

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

FILED

2007 NOV 20 P 4: 14

STATE OF FLORIDA,
Plaintiff,

vs.

CASE NO(S): 06-4016CFMG

KRISTIN SCHMIDT,
Defendant.

JUDGE: SCOTT W. HARRIS
CLERK: JENNIFER L. HARRIS
COURT REPORTER: JENNIFER L. HARRIS
FLORIDA

**MOTION TO EXCEED STATUTORY CAP FOR
COURT-APPOINTED COUNSEL**

Ashley Stone Benedik, respectfully moves this Honorable Court, pursuant to Makemson v. Martin County, 491 SO. 2d 1109 (Fla. 1986), for an order awarding compensation in excess of the statutory cap, and costs/expenses for services rendered as court-appointed counsel in the above-captioned case. As grounds:

1. Undersigned counsel was appointed on February 22, 2007, to represent Defendant on a 1st degree felony, in the above-captioned case.
2. Defendant's case was concluded on October 12, 2007.
3. Pursuant to Indigent Services Committee Rules for the Fourteenth Judicial Circuit, undersigned counsel is to be paid an hourly fee of \$100.00 with a statutory cap of \$2,500.00, unless the case is an unusual or extraordinary case, which this case is unusual or extraordinary.
4. Undersigned counsel expended 366 hours representing Defendant Schmidt; as such, undersigned counsel is requesting a fee of \$36,600.00, based on an hourly rate of \$100.00 per hour.
5. Undersigned counsel's representation of Defendant was unusual or extraordinary because defense counsel has had to coordinate with seven

other defense attorneys as well as the State. Counsel has had to review, organize, compare, categorize and chart out over approximately 25,000 pages of discovery documents. The Counsel has had to review, organize and compare witness statements from over 140 State witnesses. Counsel has had to review and educate herself on complex medical terminology and opinions from over 10 relevant experts. Counsel has had to prepare for numerous depositions of expert medical witnesses in conjunction with seven other defense attorneys. Counsel has had to organize and participate in several joint strategy sessions involving seven other attorneys regarding discovery preparation, strategy consultation and comparing and analyzing potential defense expert witnesses. Counsel has had to prepare and question potential defense expert witnesses regarding various aspects of this case and of the state's expert reports. Counsel also spent three (3) days in jury selection because of the pre-trial publicity this case had received both locally and nationally. Counsel also spent eight days in jury trial representing her client. The level of effort and preparation necessary to master the discovery materials in this case is unique from any other case that defense counsel has participated in her fourteen plus years of criminal trial practice. The time expended on this case without any fees collected has proven to be an undue hardship on the undersigned attorney's practice.

6. Prior to submitting this Motion to the Court, undersigned counsel submitted all required documentation to the Justice Administrative Commission (JAC) for

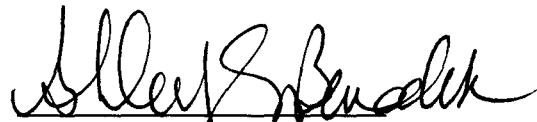
approval.

7. Undersigned counsel is authorized to state that the JAC has an objection to counsel's requested fee, but does not request a hearing on the matter.

WHEREFORE, the undersigned respectfully requests this court to order the Justice Administrative Commission, to pay to Ashley Stone Benedik, Esq., the sum of \$36,600.00 as attorney's fees and costs for her representation of the Defendant, **Kristin Schmidt**, in this case.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion has been furnished to Justice Administrative Commission, P.O. Box 1654, Tallahassee, Florida 32302 by regular U.S. mail this 19th day of November, 2007.



