

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

FILED

2007 SEP 21 A 9:32

STATE OF FLORIDA,  
Plaintiff,

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

-v-

Case#: 06-4016-CF

HENRY DICKENS,  
CHARLES ENFINGER,  
[REDACTED]

06-4016-CFMA  
06-4016-CFMB  
[REDACTED]

RAYMOND HAUCK,  
[REDACTED]

06-4016-CFMD  
[REDACTED]

HENRY MCFADDEN, JR.,  
KRISTIN SCHMIDT,  
JOSEPH WALSH, II,  
Defendant(s).

06-4016-CFMF  
06-4016-CFMG  
06-4016-CFMH

---

**DEFENDANT'S MOTION REGARDING  
MULTIPLE DEFENDANT'S BEING CHARGED  
IN A SINGLE INFORMATION**

COMES NOW the defendants in the above-styled matter, and files this requested jury instruction regarding multiple defendants/single information, and requests the following instruction:

“The defendants have been tried together; however, you must consider each defendant and the evidence applicable [to each defendant] separately. You may find any [defendant] guilty or not guilty. However, your verdict as to one defendant must not affect your verdict as to the others.”

Authority: Florida Standard Jury Instructions in Criminal Cases, § 3.12(b), eff. 9/28/2006.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy was furnished to the following by fax/U. S. mail, this  
20<sup>th</sup> day of September, 2007.

**Hoot Crawford, Esq.**  
748 Jenks Ave.  
Panama City, FL 32401

**Ashley Benedik, Esq.**  
1004 Jenks Ave.  
Panama City, FL 32401

**Walter Smith, Esq.**  
115 E. 4<sup>th</sup> Street  
Panama City, FL 32401

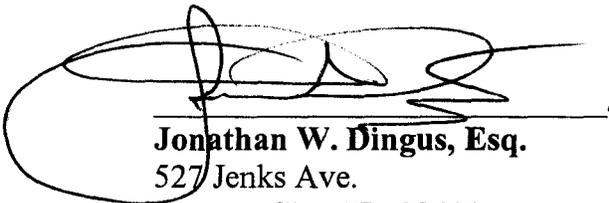
**Robert Pell, Esq.**  
514 Magnolia Ave.  
Panama City, FL 32401

**Robert Sombathy, Esq.**  
P. O. Box 430  
Panama City, FL 32402

**James White, Esq.**  
229 McKenzie Ave.  
Panama City, FL 32401

**Waylon Graham, Esq.**  
P. O. Box 327  
Panama City, FL 32402

**Michael Sinacore, Esq.**  
Assistant State Attorney  
800 E. Kennedy Blvd.  
5<sup>th</sup> Floor Courthouse Annex  
Tampa, FL 33602



**Jonathan W. Dingus, Esq.**  
527 Jenks Ave.  
Panama City, FL 32401  
(850) 784-3090  
FBN: 0797685  
**Attorney for Defendant McFadden**

---

Comment

This verdict form was adopted in 1981 and was amended in October 1981 and December 1995.

**3.12(a). SINGLE DEFENDANT, MULTIPLE COUNTS OR INFORMATIONS**

A separate crime is charged in each [count of the information] [indictment] [information] and, although they have been tried together, each crime and the evidence applicable to it must be considered separately and a separate verdict returned as to each. A finding of guilty or not guilty as to one crime must not affect your verdict as to the other crime(s) charged.

---

Comment

This instruction was adopted in 1981.

**3.12(b). SINGLE COUNT, MULTIPLE DEFENDANTS**

 The defendants have been tried together; however, you must consider each defendant and the evidence applicable to [him] [her] separately. You may find [one] [any] [or] [both] guilty or not guilty. However, your verdict as to one defendant must not affect your verdict as to the other(s).

---

Comment

This instruction was adopted in 1981.

**3.12(c). MULTIPLE COUNTS OR INFORMATIONS, MULTIPLE DEFENDANTS**

A separate crime is charged against each defendant in each [count of the information] [information] [indictment]. The defendants have been tried together; however, the charges against each defendant and the evidence applicable to [him] [her] must be considered separately. A finding of guilty or not guilty as to [one] [both] [or] [some] of the defendants must not affect your verdict as to any other defendant(s) or other crimes charged.

---

Comment

This instruction was adopted in 1981.

**3.13. SUBMITTING CASE TO JURY**

In just a few moments you will be taken to the jury room by the bailiff. The first thing you should do is elect a foreperson who will preside over your deliberations, like a chairperson of a meeting. It is the foreperson's job to sign and date the verdict form when all of you have agreed on a verdict in this case and to bring the verdict back to the courtroom when you return.

Your verdict finding the defendant either guilty or not guilty must be unanimous. The verdict must be the verdict of each juror, as well as of the jury as a whole.

In closing, let me remind you that it is important that you follow the law spelled out in these instructions in deciding your verdict. There are no other laws that apply to this case. Even if you do not like the laws that must