

## 06004016CFMG - STATE OF FLORIDA vs. SCHMIDT, KRISTIN ANNE

## SUMMARY

Judge: OVERSTREET, MICHAEL C	Case Type: Criminal Felony	Status: CLOSED
Case Number: 06004016CFMG	Uniform Case Number: 032006CF004016XXGXM	
Clerk File Date: 11/28/2006	Status Date: 11/29/2007	
SAO Case Number:	Total Fees Due: 0.00	
Agency: STATE ATTORNEYS OFFICE	Agency Report #: M OBER	Custody Location: RELEASED

## PARTIES

TYPE	PARTY NAME	ATTORNEY
DEFENDANT	SCHMIDT, KRISTIN ANNE	
PLAINTIFF	STATE OF FLORIDA	

## CHARGES

COUNT	DESCRIPTION	LEVEL	DEGREE	PLEA	DISPOSITION	DISPOSITION DATE
1	AGGRAVATED MANSLAUGHTER OF A CHILD (78207 3)	F	F		ACQUITTED	10/12/2007

## EVENTS

DATE	EVENT	JUDGE	LOCATION	RESULT
10/12/2007 11:30 AM	ACQUITTED	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/12/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/11/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/10/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/9/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/8/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/5/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/4/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/3/2007 8:30 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/3/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
10/2/2007 9:00 AM	TRIAL MANAGEMENT	OVERSTREET, MICHAEL C		Not Assigned
9/26/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
9/25/2007 8:00 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
9/24/2007 8:30 AM	JURY TRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
9/4/2007 3:30 PM	PRETRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	NO INFORMATION
8/30/2007 8:30 AM	MOTION HEARING	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
8/30/2007 8:30 AM	PRETRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
6/19/2007 3:30 PM	PRETRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
6/6/2007 9:00 AM	PRETRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
3/20/2007 3:30 PM	PRETRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
2/22/2007 3:30 PM	PRETRIAL	OVERSTREET, MICHAEL C	CRTHOUSE 2ND FLOOR - WEST	Not Assigned
11/29/2006 2:00 PM	FIRST APPEARANCE	COSTELLO, DEDEE S	CRTHOUSE 1ST FLOOR	Not Assigned

## CASE HISTORY

CASE NUMBER	CHARGE DESCRIPTION	CASE STATUS	DISPOSITION	OUTSTANDING AMOUNT	NEXT EVENT	ALERTS
12001683TR	DRIVER NOT WEARING A SEATBELT	CLOSED	PAY FINE	0.00		

## CASE DOCKETS



IMAGE	DATE	ENTRY
	11/29/2007	CASE CLOSED
	11/29/2007	CLOSED FOR OTHER REASON
	11/29/2007	ORDER APPROVING PAYMENT OF ATTY FEES/COSTS/REL. EXP.
	11/20/2007	REOPENED FOR OTHER REASON
	11/20/2007	...APPOINTED COUNSEL
	11/20/2007	DEFT'S MOTION TO EXCEED STATUTORY CAP FOR COURT-....
	10/12/2007	CASE CLOSED
	10/12/2007	ACQUITTED SEQ: 1
	10/12/2007	DEFENDANT APPEARED PRES W/ATTY FOR JURY TRIAL SEQ: 1
	10/12/2007	VERDICT OF NOT GUILTY SEQ: 1
	10/12/2007	DEFENDANT ENTERED PLEA OF NOT GUILTY SEQ: 1








IMAGE	DATE	ENTRY
	10/12/2007	DEFENDANT FOUND NOT GUILTY BY JURY OF PEERS
	10/12/2007	SURETY BOND 2512612337 RELEASED 25000.00
	10/12/2007	OVERSTREET MICHAEL C (DIV G)
	10/12/2007	ACQUITTED SET FOR 10/12/2007 AT 11:30 IN CCW/ , JDG:
 59	10/12/2007	JURY INSTRUCTIONS
 1	10/12/2007	JURY SEATING CHART
	10/12/2007	JURY PAYMENT INFORMATION
 1	10/12/2007	VAULT LIST
 3	10/12/2007	WITNESS/EVIDENCE LIST
 4	10/12/2007	VERDICT FILED
 1	10/12/2007	MINUTE SHEET
 1	10/12/2007	COURT CLERK MINUTES
	10/11/2007	PROSECUTOR: MICHAEL C. SINACORE ASSIGNED
 1	10/11/2007	MINUTE SHEET
 2	10/11/2007	COURT CLERK MINUTES
 1	10/10/2007	MINUTE SHEET
 3	10/10/2007	COURT CLERK MINUTES
 1	10/9/2007	MINUTE SHEET
 2	10/9/2007	COURT CLERK MINUTES
 1	10/8/2007	MINUTE SHEET
 3	10/8/2007	COURT CLERK MINUTES
 1	10/5/2007	MINUTE SHEET
 2	10/5/2007	COURT CLERK MINUTES
	10/5/2007	OVERSTREET MICHAEL C (DIV G)
	10/5/2007	JURY TRIAL SET FOR 10/12/2007 AT 08:00 IN CCW/ , JDG:
	10/5/2007	OVERSTREET MICHAEL C (DIV G)
	10/5/2007	JURY TRIAL SET FOR 10/11/2007 AT 08:00 IN CCW/ , JDG:
	10/5/2007	OVERSTREET MICHAEL C (DIV G)
	10/5/2007	JURY TRIAL SET FOR 10/10/2007 AT 08:00 IN CCW/ , JDG:
	10/5/2007	OVERSTREET MICHAEL C (DIV G)
	10/5/2007	JURY TRIAL SET FOR 10/09/2007 AT 08:00 IN CCW/ , JDG:
	10/5/2007	OVERSTREET MICHAEL C (DIV G)
	10/5/2007	JURY TRIAL SET FOR 10/08/2007 AT 08:00 IN CCW/ , JDG:
 1	10/4/2007	MINUTE SHEET
 3	10/4/2007	COURT CLERK MIUTES
 2	10/3/2007	JOINT EXHIBIT LIST-AMENDED
 1	10/3/2007	MINUTE SHEET
 3	10/3/2007	COURT CLERK MINUTES
 4	10/2/2007	STATE'S WITNESS LIST
 1	10/2/2007	STATES FOURTH MOTION FOR ORDER IN LIMINE-PARTIES HAVE RESOLVED ISSUE TODAY-NO RULING DONE AT THIS TIME
 2	10/2/2007	JOINT EXHIBIT LIST
 2	10/2/2007	DEFENSE EXHIBIT LIST
 3	10/2/2007	STATE'S EXHIBIT LIST
	10/1/2007	OVERSTREET MICHAEL C (DIV G)
	10/1/2007	JURY TRIAL SET FOR 10/05/2007 AT 08:00 IN CCW/ , JDG:
	10/1/2007	OVERSTREET MICHAEL C (DIV G)
	10/1/2007	JURY TRIAL SET FOR 10/04/2007 AT 08:00 IN CCW/ , JDG:
 5	10/1/2007	CORRESPONDENCE
	9/27/2007	..FOR ORDER IN LIMINE
 5	9/27/2007	MOTION FOR REHEARING ON THE STATES FOURTH MOTION..
 2	9/27/2007	NOTICE OF HEARING
 2	9/26/2007	PROCESS OF JURY SELECTION
 1	9/26/2007	MINUTE SHEET
 3	9/26/2007	COURT CLERK MINUTES
	9/26/2007	OVERSTREET MICHAEL C (DIV G)
	9/26/2007	JURY TRIAL SET FOR 10/03/2007 AT 08:00 IN CCW/ , JDG:
 1	9/25/2007	MINUTE SHEET
 8	9/25/2007	COURT CLERK MINUTES
	9/25/2007	OVERSTREET MICHAEL C (DIV G)
	9/25/2007	JURY TRIAL SET FOR 09/26/2007 AT 08:00 IN CCW/ , JDG:

IMAGE	DATE	ENTRY
3	9/25/2007	JOINT STIPULATION OF FACTS
3	9/25/2007	JOINT STIPULATIONS REGARDING EVIDENCE
1	9/24/2007	MINUTE SHEET
17	9/24/2007	COURT CLERK MINTES
	9/24/2007	OVERSTREET MICHAEL C (DIV G)
	9/24/2007	JURY TRIAL SET FOR 09/25/2007 AT 08:00 IN CCW/ , JDG:
5	9/24/2007	STATE'S AMENDMENTS TO TRIAL WITNESS LIST
3	9/21/2007	TRIAL MANAGEMENT ORDER
	9/21/2007	...LESSER CHARGE OF "CULPABLE NEGLIGENCE"
2	9/21/2007	ORDER GRANTING DEFT'S MOT FOR JURY INSTRUCTION ON THE
	9/21/2007	...SINGLE INFORMATION
3	9/21/2007	DEFT'S MOT RE MULTIPLE DEFT'S BEING CHARGED IN A...
	9/20/2007	...ATTORNEY TO RETAIN EXPERT FOR TRIAL
4	9/20/2007	DEF MOTION FOR ORDER TO AUTHORIZE DEFENSE...
	9/20/2007	...LESSER INCLUDED OFFENSE OF "CULPABLE NEGLIGENCE"
6	9/20/2007	MOTION FOR DEF'S PROPOSED JURY INSTRUCTION ON THE...
	9/20/2007	JDG: OVERSTREET MICHAEL C (DIV G)
	9/20/2007	TRIAL MANAGEMENT SET FOR 10/02/2007 AT 09:00 IN zzz/ ,
	9/20/2007	...CONFERENCE FOR 10/2/07 @9:00AM IN CHAMBERS
1	9/20/2007	ORDER SCHEDULING CASE MANAGEMENT AND CHARGE...
4	9/19/2007	STATE'S MOT FOR IN CAMERA REVIEW OF RECORDS UNDER SUBP
	9/12/2007	..PROPSD JURY INSTRUCTIONS
4	9/12/2007	ORDER RELATING TO STATES AND DEFENDANTS..
	9/5/2007	...ON FORESEEABILITY REQUIREMENT
9	9/5/2007	MEMORANDUM IN SUPPORT OF DEF'S REQUEST FOR INSTRUCTION
1	9/5/2007	DEF'S MOTION TO SEAL BILLING RECORDS
	8/31/2007	...TO DEFENSE MOTIONS IN LIMINE
2	8/31/2007	STATE'S NOTICE OF AUTHORITY RELIED UPON IN OPPOSITION
	8/31/2007	...MOTIONS FOR ORDER IN LIMINE
2	8/31/2007	STATE'S NOTICE OF AUTHORITY RELIED UPON IN SUPPORT OF
7	8/31/2007	ORDER ON STATE'S AND DEFENDANT'S MOTIONS IN LIMINE
2	8/30/2007	AMENDED INFORMATION FILED
	8/30/2007	..PRE-EXISTING MEDICAL CONDITION-HELD FOR RULING
	8/30/2007	DEF'S OBJECTION TO STATES PROPSD JURY INSTRUCTIONS..
	8/30/2007	..HIMICIDE-HELD FOR RULING
	8/30/2007	DEF'S PROPOSED JURY INSTRUCTIONS RE: EXCUSABLE.....
	8/30/2007	..MANSLAUGHTER OF A CHILD-HELD FOR RULING
	8/30/2007	DEFENSE PROPSD JURY INSTRUCTIONS RE: AGGRAVATED..
	8/30/2007	DEF'S DICKENS MOT TO ALLOW ISSUANCE OF SUBPOENA DUCES TECUM W/O DEPOSITION TO CLERK OF JUVENILE CRT-JUDGE ORDERS THAT DEF CAN GET COPY OF TRANSCRIPT OF HRG FROM COURT REPORTERS, NO SUBPOENA NEEDED.
	8/30/2007	..W/O DEPOSITION TO LIFE MANAGEMENT-GRANTED
	8/30/2007	DEFS HAUCKS MOT TO ALLOW ISSUANCE OF SUBPOENA DUCES..
	8/30/2007	..HOMICIDE LESSER INCLUDED OFFENSES-HELD FOR RULING
	8/30/2007	DEF'S MOT IN LIMINE RE: JURY INSTRUCTIONS ON NON..
	8/30/2007	..PROCEDURES OF OTHER BOOT CAMPS-GRANTED BY COURT
	8/30/2007	DEFS MOT IN LIMINE-REGARDING EVIDENCE CONCERNING..
24	8/30/2007	DEFENSE MOTION IN LIMINE AS DIRECTED TO ISSUE OF CORPORAL PUNISHMENT-NEITHER STATE OR DEFENSE WILL CALL
	8/30/2007	..PLEADINGS FOR RULINGS
24	8/30/2007	STATES MOTIONS IN LIMINE 1 THRU 9-SEE ATTACHED...
2	8/29/2007	DEFT'S ADDITIONAL WITNESS LIST
2	8/29/2007	DEFT'S EXHIBIT LIST
2	8/23/2007	STATE'S NINTH MOTION FOR ORDER IN LIMINE
2	8/23/2007	STATE'S EIGHTH MOTION FOR ORDER IN LIMINE
2	8/23/2007	STATE'S SEVENTH MOTION FOR ORDER IN LIMINE
2	8/23/2007	STATE'S SIXTH MOTION FOR ORDER IN LIMINE
2	8/23/2007	STATE'S FIFTH MOTION FOR ORDER IN LIMINE
2	8/23/2007	STATE'S FOURTH MOTION FOR ORDER IN LIMINE
3	8/23/2007	STATE'S THIRD MOTION FOR ORDER IN LIMINE
4	8/23/2007	STATE'S SECOND MOTION FOR ORDER IN LIMINE
3	8/23/2007	STATE'S FIRST MOTION FOR ORDER IN LIMINE
	8/23/2007	...PROCEDURES AT OTHER BOOT CAMPS

IMAGE	DATE	ENTRY
3	8/23/2007	DEF HAUCK'S MOTION IN LIMINE: EVIDENCE CONCERNING...
	8/23/2007	...DUCES TECUM WITHOUT DEPOSITION TO LIFE MANAGEMENT
3	8/23/2007	DEF HAUCK'S MOTION TO ALLOW ISSUANCE OF SUBPOENA...
	8/23/2007	JDG: OVERSTREET MICHAEL C (DIV G)
	8/23/2007	MOTION HEARING SET FOR 08/30/2007 AT 08:30 IN CCW/ ,
2	8/23/2007	NOTICE OF HEARING - 8/30/07 8:30AM - ALL PENDING MTNS
	8/23/2007	...JUVENILE COURT
	8/23/2007	...DUCES TECUM WITHOUT DEPOSITION TO CLERK OF...
6	8/23/2007	DEF DICKENS' MOTION TO ALLOW ISSUANCE OF SUBPOENA....
3	8/23/2007	DEFS' PROPOSED JURY INSTRUCTION RE: EXCUSABLE HOMICIDE
	8/23/2007	...MANSLAUGHTER OF A CHILD
4	8/23/2007	DEFS' PROPOSED JURY INSTRUCTION RE: AGGRAVATED...
	8/23/2007	...DIRECTED TO ISSUE OF "CORPORAL PUNISHMENT"
4	8/23/2007	DEFS' MOTION IN LIMINE RE: EVIDENCE AND TESTIMONY...
	8/23/2007	...NON HOMICIDE LESSER INCLUDED OFFENSES
3	8/23/2007	DEFS' MOTION IN LIMINE RE: JURY INSTRUCTIONS:...
69	8/23/2007	STATE'S PROPOSED JURY INSTRUCTIONS
3	8/16/2007	STATE'S EXHIBIT LIST
2	8/16/2007	STATE'S ADDITIONAL DISCOVERY
2	7/30/2007	NOTICE OF TAKING DEPOSITIONS
2	7/25/2007	NOTICE OF TAKING DEPOSITIONS
3	7/23/2007	DEFT'S JOINT WITNESS LIST
4	7/18/2007	SECOND AMENDED UNIFORM ORDER SET CAUSE FOR TRIAL & PT
10	7/9/2007	STATE'S TRIAL WITNESS LIST
3	7/9/2007	ADDITIONAL DISCOVERY
	7/6/2007	OVERSTREET MICHAEL C (DIV G)
	7/6/2007	PRETRIAL SET FOR 08/30/2007 AT 08:30 IN CCW/ , JDG:
	7/6/2007	...AND PRETRIAL WITH AMENDED DEADLINE SUMMARY
4	7/6/2007	AMENDED UNIFORM ORDER SETTING CAUSE FOR TRIAL...
3	6/28/2007	DEFT'S RECIPROCAL DISCOVERY RESPONSE
	6/21/2007	....(JURY TRIAL)
3	6/21/2007	UNIFORM ORDER SETTING CAUSE FOR TRIAL AND PRE-TRIAL...
3	6/21/2007	RESPONSE TO DEMAND FOR RECIPROCAL DISCOVERY
	6/19/2007	OVERSTREET MICHAEL C (DIV G)
	6/19/2007	JURY TRIAL SET FOR 10/03/2007 AT 08:30 IN CCW/ , JDG:
	6/19/2007	OVERSTREET MICHAEL C (DIV G)
	6/19/2007	JURY TRIAL SET FOR 09/24/2007 AT 08:30 IN CCW/ , JDG:
	6/19/2007	OVERSTREET MICHAEL C (DIV G)
5	6/19/2007	PRETRIAL SET FOR 09/04/2007 AT 15:30 IN CCW/ , JDG:
	6/6/2007	..ORDER ALREADY ORDERED BY COURT.
	6/6/2007	..MOTION AND THE COURT ORDERS TO FOLLOW THE PROTECTIVE
1	6/6/2007	STATES MOTION FOR ORDER TO SHOW CAUSE-STATE WITHDRAWS.
	6/6/2007	OVERSTREET MICHAEL C (DIV G)
	6/6/2007	PRETRIAL SET FOR 06/06/2007 AT 09:00 IN CCW/ , JDG:
3	6/6/2007	*FAXED* MOTION FOR PROTECTIVE ORDER
6	6/6/2007	*FAXED* MOTION FOR ORDER TO SHOW CAUSE
2	5/25/2007	ADDITIONAL DISCOVERY FILED
2	5/25/2007	NOTICE OF TAKING DEPOSITIONS (JUNE 27, 2007)
2	5/25/2007	NOTICE OF TAKING DEPOSITIONS (JUNE 22, 2007)
	5/16/2007	...JULY 2, 2007 (PAGES 9 &10)
	5/16/2007	...JUNE 7, 2007 (PAGES 7 & 8)
	5/16/2007	...JUNE 6, 2007 (PAGES 5 & 6)
	5/16/2007	...JUNE 4, 2007 (PAGES 3 & 4)
	5/16/2007	...MAY 22, 2007 (PAGES 1 & 2)
10	5/16/2007	NOTICES OF TAKING DEPOSITIONS...
	3/22/2007	...DISCOVERY(SUBJECT TO PROTECTIVE ORDER)
1	3/22/2007	ORDER APPROVING COSTS FOR PAPER COPY OF ADDITIONAL...
	3/22/2007	...ADDITIONAL DISCOVERY (SUBJECT TO PROTECTIVE ORDER)
3	3/22/2007	MOTION FOR ORDER APPROVING COSTS FOR PAPER COPY OF...
	3/20/2007	WAIVER OF RIGHT TO SPEEDY TRIAL FILED @

IMAGE	DATE	ENTRY
1	3/20/2007	NOTICE OF WAIVER OF PRESENCE OF DEFENDANT
	3/20/2007	OVERSTREET MICHAEL C (DIV G)
4	3/20/2007	PRETRIAL SET FOR 06/19/2007 AT 15:30 IN CCW/ , JDG:
4	3/20/2007	STATEMENT OF PARTICULARS
3	3/7/2007	ADDITIONAL DISCOVERY
	3/5/2007	...PAPER COPY OF DISCOVERY
	3/5/2007	...DEF'S MOTION FOR ORDER APPROVING COSTS FOR A...
2	3/5/2007	JUSTICE ADMINISTRATIVE COMMISSION'S RESPONSE TO...
	2/28/2007	...RELATED EXPENSES
1	2/28/2007	ORDER APPROVIING COSTS FOR CD-RS AND DVDS AND...
	2/28/2007	...OF DISCOVERY
1	2/28/2007	AMENDED ORDER APPROVING COSTS FOR A PAPER COPY...
	2/28/2007	...REVIEW" TO THOSE PERMITTED BY THE ORDER
	2/28/2007	...ENTITLED "DISCOVERY DOCUMENTS FOR IN CAMERA...
3	2/28/2007	PROTECTIVE ORDER RELEASING DOCUMENTS ON EXHIBIT...
	2/28/2007	...STATEMENT OF PARTICULARS
2	2/28/2007	ORDER GRANTING DEF'S COLLECTIVE MOTION FOR...
1	2/28/2007	DEMAND FOR ADDITIONAL DISCOVERY
	2/26/2007	...PAPER COPY OF DISCOVERY
2	2/26/2007	AMENDED MOTION FOR ORDER APPROVING COSTS FOR A...
	2/26/2007	...CD-RS, DVDS AND RELATED EXPENSES
2	2/26/2007	MOTION FOR ORDER APPROVING COSTS FOR DISCOVERY OF...
	2/22/2007	OVERSTREET MICHAEL C (DIV G)
1	2/22/2007	PRETRIAL SET FOR 03/20/2007 AT 15:30 IN CCW/ , JDG:
	2/22/2007	..PART IN THE CHARGE.
	2/22/2007	..INDIVIDUALS CHARGE IS AGAINST THEM AND THE DEF'S ..
	2/22/2007	..AS TO EACH INDIVIDUAL DEFENDANT AND STATE WHAT EACH.
	2/22/2007	..COURT GRANTS MOTION-THE STATE HAS 30 DAYS TO RESPOND
2	2/22/2007	ORAL TENUS MOTION FOR STATEMENTS OF PARTICULARS-..
	2/22/2007	...DISCOVERY
2	2/22/2007	MTN FOR ORDER APPROVING COSTS FOR A PAPER COPY OF...
6	2/22/2007	NOTICE OF DISCOVERY AND BRADY DEMAND
1	2/22/2007	WRITTEN PLEA OF NOT GUILTY
1	2/22/2007	NOTICE OF APPEARANCE OF COUNSEL FILED
	2/22/2007	...STATEMENT OF PARTICULARS
9	2/22/2007	STATE'S RESPONSE TO DEFENDANTS' MOTIONS FOR...
	2/22/2007	ORDER APPOINTING SEPARATE COUNSEL
	2/22/2007	DEFENSE ATTY: BENEDIK ASHLEY STONE ASSIGNED
	2/20/2007	...STATEMENT OF PARTICULARS
9	2/20/2007	STATE'S RESPONSE TO DEFENDANTS' MOTIONS FOR...
1	2/7/2007	CERT OF CONFLICT & MTN FOR APPTMT OF COUNSEL
2	1/31/2007	STATE'S AMENDED DISCOVERY RE PAGE NUMBERING
	1/31/2007	...IN CAMERA REVIEW
3	1/31/2007	STATE'S AMENDED DISCOVERY RE DOCUMENTS FOR...
24	1/31/2007	STATE'S NOTICE OF DISCOVERY RE WITNESSES, ETC.
1	1/31/2007	APPROVED FINANCIAL AFFIDAVIT
1	1/29/2007	UPDATED FINANCIAL AFFIDAVIT
	1/26/2007	...AFFIDAVIT.
	1/26/2007	...ATTY COURT APPOINTED WITHOUT UPDATE FINANCIAL...
1	1/26/2007	ORDER GRANTING VERIFIED MOTION TO WITHDRAW. NO...
2	1/23/2007	VERIFIED MOTION TO WITHDRAW
	1/18/2007	OVERSTREET MICHAEL C
	1/18/2007	PRETRIAL SET FOR 02/22/2007 AT 15:30 IN CCW/ , JDG:
1	1/18/2007	ORDER GRANTING MOTION TO MODIFY BOND
12	1/16/2007	AMENDED DISCOVERY
	1/16/2007	AMENDED DISCOVERY
24	1/16/2007	NOTICE OF DISCOVERY
2	1/10/2007	MOTION TO MODIFY BOND
24	12/20/2006	NOTICE OF DISCOVERY
	12/8/2006	...AND SIGNED BY JUDGE ELLINOR)