ASHLEY STONE BENEDIK
FL BAR # 980729
COTHRAN & BENEDIK, P.A.
1004 Jenks Ave. Jenks Avenue
Panama City, Florida 32401
(850)784-2992
Attorney for Defendant



(850) 488-2415
SUNCOM 278-2415
Toll Free (866) 355-7902
FAX (850) 488-8944
Toll Free FAX (866) 355-7906

Victoria A. Montanaro
Executive Director

STATE OF FLORIDA
JUSTICE ADMINISTRATIVE COMMISSION

Post Office Box 1654 (32302)
227 North Bronough Street, Suite 2100
Tallahassee, Florida 32301

COMMISSIONERS

Dennis Roberts, Chair
Public Defender

Diamond R. Litty
Public Defender

Jerry Hill
State Attorney

Jerry M. Blair
State Attorney

LETTER OF OBJECTION – NO HEARING REQUESTED

11/15/2007
ASHLEY S. BENEDIK
1004 JENKS AVENUE
PANAMA CITY, FL

Party: KRISTIN ANNE SCHMIDT
Court Case No. 03 CF 2006 004016 000G MA
Email: april@panamacitylaw.net; ASHLEYBENEDIK@YAHOO.COM

Pursuant to s. 27.5304, F.S., the Justice Administrative Commission (JAC) reviewed your intended billing, affidavit and documentation for completeness and compliance with statutory and contractual requirements in the above matter.

JAC objects to your billing for attorney's fees in the amount of **\$36,600.00**. JAC's objections are as follows:

The billed amount exceeds the statutory fee limit of **\$2,500.00** for non-life felony cases set forth in s.27.5304, F.S. The Order Pay in this case will require a written finding by the Court that the fees claimed are reasonable and incurred as the result of unusual and extraordinary circumstances associated with the representation pursuant to Makemson v. Martin County, 491 So.2d 1109 (Fla. 1986). This requirement is explained in the Chief Financial Officer Memorandum No. 04 (2003-04).

Pursuant to 27.5304(2), F.S., "The attorney shall have the burden to prove the entitlement to attorney's fees, costs, or related expenses."

When you file your motion for compensation, specify that JAC objects to the billing. **You must attach a copy of this letter for the Court's determination of your fee for this case.** Section 27.5304(2), F.S., requires that you serve a copy of your motion upon JAC. JAC does not request a hearing on your motion and, if a hearing is scheduled, JAC does not request notice and will not appear in court.

Beth Gammie

Beth Gammie
Supervisor, Compliance Review
kh

#1

**Justice Administrative Commission
Out-of-Court Invoice for Court-Appointed Counsel**

Case Number: 06-4016CFMG	Case Caption: State v. Kristin Schmidt
--------------------------	--

Date	Description of Services	Service Type	Time Increment
2/22/07	rec & rev order of appointment; search ovation for history of case; locate & print previously filed documents from ovation (information, motions filed, memorandums filed, discovery respponses etc); locate history of other 7 codefendant's cases, print and review	Obtaining/Reviewing Records	0.90
2/22/07	prepare and file pleadings (NOA, WPNG, Discovery demand)	Obtaining/Reviewing Records	0.20
2/22/07	motion & order for paper copy of discovery, req for quote from Allegra printing	Obtaining/Reviewing Records	0.30
2/22/07	rev of Information filed & affidavit (4 pgs); review of State's response for motion for stmt of particulars (9 pgs) and research issue to formulate response; prep for hearing on motion	Obtaining/Reviewing Records	1.60
2/22/07	locate and print statute & jury instruction for charged crime/review; research and print case law for aggravated manslaughter of child--determine elements/review case law	Legal Research Writing	1.50
2/22/07	search internet for articles, discussions & comments regarding the case/print articles and place in binder (numerous national and local articles, very high profile case--info needed to determine what is being said and thoughts about case; theories of case)	Obtaining/Reviewing Records	1.00
2/23/07	read and review articles collected on 2/22/07	Obtaining/Reviewing Records	2.00
2/23/07	rec & rev fax from client	Other	0.20
2/27/07	initial meeting with client	Interviews Conferences	1.50
3/2/07	rec & rev order on motion for stmt of particulars & rev of protective order (5 pgs) & rec & rev Memo from Attorney Waylon Graham Re: Media Offers	Obtaining/Reviewing Records	0.50
3/5/07	phone call from client; locate court minutes from 2/22/07 on ovation, print, copy to client	Obtaining/Reviewing Records	0.30
3/5/07	receive and organize 120 DVDs and CD (discovery) in binder, initial review of several CDs with boot camp pictures and initial review of DVD of incident (long version)	Obtaining/Reviewing Records	2.00
3/5/07	travel to Allegra printing and back to pick up 10 boxes of discovery	Travel Time	0.50
3/6/07	receive & review fax from co-defendants attorney re: additional discovery (2,055 pages) covered in protective order	Obtaining/Reviewing Records	0.20
3/7/07	review state's notice of discovery, witness list, amended discovery (30 pgs) letter to prev.	Obtaining/Reviewing Records	1.20

