

IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR BAY COUNTY
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NO.: 06-4016CF

vs.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II

06-4016CFMG

06-4016CFMH

NOTICE OF DISCOVERY

THE STATE OF FLORIDA, in response to defense counsel's written Request for Discovery, pursuant to Rule 3.220 Florida Rules of Criminal Procedure, furnishes the following information:

1. Pursuant to Rule 3.220(b)(1)(i), Florida Rules of Criminal Procedure, the names and addresses of all persons known to the State of Florida to have information which may be relevant to the offense charged or any defenses thereto or to any similar fact evidence to be presented at trial under F.S. 90.404 (2) are as follows:

Category A Witnesses pursuant to Rule 3.220 (b)(1)(A)(i),
F.R.CR.P.:

Steven Adamczyk
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Tampa, Florida 33602

Dr. Jeffrey Appel
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HAROLD BAZZEL
CLERK OF CIRCUIT COURT
BAY COUNTY, FLORIDA

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Category B Witnesses pursuant to Rule 3.220 (b)(1)(A)(ii),
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Category C Witnesses pursuant to Rule 3.220 (b)(1)(A)(iii),
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2. Below is a list of the information and material within the State's possession or control which will be produced for defense counsel to inspect, copy, test and photograph:

A) Pursuant to Rule 3.220(b)(1)(B), Florida Rules of Criminal Procedure, Statements by persons whose names are furnished in compliance with Rule 3.220(b)(1)(i), Florida Rules of Criminal Procedure.

YES. See Discovery Documents numbered 1 through 24,224.
B) Pursuant to Rule 3.220(b)(1)(C), Florida Rules of Criminal Procedure, written, recorded and/or oral statements of the accused.

YES. See police reports, PAR reports, use of force reports, transcripts, sworn statements, and recorded interviews. Also see Attachment "A".

- C) Pursuant to Rule 3.220(b)(1)(D), Florida Rules of Criminal Procedure, written recorded and/or oral statements of the co-defendants.

YES. See police reports, PAR reports, use of force reports, transcripts, sworn statements, and recorded interviews. Also see Attachment "A".

- D) Pursuant to Rule 3.220(b)(1)(E), Florida Rules of Criminal Procedure, recorded Grand Jury minutes containing testimony of the accused.

NONE.

- E) Pursuant to Rule 3.220(b)(1)(F), Florida Rules of Criminal Procedure, tangible papers or objects obtained from or belonging to the accused.

NONE.

- F) Pursuant to Rule 3.220(b)(1)(G), Florida Rules of Criminal Procedure, material or information provided by a confidential informant.

NONE.

- G) Pursuant to Rule 3.220(b)(1)(H), Florida Rules of Criminal Procedure, electronic surveillance, pursuant to Chapter 934, Florida Statutes, of the premises of which the accused was a party, and documents relating thereto.

NO.

- H) Pursuant to Rule 3.220(b)(1)(I), Florida Rules of Criminal Procedure, whether there has been any search or seizure and any documents relating thereto.

NONE.

- I) Pursuant to Rule 3.220(b)(1)(J), Florida Rules of Criminal Procedure, reports or statements by experts, including results of physical or mental examinations and of scientific tests, experiments or comparisons.

YES. See reports of Dr. Charles Siebert, Dr. Vernard Adams, Dr. John Downs (CV and Report), Dr. Thomas Andrew (CV and Report), Dr. Wayne Duer, and Dr. Bruce Goldberger, and Steve Martin (CV and Report). Also see sworn statements by Dr. Charles Siebert and Dr. Barbara Wolf.

J) Pursuant to Rule 3.220(b)(1)(K), Florida Rules of Criminal Procedure, tangible papers or objects intended for use at hearing or trial which were not obtained from or belonged to the accused.

YES.

Videotape of orientation and incident January 5, 2006, collected from Bay Boot Camp.

Video of incident enhanced at Honeywell NASA Marshall Space Flight Center (3 enhanced videos on DVD).

Recorded interviews of defendants.

Recorded interviews of witnesses (see reports).

Transcripts of recorded interviews.

Bay Boot Camp Use of Force Log.

PAR reports written by defendants.

Recording of 911 Call.

Video from Bay Regional Detention Center January 5, 2006.

Still image of Martin Anderson from Bay Regional Detention Center video January 5, 2006. (Identification made and signed by Robert Anderson).

Still image of Martin Anderson from Bay Regional Detention Center video January 5, 2006. (Identification made and signed by Gina Jones).

Photographs of Bay Boot Camp.