IMAGE	DATE	ENTRY
 1	12/8/2006	ORDER GRANTING MOTION TO MODIFY BOND (DATED 12/7/06...
 2	12/8/2006	STATE'S RESPONSE TO DEF'S MOTION TO MODIFY BOND
	12/7/2006	...TRAVEL TO AL FROM 12/6/06 UNTIL 12/9/06.
 6	12/7/2006	ORDER GRANTING MOTION TO MODIFY BOND TO GRANT...
	12/6/2006	DEFENSE ATTY: APPLEMAN JIM ASSIGNED
	12/5/2006	OVERSTREET MICHAEL C
 3	12/5/2006	PRETRIAL SET FOR 03/06/2007 AT 13:30 IN CCW/ , JDG:
 1	12/5/2006	WRITTEN WAIVER OF PRESENCE
 1	12/5/2006	NOTICE OF INTENT TO PARTICIPATE IN DISCOVERY
 1	12/5/2006	WRITTEN PLEA OF NOT GUILTY AND DEMAND FOR JURY TRIAL
 1	12/5/2006	NOTICE OF APPEARANCE
 2	12/4/2006	MOTION TO MODIFY BOND
 2	11/30/2006	SURETY BOND 2512612337 OPEN 25000.00
	11/29/2006	CASE UNSECURED
	11/29/2006	BOND SET @ \$25,000
 2	11/29/2006	AFFIDAVIT OF INSOLVENCY FILED
	11/29/2006	JDG: OVERSTREET MICHAEL C
 2	11/29/2006	FIRST ARRAIGNMENT SET FOR 01/18/2007 AT 13:30 IN CCW/
	11/29/2006	JDG: COSTELLO DEDEE S
 2	11/29/2006	FIRST APPEARANCE SET FOR 11/29/2006 AT 02:00 IN CO1/ ,
 2	11/28/2006	FILED SEQ: 1
	11/28/2006	ARREST SEQ: 1
 2	11/28/2006	BENCH WARR EXECUTED BAY COUNTY SHERIFF By
	11/28/2006	SWORN COMPLAINT SEQ: 1
	11/28/2006	PROSECUTOR: MARK A. OBER ASSIGNED
	11/28/2006	JUDGE OVERSTREET MICHAEL C ASSIGNED
 3	11/28/2006	CASE FILED WITH CLERK

On January 5, 2006, the victim, [REDACTED] age 14, was committed to the custody of the Department of Juvenile Justice, and placed in the Bay County Boot Camp program in Bay County, Florida. On the morning of January 5, 2006, the victim underwent a physical assessment consisting of two minutes of push-ups, two minutes of sit-ups, and a run of approximately 1.5 miles. After completing approximately two-thirds of the run, the victim fell to the ground. This occurred at approximately 0909 hours. The victim was restrained by the guards at the boot camp, and was subjected to multiple uses of force, including take-downs, knee strikes to the legs, hammer strikes to the forearms, wrist compressions, and pressure point applications. Drill instructors at the boot camp forced the victim to inhale ammonia, and covered the victim's mouth while doing so. At least three separate episodes of forced ammonia inhalation occurred, two lasting over 50 seconds and one lasting in excess of five minutes. The victim became unresponsive during the last forced application of ammonia. An ambulance was called at 0931 hours. The defendant was transported by ambulance to Bay Medical Center, and was later transported to Sacred Heart Hospital in Pensacola. The victim was unable to be revived through emergency medical care. The victim was pronounced dead on January 6, 2006, at 0152 hours, at Sacred Heart Hospital.

Dr. Charles Siebert, the Medical Examiner for the 14th District, in Panama City, performed an autopsy on January 6, 2006. Dr. Siebert found that the victim died a natural death due to complications of sickle cell trait. A second autopsy has been performed by Dr. Vernard Adams, the Medical Examiner for the 13th District, in Tampa. Dr. Adams found that the victim died from suffocation due to occlusion of the mouth combined with forced inhalation of ammonia. The autopsies and medical evidence have been reviewed by other medical experts who have found that the victim's death was caused by oxygen deprivation.

The defendant and co-defendants were working at the Bay County Boot Camp on January 5, 2006. All defendants were caregivers for the victim and were responsible for his well being while he was in the custody of the Bay County Boot Camp. All defendants through culpable negligence failed to provide the victim with the care necessary to maintain the victim's physical and mental health, and failed to make reasonable efforts to protect the victim from abuse or neglect by other boot camp personnel. All defendants had contact with [REDACTED] between the time he fell at approximately 0909 hours and the time 911 was called at 0931 hours. All defendants were involved in the fatal incident by covering the victim's mouth and forcing inhalation of ammonia or assisting others in doing so. All defendants had the opportunity to protect the victim from prolonged oxygen deprivation and failed to do so. Through their culpable negligence, all defendants caused the death of [REDACTED].

The incident was captured and recorded on videotape. The defendant and co-defendants have admitted to their participation in the incident and can be identified on the videotape.

*[Handwritten signature]*  
Sworn before me on 11-28-06  
WIT [Signature]  
Circuit Judge

NITE 2 state his information to  
me @ same time.

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

**STATE OF FLORIDA,**  
Plaintiff,

vs.

**Henry Dickens**  
Black/Male, DOB 10/27/46,  
SSN [REDACTED],  
Defendant,

**Charles Enfinger**  
White/Male, DOB 03/11/73,  
SSN [REDACTED],  
Defendant,

**SEALED**

Defendant,  
**Raymond Hauck**  
White/Male, DOB 06/15/58,  
SSN [REDACTED],  
Defendant,

**SEALED**

Defendant,  
**SEALED**

Defendant,  
**Kristin Schmidt**  
White/Female, DOB 09/19/53,  
SSN [REDACTED],  
Defendant,

**Joseph Walsh II**  
White/Male, 07/05/71,  
SSN [REDACTED],  
Defendant,

**INFORMATION CHARGING:**

Count I: Aggravated Manslaughter  
of a Person Under 18  
782.07(3) & 827.03(3)  
1<sup>st</sup> Degree Felony

Case No.: 09-4014 CFM  
GO

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2009 NOV 28 1 A 9 54

FILED



IN THE NAME AND BY AUTHORITY OF THE STATE OF FLORIDA:

Mark A. Ober, State Attorney for the Thirteenth Judicial Circuit of the State of Florida, assigned to discharge the duties of the State Attorney for the Fourteenth Judicial Circuit of the State of Florida pursuant to Executive Order 06-36 and Amended Executive Order 06-37, prosecuting for said State of Florida, in the name of and by the authority of the State of Florida, in the County of Bay, under oath, informs the Court that

Count I

Henry Dickens, Charles Enfinger, SEALED Raymond Hauck, SEALED  
SEALED, Kristin Schmidt, and Joseph Walsh II, on or about the 5<sup>th</sup> day of  
January, 2006, within the County of Bay and the State of Florida, being caregivers of  
[REDACTED] a person under the age of eighteen, did cause the death of [REDACTED]  
[REDACTED] by culpable negligence, without lawful justification or excuse, by  
neglecting [REDACTED] by failure or omission to provide [REDACTED]  
with the care, supervision or services necessary to maintain his physical or mental health  
that a prudent person would consider essential for the well-being of a child, or by failure  
to make a reasonable effort to protect [REDACTED] from abuse, neglect, or  
exploitation by another person, in violation of §782.07(3) and §827.03(3), Florida  
Statutes, contrary to the form of the statute in such cases made and provided, and against  
the peace and dignity of the State of Florida.

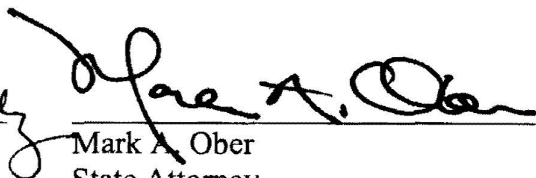
Mark A. Ober, State Attorney for the Thirteenth Judicial Circuit of the State of Florida, assigned to discharge the duties of the State Attorney for the Fourteenth Judicial Circuit of the State of Florida pursuant to Executive Order 06-36 and Amended Executive Order 06-37, under oath, states that the allegations set forth in the INFORMATION are based on facts that have been sworn to as true, under oath, by material witnesses, and which, if true, would constitute the offense(s) therein charged, and this INFORMATION is filed in good faith.

Sworn to and subscribed before me this 27<sup>th</sup>  
day of November, 2006, by Mark A. Ober,  
who is personally known to me.

  
Notary Public – State of Florida



Robin M. Menendez  
MY COMMISSION # DD245351 EXPIRES  
August 20, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

  
Mark A. Ober

State Attorney  
Florida Bar #230804  
800 E. Kennedy Blvd.  
Tampa, Florida 33602  
(813)272-5400  
Executive Assignment 06-36 &  
Amended Executive Assignment 06-37

FILED

6

2006 NOV 28 A 10:02

In County Court

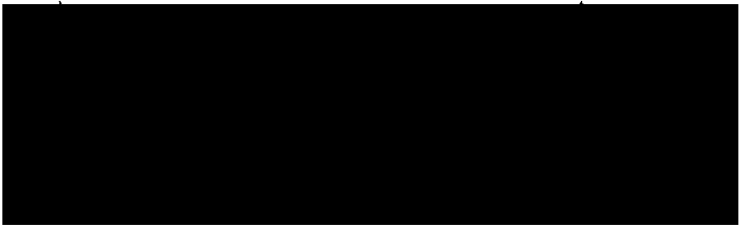
HAROLD RAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA  
Bay County, State of Florida

Received this Warrant this 28<sup>th</sup> day of  
Nov, A.D. 2006 and executed  
it on the 28 day of NOV  
A.D. 2006 by arresting the within named  
Kristin Schmidt  
and having her now before the Court, to be  
dealt with according to law, this 28<sup>th</sup> day of  
NOV, A.D. 2006

STATE OF FLORIDA

VS

KRISTIN ANNE SCHMIDT



Deputy M. Welch

POSTED

WARRANT

AGGRAVATED MANSLAUGHTER ON A  
PERSON UNDER 18 YOA

W# 1436-06

11-28-06

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
NOV 28 2006  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

SAD INVESTIGATOR

Sheriff

CPL. SEVEN J. LEWIS @3464

Deputy Sheriff

SAD # 2006-000036

INVESTIGATOR GLORIA POTER

STATE OF FLORIDA  
COUNTY OF BAY

6

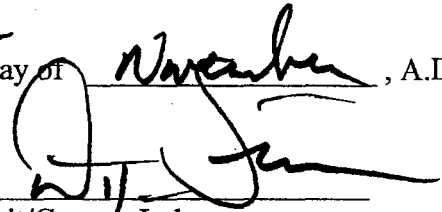
To all and singular the Sheriffs or Constables of the State of Florida:

WHEREAS, SAD INV. GLORESA PORTER has this day made oath that one KRISTIN ANNE SCHMIDT on the 5<sup>th</sup> day of JANUARY, A.D. 2006, in said County and State one: KRISTIN ANNE SCHMIDT did commit the crime of aggravated manslaughter of a person under 18, as defined in section 782.07(3) and 827.03(3) Florida State Statutes.

Contrary to Florida Statute 782.07(3) and 827.03(3), and against the peace and dignity of the State of Florida.

These are therefore to command you forthwith to arrest the said KRISTIN ANNE SCHMIDT and bring him before me to be dealt with according to law.

Given under my hand and official seal, this 28<sup>th</sup> day of November, A.D. 2006

  
Circuit/County Judge

A CERTIFIED TRUE COPY  
HAROLD BAZZEL, CLERK  
OF THE CIRCUIT COURT  
By Huven Spalding  
Deputy Clerk

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

**STATE OF FLORIDA,**  
Plaintiff,

**INFORMATION CHARGING:**

vs.

Count I: Aggravated Manslaughter  
of a Person Under 18  
782.07(3) & 827.03(3)  
1<sup>st</sup> Degree Felony

**Henry Dickens**  
Black/Male, DOB 10/27/46,  
SSN [REDACTED],  
Defendant,

**Charles Enfinger**  
White/Male, DOB 03/11/73,  
SSN [REDACTED],  
Defendant,

[REDACTED]

Defendant,  
**Raymond Hauck**  
White/Male, DOB 06/15/58,  
SSN [REDACTED],

[REDACTED]

Defendant,  
[REDACTED],

Defendant,  
**Kristin Schmidt**  
White/Female, DOB 09/19/53,  
SSN [REDACTED],  
Defendant,

**Joseph Walsh II**  
White/Male, 07/05/71,  
SSN [REDACTED],  
Defendant,

Case No.: 06-4014 CFM  
GO

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2006 NOV 28 1 A 9:54

FILED

IN THE NAME AND BY AUTHORITY OF THE STATE OF FLORIDA:

Mark A. Ober, State Attorney for the Thirteenth Judicial Circuit of the State of Florida, assigned to discharge the duties of the State Attorney for the Fourteenth Judicial Circuit of the State of Florida pursuant to Executive Order 06-36 and Amended Executive Order 06-37, prosecuting for said State of Florida, in the name of and by the authority of the State of Florida, in the County of Bay, under oath, informs the Court that

Count I

Henry Dickens, Charles Enfinger, [REDACTED] Raymond Hauck, [REDACTED], [REDACTED], Kristin Schmidt, and Joseph Walsh II, on or about the 5<sup>th</sup> day of January, 2006, within the County of Bay and the State of Florida, being caregivers of [REDACTED], a person under the age of eighteen, did cause the death of [REDACTED] by culpable negligence, without lawful justification or excuse, by neglecting [REDACTED] by failure or omission to provide [REDACTED] with the care, supervision or services necessary to maintain his physical or mental health that a prudent person would consider essential for the well-being of a child, or by failure to make a reasonable effort to protect [REDACTED] from abuse, neglect, or exploitation by another person, in violation of §782.07(3) and §827.03(3), Florida Statutes, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Florida.

Mark A. Ober, State Attorney for the Thirteenth Judicial Circuit of the State of Florida, assigned to discharge the duties of the State Attorney for the Fourteenth Judicial Circuit of the State of Florida pursuant to Executive Order 06-36 and Amended Executive Order 06-37, under oath, states that the allegations set forth in the INFORMATION are based on facts that have been sworn to as true, under oath, by material witnesses, and which, if true, would constitute the offense(s) therein charged, and this INFORMATION is filed in good faith.

Sworn to and subscribed before me this 27<sup>th</sup> day of November, 2006, by Mark A. Ober, who is personally known to me.

*Robin M. Menendez*

Notary Public – State of Florida

*Mark A. Ober*

Mark A. Ober  
State Attorney

Florida Bar #230804  
800 E. Kennedy Blvd.  
Tampa, Florida 33602  
(813)272-5400

Executive Assignment 06-36 &  
Amended Executive Assignment 06-37



Robin M. Menendez  
MY COMMISSION # DD243351 EXPIRES  
August 20, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

BK# 06-14586

STATE OF FLORIDA

IN THE COUNTY COURT  
IN AND FOR BAY COUNTY

Vs.  
Kristin Schmidt

*6*

06-4016(9)G

**FIRST APPEARANCE**  
RCrP 3.130, 3.131

You, Kristin Schmidt Having been arrested on 11-28-06, are informed that a complaint has been made charging you with the below listed offenses and a copy of the charging document(s) is now provided to you. You have a right to remain silent, and if you do not remain silent anything you say may be used as evidence against you in Court. You have a right to be represented by a lawyer, and if you want one and cannot afford to hire one, a lawyer will be appointed for you at no cost to you. You have a right to communicate with your lawyer, family or friends, and if you desire to do so reasonable means will be provided for you to do so. If formal charges are not filed against you within 21 days of your arrest, you will then have the right to demand a hearing to determine whether there is probable cause to detain you on any felony charge that remains against you. You may give up the right to be represented by a lawyer at this first appearance hearing and still insist upon the right to legal representation at future proceedings.

I have read or had explained to me my rights outlined above and I acknowledge receipt of a copy of this form. I (am) (am not) able to hire a lawyer and I (do) (do not) want a lawyer appointed for me at this time.

[Signature]  
(Counsel for defendant at first appearance)

[Signature]  
(Defendant)

**Arresting Agency**

**OBTS#**

**CHARGE**

**DATE/TIME**

**COUNTY/CIRCUIT**

**BOND**

Arresting Agency	OBTS#	CHARGE	DATE/TIME	COUNTY/CIRCUIT	BOND
<u>030110882</u>	<u>030110882</u>	<u>2nd degree manslaughter on a person un. 18 years</u>	<u>1-18-07</u> <del>8:30 am</del> <u>1 pm</u>		<u>\$ 25,000</u>

**POSTED**

( ) If you are released from custody, you will return to Court at 1:30 P.M.

( ) Returnable to First Appearance on \_\_\_\_\_ if not picked up by authorities.

( ) To report to Pre-trial Release office immediately upon release from CCA.

All Circuit and County Court appearances will be at the date and time indicated above in the Bay County Courthouse, Panama City, Florida.

The foregoing was voluntarily and knowledgeably signed in my presence after full explanation of the defendant's rights. Having examined the necessary proof at a non-adversary probable cause hearing, I find probable cause (does) (does not) exist for detaining the defendant pending further proceedings.

The following conditions of bail are always applicable: (1) Do not contact the victim in any manner except through proper pre-trial discovery; (2) Do not violate the law.

11-29-06  
(Date)

[Signature]  
(Judge)

*[Handwritten mark]*

BK# 06-14586

STATE OF FLORIDA

Vs.

Kristin Schmidt

IN THE COUNTY COURT  
IN AND FOR BAY COUNTY

06-4014(9)G

**FIRST APPEARANCE**

RCrP 3.130, 3.131

You, Kristin Schmidt Having been arrested on 11-28-06, are informed that a complaint has been made charging you with the below listed offenses and a copy of the charging document(s) is now provided to you. You have a right to remain silent, and if you do not remain silent anything you say may be used as evidence against you in Court. You have a right to be represented by a lawyer, and if you want one and cannot afford to hire one, a lawyer will be appointed for you at no cost to you. You have a right to communicate with your lawyer, family or friends, and if you desire to do so reasonable means will be provided for you to do so. If formal charges are not filed against you within 21 days of your arrest, you will then have the right to demand a hearing to determine whether there is probable cause to detain you on any felony charge that remains against you. You may give up the right to be represented by a lawyer at this first appearance hearing and still insist upon the right to legal representation at future proceedings.

I have read or had explained to me my rights outlined above and I acknowledge receipt of a copy of this form. I (am) (am not) able to hire a lawyer and I (do) (do not) want a lawyer appointed for me at this time.

\_\_\_\_\_  
(Counsel for defendant at first appearance)

R \_\_\_\_\_  
(Defendant)

**Arresting Agency**

**OBTS#**

**CHARGE**

**DATE/TIME**

**COUNTY/CIRCUIT**

**BOND**

BC30

\_\_\_\_\_

Agg-manslaughter on a person un. 18 years

1-18-07  
8:30 AM

\_\_\_\_\_

\_\_\_\_\_

( ) If you are released from custody, you will return to Court at 1:30 P.M.

( ) Returnable to First Appearance on \_\_\_\_\_ if not picked up by authorities.

( ) To report to Pre-trial Release office immediately upon release from CCA.

All Circuit and County Court appearances will be at the date and time indicated above in the Bay County Courthouse, Panama City, Florida.

The foregoing was voluntarily and knowledgeably signed in my presence after full explanation of the defendant's rights. Having examined the necessary proof at a non-adversary probable cause hearing, I find probable cause (does) (does not) exist for detaining the defendant pending further proceedings.

The following conditions of bail are always applicable: (1) Do not contact the victim in any manner except through proper pre-trial discovery; (2) Do not violate the law.

12:05 pm 11-29-06  
(Date)

[Signature]  
(Judge)

DATE: 12/06/2006

TO: KRISTIN ANNE SCHMIDT  
2829 JOAN AVE

PANAMA CITY FL 32408-

NOTICE TO APPEAR

Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 06004016CFNG  
Charge(s) AGGRAVATED MANSLAUGHTER OF A CHILD

You are hereby notified that the above styled case has been scheduled for: FIRST ARRANGMENT

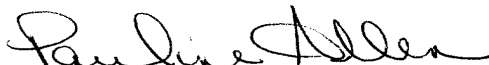
This is your NOTICE TO APPEAR ON 01/16/2007 at 13:30 pm

before the Honorable OVERSTREET MICHAEL C in Courtroom

of the CNTY CRT HSE 2ND FL, PANAMA CITY FL 32401

If this office can be of further assistance please advise.