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

Justice Administrative Commission

	attorney		
3/7/07	review letter from ASA 3/6/07 plus additional discovery (supplemental investigative reports) reports of additional expert, Steinberg, prepare list of medical terms	Obtaining/Reviewing Records	0.70
3/7/07	research definitions of 25 medical terms, review medical definitions (pertinent to case and listed in experts reports)	Legal Research Writing	1.20
3/7/07	continued review of 3/6/07 additional discovery-cv of Dr. Steinberg (skim 31 pages)	Obtaining/Reviewing Records	0.30
3/7/07	review report of Dr. N. Gravenstein and CV (48 pgs), make notes	Obtaining/Reviewing Records	0.70
3/7/07	20/20 transcript provided as discovery (40 pages) review relevant portions	Obtaining/Reviewing Records	0.50
3/7/07	review 1/15/07 letter from Florida Medical Examiners Commission- Re: Seibert(provided as additional discovery)	Obtaining/Reviewing Records	0.20
3/8/07	review cd boot camp 911 call; add'l boot camp pictures (on several CD's) review pg. 1-10 of discovery (FDLE invest report)	Obtaining/Reviewing Records	1.30
3/8/07	continue review of discovery p. 11-39 (FDLE reports), research additional medical terms that arise & research sickle cell trait	Obtaining/Reviewing Records	1.50
3/12/07	review discovery (p.40-54 FDLE reports), (pp.20193-20359--Dr. Adams autopsy and records/phone records/emails)	Obtaining/Reviewing Records	3.50
3/16/07	phone call from client	Interviews Conferences	0.30
3/16/07	review of latest media articles re: case/ print	Obtaining/Reviewing Records	0.40
3/20/07	meeting with co-defendant attorneys to discuss strategies	Interviews Conferences	2.00
3/20/07	meeting with client in office before court, signed waiver of appearance	Interviews Conferences	0.50
3/23/07	organizing Box 1& 2 in binders with index	Other	1.00
3/23/07	memo from co- defendant attorney Graham (dated 3/22/07)	Other	0.20

Total Time:	28.20
Rate:	100.00
Total Reimbursable Amount:	\$ 2820.00

A.2.d.

A.2.d.

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

#2

**Justice Administrative Commission
Out-of-Court Invoice for Court-Appointed Counsel**

Case Number: 06-4016-CFMG	Case Caption: State v. Kristin Schmidt
---------------------------	--