Ammonia Inhalant Box

Paper towels and seroquel pills collected from Bay Regional Detention Center

Videotapes of physical assessments, orientation and training (prior to January 5, 2006), collected from Bay County Boot Camp.

Policies, including BCSO Use of Force Policy, Behavioral Matrix, CJSTC Standards, and PAR Policy.

Medical Records.

X-Rays.

Photographs of Martin Anderson at hospital.

Autopsy photographs.

Audio recordings of Criminal Justice Appropriation Committee hearings February 15, 2006, February 23, 2006 and March 17, 2006.

DJJ/BCSO Boot Camp Contracts, DJJ Correspondence and QA Reports (Documents on CD-ROM)

3. Pursuant to Rule 3.220(b)(2), Florida Rules of Criminal Procedure, the following material information is within the State's possession or control which tends to negate the guilt of the accused as to the offense charged:

YES. See report and sworn statement by Dr. Charles Siebert.

4. In addition, please be advised that any information contained in reports or other materials provided to you pursuant to your request for discovery is deemed to be included in this response even if not specifically noted above.

5. At a time mutually convenient to the State of Florida and defense counsel, the State will disclose to defense counsel and permit him to inspect, copy, test and photograph all information and material within the State's possession and control pursuant to Florida Rules of Criminal Procedure 3.220(b)(iii) through (xi).

6. Pursuant to Rule 3.220(d)(1), Florida Rules of Criminal Procedure, the State of Florida expects a written list of the names and addresses of all witnesses whom defense counsel expects to call as witnesses at the trial or hearing of this case within seven days after receipt of the witness list furnished by the State of Florida.

7. Pursuant to Rule 3.220(d)(2), Florida Rules of Criminal Procedure, the State of Florida expects a disclosure of the items set forth in subsections (i)-(iii) of Rule 3.220(d) within fifteen days after the corresponding disclosure by the State of Florida.

8. In addition to the above, be advised of the following: Discovery documents have been numbered and are available for copying by the defense. Discovery documents are numbered 1 through 24,224. The

following documents will be submitted for in camera review: Documents 607 - 1256, 3789-4443, and 17273-17431. All other documents are available for copying by the defense. Included in documents 1 through 24,224 are FDLE reports, autopsy reports, transcripts of interviews, Hillsborough County Sheriff's Office Reports, SAO investigator reports, Use of Force Reports, medical records, and sworn statements. Boot Camp contracts, DJJ correspondence and QA reports on CD-ROM have not been numbered. Regarding statements of the accused, see law enforcement reports, PAR reports and use of force reports, sworn statements, and interview witnesses listed. Also see Attachment "A". All witnesses listed in police report and additional witnesses may be called to testify. (See reports and discovery documents).

I HEREBY CERTIFY that a copy of the foregoing Notice of Discovery has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Robert Sombathy, attorney for Patrick Garrett, at P.O. Box 430, Panama City, Florida 32402; James H. White, Jr., attorney for Raymond Hauck, at 229 McKenzie Avenue, Panama City, Florida 32401; and Jim Appleman, attorney for Kristin Schmidt, at 436 McKenzie Avenue, P.O. Box 880, Panama City, Florida 32402, via U.S. mail, this 19th day of December, 2006.

Respectfully submitted,

MARK A. OBER
STATE ATTORNEY



MICHAEL C. SINACORE
ASSISTANT STATE ATTORNEY
FLORIDA BAR #0868523

ATTACHMENT "A"

Regarding statements of the accused, see law enforcement reports, PAR reports, use of force reports, sworn statements, recorded interviews, and interview witnesses listed. Also, refer to the following discovery documents:

Sgt. Henry Dickens

98-113 Interview by Robert Hall.

DI Charles Enfinger

63-77 Interview by Robert Hall.

Sgt. Patrick Garrett

133-146 Interview by Robert Hall.

4551-4554 PAR Report.

5850-5852 PAR Report.

Sgt. Major Raymond Hauck

38-39 Statements made to Robert Hall, Bethany Harris and Mark Walton.

114-126 Interview by Robert Hall.

4558-4560 Information Report.

4567a-4568a Information Report.

4633a CCC Daily Report.

4635a-4637a Inspector General's Incident Report Form.

4817-4819 Inspector General's Incident Report Form.

12797-12798 Information Report.

16696-16700 DJJ Incident/Complaint Forms.

22717-22740 Sworn statement by Capt. Jim Stanford regarding Hauck explaining incident while viewing video.