Honorable HAROLD SAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITIES ACT OF 1990. In Accordance with the Americans With Disabilities Act. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Jennifer Wells at (850) 747-5527 within 2 working days of your receipt of this NOTICE TO APPEAR; if you are hearing impaired, call 1-800-955-8771; if you are voice impaired, call 1-800-955-8770.



DATE: 12/06/2006

TO: STEEL BOYS BALL BONUS INC  
2003 N MLK JR BLVD SUITE A  
PANAMA CITY FL 32401

NOTICE TO APPEAR

Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 0400401ACFMS  
Charge(s) AGGRAVATED MANSLAUGHTER OF A CHILD

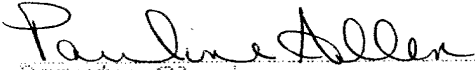
You are hereby notified that the above styled case has been scheduled for FIRST APPOINTMENT

This is your NOTICE TO APPEAR ON 01/18/2007 at 10:30 am

before the Honorable OVERSTREET MICHAEL C in Courtroom  
of the CNTY CRT BSE 2ND FL, PANAMA CITY FL 32401

If this office can be of further assistance please advise.

Honorable HAROLD BAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITIES ACT OF 1990. In Accordance with the Americans With Disabilities Act, If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Jennifer Wells at (850) 747-5327 within 2 working days of your receipt of this NOTICE TO APPEAR; if you are hearing impaired, call 1-800-955-8771; if you are voice impaired, call 1-800-955-8770.

C. E. Parish

STATE OF FLORIDA vs. Kristin schmidt CASE NO. \_\_\_\_\_

Defendant/Minor Child

**APPLICATION FOR CRIMINAL INDIGENT STATUS**

I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER

OR  
I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

**Notice to Applicant:** The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$40.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

1. I have \_\_\_\_\_ dependents. (Do not include children not living at home and do not include a working spouse or yourself.)

2. I have a take home income of \$ \_\_\_\_\_ paid ( ) weekly ( ) bi-weekly ( ) semi-monthly ( ) monthly ( ) yearly  
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered support payments)

3. I have other income paid ( ) weekly ( ) bi-weekly ( ) semi-monthly ( ) monthly ( ) yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Social Security benefits.....	Yes \$	No	Veterans' benefit.....	Yes \$	No
Unemployment compensation.....	Yes \$	No	Child support or other regular support		
Union Funds.....	Yes \$	No	from family members/spouse.....	Yes \$	No
Workers compensation.....	Yes \$	No	Rental income.....	Yes \$	No
Retirement/pensions.....	Yes \$	No	Dividends or interest.....	Yes \$	No
Trusts or gifts.....	Yes \$	No	Other kinds of income not on the list.....	Yes \$	No

4. I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")

Cash.....	Yes \$	No	Savings.....	Yes \$	No
Bank account(s).....	Yes \$	No	Stocks/bonds.....	Yes \$	No
Certificates of deposit or			*Equity in Real estate (excluding homestead) Yes \$		No
money market accounts.....	Yes \$	No	*include expectancy of an interest in such property		
*Equity in Motor vehicles/Boats/.....	Yes \$	No			
Other tangible property					

5. I have a total amount of liabilities and debts in the amount of \$ \_\_\_\_\_

6. I receive: (Circle "Yes" or "No")

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	No
Poverty-related veterans' benefits.....	Yes	No
Supplemental Security Income (SSI).....	Yes	No

7. I have been released on bail in the amount of \$ \_\_\_\_\_ Cash Surety Posted by: Self Family Other

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 28 day of NOV, 2006 Kristin Schmidt

Signature of Applicant for Indigent Status

Date of Birth 9-19-53 Print Full Name \_\_\_\_\_

Drivers License or ID Number \_\_\_\_\_ Address, P O Address, Street, City, State, Zip Code \_\_\_\_\_  
Phone number: \_\_\_\_\_

**NOTICE: If the applicant is determined by the clerk to be Not Indigent, you may seek judicial review at your next scheduled court appearance.**

**CLERK'S DETERMINATION**

Based on the information in this Application, I have determined the applicant to be ( ) Indigent ( ) Not Indigent pursuant to s. 27.52, F.S.

The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Clerk of the Circuit Court

*\* HAS OWN ATTORNEY \**

*DB*

*6*

**POSTED**

RECEIVED  
CLERK OF THE COURT  
JAN 10 2007

STATE OF FLORIDA vs.

CASE NO. 06-9016 CPMG

Defendant/Minor Child

**APPLICATION FOR CRIMINAL INDIGENT STATUS**

I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER  
OR

I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

**Notice to Applicant:** The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$40.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- I have 2 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
- I have a take home income of \$ 0 paid  weekly  bi-weekly  semi-monthly  monthly  yearly  
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered support payments)
- I have other income paid  weekly  bi-weekly  semi-monthly  monthly  yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")
 

Social Security benefits..... Yes \$ _____ <input checked="" type="checkbox"/> No	Veterans' benefit..... Yes \$ _____ <input checked="" type="checkbox"/> No
Unemployment compensation <u>Denial</u> ..... Yes \$ <u>on Appeal</u> <input checked="" type="checkbox"/> No	Child support or other regular support from family members/spouse..... Yes \$ _____ <input checked="" type="checkbox"/> No
Union Funds..... Yes \$ _____ <input checked="" type="checkbox"/> No	Rental Income..... Yes \$ _____ <input checked="" type="checkbox"/> No
Workers compensation..... Yes \$ _____ <input checked="" type="checkbox"/> No	Dividends or Interest..... Yes \$ _____ <input checked="" type="checkbox"/> No
Retirement/pensions..... Yes \$ _____ <input checked="" type="checkbox"/> No	Other kinds of income not on the list..... Yes \$ _____ <input checked="" type="checkbox"/> No
Trusts or gifts..... Yes \$ _____ <input checked="" type="checkbox"/> No	

*Assistance as found from churches + Agencies*
- I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")
 

Cash..... Yes \$ <u>20.00</u> No	Savings..... Yes \$ _____ <input checked="" type="checkbox"/> No
Bank account(s)..... Yes \$ <u>20.00</u> No	Stocks/bonds..... Yes \$ _____ <input checked="" type="checkbox"/> No
Certificates of deposit or money market accounts..... Yes \$ _____ <input checked="" type="checkbox"/> No	*Equity in Real estate (excluding homestead) Yes \$ _____ <input checked="" type="checkbox"/> No
*Equity in Motor vehicles/Boats..... Yes \$ <u>800.00</u> No	*Include expectancy of an interest in such property
Other tangible property <u>1994 M71 bus in motion</u>	
- I have a total amount of liabilities and debts in the amount of \$ 1860.00 - 725.00 187.00 138.00 26.00 64.00 +
- I receive: (Circle "Yes" or "No")
 

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	<input checked="" type="checkbox"/> No
Poverty-related veterans' benefits.....	Yes	<input checked="" type="checkbox"/> No
Supplemental Security Income (SSI).....	Yes	<input checked="" type="checkbox"/> No
- I have been released on bail in the amount of \$ 2500.00. Cash  Surety \_\_\_\_\_ Posted by: Self \_\_\_\_\_ Family \_\_\_\_\_ Other

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 29 day of January, 2017.  
9-19-1953

Kristin Schmidt  
Signature of Applicant for Indigent Status  
Print Full Name: Kristin Schmidt  
2329 Joan Ave P.O. Box 1132408  
Address, P O Address, Street, City, State, Zip Code  
Phone number: 235-0884 (unlisted)

Date of Birth  
1-15-30-501-53-8390  
Drivers License or ID Number

**NOTICE:** If the applicant is determined by the clerk to be Not Indigent, you may seek judicial review at your next scheduled court appearance.

**CLERK'S DETERMINATION**

Based on the information in this Application, I have determined the applicant to be ( ) Indigent ( ) Not Indigent pursuant to s. 27.52, F.S.

The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Clerk of the Circuit Court  
This form was completed with the assistance of \_\_\_\_\_  
Clerk/Deputy Clerk/Other authorized pe

**POWER OF ATTORNEY**

POWER NO.

\*\*\*R25 - 12612337\*\*\*

POWER AMOUNT \$

\*\*\* 25,000 \*\*\*

KNOW ALL MEN BY THESE PRESENTS that The Fairmont Specialty Insurance Company, a corporation duly organized and existing under the laws of the State of Delaware and by the authority of the resolution adopted by the Board of Directors at a meeting duly called and held on December 19, 1995, which said resolution has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent its true and lawful Attorney-in-Fact, for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, judgments or penalties, or any other condition imposed by a court not specifically related to court appearance.

*Handwritten:* No Power of Attorney

**This power of Attorney is for use with Bail Bonds only. Not valid if used in connection with Federal Bonds or Immigration Bonds. This power void if altered or erased, void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated face amount of this power, and can only be used once.**  
**The obligation of the company shall not exceed the sum of** \*\*\*TWENTY FIVE THOUSAND DOLLARS\*\*\*  
**and provided this Power-of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-of-Attorney the name of the person on whose behalf this bond was given.**

IN WITNESS WHEREOF, THE FAIRMONT SPECIALTY INSURANCE COMPANY has caused these presents to be signed by its duly authorized officer, proper for the purpose and its corporate seal to be hereunto affixed this 29 of NOV 06

Bond Amount \$ 25,000  
 Defendant KRISTIN ANNE SCHMIDT  
 Charges AGG MANSLAUGHTER OF A CHILD  
 Court CIRCUIT  
 Case No. 06004016 CFMG  
 City Panama City State FL  
 If rewrite, original No. \_\_\_\_\_  
 Executing agent [Signature] NAME



By [Signature]  
 Richard J. Klimaszewski  
 Vice President  
 VOID IF NOT ISSUED BY  
 FOR STATE USE ONLY  
 NOT VALID IF USED IN FEDERAL COURT  
 05/01/2007

COPY FOR COURT

S-0023AFS (01/05)

APPEARANCE BOND

SEND ALL COURT NOTICES TO:

STEELE BOYS' BAIL BONDS
1003 M.L.K. Jr. Blvd. Suite. A
Panama City FL 32401
(850)215-2608
TRANSFER BOND EXECUTED FOR:
FOR FURTHER ACTION ON THIS BOND CONTACT
C. E. PARISH GENERAL AGENCY, INC.
P.O. Box 1747 •1452 West CR 48 • Bushnell, FL 33513-0090

POWER # R25-12612337

ARREST # 06004016 CFMG

STATE OF FLORIDA
vs

KRISTIN ANNE SCHMIDT

Court Room CIRCUIT

Time 1 o'clock

In The CIRCUIT Court
BAY County
STATE OF FLORIDA

KNOW ALL MEN BY THESE PRESENTS: That we, the above captioned defendant, as principals, and FAIRMONT SPECIALTY INSURANCE COMPANY, a Delaware Corporation, as surety are held and firmly bound unto the Governor of the State of Florida, and his successors in office, the said principal, in the sum of \$ 25,000 and the said surety for a like amount, for the payment whereof well and truly to be made we bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

Signed and sealed this 29 day of NOV A.D., 20 06

The condition of this obligation is such that if the said principal shall appear on 18 JAN 20 07 at the next Regular or Special term of the above court and shall submit to the said court to answer a charge of AGG MANSLAUGHTER OF A CHILD and shall submit to orders and process of said Court and not depart the same without leave, then this obligation to be void, else to remain in full force and virtue.

TAKEN BEFORE ME AND APPROVED BY ME: Frank McKeithon Sheriff

By M. Welch D.S. FAIRMONT SPECIALTY INSURANCE COMPANY
10777 Westheimer Road, Suite 500 (77042)
P. O. Box 2807 - Houston, Texas 77252-2807
(713) 954-8100 • (713) 954-8389 FAX



Stamp: JERRY B. STEEL (L.S.) (PRINCIPAL)
Stamp: JERRY B. STEEL (L.S.) (ATTORNEY-IN-FACT) (SURETY)

SEND TO: STEELE BOYS' BAIL BONDS
1003 M.L.K. Jr. Blvd. Suite. A
Panama City FL 32401
(850)215-2608

FAIRMONT SPECIALTY INSURANCE COMPANY
C.E. PARISH GENERAL AGENCY, INC.
P.O. BOX 1747, BUSHNELL, FLORIDA 33513-0090
(352) 793-7775 / FAX (352) 793-9572

CERTIFICATE OF DISCHARGE OF BOND

Date 29 Nov 06

Case Number 06004016CFMG Bond Amount 25,000 Power No. R25-12612337

Defendant KRISTIN A. SCHMIDT court

This is to certify that on or about the day of 20

I examined the records of and found that the bond with corresponding power number has been discharged of record by reason of the following disposition

Person rendering decision

Date of Discharge, Witness my hand and official seal this

day of 20 Title

COURT COPY

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

STATE OF FLORIDA,  
Plaintiff,

v.

Case No.: 06-4016 CFMG  
Judge Overstreet

KRISTIN ANNE SCHMIDT,  
Defendant.

FILED  
1 2006 DEC 14 P 2:51  
HAROLD BAZZELLE  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

---

**MOTION TO MODIFY BOND**

COMES NOW the Defendant, KRISTIN ANNE SCHMIDT, by and through her undersigned attorney, and files this Motion to Modify Bond and as grounds therefore states:

1. Defendant has been charged with Aggravated Manslaughter of a Child and was given a bond amount of \$25,000.00.
2. The bond currently states that Defendant may not leave Bay County, Florida.
3. Defendant has a child who currently attends college in the State of Alabama and is transferring to Gulf Coast Community College in Bay County. Defendant is responsible for the transportation and requests that the restriction or travel outside of Bay County, pursuant to the bond that is in place now and that she be allowed to travel for the purposes of transporting her child from school in the State of Alabama back to Bay County, Florida.
4. Defendant is a resident of Panama City Beach, Florida, Bay County, Florida
5. Defendant is not a flight risk or a danger to the community.

**WHEREFORE**, the Defendant, KRISTIN ANNE SCHMIDT, respectfully requests the Court to release her on any reasonable conditions the Court deems necessary.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by facsimile to the Office of the State Attorney, 1-813-274-1976 on this 4<sup>th</sup> day of December, 2006.

**APPLEMAN & SHEPARD, LAW OFFICES, P.A.**



**JIM APPLEMAN**

Florida Bar No.: 0154440

**RUDOLPH C. SHEPARD, JR.**

Florida Bar Number 417270

436 McKenzie Avenue

P.O. Box 880

Panama City, FL 32402-0880

Telephone: (850) 230-5550

**ATTORNEY FOR DEFENDANT**

*Assistant State Attorney* \_\_\_\_\_

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

STATE OF FLORIDA,  
Plaintiff,

v.

KRISTIN ANNE SCHMIDT,  
Defendant.

Case No.: 06-4016 CFM G  
Judge Overstreet

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
PANAMA CITY, FLORIDA  
1 2006 DEC -5 P 2:49

FILED

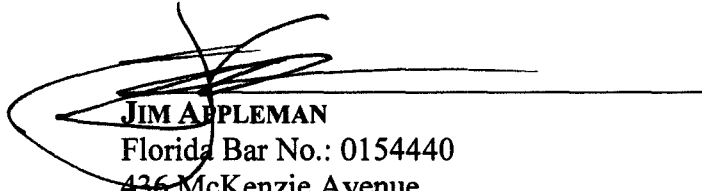
**NOTICE OF APPEARANCE**

COMES NOW the undersigned attorney on behalf of the firm APPLEMAN & SHEPARD, LAW OFFICES, P.A., and gives this Notice of Appearance on behalf of Defendant, in the above styled cause and requests that all future pleadings and a copy of the Charging Documents, Indictment or Information be forwarded to the address given below.

***CERTIFICATE OF SERVICE***

I HEREBY CERTIFY that a copy hereof has been furnished by Facsimile to the Office of the State Attorney, 1-813-274-1976, on this 17<sup>th</sup> day of Dec, 2006.

APPLEMAN & SHEPARD, LAW OFFICES, P.A.



JIM APPLEMAN  
Florida Bar No.: 0154440  
436 McKenzie Avenue  
P.O. Box 880  
Panama City, FL 32402-0880  
Telephone: (850) 230-5550  
ATTORNEY FOR DEFENDANT



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

STATE OF FLORIDA,  
Plaintiff,

v.

KRISTIN ANNE SCHMIDT,  
Defendant.

Case No.: 06-4016 CPMG  
Judge Overstreet

HAROLD BAZZEL  
CLERK  
BAY COUNTY, FLORIDA

1 2006 DEC -5 P 2:49

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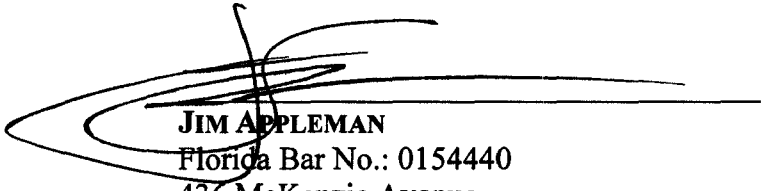
**WRITTEN PLEA OF NOT GUILTY AND DEMAND FOR JURY TRIAL**

COMES NOW the defendant, KRISTIN ANNE SCHMIDT, by and through the undersigned attorney, and files this, her written plea of not guilty, waives arraignment, and requests that this cause be set for trial. This plea shall not waive Defendant's right to raise any and all procedural motions, objections or defenses to the charges filed herein.

***CERTIFICATE OF SERVICE***

I HEREBY CERTIFY that a copy hereof has been furnished by Facsimile to the Office of the State Attorney, 1-813-274-1976, on this 5<sup>th</sup> day of Dec, 2006.

APPLEMAN & SHEPARD, LAW OFFICES, P.A.



JIM APPLEMAN  
Florida Bar No.: 0154440  
436 McKenzie Avenue  
P.O. Box 880  
Panama City, FL 32402-0880  
Telephone: (850) 230-5550  
ATTORNEY FOR DEFENDANT

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

STATE OF FLORIDA,  
Plaintiff,

v.

Case No.: 06-4016 CFMG  
Judge Overstreet

KRISTIN ANNE SCHMIDT,  
Defendant.

FILED  
1 2006 DEC - 5 P 2:49 PM  
HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

**NOTICE OF INTENT TO PARTICIPATE IN DISCOVERY**

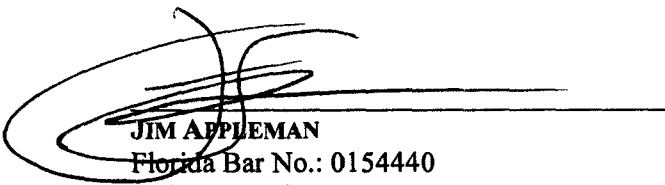
COMES NOW the Defendant, KRISTIN ANNE SCHMIDT, by and through Defendant's undersigned attorney on behalf of the firm APPLEMAN & SHEPARD, LAW OFFICES, P.A., and gives notice of intent to participate in discovery pursuant to Rule 3.220, Florida Rules of Criminal Procedure, and requests that all discovery documents, tapes, photos, and any other evidence required by Rule 3.220 be forwarded to the undersigned attorney within fifteen (15) days of the date of this request and that the State of Florida continue to provide updated, supplemental discovery throughout these proceedings.

Defendant further requests that neither the prosecutor nor personnel of the prosecutor advise persons having relevant information or materials to withhold same, to refuse to discuss this matter with defense counsel, or to otherwise impede defense counsel's investigation of this case.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy hereof has been furnished by Facsimile to the Office of the State Attorney, 1-813-274-1976, on this 5<sup>th</sup> day of December, 2006.

APPLEMAN & SHEPARD, LAW OFFICES, P.A.

  
JIM APPLEMAN  
Florida Bar No.: 0154440  
436 McKenzie Avenue  
P.O. Box 880  
Panama City, FL 32402-0880  
Telephone: (850) 230-5550  
ATTORNEY FOR DEFENDANT

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

STATE OF FLORIDA,  
Plaintiff,

v.

KRISTIN ANNE SCHMIDT,  
Defendant.

Case No.: 06-4016 GEMG  
Judge Overstreet

FILED  
1 2006 DEC -5 P 2:49  
HAROLD B. RAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

WRITTEN WAIVER OF PRESENCE

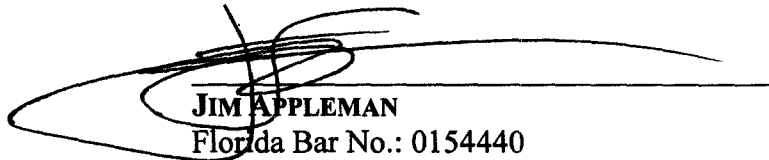
The Defendant, KRISTIN ANNE SCHMIDT, through her undersigned attorney, enters her written waiver of presence in accordance with Florida Rules of Criminal Procedure 3.180(a) and waives presence at any hearing on any motion in the above-styled cause.

  
CLIENT

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy hereof has been furnished by Facsimile to the Office of the State Attorney, 1-813-274-1976, on this 5<sup>th</sup> day of December, 2006.

APPLEMAN & SHEPARD, LAW OFFICES, P.A.



JIM APPLEMAN  
Florida Bar No.: 0154440  
436 McKenzie Avenue  
P.O. Box 880  
Panama City, FL 32402-880  
Telephone: (850) 230-5550  
ATTORNEY FOR DEFENDANT

DATE: 12/06/2006

TO: JIM APPLEMAN  
436 McKenzie Avenue  
Post Office Box 880  
Panama City FL 32402

NOTICE TO APPEAR

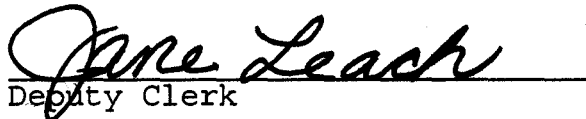
Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 06004016CFMG  
Charge(s) AGGRAVATED MANSLAUGHTER OF A CHILD

You are hereby notified that the above styled case has been scheduled for: PRETRIAL

This is your NOTICE TO APPEAR ON 03/06/2007 at 13:30 pm before the Honorable OVERSTREET MICHAEL C in Courtroom of the CNTY CRT HSE 2ND FL, PANAMA CITY FL 32401

If this office can be of further assistance please advise.

Honorable HAROLD BAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITITES ACT OF 1990. In Accordance with the Americans With Disabilities Act, If you are a person with a disability who needs any accomodation in order to participate in this proceedng, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Jennifer Wells at (850) 747-5327 within 2 working days of your receipt of this NOTICE TO APPEAR; if you are hearing impaired, call 1-800-955-8771; if you are voice impaired, call 1-800-955-8770.