Date	Description of Services	Service Type	Time Increment
3/23/07	review of documents provided by defense (corresp from clients civil attorney (13 pgs) records provided by client (100 pages) & memo from Attorney Graham about the defense team meeting	Obtaining/Reviewing Records	2.40
3/23/07	review documents on aspirin (research, found in victim's system, effect on death) & continued review of discovery - FDLE investig. pg. 157-189	Obtaining/Reviewing Records	1.20
3/26/07	continued review if discovery (FDLE Report pg. 190-420)	Obtaining/Reviewing Records	4.00
4/2/07	Defense Meeting at Attorney White's office	Interviews Conferences	1.50
4/10/07	continue review of discovery (medical records aprox. 200 pages. birth & child hospital records, Dr. records)pp.14170;16408-412; 16532-538;16681-685;17435-437;19085-19235	Obtaining/Reviewing Records	2.30
4/10/07	fax from co-defendant's attorney Pell (2pg) & fax from co-defendant's attorney Graham (1pg)	Other	0.40
4/10/07	review EMS run report (pg. 4975-4981)	Obtaining/Reviewing Records	0.20
4/11/07	strategy meeting with co-defendant's attorney	Interviews Conferences	2.00
4/23/07	review of house bill (9pgs) special master's final report (25 pgs) Re: Martin Anderson bill	Obtaining/Reviewing Records	1.00
4/23/07	prep for atty meeting on 4/25 (issues to be brought up, made notes)	Other	0.50
4/23/07	cont review of discovery (p. 422-555, 5921-606) FDLE reports, use of force reports	Obtaining/Reviewing Records	2.20
4/25/07	strategy meeting with co-defendant's attorneys	Interviews Conferences	2.10
4/30/07	rec & rev letter from Attorney White's office Re: medical records from Dr. Humphries	Obtaining/Reviewing Records	0.20
5/09/07	strategy/coordination meeting with co-defendant's attorneys	Interviews Conferences	2.00
5/16/07	receive & review letter from client & Sacred Heart document, rev discovery med records BMC, lab, airheart records pp.19260-19380	Obtaining/Reviewing Records	2.30
5/17/07	review of 4 pg letter from co-defendants attorney re: issues for experts & formulate client's questions for Eichner (expert)	Obtaining/Reviewing Records	0.70
5/21/07	review discovery- report of Dr. T Andrews(9 pgs) / prep for depositions of Dr. Andrews	Obtaining/Reviewing Records	1.00
5/22/07	depositions of Dr. Tomas Andrews	Interviews Conferences	2.00
5/23/07	bi-weekly meeting with co-defendant's attorneys (to progress the case along)	Interviews Conferences	2.00

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

Justice Administrative Commission

5/23/07	review pgs. 479, 488, 489, 494-499, 1811, 1812, 1816 (FDLE rept/ medical records, Siebert letters) (.5) review of A. Segers statement, ems reports (58 pages) prep for depos (1.2)	Obtaining/Reviewing Records	1.70
5/24/07	meeting with client	Interviews Conferences	0.70
5/25/07	rec & rev notice of depos Lewis, Younger, & Martin (4pgs) add to calendar	Interviews Conferences	0.20
5/29/07	rev additional disc. from State (dated 5/23/07) Bledsoe CV and report (42 pgs) rev articles of expert Bledsoe on ammonia use & rev more articles on sickle cell disease/trait	Obtaining/Reviewing Records	1.50
6/05/07	review of order to show cause & request for emergency hearing filed by State (.3); phone call to co-defendant counsel (.2)	Obtaining/Reviewing Records	0.50
06/11/07	review of response to public records request of DJJ re: sickle cell trait (14 pgs)	Obtaining/Reviewing Records	0.40
6/13/07	review of article from Times- Union re: NFL players using ammonia capsules & effects (8 pgs) very small print	Other	0.40
6/15/07	review defendant expert report letter (7 pgs. ss) Eichner, make notes	Other	0.60
06/22/07	depo of Steve Martin (state expert)	Interviews Conferences	1.20
06/26/07	review discovery Dr. Shari Turner pgs. 23481-23564; review discovery BCSO memos to and from Capt Thompson (5 pgs), 5211-5213, 5238-5240, 1599-1611, 10609, 10751-752; 10831, 11149, 11186, 11248-11254, 11285-11306, 11332-11338, 12801, 12806; discovery re: juvenile boot camp manual pp. 5241-5308; inquiry reports and related discovery pp 12647-12715; 12809-12837, Helms discipline 12874-12886, 12917-13121	Obtaining/Reviewing Records	5.50
06/27/07	bi-weekly strategy meeting with co-defendant's attorneys	Interviews Conferences	2.00

Total Time:	44.70
Rate:	100.00
Total Reimbursable Amount:	\$ 4470.00

A.2.d.

A.2.d.

