

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
THIRD DIVISION

STATE OF ARKANSAS

VS.

JACK W. GILLEAN

CASE NO: 23-CR-12-1044

2013 SEP 19 8:11:01 PM
FILED
PLAINTIFF

RHONDA MARTON, CLERK

BY  DEFENDANT

**DEFENDANT'S MOTION TO REQUIRE FUTURE MOTIONS AND RESPONSES TO
BE FILED UNDER SEAL AND EXTENDING THE TIME FOR FILING MOTIONS IN
LIMINE UNTIL AFTER A RULING ON THIS MOTION**

Comes now the defendant, Jack W. Gillean, by and through his counsel, pursuant to Rule 1.3 of the Arkansas Rules of Criminal Procedure, and for his Motion to Require Future Motions and Responses to be Filed Under Seal and Extending the Motion in Limine Deadline states:

1. The trial of this case is presently scheduled to begin in Van Buren County on October 28, 2013.
2. This case was moved to Van Buren County after the Court granted Defendant's motion for a change of venue because of pretrial publicity.
3. In the Order granting Defendant's motion to change venue, the Court stated:

The Court's biggest concern at this point is that up until the appointment of Tom Courtway as the new president of UCA, the university has gone through a period where a number of higher level officials at the university have been involved in the criminal justice system. These events have brought what the Court would suspect, to be unwanted publicity to the University and would also create an environment where this defendant would be in a situation that his responsibility for any criminal actions could be tainted by the public's perception of the past few years.

It is the Court's conclusion that in this particular case that the circumstances are such that the danger is too great. Therefore, it will be the Court's order that the defendant's motion for change of venue will be granted and that this matter will be transferred for trial to Van Buren County.

4. From this point forward, the defense will be filing pleadings containing sensitive and potentially inflammatory material, allegations, and facts. Furthermore, many of the State's responses filed to date have been more in the nature of press releases than legal pleadings designed to address the law and issues. An example of this can be found in the State's response to the defendant's Motion to Dismiss wherein the State failed to cite any law but managed to include several insults and sound bites ultimately reported by the press.

5. Furthermore, even a cursory examination of the vast majority of news accounts in this case reveals a bias against the defendant supplemented by inciting and inflammatory remarks and allegations by the prosecution.

6. This Court has taken great pains to insure that Defendant and the State receive a fair trial in front of a fair and impartial jury.

7. The granting of this motion will not prejudice either party, but it will help keep the potentially prejudicial publicity leading up to trial to a minimum.

WHEREFORE, Defendant prays for an Order of this Court granting his motion and for any and all other proper relief to which he may be entitled.

Respectfully submitted,

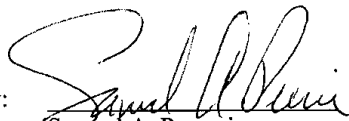
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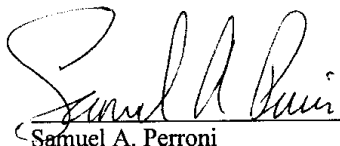
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CERTIFICATE OF SERVICE

I, Samuel A. Perroni, do hereby certify that a true and correct copy of the foregoing has been served upon the Prosecuting Attorney, Cody Hiland, via electronic mail and U.S. Mail on this 17th day of September 2013.


Samuel A. Perroni