not limited to the minutes required to be kept by the Juvenile Court pursuant to Tenn. Code Ann. § 37-1-124(c).

For this Court's proceedings, Tenn. R. Juv. P. 114(b) ("Rule 114") is directly on point and dictates what is required by the Court to close juvenile delinquency proceedings. "Delinquent and unruly cases are open to the public." *Id.* "The court shall not close proceedings to any extent unless it determines that failure to do so would result in particularized prejudice to the party seeking closure that would override the public's compelling interest in open proceedings." Rule 114(b)(1)(B). "Any order of closure must not be broader than necessary to protect the determined interests of the party seeking closure." Rule 114(b)(1)(C). Finally, the Court must also "consider reasonable alternatives to closure of proceedings" and "must make adequate written findings to support any order of closure." Rule 114(b)(2)-(3). To WBIR's knowledge, no order closing the June 14, 2025 detention hearing was entered in compliance with Rule 114. Rather, it is WBIR's understanding that the detention hearing was closed because it involved a juvenile. If closure merely because a matter involved a juvenile were permissible, then Rule 114 would be meaningless. As such, closure of the detention hearing was improper under Rule 114 and the Court should provide the public with a transcript of the closed proceeding. *State v. Drake*, 701 S.W.2d 604, 608 (Tenn. 1985) (explaining that even where closure was proper transcripts of closed hearings "shall be made available to the public at the earliest time consistent with the preservation of the interests that require the closure and also available for the limited purpose of appeal").

Closure is also inconsistent with both the First Amendment to the U.S. Constitution and Article I, Sections 17 and 19 of the Tennessee Constitution.

James, 902 S.W.2d 911, 911-912 (Tenn. 1995) (discussing *Drake*'s First Amendment right of access ruling as foundation for right of access now embodied in Rule 114); *Knoxville News-Sentinel*, 982 S.W.2d at 363, 363-64 n. 3 (noting that the First Amendment and Art. I, § 19 of the Tennessee Constitution provide for similar qualified rights of access to judicial proceedings); Op. Tenn. Atty. Gen. 81-158 at 4 (May 5, 1981) (explaining that Art. I, § 17 of the Tennessee Constitution confers "an independent right on the part of the public, press included, to attend court proceedings," including juvenile proceedings (a copy is attached as Exhibit A).

For the same reasons, future proceedings should be open unless Rule 114's stringent requirements are fully complied with, and any future attempt to close proceedings should also comply with the procedural protections for closure set forth in *Drake*, 701 S.W.2d at 608-09. WBIR also requests that if its Motion to Intervene is granted that it be served with any future motions or orders related to closure, including any entered *sua sponte*, so that it can be heard on the sought closure.

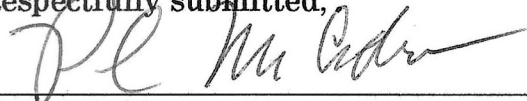
Finally, the court records in this case should largely, if not completely, be unsealed. Tenn. Code Ann. § 37-1-153(b) specifically provides that "petitions and orders of the [juvenile] court in a delinquency proceeding shall be opened to public inspection and their content subject to disclose to the public if" the "juvenile is fourteen (14) years of age or older at the time of the alleged act; and "the conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder..." Here, the accused is a 15-year-old whose alleged delinquent act, if committed by an adult, would constitute first degree murder. As such, the

petitions and orders in this case must be unsealed. *Bellamy v. Cracker Barrel Old Country Store, Inc.*, 302 S.W.3d 278, 281 (Tenn. 2009) (“When ‘shall’ is used in a statute or rule, the requirement is mandatory.”) (citation omitted).

There is also a federal and state constitutional right of access to court records. *E.g.*, *Knoxville News-Sentinel*, 982 S.W.2d at 363, 363-64 n.4). Similar to Rule 114, the strong presumption of openness in court records “may be overcome only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *In re Estate of Thompson*, 636 S.W.3d at 20 (quoting *Kocher I*, 546 S.W.3d at 86). WBIR has been unable to acquire the order sealing the court records in this case and asks to be heard in compliance with this precedent in opposition to sealing.

WHEREFORE, WBIR respectfully requests that the Court grant its request to intervene, provide it with access to a transcript of the June 14, 2025 detention hearing and any other closed hearings heard before this Motion is decided, order that future hearings in this case be open to the public, order that the court records in this case be unsealed, and grant any other relief the Court deems just.

Respectfully submitted,



Paul McAdoo
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
6688 Nolensville Rd., Ste. 108-20
Brentwood, TN 37027
Phone: 615.823.3633
pmcadoo@rcfp.org

Counsel for Proposed Intervenor WBIR-TV

CERTIFICATE OF SERVICE

The undersigned certifies that on July 10, 2025, a true and correct copy of the foregoing was served by USPS Priority Mail:

Russell Johnson
9th District Attorney General
1008 Bradford Way
Kingston, TN 37763

Lt./Det. Cordus Waller
Meigs County Sheriff's Office
410 River Road
Decatur, TN 37322

Sheridan Randolph
255 N. Ocoee St.
Cleveland, TN 37311
Court Appointed Counsel



Counsel for WBIR-TV