DATE: 12/06/2006

TO: KRISTIN ANNE SCHMIDT  
2329 JOAN AVE

PANAMA CITY FL 32408-

NOTICE TO APPEAR

Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 06004016CFMG  
Charge(s) AGGRAVATED MANSLAUGHTER OF A CHILD

You are hereby notified that the above styled case has been  
scheduled for: PRETRIAL

This is your NOTICE TO APPEAR ON 03/06/2007 at 13:30 pm  
before the Honorable OVERSTREET MICHAEL C in Courtroom  
of the CNTY CRT HSE 2ND FL, PANAMA CITY FL 32401

If this office can be of further assistance please advise.

Honorable HAROLD BAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITITES ACT OF  
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Act, If you are a person with a disability who needs any  
accomodation in order to participate in this proceeding, you  
are entitled, at no cost to you, to the provision of certain  
assistance. Please contact Jennifer Wells at (850) 747-5327  
within 2 working days of your receipt of this NOTICE TO  
APPEAR; if you are hearing impaired, call 1-800-955-8771; if  
you are voice impaired, call 1-800-955-8770.

DATE: 12/06/2006

TO: STEELE BOYS BAIL BONDS INC  
1003 N MLK JR BLVD SUITE A

PANAMA CITY FL 32401

NOTICE TO APPEAR

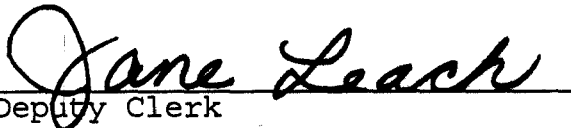
Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 06004016CFMG  
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If this office can be of further assistance please advise.

Honorable HAROLD BAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITITES ACT OF 1990. In Accordance with the Americans With Disabilities Act, If you are a person with a disability who needs any accomodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Jennifer Wells at (850) 747-5327 within 2 working days of your receipt of this NOTICE TO APPEAR; if you are hearing impaired, call 1-800-955-8771; if you are voice impaired, call 1-800-955-8770.

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

STATE OF FLORIDA,  
Plaintiff,

v.

Case No.: 06-4016 CFMG  
Judge Overstreet

KRISTIN ANNE SCHMIDT,  
Defendant.

**ORDER GRANTING MOTION TO MODIFY BOND**

THIS CAUSE, having come before this Honorable Court upon Defendant's Motion to Modify Bond the Court having reviewed the motion, file and being otherwise fully informed, it is hereby,

**ORDERED AND ADJUDGED** that the Motion to Modify Bond is **GRANTED**. Defendant shall be allowed to travel outside of Bay County, Florida for the purpose of transporting her child from college in the State of Alabama back to Bay County for residency. Said dates beginning Wednesday, December 6, 2006 in the afternoon until Saturday, December 9, 2006.

**DONE AND ORDERED** in Chambers, Bay County Courthouse, Panama City, Florida, on this 6<sup>th</sup> day of December, 2006.

  
**MICHAEL C. OVERSTREET**  
Circuit Judge

Copies to: *Jim Appleman, Esq.*  
*Mike Finacore, Esq.* \_\_\_\_\_

**Clerk's Certificate of Service**

I hereby certify that a true copy of the foregoing was provided to the parties listed above by U.S. Mail on this \_\_\_\_\_ day of December, 2006.

\_\_\_\_\_  
Deputy Clerk/Judicial Assistant

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2006 DEC - 7 2 42

FILED

(1)

Appleman & Shepard Law Offices, P.A.  
Post Office Box 880  
Panama City, FL 32402  
Telephone: 850-230-5550  
Facsimile: 850-215-4909

---

Facsimile Cover Sheet

**To:** Judy / Judge Albritton

**From:** Leslie / Jim Appleman

**Fax Number:** 914-6454

**Date:** December 6, 2006

**Number of pages:** 5 + cover

**Re:** State v. Schmidt, Kristin

**Comments:** Please see the attached documents that you spoke to Mr. Appleman about. Thank you.

*The information contained in this facsimile message is attorney privileged and confidential information intended for the addressee only. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly forbidden. If you have received this communication in error, please notify us immediately at the number listed above.*



**FILE COPY**

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

**STATE OF FLORIDA**

**Case No.: 06-4016 CFMG**

**v.**

**Judge Overstreet**

**KRISTIN SCHMIDT**  

---

**STATE'S RESPONSE TO DEFENDANT'S MOTION TO MODIFY BOND**

THE STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, hereby responds to the Motion to Modify Bond filed by Defendant Kristin Schmidt, through counsel, on December 4, 2006.

1. A condition of the Defendant's bond in this case is the Defendant may not leave Bay County.
2. The State has discussed this matter with Jim Appleman, Esq., counsel for the Defendant.
3. The State has been advised that the Defendant is requesting permission to depart Bay County on December 6, 2006, and return to Bay County on December 9, 2006. The purpose for the Defendant leaving Bay County on those dates is for the Defendant to travel to Alabama to assist her child relocate from Alabama to Bay County.
3. The State has no objection to the Court granting permission for the Defendant to leave Bay County on December 6, 2006, and to return to Bay County on December 9, 2006, for the limited purpose of traveling to Alabama and assisting her child in moving from Alabama to Bay County.
4. The State requests that the permission to leave Bay County be limited to December 6, 2006 through December 9, 2006, and be limited to the purpose discussed in

this response. The State objects to any other modifications or exceptions to the conditions of bond.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by facsimile and by mail to Jim Appleman, counsel for defendant Kristin Schmidt, 436 McKenzie Avenue, Panama City, FL 32402-0880, on this 4<sup>th</sup> day of December, 2006.

MARK A. OBER  
STATE ATTORNEY



Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #0868523

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

**STATE OF FLORIDA,**  
Plaintiff,

v.

**Case No.: 06-4016 CFMG**  
Judge Overstreet

**KRISTIN ANNE SCHMIDT,**  
Defendant.

---

**MOTION TO MODIFY BOND**

COMES NOW the Defendant, **KRISTIN ANNE SCHMIDT**, by and through her undersigned attorney, and files this Motion to Modify Bond and as grounds therefore states:

1. Defendant has been charged with Aggravated Manslaughter of a Child and was given a bond amount of \$25,000.00.
2. The bond currently states that Defendant may not leave Bay County, Florida.
3. Defendant has a child who currently attends college in the State of Alabama and is transferring to Gulf Coast Community College in Bay County. Defendant is responsible for the transportation and requests that the restriction on travel outside of Bay County, pursuant to the bond that is in place now and that she be allowed to travel for the purposes of transporting her child from school in the State of Alabama back to Bay County, Florida.
4. Defendant is a resident of Panama City Beach, Florida, Bay County, Florida
5. Defendant is not a flight risk or a danger to the community.

**WHEREFORE**, the Defendant, **KRISTIN ANNE SCHMIDT**, respectfully requests the Court to release her on any reasonable conditions the Court deems necessary.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by facsimile to the Office of the State Attorney, 1-813-274-1976 on this 4<sup>th</sup> day of December, 2006.

**APPLEMAN & SHEPARD, LAW OFFICES, P.A.**

  
**JIM APPLEMAN**

Florida Bar No.: 0154440

**RUDOLPH C. SHEPARD, JR.**

Florida Bar Number 417270

436 McKenzie Avenue

P.O. Box 880

Panama City, FL 32402-0880

Telephone: (850) 230-5550

**ATTORNEY FOR DEFENDANT**

*Assistant State Attorney* \_\_\_\_\_

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

STATE OF FLORIDA

Case No.: 06-4016 CFMG

v.

Judge Overstreet

KRISTIN SCHMIDT  
\_\_\_\_\_ /

**STATE'S RESPONSE TO DEFENDANT'S MOTION TO MODIFY BOND**

THE STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, hereby responds to the Motion to Modify Bond filed by Defendant Kristin Schmidt, through counsel, on December 4, 2006.

1. A condition of the Defendant's bond in this case is the Defendant may not leave Bay County.
2. The State has discussed this matter with Jim Appleman, Esq., counsel for the Defendant.
3. The State has been advised that the Defendant is requesting permission to depart Bay County on December 6, 2006, and return to Bay County on December 9, 2006. The purpose for the Defendant leaving Bay County on those dates is for the Defendant to travel to Alabama to assist her child relocate from Alabama to Bay County.
3. The State has no objection to the Court granting permission for the Defendant to leave Bay County on December 6, 2006, and to return to Bay County on December 9, 2006, for the limited purpose of traveling to Alabama and assisting her child in moving from Alabama to Bay County.
4. The State requests that the permission to leave Bay County be limited to December 6, 2006 through December 9, 2006, and be limited to the purpose discussed in

HAROLD HAZZEL  
CLERK OF THE CIRCUIT COURT  
BAY COUNTY, FLORIDA

DEC - 08 P 3:49

FILED

this response. The State objects to any other modifications or exceptions to the conditions of bond.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by facsimile and by mail to Jim Appleman, counsel for defendant Kristin Schmidt, 436 McKenzie Avenue, Panama City, FL 32402-0880, on this 4<sup>th</sup> day of December, 2006.

MARK A. OBER  
STATE ATTORNEY

A handwritten signature in black ink, appearing to read "M. Sinacore", written over the printed name of Michael C. Sinacore.

Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #0868523

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

STATE OF FLORIDA,  
Plaintiff,

v.

Case No.: 06-4016 CFMG  
Judge Overstreet

KRISTIN ANNE SCHMIDT,  
Defendant.

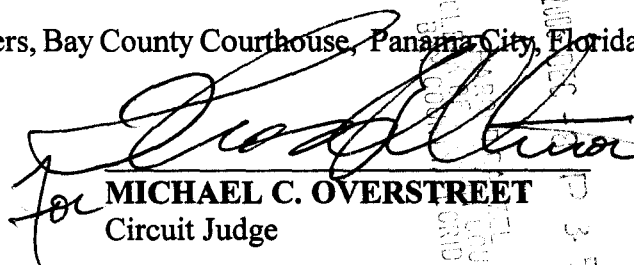
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**ORDER GRANTING MOTION TO MODIFY BOND**

THIS CAUSE, having come before this Honorable Court upon Defendant's Motion to Modify Bond the Court having reviewed the motion, file and being otherwise fully informed, it is hereby,

**ORDERED AND ADJUDGED** that the Motion to Modify Bond is **GRANTED**. Defendant shall be allowed to travel outside of Bay County, Florida for the purpose of transporting her child from college in the State of Alabama back to Bay County for residency. Said dates beginning Wednesday, December 6, 2006 in the afternoon until Saturday, December 9, 2006.

**DONE AND ORDERED** in Chambers, Bay County Courthouse, Panama City, Florida, on this 7<sup>th</sup> day of December, 2006.

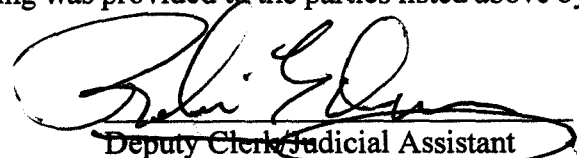
  
for **MICHAEL C. OVERSTREET**  
Circuit Judge

FILED  
CLERK OF COURT  
BAY COUNTY  
FLORIDA  
DEC 11 2006

Copies to: Jim Appleman, Esq.  
Mike Finacore, Esq.

**Clerk's Certificate of Service**

I hereby certify that a true copy of the foregoing was provided to the parties listed above by U.S. Mail on this 7 day of December, 2006.

  
Deputy Clerk/Judicial Assistant

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.C.R.P.:

Steven Adamczyk  
108 Kristine Blvd.  
Panama city, Florida 32404

Dr. Vernard Adams  
Hillsborough County Medical Examiner  
401 South Morgan Street  
Tampa, Florida 33602

Dr. Jeffrey Appel  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2006 DEC 20 A 11:53

FILED



Dr. Julie Bayham  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504

Brenda Booher  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Vickie Burnett  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Sgt. Koren Colbert  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, 32405

Kristen Cortiz  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

David Cruel  
502 David Avenue  
Panama City, Florida 32404

Roy Davilla  
5617 Adalee Road  
Panama City, Florida 32404

Chantelle Dishman  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Dr. Wayne Duer  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Detective Leon Evans  
Bay County Sheriff's Office  
3421 N. Hwy 77  
Panama City, FL 32405

Dr. Jason Foland  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

or

Nemours Children's Clinic  
5153 North 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Tommy Ford  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Dr. Sam Gulino  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Dr. Bruce Goldberger  
Rocky Point Labs  
4800 S.W. 35<sup>th</sup> Drive  
Gainesville Florida 32608

Kathy Hanley  
Bay County School Board  
6410 Cherry Street  
Panama City, FL 32404

Dr. Laura Hair  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Richard Hall  
21043 N.W. Josephine Lane  
Altha, Florida 32421

Robert Hall  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Sgt. Bethany Harris  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Stanley Heaton  
208 N. Harris Avenue  
Panama City, Florida 32401

Matt Herring  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Amber N. Hunter  
3913 Pisa Drive K-5  
Panama City, Florida 32405

Dr. Jennifer Jenkins  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504  
or  
Nemours Children's Clinic  
5153 North 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Antonio L. Jones  
1914 Frankford Avenue  
Apt. #803  
Panama City, Florida 32405

Dr. Jacqueline Lee  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Beverly Moniz  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Sgt. Steve Nagy  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Travis W. Perry  
912 McKenzie Avenue  
Panama City, Florida 32401

Timothy Petrucci  
223331 S. Spring Creek Road  
Estacada, Oregon 97023

Chelsea Pollock  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

William C. Reynolds  
1606 W. 10<sup>th</sup> Court  
Panama City, Florida 32401

Tom Ring  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Adam P. Rogers  
156 Hill Drive  
Panama City, Florida 32404

Jane Schachle  
FDLE  
1301 N. Palafax Street  
Pensacola, Florida 32501

Anita Segers  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Dr. Charles F. Siebert  
District 14 Medical Examiner's Office  
3737 Franklin Avenue  
Panama City, Florida 32405

Ronald K. Slocum  
7730 S. McCann Road  
Southport, Florida 32409

Capt. Jim Stanford  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Capt. Mike Thompson  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Dr. Shairi Turner  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Nicky Vickers, SRO  
Bay County Sheriff's Office  
3421 N. Hwy 77  
Panama City, Florida 32405

Inv. Mark Walton  
Bay County Sheriff's Office  
3421 Hwy. 77  
Panama City, Florida 32405

Dr. Cynthia Lewis-Younger  
Medical Toxicology Consultants  
9210 Florida Palm Drive  
Tampa, FL 33619

Detective Mike Gibson  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, Florida 33619

Cpl. Harry Hoover  
Hillsborough County Sheriff's Office  
2008 8<sup>th</sup> Avenue  
Tampa, Florida 33605

Detective Charles Keene  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, Florida 33619

Cpl. Steve Lewis  
Hillsborough County Sheriff's Office  
7202 Gunn Highway  
Tampa, Florida 33625

Gloria Porter, Investigator  
State Attorney's Office - 13<sup>th</sup> Judicial Circuit  
800 E. Kennedy Blvd.  
Tampa, Florida 33602

Detective Jason Van Brunt  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, Florida 33619

Sergio Connelly (Juvenile)  
917 East Buchanan Avenue  
Orlando, Florida 32809

Latray Davis (Juvenile)  
Juvenile Offender  
309 Rec Park Road  
Madison, Florida 32340

Matthew Dunlap (Juvenile)  
8700 Fowler Ave., Lot 12  
Pensacola, FL 32531

Andrew Fuller (Juvenile)  
201 Beulah Avenue  
Panama City, Florida 32404

Zachary Hendrix (Juvenile)  
261 N. Celery Avenue  
Jacksonville, Florida 32220

Colby Jones (Juvenile)  
406 S.E. Main Street  
Havana, Florida 32333

Darrington Lovely (Juvenile)  
2219 U Street  
Pensacola, Florida 32505

Michael Manis (Juvenile)  
34389 Orchid Parkway  
Dade City, Florida 33523

Samuel Melvin (Juvenile)  
2961 Cricket Lane  
Bonifay, Florida 32425

Kyle Merritt (Juvenile)  
4424 Pandora Road  
Marianna, Florida 32448

Wendell Mincey (Juvenile)  
142 North East 119<sup>th</sup> Street  
Cross City, Florida 32628

Ethan Robertson (Juvenile)  
3737 Aladdin Terrace  
Jacksonville, Florida 32323

Daniel Roman (Juvenile)  
1498 W. Ponderosa Road, Road  
Fort Walton Beach, Florida 32547

Aaron Schwartz (Juvenile)  
7606 Jenkins Circle  
Tallahassee, Florida 32310

Jamal Taylor (Juvenile)  
1617 Elberto Drive  
Tallahassee, Florida 32304

Davareous White (Juvenile)  
1701 Hamilton Avenue  
Panama City, Florida 32401

Tedrick Williams (Juvenile)  
4116 Cowan Drive  
Tallahassee, Florida 32305

Justin Whithers (Juvenile)  
613 Sea Oats Drive  
Destin, Florida 32541

**Category B Witnesses** pursuant to Rule 3.220 (b)(1)(A)(ii),  
F.R.C.R.P.:

Lt. Michael Allen  
Polk County Sheriff's Office  
455 N. Broadway Avenue  
Bartow, Florida 33830

Carla Alvarez  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Andy Anderson  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg, Suite #206  
Tallahassee, Florida 32399-3100

Robert Anderson  
c/o Benjamin Crump, Esq.  
Parks & Crump  
240 N. Magnolia Drive  
Tallahassee, FL 32301

Dr. Thomas Andrew  
White Mountain Forensic Consulting Services  
109 Woodland Drive  
Contoocook, New Hampshire 03229

Dennis Arnold  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Ann Bacher  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. C. Glen Bailey  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Josh Balkom  
Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405

Jill Barry  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Victor Battle  
Battle Memorial Funeral Home  
1123 N. Cove Blvd.  
Panama City, Florida 32401

Michael Bostic  
Bay Regional Juvenile Detention Center  
2232 East 17<sup>th</sup> Street  
Cedar Grove, Florida 32405

Sgt. Robert Bowden  
Manatee County Sheriff's Office  
14490 Harlee Road  
Palmetto, Florida 34221

Kimberly Bryant  
AIRHeart Regional Air Ambulance  
#37 Sheriff Drive  
Santa Rosa Beach, FL 32459

Joseph Bullock  
Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405

Chris Caballero  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Beth Carr  
Department of Juvenile Justice  
505 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Steve Casey  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Charles Chervanik  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Dr. Ben Clark  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504



John Criswell, Chief  
Department of Juvenile Justice  
Bureau of Quality Control  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

William Crowell  
2713 Cocoa Avenue  
Panama City, Florida 32405

James Deas  
508 Airport Road  
Suite C  
Panama City, Florida 32405

Lt. Karen DeMarchi  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, Florida 34994

Laura Demeter, RN  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Michael Dobbs  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. John Downs  
917 Guisando de Avila  
Tampa, FL 33613

Judith Dzadek  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Dr. Samir Ebid  
2202 State Avenue  
Suite #302  
Panama City, Florida 32405

Cassie Elliott, RN  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Carolyn Floyd  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Paul Green  
Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405

Frank Guerrero  
6704 Olokee Street  
Panama City, Florida 32404

Natalie Hager  
722 Joan Avenue  
Panama City, Florida 32404

Bo Hall  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Heather Hart  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Karen Harvell  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. David Hathaway  
Honeywell NASA Marshall Space Flight Center  
Post Office Box 240011  
Huntsville, Alabama 35824

Officer Oscar Harrington  
Bay Regional Juvenile Detention Center  
4529 East Business Highway 98  
Panama City, Florida 32404

Carol Hawthorne  
American Medical Response  
4914 W. Knox  
Tampa, FL 33634

Judy Haynes  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Cpl. Terrance Henderson  
Bay Regional Juvenile Detention Center  
2744 Ravenwood Court  
Lynn Haven, Florida 32444

Tamika Herbert  
Bay Regional Juvenile Detention Center  
2531 Johnson Drive  
Lynn Haven, Florida 32444

Sharon Holler  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Christopher Hood  
Honeywell NASA Marshall Space Flight Center  
Post Office Box 240011  
Huntsville, Alabama 35824

Diane Houser  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Cpl. Eddie Mae Hubbard  
Bay Regional Juvenile Detention Center  
810 Harrb Avenue  
Panama City, Florida 32401

Monica Hudlow, RN  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Chuck Jeter, RN  
AIRHeart Regional Air Ambulance  
#37 Sheriff Drive  
Santa Rosa Beach, FL 32459

Joyce Johnson  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Gina Jones  
c/o Benjamin Crump, Esq.  
Parks & Crump  
240 N. Magnolia Drive  
Tallahassee, FL 32301

Cpt. Lloyd Jones  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, Florida 34994

Cpl. Sylvester Jones  
Bay Regional Juvenile Detention Center  
1410 East 9<sup>th</sup> Street  
Panama City, Florida 32401

Melinda Keiffer  
Ramsden Air Force Base  
Germany

Lt. Kimberly Klein  
Pinellas County Sheriff's Office  
14400 49<sup>th</sup> Street N  
Clearwater, Florida 33762

Richard Kline  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Sgt. Richard Koester  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Jeff Martin  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Steve J. Martin  
8513 Adirondack Trail  
Austin, Texas 78759

Richard L. McAlister  
1940 Sherman Avenue #410  
Panama City, Florida 32405

Herman McBride  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Janie McGeorge  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Don McKay  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Sheriff Frank McKeithen  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Linda Milton  
Records Custodian  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. Andrea Minyard  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Delores Nelson  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Cpl. Raymond O'Brien  
Bay Regional Juvenile Detention Center  
6939 Roadrunner Road  
Youngstown, Florida 32466

Sgt. George Pridgen  
Bay Regional Juvenile Detention Center  
8911 Summer Circle  
Panama City, Florida 32404

Felicia Reed  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Sgt. Earl Rouhlac  
Bay Regional Juvenile Detention Center  
3922 Trino Way  
Panama City, Florida 32401

Debra Sasser  
Department of Juvenile Justice  
105 Black Shear Drive  
Panama City, Florida 32401

Terry Sasser  
3404 W. 19<sup>th</sup> Street  
Panama City, Florida 32405

Anthony Schembri, Secretary  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Carla Seaborn  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Lt. Robert Shirley  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Ronald K. Slocum  
7730 S. McCann Road  
Southport, Florida 32409

Jeffrey Steiber  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Lorene Thomas  
Department of Juvenile Justice  
505 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Allison Turner  
Custodian of Records  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. Patricia Turner  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Shelley Vogt  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Lisa Ward  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Ms. Pasha Waters  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Kelsey Welsh  
District 14 Medical Examiner's Office  
3737 Franklin Avenue  
Panama City, Florida 32405

Dr. Barbara Wolf  
70 Danley Drive  
Ft. Myers, Florida 33907

Castelder A. White  
2905-U Minnesota Avenue  
Lynn Haven, Florida 32444

Terrance Winters  
Everett Middle School  
608 School Avenue  
Panama City, Florida 32401

Lt. Joseph Wright  
Bay Regional Juvenile Detention Center  
905 West 26<sup>th</sup> Street Apt. #91  
Lynn Haven, Florida 32444

Margaret Yon  
6515 Smith Road  
Panama City, Florida 32404

Jonathan Bouchard  
2625 Taylor Road Apt. C  
Panama City, Florida 32401

Trummell Brown (Juvenile)  
9930 River Williams Place  
Tallahassee, Florida 32305

Taylor Dunn (Juvenile)  
1133 Abraham Street, Apt. B  
Tallahassee, Florida 32304

Shawn Mahoney (Juvenile)  
210 Pine Street  
Fort Walton Beach, Florida 32548

Dominique Neal (Juvenile)  
121 Live Oak Lane  
Quincey, Florida 32351

Christopher Williams (Juvenile)  
2502 B. Halton Street F-134  
Tallahassee, Florida 32310

**Category C Witnesses** pursuant to Rule 3.220 (b)(1)(A)(iii),  
F.R.C.R.P.:

Eber Brown  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Steve Bushore  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Christopher Crews  
23534 N.W. Lamont Road  
Fountain, Florida 32438

Nancy Guyott, RN  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Benjamin Logue  
2908 Canal Drive  
Panama City, Florida 32405  
Stephen A. Master  
1439 2<sup>nd</sup> Street  
Southport, Florida 32409

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.

