

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY

STATE OF FLORIDA,  
Plaintiffs,

CASE NO. 06-4016-CFMA

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II  
Defendants.

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 23 P 4: 02

FILED

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**MOTION IN LIMINE: EVIDENCE CONCERNING  
PROCEDURES AT OTHER BOOT CAMPS**

COMES NOW the Defendant, RAYMOND MORRIS HAUCK, by and through the undersigned attorney, and moves this Court to rule in limine prohibiting any evidence and/or testimony regarding the policies and procedures of juvenile boot camps in the State of Florida, other than the Bay County Boot Camp, pursuant to applicable law, including Florida Statutes 90.401 and 90.403, and as grounds therefore would show:

1. The State has listed, as fact witnesses, five witnesses who were, at times material, employees of sheriffs in Martin County, Pinellas County, Polk County, and Manatee County in the Florida juvenile boot camps in those counties. Defendant anticipates the prosecution will attempt to show the policies and procedures of these other juvenile boot camps, and will attempt to show that some procedures, such as use of force and use of ammonia capsules, followed at the Bay County facility were not followed at the other boot camps.

2. Any evidence concerning the policies and procedures employed by any of these juvenile boot camp facilities would not be relevant to prove a material fact in this case. This motion includes, without limitation, evidence concerning the policies and procedures of other boot camps regarding the general training of its employees, the specific training of employees in use of force

techniques, and the specific use of ammonia capsule policies and procedures.

3. Defendant is charged with aggravated manslaughter of a child in a Bay County juvenile boot camp facility; the policies and procedures of other boot camp facilities where he did not work, was not trained, and was not informed, cannot be relevant.

4. While Defendant submits that the evidence sought to be prohibited is not relevant, any such evidence should also be found inadmissible because the probative value would be substantially outweighed by the danger of unfair prejudice, confusion of issues, and misleading the jury. The Defendant's conduct in this case should be evaluated by the jury considering the governing law, and not by the policies and procedures of some far away boot camp with which he is not familiar. If the State were allowed to present such evidence, the issue could be expected to rise to the level of a "mini-trial" and could become a feature of Defendant's trial, necessitating the expenditure of unwarranted court time.

5. "A defendant is entitled to be tried on the evidence in his or her particular case, rather than on characterizations or testimony about generalized patterns of behavior." Lewis v. State, 754 So.2d 897, 902 (Fla. 1<sup>st</sup> DCA,2000).

NOW WHEREFORE, Defendant respectfully requests that this court will enter its order prohibiting the State from introducing evidence of the policies and procedures of other Florida juvenile boot camp facilities.

DATED this 23<sup>rd</sup> day of August, 2007.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Motion has been furnished by U.S. Mail, to Michael C. Sinacore, Assistant State Attorney, 800 East Kennedy Boulevard, 3rd Floor, Tampa, Florida 33602-4148; and to those persons set forth in the attached

Additional Service List, this 23<sup>rd</sup> day of August, 2007.

STAATS, WHITE & GRABNER



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