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Fla. judge orders video destroyed in Robert Kraft solicitation case

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Prostitution solicitation charges against Kraft and other men were dropped after the video was deemed inadmissible.

One Boston defense lawyer not involved with the case said Friday that the ruling puts the court case firmly behind Kraft but leaves his reputation permanently sullied, despite authorities' inappropriate gathering of evidence.

"This man has an astounding life biography and is widely admired and was tarnished by this accusation. And when you get tarnished in an internet age, it's relatively irradicable," Martin G. Weinberg said in an interview.

"I don't know that anybody has anything negative to say about Mr. Kraft," Weinberg said of one of Massachusetts' most celebrated philanthropists, "other than he was once a defendant in a sex case in Florida, and that's really unfortunate when the genesis of the case was government illegality."

The judge's decision was "not at all" surprising, Weinberg said.

"The video surveillance intrusions affected the privacy rights not only of Mr. Kraft but so many others," he said. "It's such an impermissibly general warrant, that violated the Fourth Amendment and a variety of other legal protections, that this is a precaution that's well warranted and completely consistent with the series of opinions that condemned the original search."

Video evidence historically has been made public under Florida's expansive public records law, but the Kraft recordings were ordered sealed at the request of his attorneys during the criminal case.

Kraft's lawyers later argued in court documents that if the state held onto the recording, "there would be an undue and gratuitous risk that these prejudicial recordings will one day — despite having been declared illegal despite an official judicial determination that they were not obtained in good faith — be released or leaked to the media."

A public release of the video, the attorneys contended, would "cater to the prurient interest of a small subset of the population . . . [and]

would inflict more damage than any outcome in a misdemeanor trial ever could. And it should be prevented.”

Kraft, 80, and two dozen other men were [charged](#) in February 2019 with misdemeanor counts of solicitation of prostitution for allegedly paying for sex acts at the Orchids of Asia Day Spa the previous month. The charges were based largely on the recordings, which a judge had authorized under a “sneak-and-peek” warrant.

Kraft pleaded not guilty and denied engaging in criminal activity but issued a public apology for his actions.

In September, prosecutors dropped the charges against Kraft and the other men, citing an August ruling from Florida’s Fourth Circuit Court of Appeal that upheld Hanser’s original ruling tossing out the video.

The unanimous ruling by the three-judge panel found that secretly installing cameras inside a business, which they likened to “video voyeurism” because innocent people were unknowingly recorded, is illegal under Florida law.

Hanser previously found that the warrant didn’t do enough to protect innocent customers’ privacy. Prosecutors did not challenge the decision in the state Supreme Court.

Material from the Associated Press was used in this story.

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