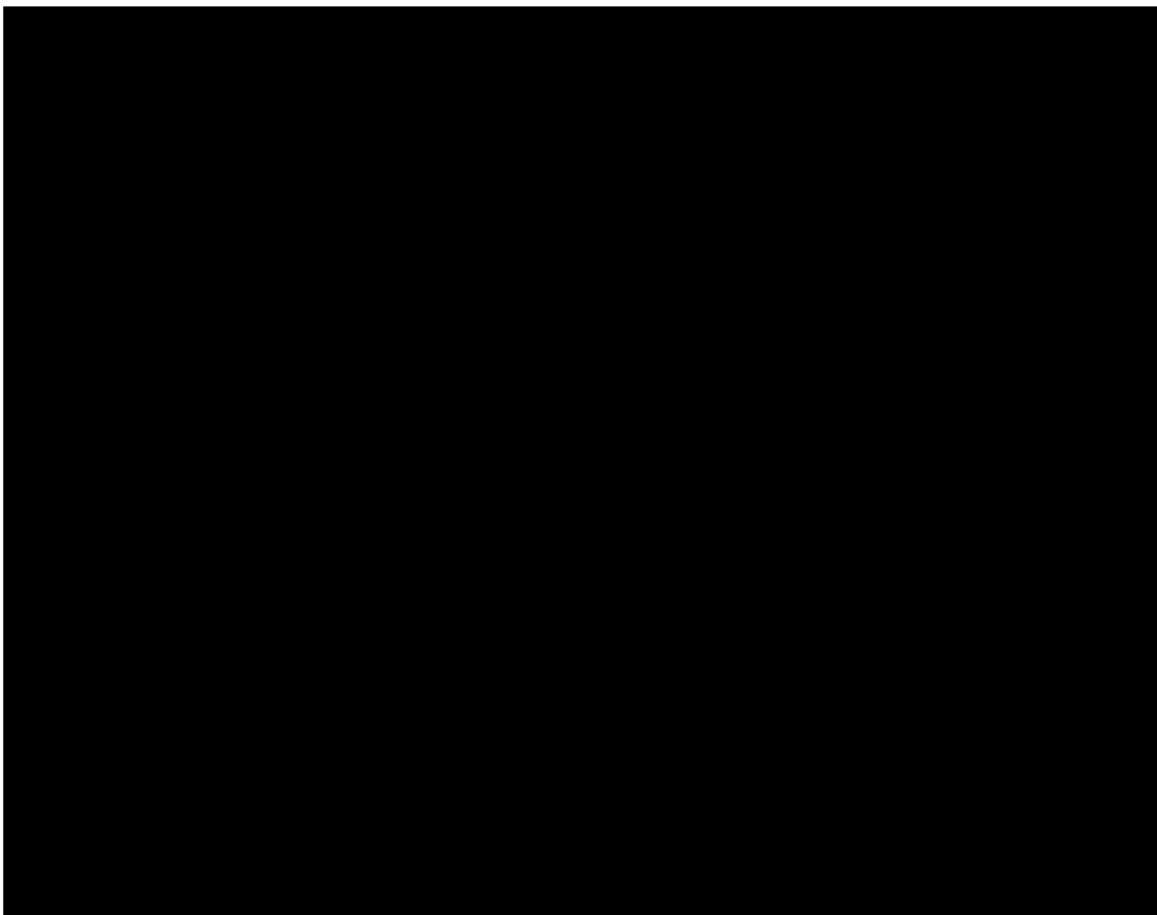
22253-22254              Sworn statement by Mark Walton regarding Hauck explaining use of ammonia on Martin Anderson.

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.

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

FILED

2007 JAN 10 P 3: 58

STATE OF FLORIDA,  
Plaintiff,

v.

Case No.: 06-4016 CFMG  
Judge Overstreet

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

KRISTIN ANNE SCHMIDT,  
Defendant.

---

**MOTION TO MODIFY BOND**

COMES NOW the Defendant, KRISTIN ANNE SCHMIDT, by and through her undersigned attorney, and files this Motion to Modify Bond and as grounds therefore states:

1. Defendant has been charged with Aggravated Manslaughter of a Child and was given a bond amount of \$25,000.00.
2. The bond currently states that Defendant may not leave Bay County, Florida.
3. Defendant needs to meet with David Fugett, Attorney at Law, who is representing her in civil issues related to this case, Attorney Fugett's office is located in Pensacola, Florida. A specific date has not be set pending the outcome of this motion. Defendant will advise undersigned attorney and all required parties once a date is set, but would request that she be permitted to meet with Attorney Fugett whenever he see necessary to discuss matters of her case and will notify all required parties on each date.
4. Defendant also requests permission to travel to Montgomery, Alabama to handle matters involving her daughters financial situation at school. Defendant has advised because of recent employment set backs, there are financial issues that need to be addressed. Defendant has not set a date to travel to Alabama pending the outcome of this motion, but will keep all required parties informed of the dates.
4. Defendant is a resident of Panama City Beach, Florida, Bay County, Florida
5. Defendant is not a flight risk or a danger to the community.



**WHEREFORE**, the Defendant, **KRISTIN ANNE SCHMIDT**, respectfully requests the Court to allow her to travel to meet with Attorney David Fugett in Pensacola, Florida to discuss her civil matters and to travel to Montgomery, Alabama to address the matters involving her daughter's schooling.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished by facsimile to the Office of the State Attorney, 1-813-274-1976 on this 10<sup>th</sup> day of January, 2007.

**APPLEMAN & SHEPARD, LAW OFFICES, P.A.**



**JIM APPLEMAN**

Florida Bar No.: 0154440

**RUDOLPH C. SHEPARD, JR.**

Florida Bar Number 417270

436 McKenzie Avenue

P.O. Box 880

Panama City, FL 32402-0880

Telephone: (850) 230-5550

**ATTORNEY FOR DEFENDANT**

*Michael Sinacore, ASA* \_\_\_\_\_

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  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

06-4016CFMC

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT

06-4016CFMF

06-4016CFMG

JOSEPH WALSH II

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  
108 Kristine Blvd.  
Panama city, Florida 32404

Dr. Vernard Adams  
Hillsborough County Medical Examiner  
401 South Morgan Street  
Tampa, Florida 33602

Dr. Jeffrey Appel  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

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Dr. Julie Bayham  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504

Brenda Booher  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Vickie Burnett  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Sgt. Koren Colbert  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, 32405

Kristen Cortiz  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

David Cruel  
502 David Avenue  
Panama City, Florida 32404

Roy Davilla  
5617 Adalee Road  
Panama City, Florida 32404

Chantelle Dishman  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Dr. Wayne Duer  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Detective Leon Evans  
Bay County Sheriff's Office  
3421 N. Hwy 77  
Panama City, FL 32405

Dr. Jason Foland  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504  
or  
Nemours Children's Clinic  
5153 North 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Tommy Ford  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Dr. Sam Gulino  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Dr. Bruce Goldberger  
Rocky Point Labs  
4800 S.W. 35<sup>th</sup> Drive  
Gainesville Florida 32608

Kathy Hanley  
Bay County School Board  
6410 Cherry Street  
Panama City, FL 32404

Dr. Laura Hair  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Richard Hall  
21043 N.W. Josephine Lane  
Altha, Florida 32421

Robert Hall  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Sgt. Bethany Harris  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Stanley Heaton  
208 N. Harris Avenue  
Panama City, Florida 32401

Matt Herring  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Amber N. Hunter  
3913 Pisa Drive K-5  
Panama City, Florida 32405

Dr. Jennifer Jenkins  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504  
or  
Nemours Children's Clinic  
5153 North 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Antonio L. Jones  
1914 Frankford Avenue  
Apt. #803  
Panama City, Florida 32405

Dr. Jacqueline Lee  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Beverly Moniz  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Sgt. Steve Nagy  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Travis W. Perry  
912 McKenzie Avenue  
Panama City, Florida 32401

Timothy Petrucci  
223331 S. Spring Creek Road  
Estacada, Oregon 97023

Chelsea Pollock  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

William C. Reynolds  
1606 W. 10<sup>th</sup> Court  
Panama City, Florida 32401

Tom Ring  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Adam P. Rogers  
156 Hill Drive  
Panama City, Florida 32404

Jane Schachle  
FDLE  
1301 N. Palafax Street  
Pensacola, Florida 32501

Anita Segers  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Dr. Charles F. Siebert  
District 14 Medical Examiner's Office  
3737 Franklin Avenue  
Panama City, Florida 32405

Ronald K. Slocum  
7730 S. McCann Road  
Southport, Florida 32409

Capt. Jim Stanford  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Capt. Mike Thompson  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Dr. Shairi Turner  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Nicky Vickers, SRO  
Bay County Sheriff's Office  
3421 N. Hwy 77  
Panama City, Florida 32405

Inv. Mark Walton  
Bay County Sheriff's Office  
3421 Hwy. 77  
Panama City, Florida 32405

Dr. Cynthia Lewis-Younger  
Medical Toxicology Consultants  
9210 Florida Palm Drive  
Tampa, FL 33619

Detective Mike Gibson  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, Florida 33619

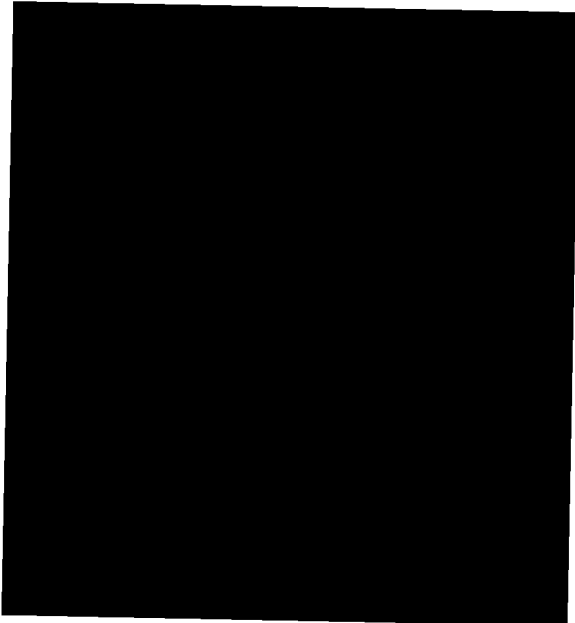
Cpl. Harry Hoover  
Hillsborough County Sheriff's Office  
2008 8<sup>th</sup> Avenue  
Tampa, Florida 33605

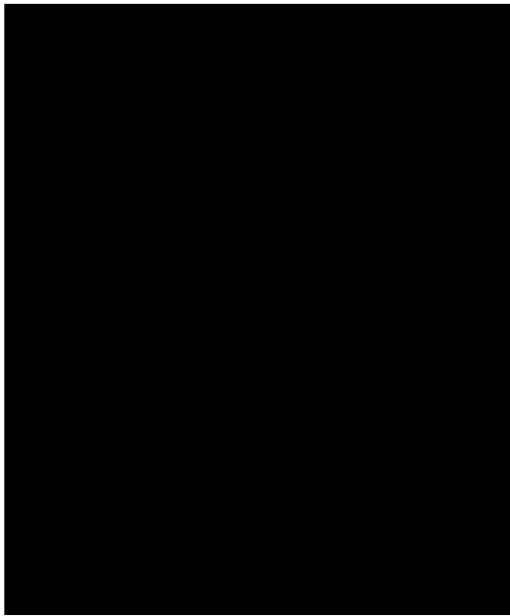
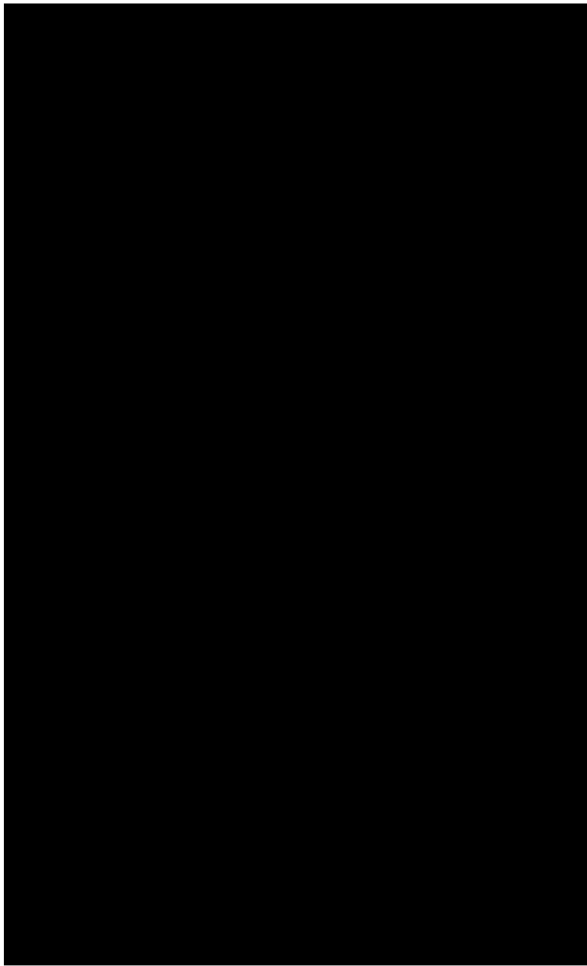
Detective Charles Keene  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, Florida 33619

Cpl. Steve Lewis  
Hillsborough County Sheriff's Office  
7202 Gunn Highway  
Tampa, Florida 33625

Gloria Porter, Investigator  
State Attorney's Office - 13<sup>th</sup> Judicial Circuit  
800 E. Kennedy Blvd.  
Tampa, Florida 33602

Detective Jason Van Brunt  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, Florida 33619







**Category B Witnesses** pursuant to Rule 3.220 (b)(1)(A)(ii),  
F.R.C.R.P.:

Lt. Michael Allen  
Polk County Sheriff's Office  
455 N. Broadway Avenue  
Bartow, Florida 33830

Carla Alvarez  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Andy Anderson  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg, Suite #206  
Tallahassee, Florida 32399-3100

Robert Anderson  
c/o Benjamin Crump, Esq.  
Parks & Crump  
240 N. Magnolia Drive  
Tallahassee, FL 32301

Dr. Thomas Andrew  
White Mountain Forensic Consulting Services  
109 Woodland Drive  
Contoocook, New Hampshire 03229

Dennis Arnold  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Ann Bacher  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. C. Glen Bailey  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Josh Balkom  
Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405

Jill Barry  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Victor Battle  
Battle Memorial Funeral Home  
1123 N. Cove Blvd.  
Panama City, Florida 32401

Michael Bostic  
Bay Regional Juvenile Detention Center  
2232 East 17<sup>th</sup> Street  
Cedar Grove, Florida 32405

Sgt. Robert Bowden  
Manatee County Sheriff's Office  
14490 Harlee Road  
Palmetto, Florida 34221

Kimberly Bryant  
AIRHeart Regional Air Ambulance  
#37 Sheriff Drive  
Santa Rosa Beach, FL 32459

Joseph Bullock  
Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405

Chris Caballero  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Beth Carr  
Department of Juvenile Justice  
505 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Steve Casey  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Charles Chervanik  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Dr. Ben Clark  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504

John Criswell, Chief  
Department of Juvenile Justice  
Bureau of Quality Control  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

William Crowell  
2713 Cocoa Avenue  
Panama City, Florida 32405

James Deas  
508 Airport Road  
Suite C  
Panama City, Florida 32405

Lt. Karen DeMarchi  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, Florida 34994

Laura Demeter, RN  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Michael Dobbs  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. John Downs  
917 Guisando de Avila  
Tampa, FL 33613

Judith Dzadek  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Dr. Samir Ebid  
2202 State Avenue  
Suite #302  
Panama City, Florida 32405

Cassie Elliott, RN  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Carolyn Floyd  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Paul Green  
Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405

Frank Guerrero  
6704 Olokee Street  
Panama City, Florida 32404

Natalie Hager  
722 Joan Avenue  
Panama City, Florida 32404

Bo Hall  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Heather Hart  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Karen Harvell  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. David Hathaway  
Honeywell NASA Marshall Space Flight Center  
Post Office Box 240011  
Huntsville, Alabama 35824

Officer Oscar Harrington  
Bay Regional Juvenile Detention Center  
4529 East Business Highway 98  
Panama City, Florida 32404

Carol Hawthorne  
American Medical Response  
4914 W. Knox  
Tampa, FL 33634

Judy Haynes  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Cpl. Terrance Henderson  
Bay Regional Juvenile Detention Center  
2744 Ravenwood Court  
Lynn Haven, Florida 32444

Tamika Herbert  
Bay Regional Juvenile Detention Center  
2531 Johnson Drive  
Lynn Haven, Florida 32444

Sharon Holler  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Christopher Hood  
Honeywell NASA Marshall Space Flight Center  
Post Office Box 240011  
Huntsville, Alabama 35824

Diane Houser  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Cpl. Eddie Mae Hubbard  
Bay Regional Juvenile Detention Center  
810 Harrb Avenue  
Panama City, Florida 32401

Monica Hudlow, RN  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Chuck Jeter, RN  
AIRHeart Regional Air Ambulance  
#37 Sheriff Drive  
Santa Rosa Beach, FL 32459

Joyce Johnson  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Gina Jones  
c/o Benjamin Crump, Esq.  
Parks & Crump  
240 N. Magnolia Drive  
Tallahassee, FL 32301

Cpt. Lloyd Jones  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, Florida 34994

Cpl. Sylvester Jones  
Bay Regional Juvenile Detention Center  
1410 East 9<sup>th</sup> Street  
Panama City, Florida 32401

Melinda Keiffer  
Ramsden Air Force Base  
Germany

Lt. Kimberly Klein  
Pinellas County Sheriff's Office  
14400 49<sup>th</sup> Street N  
Clearwater, Florida 33762

Richard Kline  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Sgt. Richard Koester  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Jeff Martin  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Steve J. Martin  
8513 Adirondack Trail  
Austin, Texas 78759

Richard L. McAlister  
1940 Sherman Avenue #410  
Panama City, Florida 32405

Herman McBride  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Janie McGeorge  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Don McKay  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Sheriff Frank McKeithen  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Linda Milton  
Records Custodian  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. Andrea Minyard  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Delores Nelson  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Cpl. Raymond O'Brien  
Bay Regional Juvenile Detention Center  
6939 Roadrunner Road  
Youngstown, Florida 32466

Sgt. George Pridgen  
Bay Regional Juvenile Detention Center  
8911 Summer Circle  
Panama City, Florida 32404

Felicia Reed  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Sgt. Earl Rouhlac  
Bay Regional Juvenile Detention Center  
3922 Trino Way  
Panama City, Florida 32401

Debra Sasser  
Department of Juvenile Justice  
105 Black Shear Drive  
Panama City, Florida 32401

Terry Sasser  
3404 W. 19<sup>th</sup> Street  
Panama City, Florida 32405

Anthony Schembri, Secretary  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Carla Seaborn  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Lt. Robert Shirley  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Ronald K. Slocum  
7730 S. McCann Road  
Southport, Florida 32409

Jeffrey Steiber  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Lorene Thomas  
Department of Juvenile Justice  
505 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Allison Turner  
Custodian of Records  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. Patricia Turner  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Shelley Vogt  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Lisa Ward  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Ms. Pasha Waters  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Kelsey Welsh  
District 14 Medical Examiner's Office  
3737 Franklin Avenue  
Panama City, Florida 32405

Dr. Barbara Wolf  
70 Danley Drive  
Ft. Myers, Florida 33907

Castelder A. White  
2905-U Minnesota Avenue  
Lynn Haven, Florida 32444

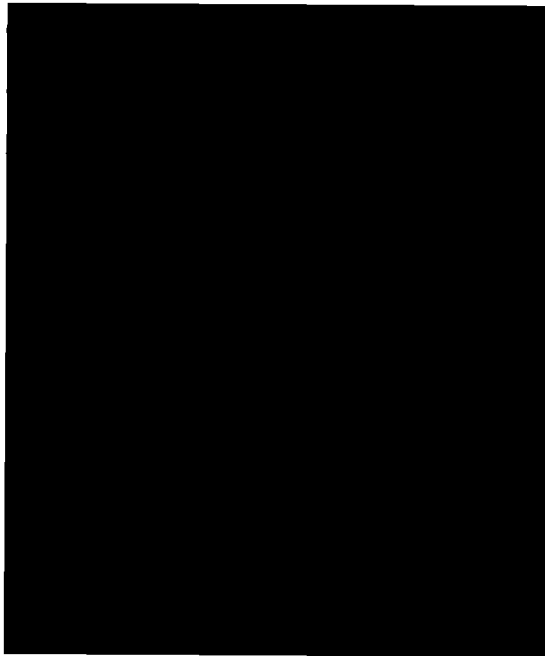
Terrance Winters  
Everett Middle School  
608 School Avenue  
Panama City, Florida 32401



Lt. Joseph Wright  
Bay Regional Juvenile Detention Center  
905 West 26<sup>th</sup> Street Apt. #91  
Lynn Haven, Florida 32444

Margaret Yon  
6515 Smith Road  
Panama City, Florida 32404

Jonathan Bouchard  
2625 Taylor Road Apt. C  
Panama City, Florida 32401



**Category C Witnesses** pursuant to Rule 3.220 (b)(1)(A)(iii),  
F.R.C.R.P.:

Eber Brown  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Steve Bushore  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Christopher Crews  
23534 N.W. Lamont Road  
Fountain, Florida 32438

Nancy Guyott, RN  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Benjamin Logue  
2908 Canal Drive  
Panama City, Florida 32405  
Stephen A. Master  
1439 2<sup>nd</sup> Street  
Southport, Florida 32409

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 Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Jonathan Dingus, attorney for [REDACTED], at 527 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail on this 12th day of January, 2007.