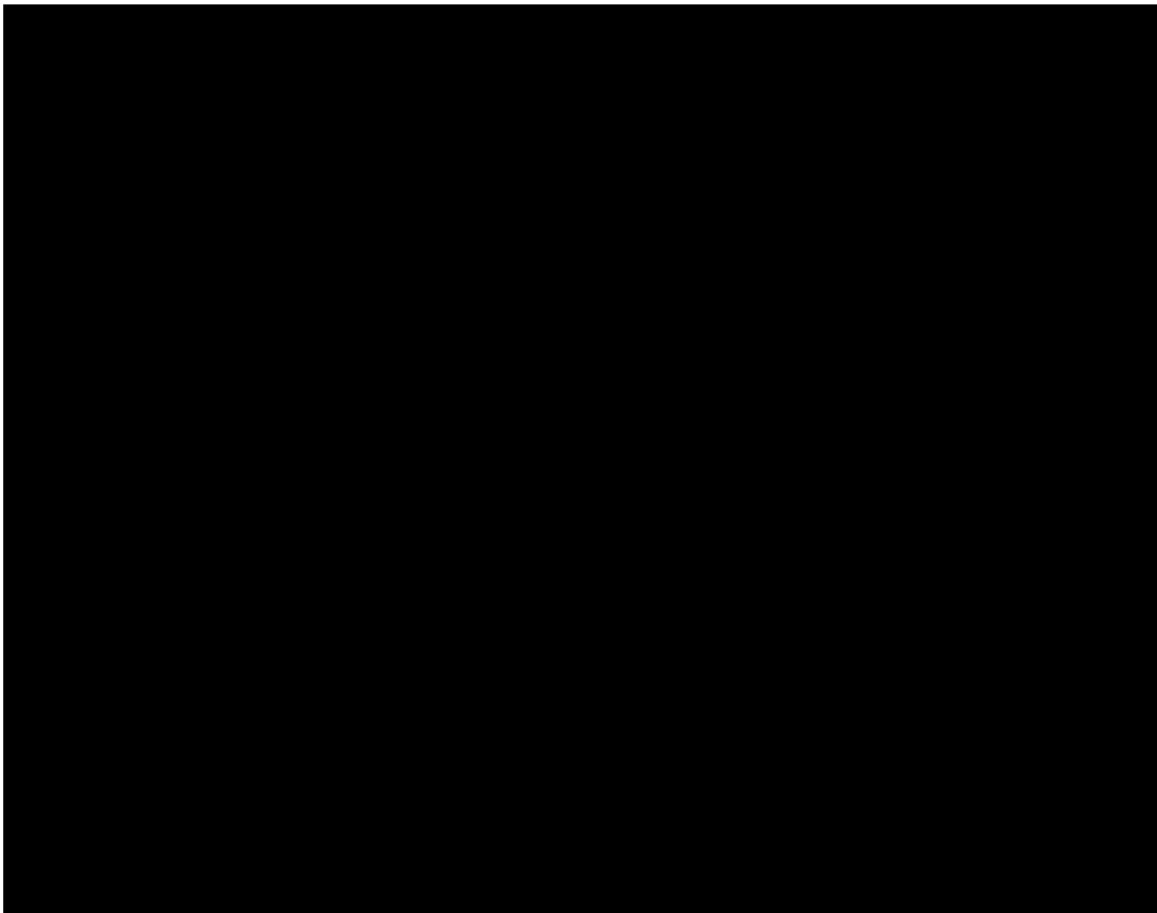
22253-22254 Sworn statement by Mark Walton regarding Hauck explaining use of ammonia on Martin Anderson.

22332; 22339

Sworn statement by Capt. Thompson regarding Hauck notifying him of use of force and collapse.

23107-23109

Sworn statement by Chantelle Dishman regarding information stated by Sgt. Major Hauck on call to DJJ hotline reporting incident with Martin Anderson.



DI Ray McFadden

78-97

Interview by Robert Hall.

Nurse Kristen Schmidt

157-178

Interview by Robert Hall.

413-416

Interview by Robert Hall.

417-421

Interview by Robert Hall.

4542-4547

Nurse's notes.

4569a-4574a

Nurse's notes.

13216-13218 Interview by Bay County Sheriff's Office.
22366-22369 Sworn statement by Captain Thompson regarding questioning Schmidt about the use of ammonia at the boot camp.
23510-23530 Sworn statement by Dr. Shairi Turner regarding phone interview with Schmidt.

Cpl. Joseph Walsh

42-62 Interview by Robert Hall.
392-399 Interview by Matt Herring.
4549 PAR Report (page 2 of 2).
4555-4557 Information Report.
4657-4659 PAR Report.
4564a-4566a Information Report.
4821 PAR Report (page 1 of 2).
5848-5849 PAR Report.