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

Justice Administrative Commission Out-of-Court Invoice for Court-Appointed Counsel

Case Number: 06-4016-CFMG	Case Caption: State v. Kristin Schmidt
---------------------------	--

Date	Description of Services	Service Type	Time Increment
06/27/07	Bi-weekly strategy meeting with Defense team	Interviews Conferences	2.00
06/27/07	participate in deposition of Cynthia Lewis-Younger	Interviews Conferences	1.00
06/28/07	review article "Athlete with Sickle Cell Trait at Risk for Death" fax from co- defendant attorney (2 p/ small print); review discovery pp.13180-13227 (other incidents). rev statement of Thompson disc pp 22416-22432	Other	1.60
07/02/07	review of discovery, Dr. John Downs report p. 24075-24142 make notes, prepare for depo	Obtaining/Reviewing Records	1.00
07/02/07	review of NASA enhanced DVD, make notes (.8); review of DVD- zoom & enhanced segments- slowed x 1/2 speed (.5); review "zoomed & enhanced videos (.5)	Obtaining/Reviewing Records	1.80
07/02/07	review of Chelse Pollock stmt discovery p. 20538 to 20595	Obtaining/Reviewing Records	0.60
07/02/07	Attend deposition of Dr. Downs	Interviews Conferences	1.60
07/10/07	rec & rev State's witness list	Obtaining/Reviewing Records	0.50
07/19/07	review of discovery (p.24, 217-24, 222; p. 10595, p. 13275- 13277; 3562-3788)	Obtaining/Reviewing Records	2.00
07/20/07	strategy/ organization meeting with Defense team (prep witness list, discuss issues; jury instructions etc.	Interviews Conferences	2.00
07/21/07	review our possible jury instructions, motion in limines ; review of Dr. V. Adams deposition and make notes to summarize (76pgs) ;	Other	3.20
07/24/07	review discovery pp.18522-18523 (officer Van Brunt); rev disc. pp.18660-18668; 10226-10228, 10217-10219, 10202-10204 re: Sergio, Connelly, make notes; rev. disc pp.	Obtaining/Reviewing Records	0.50
07/25/07	Defense team strategy/ organization meeting	Interviews Conferences	2.00
07/26/07	review disc. p. 21984-22012 (stmt. J. Deas; made notes	Obtaining/Reviewing Records	0.50
07/26/07	review report; interview of Enfinger (pp. rev. of statements/documents related to Enfinger (p.13261-13268)(pp.23579-23592, 24205-24210); make notes	Obtaining/Reviewing Records	0.80
07/27/07	review of documents provided pursuant to public records request (155 pgs) (re: purchases of ammonia inhalants); rev discovery re: D.I. Richard Hall pp. 4550, 4659, 18756-18766)	Obtaining/Reviewing Records	1.20
07/30/07	review discovery pp. 13443-13464 (prior complaint of boot camp by A. Smith); review pp. 11431-11435 statement of S. Heaton p.	Interviews Conferences	1.30

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

Justice Administrative Commission

	11407, pp. 18781-18791 (statement of S. Heaton). rev. discovery re PAR report summaries, re: Garrett (pp.4522-4525,4551-4554,13248-13252, 24198-24204)		
08/01/07	research nursing standards of care in correctional settings seeking expert in area	Other	1.00
08/01/07	review discovery pp. 1359-1488, sent emails, print articles (1.0); Boot Camp program manual; review of school records (skim through p.607-823 discovery)(.7); review discovery pp.824-872, DJJ history (.6)	Obtaining/Reviewing Records	2.30
08/02/07	cont review of Boot Camp program manual pp. 1489-1541	Obtaining/Reviewing Records	1.50
08/06/07	cont. review of Boot Camp manual discovery pp. 1542-1594, 15855-15960 (1.2) & review discovery p.18930-18938; statement of Travis Perry by HCSO (.5)	Obtaining/Reviewing Records	1.70
08/06/07	prep for depo of Dr. Steinberg	Other	0.50
08/06/07	review discovery involving Sgt. Cruel p.10670-10671, 12891-12892, 12896-12897, 12943-12945, 12949-12951, 13008-13009, 13102-13104, 13155-13156, 14035-14111 (1.0) & cont. rev. of discovery- Sgt. Cruel Stmt to HCSO pp. 18693-18706 (made 4 pages of notes) (.7)	Obtaining/Reviewing Records	1.70
08/07/07	Attend depo of Dr. Steinberg	Interviews Conferences	1.20
08/07/07	rev statement of M. Walton pp 22215-22273; make notes	Obtaining/Reviewing Records	0.50
08/08/07	Defense team meeting with co defendant attorneys discuss dividing up witnesses for trial; strategies etc.	Interviews Conferences	2.00
08/08/07	cont. rev of discovery DJJ records of victim p.871-1120	Obtaining/Reviewing Records	1.00
08/08/07	notes/ trial prep Sergio Connelley statements (summary); including rev of discovery p.18660-18668, 10206-10228, 10217-10219, 10202-10204 (re: Sergio Connelley)	Obtaining/Reviewing Records	1.00
08/13/07	meeting with Ms. Schmidt (go over unedited video), prep for Sat. meeting)	Interviews Conferences	1.80
08/14/07	organizing witness files by group, alphabetizing; organizing for trial	Other	0.60