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.

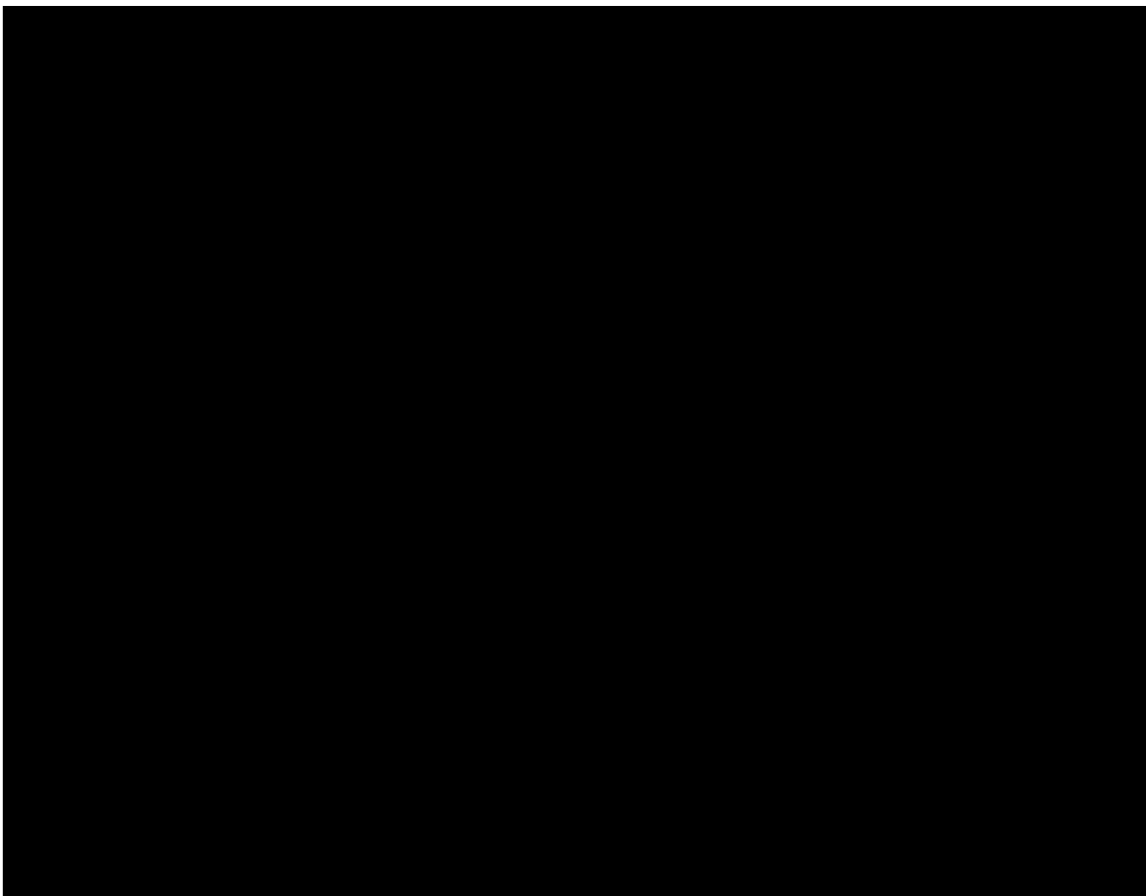
22253-22254            Sworn statement by Mark Walton regarding Hauck explaining use of ammonia on Martin Anderson.

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.

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

FILED

2007 JAN 16 A 11: 54

STATE OF FLORIDA

CASE NO.: 06-4016CH  
CHAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS	06-4016CFMA
CHARLES ENFINGER	06-4016CFMB
PATRICK GARRETT	06-4016CFMC
RAYMOND HAUCK	06-4016CFMD
CHARLES HELMS, JR.	06-4016CFME
HENRY MCFADDEN, JR.	06-4016CFMF
KRISTIN SCHMIDT	06-4016CFMG
JOSEPH WALSH II	06-4016CFMH

AMENDED 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, files the following amendment to discovery previously provided in this case:

Please refer to the attached list (2 pages) of discovery documents that will be submitted for in camera review. These documents are not available for copying until approved by the court.

I HEREBY CERTIFY that a copy of the foregoing Amended 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; Jim Appleman, attorney for Kristin Schmidt, at 436 McKenzie Avenue, P.O. Box 880, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida

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

FILED

2007 JAN 16 A 11:56

STATE OF FLORIDA

CASE NO.: 06-4016CFMA  
06-4016CFMB  
06-4016CFMD  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

vs.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

06-4016CFMB

06-4016CFMD

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06-4016CFMG

06-4016CFMH

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Discovery documents have been numbered from 1 through 24,224. Please note the following regarding the page numbering:

Omitted Page Numbers (There are no documents for these page numbers):

145, 1594, 1756, 1813, 2067, 9100-9999, 10504, 10890-10899, 10987, 11426, 11771, 13838, 14901-14999, 16158-16177, 18008, 21727.

Duplicated Page Numbers (Duplicated numbers differentiated by "A"):

1230A-1299A, 1555A, 2181A, 2458A, 2920A, 3336A, 3337A, 3890A-3899A, 4560A-4659A, 8072A, 10530A, 10685A, 11903A, 12147A, 12150A, 12200A, 12546A, 12728A, 12835A, 12981A, 12982A, 15735A, 15738A, 17200A 17274A, 17373A, 18982A, 20376A, 20486A, 23916A.

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

FILED

2007 JAN 16 A 11:56

STATE OF FLORIDA

CASE NO.: 06-4016CFMA  
WORLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS	06-4016CFMA
CHARLES ENFINGER	06-4016CFMB
PATRICK GARRETT	06-4016CFMC
RAYMOND HAUCK	06-4016CFMD
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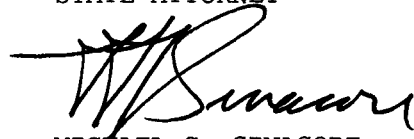
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32402-0580; Jonathan Dingus, attorney for [REDACTED] at 527  
Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for  
Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City,  
Florida 32401, via U.S. mail on this 12th day of January, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY

A handwritten signature in black ink, appearing to read "M. Sinacore", written over the typed name of Michael C. Sinacore.

MICHAEL C. SINACORE  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #0868523

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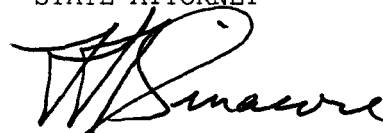
Added Pages (Documents given duplicate numbers and differentiated by letter to place them in sequence with other documents):

621A, 658A, 659A, 661A, 674A, 684A, 685A, 686A, 710A, 767A, 768A, 770A, 1918A,  
2061A, 4596A, 4597A, 4598A, 10434A-10435A, 10526A, 10528A, 10536A-  
10537A, 10682A, 10686A, 11063A, 11098A-11099A, 11123A, 11233A-11235A,  
11245A, 12045A, 12140A, 12260A, 12292A, 19218a-19218m, 19218aa-19218zz,  
19328A, 19323A, 19329A, 19330A, 19406A.

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MARK A. OBER  
STATE ATTORNEY



MICHAEL C. SINACORE  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #0868523



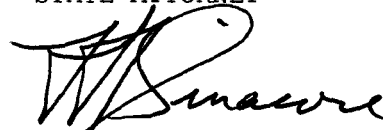
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Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



MICHAEL C. SINACORE  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #0868523

**DISCOVERY DOCUMENTS FOR IN CAMERA REVIEW**

<u>Page</u>	<u>Description</u>
607-1256	School Records for Martin Anderson
1264-1267	Commitment Order
1268-1270	DJJ Authority for Treatment
1273-1276	DJJ Substance Abuse & Mental Health Screening
1281-1286	DJJ Risk Assessment Evaluation
1291-1294	DJJ Delinquency History
1295-1299	DJJ Pre-Disposition Report
1230A-1232A	DJJ Authority for Evaluation & Treatment
1233A-1246A	DJJ Comprehensive Physical Assessment
1247A-1248A	DJJ Jimmy Ryce Act Screening
1249A-1251A	DJJ Substance Abuse & Mental Health Screening
1252A-1256A	DJJ Suicide Risk Screening Instrument
1257A-1266A	DJJ Comprehensive Evaluation
1267A-1276A	Student Incident and Misconduct Records
1282A-1285A	Commitment Order
1286A-1288A	Commitment Summary
1289A-1290A	Victim Notification
1291A	DJJ Physical Evaluation & Needs Assessment
1292A-1295A	DJJ Facility Entry Physical Health Screening
3789-4443	DJJ Records for Martin Anderson
4444-4471	DJJ Records for Martin Anderson

**DISCOVERY DOCUMENTS FOR IN CAMERA REVIEW**

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4444-4471	DJJ Records for Martin Anderson

4588A-4619A	Medication Records for juvenile B.C.
4638A	DJJ Face Sheet for Anderson
4639A-4659A	DJJ Detention Center Shift Reports
4660-4672	DJJ Detention Center Shift Reports
4680-4682	DJJ Mental Health Screening for Anderson
4711-4768	DJJ Health & Physical Assessment Records for other juveniles
4769-4816	DJJ Interview Forms for other juveniles
4827-4829	DJJ Resource Census Reports
4857-4859	DJJ Resource Census Reports
4680-4682	Mental Health Screening
4906-4912	Medication Records for juvenile B.C.
4942-4948	Medication Records for juvenile B.C.
5487-5490	DJJ Resource Census Report
17273-17431	Department of Children and Families Records
18000-18010	Student Incident and Misconduct Records
18021-18030	Student Incident and Misconduct Records
19236-19239	DJJ Authority for Treatment
19240-19248	DJJ Health History
19311-19314	DJJ Comprehensive Physical Assessment
19315-19321	DJJ Health Related History
22984-23018	Sworn Statement of juvenile P.O. Mary Elizabeth Carr
23412-23480	Sworn Statement of juvenile P.O Lorene Thomas
23633-23636	FDLE Profile with Delinquency History for Martin Anderson

4588A-4619A	Medication Records for juvenile B.C.
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23412-23480	Sworn Statement of juvenile P.O Lorene Thomas
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IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA, IN AND FOR BAY COUNTY

**FILED**

2007 JAN 18 P 4: 38

STATE OF FLORIDA,  
Plaintiff,

v.

KRISTIN ANNE SCHMIDT,  
Defendant.

Case No.: 06-4016 CFMG  
Judge Overstreet

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

**ORDER GRANTING MOTION TO MODIFY BOND**

THIS CAUSE, having come before this Honorable Court upon Defendant's Motion to Modify Bond the Court having reviewed the motion, file and being otherwise fully informed, it is hereby,

**ORDERED AND ADJUDGED** that the Motion to Modify Bond is **GRANTED**.

Defendant shall be allowed to travel outside of Bay County for purposes of meeting with Attorney David Fugett in Pensacola, Florida to discuss the civil matters pertaining to the case listed above. ~~Defendant shall also be allowed to travel outside of Bay County to handle financial matters pertaining to her daughter's schooling. Defendant is required to provide traveling dates, including departure and return, to all required parties in a timely manner.~~

**DONE AND ORDERED** in Chambers, Bay County Courthouse, Panama City, Florida, on this 18 day of January, 2007.

**MICHAEL C. OVERSTREET**  
CIRCUIT JUDGE

Copies to: Jim Appleman, Esq.

Mike Smoore, Esq.

**Clerk's Certificate of Service**

I hereby certify that a true copy of the foregoing was provided to the parties listed above by U.S. Mail on this 18 day of January, 2007.

  
Deputy Clerk/Judicial Assistant

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

STATE OF FLORIDA,  
Plaintiff,

Case No.: 06-4016 CFMG  
Judge Overstreet

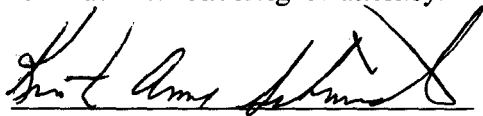
v.

KRISTIN ANNE SCHMIDT,  
Defendant.

VERIFIED MOTION TO WITHDRAW

COMES NOW, the undersigned attorney on behalf of the firm APPLEMAN & SHEPARD, LAW OFFICES, P.A., and moves to withdraw in the cases of State v. Kristin Anne Schmidt and as grounds therefore state:

1. Defendant was unable to fulfill the obligations of her contract with undersigned attorney.

  
 KRISTIN ANNE SCHMIDT

FILED

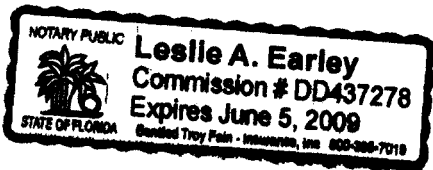
2007 JAN 23 P 3:11

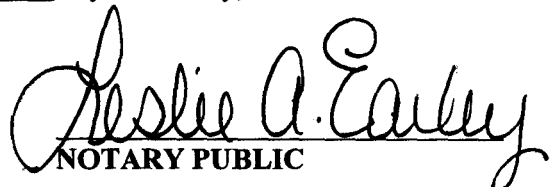
HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

STATE OF FLORIDA  
COUNTY OF BAY

BEFORE ME, the undersigned officer, duly authorized to take acknowledgments and administer oaths, personally appeared, KRISTIN ANNE SHCMIDT, who is personally known to me and who acknowledges that she is the individual named herein, that she has read the foregoing, knows the contents thereof, and has executed the same for the purposes therein intended.

SWORN TO AND SUBSCRIBED before me this 23<sup>rd</sup> day of January, 2007.

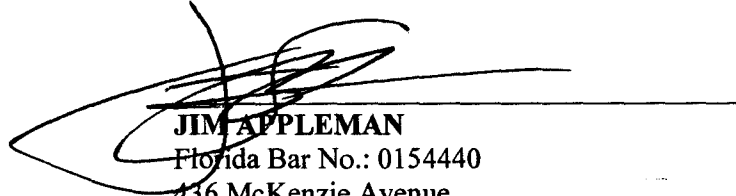


  
 NOTARY PUBLIC  
 Leslie A. Earley  
 Printed Name

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy hereof has been furnished by Facsimile to the Office of the State Attorney, (850) 872-4680 and sent via U.S. Mail to Defendant, on this 23<sup>rd</sup> day of January, 2007.

**APPLEMAN & SHEPARD, LAW OFFICES, P.A.**



**JIM APPLEMAN**  
Florida Bar No.: 0154440  
436 McKenzie Avenue  
P.O. Box 880  
Panama City, FL 32402-0880  
Telephone: (850) 230-5550  
**ATTORNEY FOR DEFENDANT**

cc: Judge Overstreet



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

FILED

STATE OF FLORIDA,  
Plaintiff,

2007 JAN 26 P 1:28

v.

Case # 06-4016 CFM  
Judge Overstreet  
D. BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

KRISTIN ANNE SCHMIDT,  
Defendant.

**ORDER GRANTING VERIFIED MOTION TO WITHDRAW**

THIS CAUSE, having come before this Honorable Court upon Defendant's Verified Motion to Withdraw, the Court having reviewed the motion, file and being otherwise fully informed it is hereby:

**ORDERED and ADJUDGED** that the Verified Motion to Withdraw is **GRANTED** and No Attorney w/o UPDATE FINANCIAL AFF. DAVIT shall be appointed to represent Defendant in the above referenced case.

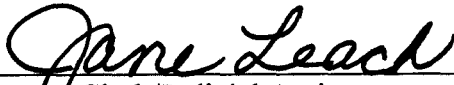
**DONE and ORDERED** in Chambers, Bay County Courthouse, Panama City, Florida, on this 26 day of JAN, 2007.

cc: Jim Appleman, Esq.

  
\_\_\_\_\_  
**MICHAEL C. OVERSTREET**  
CIRCUIT JUDGE

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was provided to Michael Sinacore, The Office of the State Attorney, 800 E. Kennedy Blvd., Tampa, FL 33602; Jim Appleman, Esq., 436 McKenzie Avenue, P.O. Box 880, Panama City, FL 32402-0880, and Kristin Schmidt 2329 Joan Avenue, Panama City Beach, Florida, 32408 by U.S. Mail on this 26 day of Jan, 2007.

  
\_\_\_\_\_  
Deputy Clerk/Judicial Assistant

STATE OF FLORIDA vs.

CASE NO. 06-4016 CPMG

Defendant/Minor Child

**APPLICATION FOR CRIMINAL INDIGENT STATUS**

I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER  
OR

I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$40.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

1. I have 2 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)

2. I have a take home income of \$ 0 paid  weekly  bi-weekly  semi-monthly  monthly  yearly  
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered support payments)

3. I have other income paid  weekly  bi-weekly  semi-monthly  monthly  yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Social Security benefits.....	Yes \$	<u>NO</u>	Veterans' benefit.....	Yes \$	<u>NO</u>
Unemployment compensation.....	Yes \$ <u>200 Appeal</u>	<u>NO</u>	Child support or other regular support from family members/spouse.....	Yes \$	<u>NO</u>
Union Funds.....	Yes \$	<u>NO</u>	Rental income.....	Yes \$	<u>NO</u>
Workers compensation.....	Yes \$	<u>NO</u>	Dividends or interest.....	Yes \$	<u>NO</u>
Retirement/pensions.....	Yes \$	<u>NO</u>	Other kinds of income not on the list.....	Yes \$	<u>NO</u>
Trusts or gifts.....	Yes \$	<u>NO</u>			

4. I have other assets: (Circle "Yes" and fill in the value of the property, otherwise circle "No")

Cash.....	Yes \$ <u>20.00</u>	No	Savings.....	Yes \$	<u>NO</u>
Bank account(s).....	Yes \$ <u>20.00</u>	No	Stocks/bonds.....	Yes \$	<u>NO</u>
Certificates of deposit or money market accounts.....	Yes \$	<u>NO</u>	*Equity in Real estate (excluding homestead).....	Yes \$	<u>NO</u>
*Equity in Motor vehicles/Boats.....	Yes \$ <u>800.00</u>	No	*Include expectancy of an interest in such property.		
Other tangible property.....					

5. I have a total amount of liabilities and debts in the amount of \$ 1066.00 - 725.00 Rent, 182.00 Credit Card, 138.00 Car Loans, 26.00 Gas +

6. I receive: (Circle "Yes" or "No")

Temporary Assistance for Needy Families-Cash Assistance.....	Yes	<u>NO</u>
Poverty-related veterans' benefits.....	Yes	<u>NO</u>
Supplemental Security Income (SSI).....	Yes	<u>NO</u>

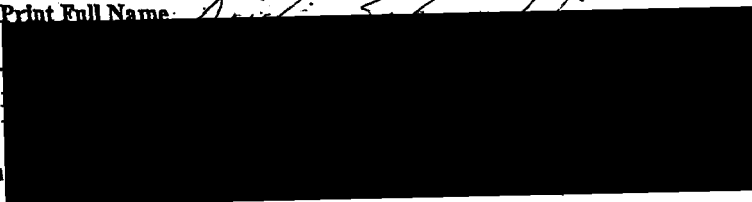
7. I have been released on bail in the amount of \$ 2500.00 Cash  Surety  Posted by: Self  Family  Other

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 29 day of January, 2007.  
9-19-1953

Kristin Schmidt  
Signature of Applicant for Indigent Status

Date of Birth  
9-19-1953  
Drivers License or ID Number

Print Full Name: Kristin Schmidt  


NOTICE: If the applicant is determined by the clerk to be Not Indigent, the applicant shall be responsible for the cost of the application and the cost of the public defender's services.

**CLERK'S DETERMINATION**

Based on the information in this Application, I have determined the applicant to be  Indigent  Not Indigent pursuant to s. 27.52, F.S.

The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this 29th day of Jan, 2007.

Clerk of the Circuit Court  
This form was completed with the assistance of  
[Signature] Clerk/Deputy Clerk/Other authorized person

STATE OF FLORIDA vs.

CASE NO. 06-4016 CFMG

Defendant/Minor Child

**APPLICATION FOR CRIMINAL INDIGENT STATUS**

I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER  
OR

I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$40.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

- I have 2 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
- I have a take home income of \$ 0 paid  weekly  bi-weekly  semi-monthly  monthly  yearly  
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court ordered support payments)
- I have other income paid  weekly  bi-weekly  semi-monthly  monthly  yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")
 

Social Security benefits..... Yes \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/>	Veterans' benefit..... Yes \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/>
Unemployment compensation <u>Dealt</u> ..... Yes \$ <u>\$21,000</u> <input type="checkbox"/> No <input checked="" type="checkbox"/>	Child support or other regular support from family members/spouse..... Yes \$ _____ <input checked="" type="checkbox"/> No <input type="checkbox"/>
Union Funds..... Yes \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/>	Rental income..... Yes \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/>
Workers compensation..... Yes \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/>	Dividends or interest..... Yes \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/>
Retirement/pension..... Yes \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/>	Other kinds of income not on the list..... Yes \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/>
Trusts or gifts..... Yes \$ _____ <input type="checkbox"/> No <input checked="" type="checkbox"/>	
- I have other assets: (Circle "Yes" and fill in the value of the property, otherwise circle "No")
 

Cash..... Yes \$ <u>20.00</u> No <input type="checkbox"/>	Savings..... Yes \$ _____ No <input checked="" type="checkbox"/>
Bank account(s)..... Yes \$ <u>20.00</u> No <input type="checkbox"/>	Stock/bonds..... Yes \$ _____ No <input checked="" type="checkbox"/>
Certificates of deposit or money market accounts..... Yes \$ _____ No <input checked="" type="checkbox"/>	*Equity in Real estate (excluding homestead) Yes \$ _____ No <input checked="" type="checkbox"/>
*Equity in Motor vehicles/Boats..... Yes \$ <u>800.00</u> No <input type="checkbox"/>	*Include expectancy of an interest in such property.
Other tangible property..... Yes \$ _____ No <input type="checkbox"/>	
- I have a total amount of liabilities and debts in the amount of \$ 1060.00
- I receive: (Circle "Yes" or "No")
 

Temporary Assistance for Needy Families-Cash Assistance.....	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Poverty-related veterans' benefits.....	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Supplemental Security Income (SSI).....	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

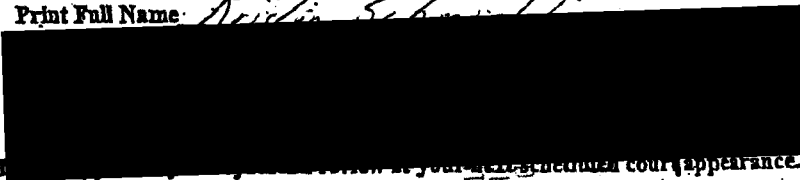
725 W. 16th St  
12800 Cor. Inds  
26th Hwy +

7. I have been released on bail in the amount of \$ 2500.00 Cash  Surety \_\_\_\_\_ Posted by: Self \_\_\_\_\_ Family \_\_\_\_\_ Other \_\_\_\_\_

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under a. 27.52, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 29 day of January, 2007.  
9-19-1953  
Date of Birth  
F15530-501-53-8390  
Drivers License or ID Number

Kristin Schmidt  
Signature of Applicant for Indigent Status  
Print Full Name Kristin Schmidt



NOTICE: If the applicant is determined by the clerk to be Not Indigent, the applicant shall be responsible for their own court appearance.

**CLERK'S DETERMINATION**

OKT Based on the information in this Application, I have determined the applicant to be  Indigent ( ) Not Indigent pursuant to s. 27.52, F.S.

MS The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this 29th day of Jan, 2007.

Clerk of the Circuit Court  
This form was completed with the assistance of  
[Signature] Clerk/Deputy Clerk/Other authorized person

BAZZEL  
CIRCUIT COURT  
FLORIDA  
1 A 1 07

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  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMF  
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  
108 Kristine Blvd.  
Panama city, Florida 32404

Dr. Vernard Adams  
Hillsborough County Medical Examiner  
401 South Morgan Street  
Tampa, Florida 33602

Dr. Jeffrey Appel  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 JAN 31 A 11:32

FILED

Dr. Julie Bayham  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504

Brenda Booher  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Vickie Burnett  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Sgt. Koren Colbert  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, 32405

Kristen Cortiz  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

David Cruel  
502 David Avenue  
Panama City, Florida 32404

Roy Davilla  
5617 Adalee Road  
Panama City, Florida 32404

Chantelle Dishman  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Dr. Wayne Duer  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Detective Leon Evans  
Bay County Sheriff's Office  
3421 N. Hwy 77  
Panama City, FL 32405

Dr. Jason Foland  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504  
or  
Nemours Children's Clinic  
5153 North 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Tommy Ford  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Dr. Sam Gulino  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Dr. Bruce Goldberger  
Rocky Point Labs  
4800 S.W. 35<sup>th</sup> Drive  
Gainesville Florida 32608

Kathy Hanley  
Bay County School Board  
6410 Cherry Street  
Panama City, FL 32404

Dr. Laura Hair  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Richard Hall  
21043 N.W. Josephine Lane  
Altha, Florida 32421

Robert Hall  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Sgt. Bethany Harris  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Stanley Heaton  
208 N. Harris Avenue  
Panama City, Florida 32401

Matt Herring  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Amber N. Hunter  
3913 Pisa Drive K-5  
Panama City, Florida 32405

Dr. Jennifer Jenkins  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

or  
Nemours Children's Clinic  
5153 North 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Antonio L. Jones  
1914 Frankford Avenue  
Apt. #803  
Panama City, Florida 32405

Dr. Jacqueline Lee  
Hillsborough County Medical Examiner Department  
401 South Morgan Street  
Tampa, Florida 33602

Beverly Moniz  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Sgt. Steve Nagy  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Travis W. Perry  
912 McKenzie Avenue  
Panama City, Florida 32401

Timothy Petrucci  
223331 S. Spring Creek Road  
Estacada, Oregon 97023

Chelsea Pollock  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

William C. Reynolds  
1606 W. 10<sup>th</sup> Court  
Panama City, Florida 32401

Tom Ring  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, Florida 32405

Adam P. Rogers  
156 Hill Drive  
Panama City, Florida 32404

Jane Schachle  
FDLE  
1301 N. Palafax Street  
Pensacola, Florida 32501

Anita Segers  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Dr. Charles F. Siebert  
District 14 Medical Examiner's Office  
3737 Franklin Avenue  
Panama City, Florida 32405

Ronald K. Slocum  
7730 S. McCann Road  
Southport, Florida 32409

Capt. Jim Stanford  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Capt. Mike Thompson  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Dr. Shairi Turner  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Nicky Vickers, SRO  
Bay County Sheriff's Office  
3421 N. Hwy 77  
Panama City, Florida 32405

Inv. Mark Walton  
Bay County Sheriff's Office  
3421 Hwy. 77  
Panama City, Florida 32405

Dr. Cynthia Lewis-Younger  
Medical Toxicology Consultants  
9210 Florida Palm Drive  
Tampa, FL 33619



Detective Mike Gibson  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, Florida 33619

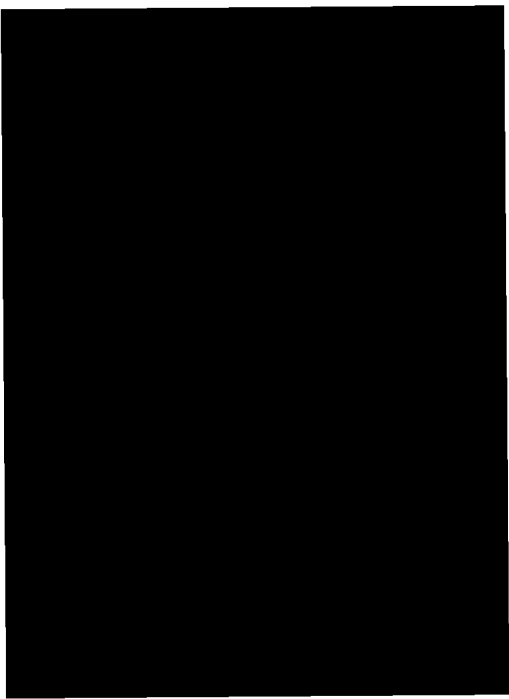
Cpl. Harry Hoover  
Hillsborough County Sheriff's Office  
2008 8<sup>th</sup> Avenue  
Tampa, Florida 33605

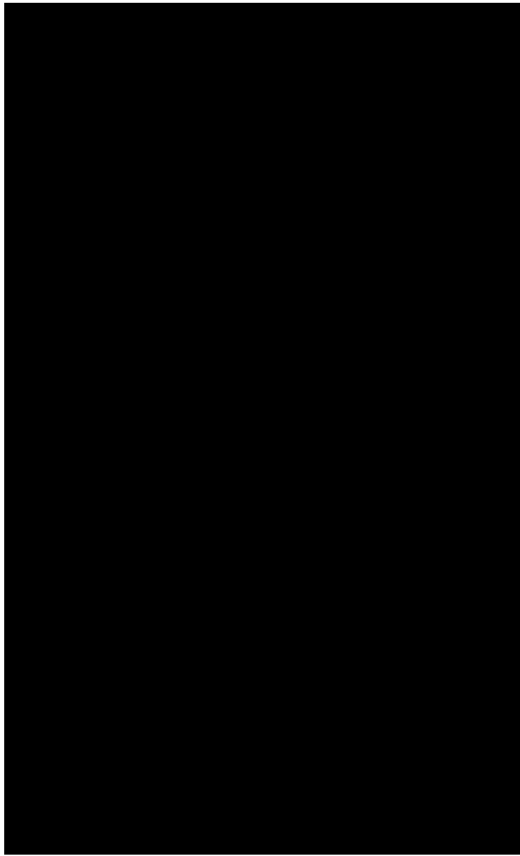
Detective Charles Keene  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, Florida 33619

Cpl. Steve Lewis  
Hillsborough County Sheriff's Office  
7202 Gunn Highway  
Tampa, Florida 33625

Gloria Porter, Investigator  
State Attorney's Office - 13<sup>th</sup> Judicial Circuit  
800 E. Kennedy Blvd.  
Tampa, Florida 33602

Detective Jason Van Brunt  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, Florida 33619





**Category B Witnesses** pursuant to Rule 3.220 (b) (1) (A) (ii),  
F.R.C.R.P.:

Lt. Michael Allen  
Polk County Sheriff's Office  
455 N. Broadway Avenue  
Bartow, Florida 33830

Carla Alvarez  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Andy Anderson  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg, Suite #206  
Tallahassee, Florida 32399-3100

Robert Anderson  
c/o Benjamin Crump, Esq.  
Parks & Crump  
240 N. Magnolia Drive  
Tallahassee, FL 32301

Dr. Thomas Andrew  
White Mountain Forensic Consulting Services  
109 Woodland Drive  
Contoocook, New Hampshire 03229

Dennis Arnold  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Ann Bacher  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. C. Glen Bailey  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Josh Balkom  
Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405

Jill Barry  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Victor Battle  
Battle Memorial Funeral Home  
1123 N. Cove Blvd.  
Panama City, Florida 32401

Michael Bostic  
Bay Regional Juvenile Detention Center  
2232 East 17<sup>th</sup> Street  
Cedar Grove, Florida 32405

Sgt. Robert Bowden  
Manatee County Sheriff's Office  
14490 Harlee Road  
Palmetto, Florida 34221

Kimberly Bryant  
AIRHeart Regional Air Ambulance  
#37 Sheriff Drive  
Santa Rosa Beach, FL 32459

Joseph Bullock  
Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405

Chris Caballero  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Beth Carr  
Department of Juvenile Justice  
505 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Steve Casey  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Charles Chervanik  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Dr. Ben Clark  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504

John Criswell, Chief  
Department of Juvenile Justice  
Bureau of Quality Control  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

William Crowell  
2713 Cocoa Avenue  
Panama City, Florida 32405

James Deas  
508 Airport Road  
Suite C  
Panama City, Florida 32405

Lt. Karen DeMarchi  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, Florida 34994

Laura Demeter, RN  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Michael Dobbs  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. John Downs  
917 Guisando de Avila  
Tampa, FL 33613

Judith Dzadek  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Dr. Samir Ebid  
2202 State Avenue  
Suite #302  
Panama City, Florida 32405

Cassie Elliott, RN  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Carolyn Floyd  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Paul Green  
Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405

Frank Guerrero  
6704 Olokee Street  
Panama City, Florida 32404

Natalie Hager  
722 Joan Avenue  
Panama City, Florida 32404

Bo Hall  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Heather Hart  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Karen Harvell  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. David Hathaway  
Honeywell NASA Marshall Space Flight Center  
Post Office Box 240011  
Huntsville, Alabama 35824

Officer Oscar Harrington  
Bay Regional Juvenile Detention Center  
4529 East Business Highway 98  
Panama City, Florida 32404

Carol Hawthorne  
American Medical Response  
4914 W. Knox  
Tampa, FL 33634

Judy Haynes  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Cpl. Terrance Henderson  
Bay Regional Juvenile Detention Center  
2744 Ravenwood Court  
Lynn Haven, Florida 32444

Tamika Herbert  
Bay Regional Juvenile Detention Center  
2531 Johnson Drive  
Lynn Haven, Florida 32444

Sharon Holler  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Christopher Hood  
Honeywell NASA Marshall Space Flight Center  
Post Office Box 240011  
Huntsville, Alabama 35824

Diane Houser  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Cpl. Eddie Mae Hubbard  
Bay Regional Juvenile Detention Center  
810 Harrb Avenue  
Panama City, Florida 32401

Monica Hudlow, RN  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Chuck Jeter, RN  
AIRHeart Regional Air Ambulance  
#37 Sheriff Drive  
Santa Rosa Beach, FL 32459

Joyce Johnson  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Gina Jones  
c/o Benjamin Crump, Esq.  
Parks & Crump  
240 N. Magnolia Drive  
Tallahassee, FL 32301

Cpt. Lloyd Jones  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, Florida 34994

Cpl. Sylvester Jones  
Bay Regional Juvenile Detention Center  
1410 East 9<sup>th</sup> Street  
Panama City, Florida 32401

Melinda Keiffer  
Ramsden Air Force Base  
Germany

Lt. Kimberly Klein  
Pinellas County Sheriff's Office  
14400 49<sup>th</sup> Street N  
Clearwater, Florida 33762

Richard Kline  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Sgt. Richard Koester  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Jeff Martin  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Steve J. Martin  
8513 Adirondack Trail  
Austin, Texas 78759

Richard L. McAlister  
1940 Sherman Avenue #410  
Panama City, Florida 32405

Herman McBride  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #200  
Tallahassee, Florida 32399-3100

Janie McGeorge  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Don McKay  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Sheriff Frank McKeithen  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, Florida 32405

Linda Milton  
Records Custodian  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504



Dr. Andrea Minyard  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Delores Nelson  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Cpl. Raymond O'Brien  
Bay Regional Juvenile Detention Center  
6939 Roadrunner Road  
Youngstown, Florida 32466

Sgt. George Pridgen  
Bay Regional Juvenile Detention Center  
8911 Summer Circle  
Panama City, Florida 32404

Felicia Reed  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Sgt. Earl Rouhlac  
Bay Regional Juvenile Detention Center  
3922 Trino Way  
Panama City, Florida 32401

Debra Sasser  
Department of Juvenile Justice  
105 Black Shear Drive  
Panama City, Florida 32401

Terry Sasser  
3404 W. 19<sup>th</sup> Street  
Panama City, Florida 32405

Anthony Schembri, Secretary  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Carla Seaborn  
Bay Medical Center  
615 N. Bonita Avenue  
Panama City, Florida 32401

Lt. Robert Shirley  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Ronald K. Slocum  
7730 S. McCann Road  
Southport, Florida 32409

Jeffrey Steiber  
District 1 Medical Examiner's Office  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Lorene Thomas  
Department of Juvenile Justice  
505 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Allison Turner  
Custodian of Records  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Dr. Patricia Turner  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Shelley Vogt  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Lisa Ward  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, Florida 32401

Ms. Pasha Waters  
Bay Regional Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

Kelsey Welsh  
District 14 Medical Examiner's Office  
3737 Franklin Avenue  
Panama City, Florida 32405

Dr. Barbara Wolf  
70 Danley Drive  
Ft. Myers, Florida 33907

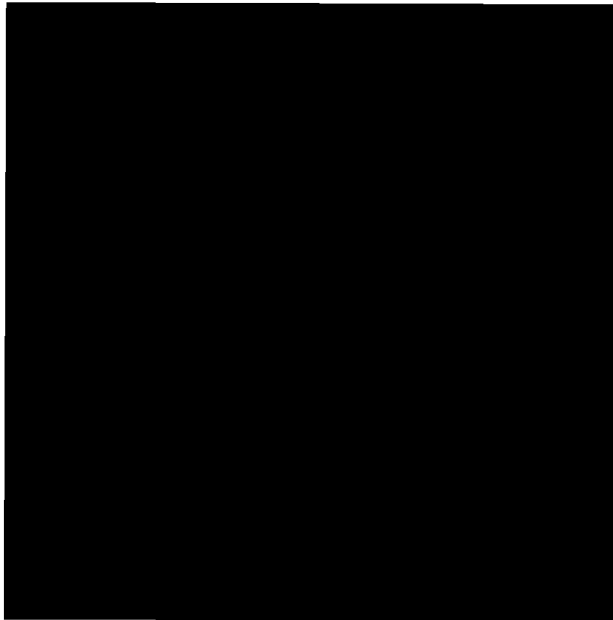
Castelder A. White  
2905-U Minnesota Avenue  
Lynn Haven, Florida 32444

Terrance Winters  
Everett Middle School  
608 School Avenue  
Panama City, Florida 32401

Lt. Joseph Wright  
Bay Regional Juvenile Detention Center  
905 West 26<sup>th</sup> Street Apt. #91  
Lynn Haven, Florida 32444

Margaret Yon  
6515 Smith Road  
Panama City, Florida 32404

Jonathan Bouchard  
2625 Taylor Road Apt. C  
Panama City, Florida 32401



**Category C Witnesses** pursuant to Rule 3.220 (b) (1) (A) (iii),  
F.R.C.R.P.:

Eber Brown  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Steve Bushore  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100

Christopher Crews  
23534 N.W. Lamont Road  
Fountain, Florida 32438

Nancy Guyott, RN  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32504

Benjamin Logue  
2908 Canal Drive  
Panama City, Florida 32405  
Stephen A. Master  
1439 2<sup>nd</sup> Street  
Southport, Florida 32409

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 [REDACTED] Post Office Box 327, Panama City, Florida 32402-0327, via U.S. mail, this 30th day of January, 2007.

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.

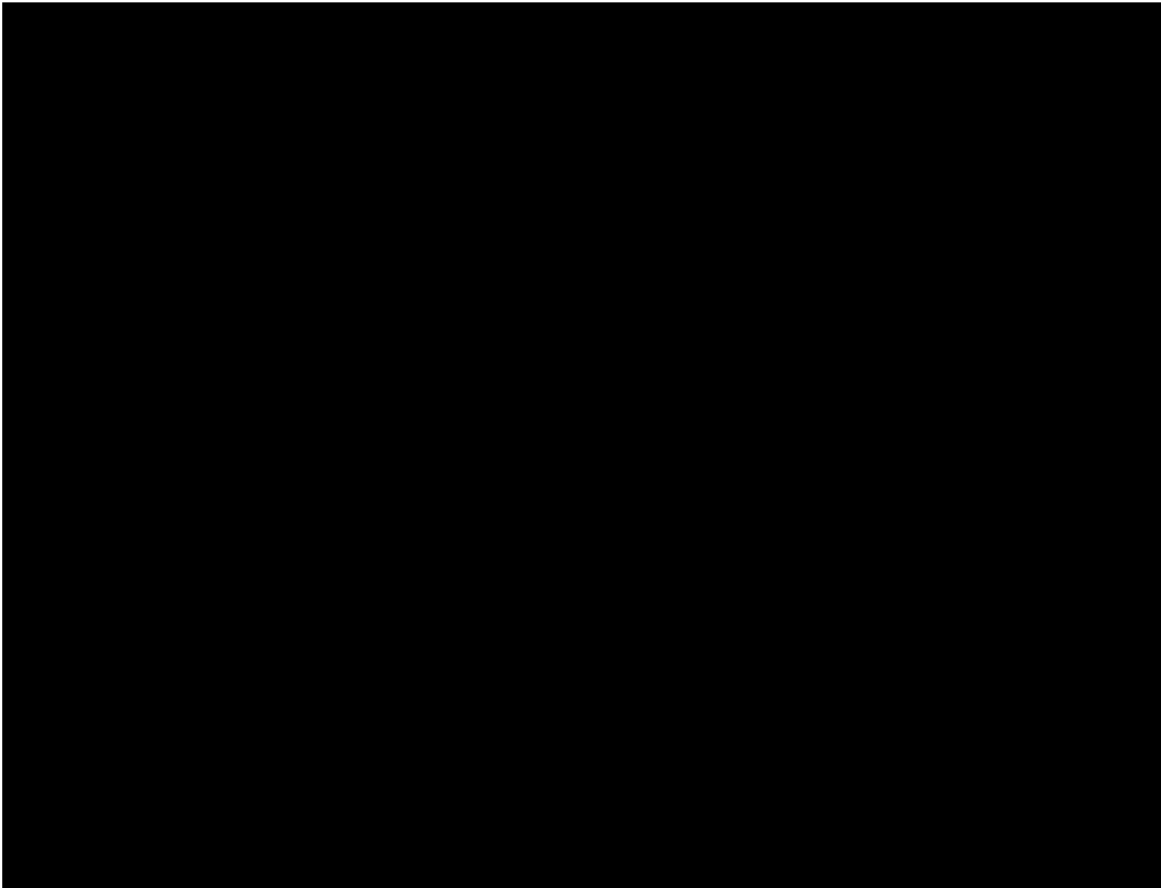
22253-22254            Sworn statement by Mark Walton regarding Hauck explaining use of ammonia on Martin Anderson.

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.

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  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II

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

AMENDED 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, files the following amendment to discovery previously provided in this case:

Please refer to the attached list (2 pages) of discovery documents that will be submitted for in camera review. These documents are not available for copying until approved by the court.