Total Time:	40.40
Rate:	100.00
Total Reimbursable Amount:	\$ 4040.00

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

A.2.d.

#4

Justice Administrative Commission
Out-of-Court Invoice for Court-Appointed Counsel

Case Number: 06-4016-CFMG	Case Caption: State v. Kristin Schmidt
---------------------------	--

Date	Description of Services	Service Type	Time Increment
08/14/07	review discovery (H. Dickens p. 456-457 report, makes notes to prepare for cross- exam for our trial prep mtg on 8/18), rev. 100-113	Obtaining/Reviewing Records	1.20
08/16/07	meeting with client, go over 2 DVD's- "NASA Enhanced" and "Zoomed", discuss concerns	Interviews Conferences	2.00
08/16/07	speak with ANRP Beth Gui regarding nursing standards	Interviews Conferences	0.40
08/17/07	Meeting at Attorney Sombathy's Office to review video & defendant's statements, etc.	Interviews Conferences	3.00
08/17/07	working on proposed special jury instructions for aggravated manslaughter of a child, updating research of case law, prepare draft of jury instructions	Other	0.70
08/17/07	review 9 page fax from client regarding response to some of the discovery	Other	0.30
08/17/07	prepare direct exam questions for client's testimony (2.2) & prep of cross examination, review Sgt. Dickens personnel file pp.2340-2567; review discovery- use of force p.555-606 (3.0)	Obtaining/Reviewing Records	5.20
08/18/07	trial prep meeting with all attorney's and clients step by step through video; discuss exhibits, jury instructions, witness subp. practice cross-exam of all defendant's	Interviews Conferences	6.00
08/20/07	review CD of autopsy photos (discovery provided by State on 8/15/07) (.3) & review of additional discovery from State Sent. 8/15/07 29 pgs trial (.7)	Obtaining/Reviewing Records	1.00
08/22/07	meeting with other attorneys to discuss jury instructions and motion in limine, final division of witnesses	Interviews Conferences	2.00
08/22/07	review of discovery re: Dr. Seibert- autopsy, various letters p.527-530, p. 16428-16439, p. 16513- 16631; p. 19772-20006 (1.5) & review of report by Dr. Jary Spencer (aug. 2007) re: Seiberts autopsy- 6 pgs. (.3)	Obtaining/Reviewing Records	1.80
08/23/07	review discovery pp. 19273-19277 and 20864-20936 (statements and nurses notes Cassie Elliott)	Obtaining/Reviewing Records	1.00
08/23/07	review discovery Sacred Heart records (35 pgs) p. 19755-191767, 20415 re: Dr. Foland; Dr. Foland statement p. 21431-21501	Obtaining/Reviewing Records	2.00
08/24/07	review of Charles Helms personnel records pgs. 3268-3445	Obtaining/Reviewing Records	2.00
08/26/07	review of Raymond Hauck personnel records	Obtaining/Reviewing Records	1.30

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

Justice Administrative Commission

	pgs. 2568-2834		
08/27/07	review of additional discovery from State dated 8/23/07 re: Dr. Spencer (9 pgs)	Obtaining/Reviewing Records	0.30
08/27/07	review States motion in limine (9 separate motions) review, make notes, research the various evidentiary issues in the M.I.L.	Legal Research Writing	2.70
08/27/07	review of States exhibits provided 8/23/07 (1.0) & review of State's proposed stipulation of facts (.3)	Obtaining/Reviewing Records	1.30
08/27/07	review defendants motion in limines (re: other boot camps; non-homicide lessers, corporal punishment, corporal punishment in prep for hearing)	Obtaining/Reviewing Records	0.30
08/28/07	review of State's proposed jury instructions and verdict forms and special instructions, review of case law cited for special instructions (look up citations, print, review; further research of proper jury instructions	Other	2.80
08/28/07	review Dr. Ebeids records and statement p. 20372-20395 (subpoenas), p. 20496-20521 (statement) (.8) & Pasha Waters statements pgs. 5025-5026, 4704, 4585, made notes (.3)	Obtaining/Reviewing Records	1.10
08/29/08	meeting with co-defendant attorneys to go over the motions in limine- assign duties, go over exhibits list and stipulations, address objections- discuss PTC and hearing	Interviews Conferences	2.00
08/29/08	review amended information and letters faxed from State and additional discovery demand by co-defendants, authorities listed for motions	Obtaining/Reviewing Records	0.40
08/29/07	look up, print and read the authority relied on by the State for motions in limine (19) and in oppositions of Defendants motions (6 cases), reviewing cases re: pre-existing medical conditions proposed instructions	Legal Research Writing	4.00
08/30/07	meeting with co defendant attorneys before pretrial conference re: motions etc, rev discovery (Capt Thompson statements etc., pp.22274-22432)	Other	3.00
08/31/07	review discovery statements of Young Hall, Sharon Holler (pp. 21502-21555); Shelley Vogt, Karen Harvell, Jeff Martin, Dr.Minyard, Joshua Stever (pp.21599-21733); Dr. S.Nelson, (pp. 219292-21972) N. Vickers (pp. 22181-22214) (total 263 pgs)	Obtaining/Reviewing Records	5.00
09/04/07	review of Judge's Order's regarding the motions in limine filed by State and Defense (8 pages)	Obtaining/Reviewing Records	0.30
09/04/07	review Dr. Steinberg's deposition (44 pgs) [.8] & review of Dr. Eichner's deposition, make 9 pages of notes (131 pages) [3.7]	Obtaining/Reviewing Records	4.50
09/05/07	meeting with co-defendant attorneys	Interviews Conferences	2.00

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

Justice Administrative Commission

09/07/07	review Dr. John Downs depo (62 pages) make 6 pages of notes	Obtaining/Reviewing Records	2.50
Total Time:			62.10
Rate:			100.00
Total Reimbursable Amount:			\$ 6210.00

A.2.d.

A.2.d.

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

#5

Justice Administrative Commission Out-of-Court Invoice for Court-Appointed Counsel

Case Number: 06-4016-CFMG	Case Caption: State v. Kristin Schmidt
---------------------------	--

Date	Description of Services	Service Type	Time Increment
09/10/07	rev. depo of Dennis Arnold (20pgs) made notes; rev depo of Dr. Appel (30 pgs), made notes; rev depo of Dr. Gravenstein (42 pgs)made 4 pgs notes	Obtaining/Reviewing Records	3.50
09/11/07	rev. memo in support of D request for foreseeability instruction (8 pgs)	Obtaining/Reviewing Records	0.30
09/11/07	Meeting with client	Interviews Conferences	1.50
09/12/07	meeting with codefendant attorneys, pretrial prep and procedure, distribute jury list	Interviews Conferences	2.00
09/12/07	review jury list (1450 names on venire)	Other	1.50
09/12/07	review Judge's order re: jury instructions he is giving on charges	Obtaining/Reviewing Records	0.30
09/15/07	joint meeting with codefendant attorneys, go over jury list together (initial review) meeting with Dr. Siebert (attended 3 hrs of the 5 hr meeting)	Interviews Conferences	3.00
09/17/07	short meeting with codefendant attorneys re: additional attorney getting involved (objections)	Interviews Conferences	0.50
09/17/07	review Dr. Foland report (pp. 19384-19393) make notes, rev Sacred Heart records (pp.19394-19400), cont review dr. Foland's stmet, make notes for direct/cross of Foland; rev motion for in camera review filed by State; review Dr. J. Jenkins report and related Sacred Heart records (approx 60 pgs), rev Dr. Jenkins statement, make notes	Obtaining/Reviewing Records	3.50
09/18/07	organizing, and preparing files with all witnesses, exhibits etc for trial (74 witnesses)	Other	3.50
09/18/07	rev. of timeline of events from EMS to transfer to Sacred Heart (12 pgs)	Obtaining/Reviewing Records	0.40
09/19/07	meeting with codefendant attorneys (trial prep, prep for meeting w/ Judge that day)	Interviews Conferences	2.00
09/19/07	meeting with W. Graham to go over possible cross/direct exam of our jointly assigned witnesses; discuss strategies	Interviews Conferences	1.00
09/20/07	meeting with client go over direct exam, trial procedures and other trial prep	Interviews Conferences	3.00
09/20/07	go over to courtroom, test technology equipment, view layout of courtroom (for 11 attorneys and 8 defendants)	Other	0.70
09/21/07	prepare jury selection questions; review depo of Dr. Bledsoe (32 pgs) Anita Segers (24 pgs) Dr. T. Andrews (70 pgs) makes notes for all witnesses files	Obtaining/Reviewing Records	4.00

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

Justice Administrative Commission

09/21/07	review of Judges faxed trial management order and diagram (3 pgs)	Obtaining/Reviewing Records	0.20
09/22/07	meeting with codefendant attorneys and clients; trial prep-final review of 1450 jury venire, go over issues to cover with each witnesses; go over jury selection questions	Interviews Conferences	6.00
09/25/07	meeting with codefendant attorneys, re: final trial strategies before jury selection; go over final jury list, assignment of duties	Interviews Conferences	3.50
09/25/07	research jury selection cause challenges re: not presuming innocent, print and review cases	Legal Research Writing	0.80
09/27/07	reviewing notes from client for trial prep, research for cross-exam of Dr. S. Turner, (her background, DJJ policies archives and newly passed for medical, prep corss exam of Turner	Obtaining/Reviewing Records	3.00
09/28/07	meeting with client (2.0); review motion for rehearing for motion in limine #4, review joint stipulation of facts (.5)	Interviews Conferences	2.50
09/30/07	prepare draft of opening statement	Other	1.00
10/01/07	meeting with co-defendant attorneys-final trial prep and discussion of duties and strategies	Interviews Conferences	2.00
10/01/07	further review of information pertinent to Dr. Turner cross exam; research case law "calling witness as expert when not listed as expert"; trial prep of cross exams	Legal Research Writing	3.00
10/02/07	meeting with codefendant attorneys re: state's daily witness list, dividing up and discussing our final witness list	Interviews Conferences	1.30
10/02/07	meeting with client	Interviews Conferences	2.20
10/02/07	meeting in courtroom to review layout of changed courtroom and set up of equipment and rooms	Investigative Work	0.80
10/02/07	prepare final opening statement, practice opening statement, review all files and information pertinent to day 1(10/3) of trial	Other	4.00
10/03/07	review depositions and statements of witnesses to be cross-examined on 10/4 (Foland/Ebied/Andrews)	Obtaining/Reviewing Records	1.50

Total Time:	62.50
Rate:	100.00
Total Reimbursable Amount:	\$ 6250.00

A.2.d.

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.

A.2.d.

Justice Administrative Commission

Rate:	100.00
Total Reimbursable Amount:	\$ 1160.00

A.2.d.

A.2.d.

NOTE: All amounts must be within the guidelines established by the Indigent Services Committee in the circuit in which the case was appointed.