I HEREBY CERTIFY that a copy of the foregoing Amended Discovery has been furnished to [REDACTED] Office Box 327, Panama City, Florida 32402-0327, via U.S. mail, this 30th day of January, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



MICHAEL C. SINACORE  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #0868523

**FILED**  
2007 JAN 31 P 1:27  
HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

**DISCOVERY DOCUMENTS FOR IN CAMERA REVIEW**

<u>Page</u>	<u>Description</u>
607-1256	School Records for Martin Anderson
1264-1267	Commitment Order
1268-1270	DJJ Authority for Treatment
1273-1276	DJJ Substance Abuse & Mental Health Screening
1281-1286	DJJ Risk Assessment Evaluation
1291-1294	DJJ Delinquency History
1295-1299	DJJ Pre-Disposition Report
1230A-1232A	DJJ Authority for Evaluation & Treatment
1233A-1246A	DJJ Comprehensive Physical Assessment
1247A-1248A	DJJ Jimmy Ryce Act Screening
1249A-1251A	DJJ Substance Abuse & Mental Health Screening
1252A-1256A	DJJ Suicide Risk Screening Instrument
1257A-1266A	DJJ Comprehensive Evaluation
1267A-1276A	Student Incident and Misconduct Records
1282A-1285A	Commitment Order
1286A-1288A	Commitment Summary
1289A-1290A	Victim Notification
1291A	DJJ Physical Evaluation & Needs Assessment
1292A-1295A	DJJ Facility Entry Physical Health Screening
3789-4443	DJJ Records for Martin Anderson
4444-4471	DJJ Records for Martin Anderson

4588A-4619A	Medication Records for juvenile B.C.
4638A	DJJ Face Sheet for Anderson
4639A-4659A	DJJ Detention Center Shift Reports
4660-4672	DJJ Detention Center Shift Reports
4680-4682	DJJ Mental Health Screening for Anderson
4711-4768	DJJ Health & Physical Assessment Records for other juveniles
4769-4816	DJJ Interview Forms for other juveniles
4827-4829	DJJ Resource Census Reports
4857-4859	DJJ Resource Census Reports
4680-4682	Mental Health Screening
4906-4912	Medication Records for juvenile B.C.
4942-4948	Medication Records for juvenile B.C.
5487-5490	DJJ Resource Census Report
17273-17431	Department of Children and Families Records
18000-18010	Student Incident and Misconduct Records
18021-18030	Student Incident and Misconduct Records
19236-19239	DJJ Authority for Treatment
19240-19248	DJJ Health History
19311-19314	DJJ Comprehensive Physical Assessment
19315-19321	DJJ Health Related History
22984-23018	Sworn Statement of juvenile P.O. Mary Elizabeth Carr
23412-23480	Sworn Statement of juvenile P.O Lorene Thomas
23633-23636	FDLE Profile with Delinquency History for Martin Anderson

FILED

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

2007 JAN 31 P 1:27

STATE OF FLORIDA

CASE NO.: 06-4016CF

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II

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

AMENDED 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, files the following amendment to discovery previously provided in this case:

Discovery documents have been numbered from 1 through 24,224.

Please note the following regarding the page numbering:

Omitted Page Numbers (There are no documents for these page numbers):

145, 1594, 1756, 1813, 2067, 9100-9999, 10504, 10890-10899, 10987, 11426, 11771, 13838, 14901-14999, 16158-16177, 18008, 21727.

Duplicated Page Numbers (Duplicated numbers differentiated by "A"):

1230A-1299A, 1555A, 2181A, 2458A, 2920A, 3336A, 3337A, 3890A-3899A, 4560A-4659A, 8072A, 10530A, 10685A, 11903A, 12147A, 12150A, 12200A, 12546A, 12728A, 12835A, 12981A, 12982A, 15735A, 15738A, 17200A 17274A, 17373A, 18982A, 20376A, 20486A, 23916A.

Added Pages (Documents given duplicate numbers and differentiated by letter to place them in sequence with other documents):

621A, 658A, 659A, 661A, 674A, 684A, 685A, 686A, 710A, 767A, 768A, 770A, 1918A,  
2061A, 4596A, 4597A, 4598A, 10434A-10435A, 10526A, 10528A, 10536A-  
10537A, 10682A, 10686A, 11063A, 11098A-11099A, 11123A, 11233A-11235A,  
11245A, 12045A, 12140A, 12260A, 12292A, 19218a-19218m, 19218aa-19218zz,  
19328A, 19323A, 19329A, 19330A, 19406A.

I HEREBY CERTIFY that a copy of the foregoing Amended Discovery has been furnished to [REDACTED] Office Box 327, Panama City, Florida 32402-0327, via U.S. mail, this 30th day of January, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



MICHAEL C. SINACORE  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #0868523



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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO: 06-4016G

KRISTIN ANNE SCHMIDT,  
Defendant.

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 FEB -7 A 11:06

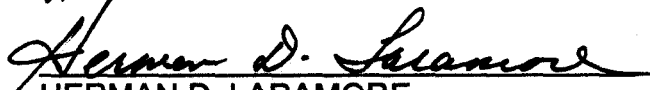
FILED

**CERTIFICATION OF CONFLICT OF INTEREST AND  
MOTION FOR APPOINTMENT OF SEPARATE COUNSEL**

COMES NOW HERMAN D. LARAMORE, Public Defender, Fourteenth Judicial Circuit, pursuant to Section 27.53(3), F.S., and BABB v. EDWARDS, 412 So2d 859 (Fla. 1982), and certifies to this Court that the defendant, KRISTIN ANNE SCHMIDT, cannot be counseled by the undersigned nor any member of his staff without conflict of interest.

WHEREFORE, the undersigned hereby moves this Court to appoint one of the attorneys approved by the Circuit Conflict Committee to serve as counsel for the defendant herein.

DATED this 6th day of February, 2007.

  
HERMAN D. LARAMORE  
PUBLIC DEFENDER  
Fourteenth Judicial Circuit  
Post Office Box 636  
Marianna, Florida 32447-0636  
Phone: 850/482-9366  
Florida Bar #131906

Copies furnished:  
Michael Sinacore, Assistant State Attorney  
Walter B. Smith, Assistant Public Defender

**CLERK**  
**FILED**

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

2007 FEB 20 A 11:40

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 06-4016CF

vs.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB  
[REDACTED]  
06-4016CFMD  
[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

**STATE'S RESPONSE TO DEFENDANTS' MOTIONS  
FOR STATEMENT OF PARTICULARS**

THE STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, hereby responds to the Motion for Statement of Particulars filed in this cause by counsel for defendants [REDACTED], Raymond Hauck, [REDACTED] [REDACTED] and Joseph Walsh, II. The State objects to the motions. The State contends that the defendants are not entitled to a statement of particulars in this case, and that a statement of particulars is unnecessary and unwarranted.

Rule 3.140(n) of the Florida Rules of Criminal Procedure requires a statement of particulars only if necessary to enable a defendant to prepare a defense. The rule states, in pertinent part:

The court, on motion, shall order the prosecuting attorney to furnish a statement of particulars when the indictment or information on which the defendant is to be tried fails to inform the defendant of the particulars of the offense sufficiently to enable the defendant to prepare a defense.

If a court orders the prosecution to provide a statement of particulars, Rule 3.140(n) requires the following:

The statement of particulars shall specify as definitely as possible the place, date, and all other material facts of the crime charged that are specifically requested and are known to the prosecuting attorney, including the names of persons intended to be defrauded.

Rule 3.140(n) does not require the prosecution to provide a statement of particulars based merely on a request by the defense or by an assertion by the defense that a statement of particulars is necessary. The rule only requires production of a statement of particulars when the court finds that the information is insufficient to enable a defendant to prepare a defense.

A defendant is only entitled to a statement of particulars when the charging document does not give him adequate notice of the charge he must defend. Smith v. State, 93 Fla. 238, 112 So. 70 (Fla. 1927). A defendant is not entitled to a statement of particulars if the information contains all the elements necessary to establish the crime, and does not otherwise mislead the defendant in the preparation of a defense. Jones v. State, 466 So.2d 293 (Fla. 3<sup>rd</sup> DCA 1985). Even when an information charges more than one way for a crime to have been committed, a defendant is not entitled to a statement of particulars absent a showing of lack of notice, prejudice, surprise or the inability to prepare an adequate defense. Harrison v. State, 557 So.2d 151 (Fla. 4<sup>th</sup> DCA 1990). A statement of particulars is only required in exceptional cases where the denial of a statement of particulars constitutes an abuse of judicial discretion. Peel v. State, 154 So.2d 910 (Fla. 2<sup>nd</sup> DCA 1963); Miller v. State, 764 So.2d 640 (Fla. 1<sup>st</sup> DCA 2000).

A statement of particulars is not required or necessary in this case. The information filed in this cause contains all the elements necessary to establish the crime charged, and provides sufficient notice of the offense to enable the defendants to prepare for trial.

Three grounds are raised in the motions for statement of particulars filed in this case. The motions filed by the various defendants are substantially identical, and for purposes of this response the State addresses the motions collectively.

#### Ground One

The first ground for a statement of particulars asserts that the information in this case fails to inform each defendant of the particulars of the allegation that the defendant was a caregiver of Martin Lee Anderson. The motions request the court to require the prosecution to provide the conclusory theory upon which the defendant is alleged to be the caregiver of the victim, and to include a statement of facts supporting the conclusion. This ground does not demonstrate any deficiency in the information that precludes the defendant from preparing a defense.

For the State to convict any defendant of the offense charged, it will be necessary to prove that the defendant caused the death of the victim by culpable negligence under the statute for Child Neglect, Florida Statute §827.03(3), which requires that the defendant be a caregiver for the victim. The term “caregiver” is defined by Florida Statutes, and will be provided in jury instructions. The definition of caregiver includes any person responsible for a child’s welfare. Whether the facts prove that a defendant was a “caregiver” for the victim is a matter to be determined by the jury. As is evident by

this ground being raised in the motion for a statement of particulars, the information adequately puts the defendant on notice that the defendant is charged with having been a caregiver for the victim, and the defendant is aware of that allegation. Therefore, the information is sufficient to enable the defendant to prepare a defense. Furthermore, this ground of the motion seeks disclosure of a prosecution theory. Rule 3.140(n) does not authorize or compel disclosure of prosecution theories.

### Ground Two

The second ground of the motion for statement of particulars asserts that the information fails to inform the defendant of the particulars of the allegation that the defendant neglected Martin Lee Anderson by failure or omission to provide him with the care, supervision or services necessary to maintain his physical or mental health that a prudent person would consider essential for the well-being of a child. The motion alleges that the information fails to inform the defendant of the particulars of the offense sufficiently to enable the defendant to prepare a defense. This ground is merely a conclusory allegation, and does not demonstrate any deficiency in the information that precludes the defendant from preparing a defense.

The information gives adequate notice of the elements of the crime alleged. The information puts the defendant on notice that the defendant is accused of being a caregiver who neglected Martin Lee Anderson by failing to provide the care that any prudent person would consider essential for the well-being of a child. The information puts the defendant on notice that the alleged failure to provide that care caused the death of the victim. The information puts the defendant on notice of the allegation that the

death of Martin Lee Anderson was caused by culpable negligence by the defendant.

Therefore, the information provides sufficient notice for the defendants to understand the elements of the crime alleged and to prepare a defense.

The defendants are charged with failing or omitting to provide the care, supervision or services that a prudent person would consider essential for a child. This is an objective standard derived from the elements of the crime of Child Neglect in Florida Statute §827.03(3), which provides as follows:

(3)(a) "Neglect of a child" means:

1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of a child; or
2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

The definition of child neglect gives examples of care, supervision and services necessary to maintain the child's physical and mental health, but does not limit the duty to provide care, supervision and services to those examples. Any failure or omission, however, must be one that a "prudent person" would consider essential for the well-being of a child.

The information has put each defendant on notice that the State is alleging a failure or omission to provide proper care, supervision and services, based on the

objective standard of a “prudent person.” Deciding whether a defendant failed to provide proper care for the victim is a factual determination to be made by the jury, and is limited only to the “prudent person” standard. The law does not require the State to select specific failures or omissions. The information in this case has put the defendants on notice that their conduct is alleged to have been a breach of the duty to provide essential care to the victim, and that their conduct as caregivers will be judged by the finder of fact based on the objective standard of a “prudent person.” Therefore, the information provides sufficient information to notify the defendants of the allegation and enable the preparation of a defense.

Moreover, most of the incident in question in this case was observed and recorded on videotape. Reports about the incident were written by some of the defendants. All defendants have been interviewed about the incident and given statements. It is unlikely that there will be much dispute as to what each defendant did or did not do during the incident. As a result, the danger of unfair prejudice or surprise is minimal in this case.

### Ground Three

The third ground asserts that the information fails to inform the defendant of the particulars of the allegation that the defendant failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect or exploitation by another person. The motion alleges that the information fails to inform the defendant of the particulars of the offense sufficiently to enable the defendant to prepare a defense. This ground is merely a conclusory allegation, and does not demonstrate any deficiency in the information that precludes the defendant from preparing a defense.

The information puts the defendants on notice that they are accused of neglecting Martin Lee Anderson, a child that was in their care, and causing his death as a result of that neglect. Accordingly, the information includes language from the Child Neglect statute, Florida Statutes §827.03(3). Not only is it unlawful for a caregiver to fail to provide the care essential for the well-being of a child, but it is also child neglect when a caregiver fails to protect a child from abuse or neglect by another person. The information advises each defendant that they are charged with both methods of child neglect, in the alternative. Charging alternative allegations in an information is authorized under Rule 3.140(k)(5), Florida Rules of Criminal Procedure.

The third ground also requests that the court order the prosecution to provide the identity of the “another person” referenced in the information. Florida Statutes §827.03(3) holds caregivers responsible for protecting a child in their care from harm inflicted by another person. The statute is not limited to a specific person, and does not require that the person who harmed the victim be identified. The standard jury instruction for Child Neglect does not require “another person” to be named, but simply uses the term “another person.” Therefore, it is not necessary for the State to specify or provide the identity of “another person.”

As has previously been discussed, the incident in question was recorded on videotape, and all defendants have given statements describing the event. There is no doubt that all defendants are aware of the identity of everyone involved in the incident. The request to have “another person” identified in a statement of particulars fails to demonstrate that this information is necessary to prepare a defense to the crime charged.



## CONCLUSION

The incident in question involves multiple defendants who were responsible for the well-being of the victim. All defendants interacted with the victim and each other during the incident. Each defendant is fully aware of the conduct of all involved in this case. The question to be resolved by a jury is whether the conduct of each defendant was criminally negligent, as alleged by the State. The information adequately puts the defendants on notice that the State has alleged that the defendants were caregivers of Martin Lee Anderson and the conduct of each was culpably negligent, constituted child neglect, and caused the death of Martin Lee Anderson. The information is sufficient to enable the preparation of a defense, and no additional information is required to put the defendants on notice of the charges, or to prevent prejudice or surprise.

Under Rule 3.140(n), when a statement of particulars is ordered by a court, the statement of particulars is limited to date, place and material facts. The motion for a statement of particulars in this case requests explanations and prosecution theories. This is tantamount to a request to have the Court order the prosecution to argue this case in writing before trial. A statement of particulars should not be used as a device to force the prosecution to articulate legal theories and argue inferences from the evidence. The law only requires a statement of particulars if necessary to prevent a lack of notice, prejudice, surprise, or the inability to prepare a defense.

The information in this case provides adequate notice of the crime charged for the defendants to prepare a defense. Furthermore, the evidence in this case includes a videotape of the incident, reports about the incident written by multiple defendants, and interviews about the incident with all defendants. An extensive amount of media

attention has been given to this case. There is no doubt that the defendants are fully aware of the conduct that is at issue in this case, and there is little danger of unfair prejudice or surprise.

For the foregoing reasons, the Motion for a Statement of Particulars should be denied.

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Robert Sombathy, attorney for [REDACTED], 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; [REDACTED] Panama City, Florida 32402-0327, Jonathan Dingus, attorney for [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail, on this 16th day of February, 2007.

MARK A. OBER  
STATE ATTORNEY



Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #868523

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

FILED

2007 FEB 22 A 10:02

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 06-4016CF

vs.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

**STATE'S RESPONSE TO DEFENDANTS' MOTIONS  
FOR STATEMENT OF PARTICULARS**

THE STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, hereby responds to the Motion for Statement of Particulars filed in this cause by counsel for defendant Henry Dickens. A response has previously been filed to identical motions filed on behalf of defendants [REDACTED] Raymond Hauck [REDACTED] [REDACTED] and Joseph Walsh, II. The State objects to the motions.

The State contends that the defendants are not entitled to a statement of particulars in this case, and that a statement of particulars is unnecessary and unwarranted.

Rule 3.140(n) of the Florida Rules of Criminal Procedure requires a statement of particulars only if necessary to enable a defendant to prepare a defense. The rule states, in pertinent part:

The court, on motion, shall order the prosecuting attorney to furnish a statement of particulars when the indictment or information on which the defendant is to be tried fails to inform the defendant of the particulars of the offense sufficiently to enable the defendant to prepare a defense.

(KV)

If a court orders the prosecution to provide a statement of particulars, Rule 3.140(n) requires the following:

The statement of particulars shall specify as definitely as possible the place, date, and all other material facts of the crime charged that are specifically requested and are known to the prosecuting attorney, including the names of persons intended to be defrauded.

Rule 3.140(n) does not require the prosecution to provide a statement of particulars based merely on a request by the defense or by an assertion by the defense that a statement of particulars is necessary. The rule only requires production of a statement of particulars when the court finds that the information is insufficient to enable a defendant to prepare a defense.

A defendant is only entitled to a statement of particulars when the charging document does not give him adequate notice of the charge he must defend. Smith v. State, 93 Fla. 238, 112 So. 70 (Fla. 1927). A defendant is not entitled to a statement of particulars if the information contains all the elements necessary to establish the crime, and does not otherwise mislead the defendant in the preparation of a defense. Jones v. State, 466 So.2d 293 (Fla. 3<sup>rd</sup> DCA 1985). Even when an information charges more than one way for a crime to have been committed, a defendant is not entitled to a statement of particulars absent a showing of lack of notice, prejudice, surprise or the inability to prepare an adequate defense. Harrison v. State, 557 So.2d 151 (Fla. 4<sup>th</sup> DCA 1990). A statement of particulars is only required in exceptional cases where the denial of a statement of particulars constitutes an abuse of judicial discretion. Peel v. State, 154 So.2d 910 (Fla. 2<sup>nd</sup> DCA 1963); Miller v. State, 764 So.2d 640 (Fla. 1<sup>st</sup> DCA 2000).

A statement of particulars is not required or necessary in this case. The information filed in this cause contains all the elements necessary to establish the crime charged, and provides sufficient notice of the offense to enable the defendants to prepare for trial.

Three grounds are raised in the motions for statement of particulars filed in this case. The motions filed by the various defendants are substantially identical, and for purposes of this response the State addresses the motions collectively.

#### Ground One

The first ground for a statement of particulars asserts that the information in this case fails to inform each defendant of the particulars of the allegation that the defendant was a caregiver of Martin Lee Anderson. The motions request the court to require the prosecution to provide the conclusory theory upon which the defendant is alleged to be the caregiver of the victim, and to include a statement of facts supporting the conclusion. This ground does not demonstrate any deficiency in the information that precludes the defendant from preparing a defense.

For the State to convict any defendant of the offense charged, it will be necessary to prove that the defendant caused the death of the victim by culpable negligence under the statute for Child Neglect, Florida Statute §827.03(3), which requires that the defendant be a caregiver for the victim. The term “caregiver” is defined by Florida Statutes, and will be provided in jury instructions. The definition of caregiver includes any person responsible for a child’s welfare. Whether the facts prove that a defendant was a “caregiver” for the victim is a matter to be determined by the jury. As is evident by

this ground being raised in the motion for a statement of particulars, the information adequately puts the defendant on notice that the defendant is charged with having been a caregiver for the victim, and the defendant is aware of that allegation. Therefore, the information is sufficient to enable the defendant to prepare a defense. Furthermore, this ground of the motion seeks disclosure of a prosecution theory. Rule 3.140(n) does not authorize or compel disclosure of prosecution theories.

### Ground Two

The second ground of the motion for statement of particulars asserts that the information fails to inform the defendant of the particulars of the allegation that the defendant neglected Martin Lee Anderson by failure or omission to provide him with the care, supervision or services necessary to maintain his physical or mental health that a prudent person would consider essential for the well-being of a child. The motion alleges that the information fails to inform the defendant of the particulars of the offense sufficiently to enable the defendant to prepare a defense. This ground is merely a conclusory allegation, and does not demonstrate any deficiency in the information that precludes the defendant from preparing a defense.

The information gives adequate notice of the elements of the crime alleged. The information puts the defendant on notice that the defendant is accused of being a caregiver who neglected Martin Lee Anderson by failing to provide the care that any prudent person would consider essential for the well-being of a child. The information puts the defendant on notice that the alleged failure to provide that care caused the death of the victim. The information puts the defendant on notice of the allegation that the

death of Martin Lee Anderson was caused by culpable negligence by the defendant.

Therefore, the information provides sufficient notice for the defendants to understand the elements of the crime alleged and to prepare a defense.

The defendants are charged with failing or omitting to provide the care, supervision or services that a prudent person would consider essential for a child. This is an objective standard derived from the elements of the crime of Child Neglect in Florida Statute §827.03(3), which provides as follows:

(3)(a) "Neglect of a child" means:

1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of a child; or
2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

The definition of child neglect gives examples of care, supervision and services necessary to maintain the child's physical and mental health, but does not limit the duty to provide care, supervision and services to those examples. Any failure or omission, however, must be one that a "prudent person" would consider essential for the well-being of a child.

The information has put each defendant on notice that the State is alleging a failure or omission to provide proper care, supervision and services, based on the

objective standard of a “prudent person.” Deciding whether a defendant failed to provide proper care for the victim is a factual determination to be made by the jury, and is limited only to the “prudent person” standard. The law does not require the State to select specific failures or omissions. The information in this case has put the defendants on notice that their conduct is alleged to have been a breach of the duty to provide essential care to the victim, and that their conduct as caregivers will be judged by the finder of fact based on the objective standard of a “prudent person.” Therefore, the information provides sufficient information to notify the defendants of the allegation and enable the preparation of a defense.

Moreover, most of the incident in question in this case was observed and recorded on videotape. Reports about the incident were written by some of the defendants. All defendants have been interviewed about the incident and given statements. It is unlikely that there will be much dispute as to what each defendant did or did not do during the incident. As a result, the danger of unfair prejudice or surprise is minimal in this case.

### Ground Three

The third ground asserts that the information fails to inform the defendant of the particulars of the allegation that the defendant failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect or exploitation by another person. The motion alleges that the information fails to inform the defendant of the particulars of the offense sufficiently to enable the defendant to prepare a defense. This ground is merely a conclusory allegation, and does not demonstrate any deficiency in the information that precludes the defendant from preparing a defense.



The information puts the defendants on notice that they are accused of neglecting Martin Lee Anderson, a child that was in their care, and causing his death as a result of that neglect. Accordingly, the information includes language from the Child Neglect statute, Florida Statutes §827.03(3). Not only is it unlawful for a caregiver to fail to provide the care essential for the well-being of a child, but it is also child neglect when a caregiver fails to protect a child from abuse or neglect by another person. The information advises each defendant that they are charged with both methods of child neglect, in the alternative. Charging alternative allegations in an information is authorized under Rule 3.140(k)(5), Florida Rules of Criminal Procedure.

The third ground also requests that the court order the prosecution to provide the identity of the “another person” referenced in the information. Florida Statutes §827.03(3) holds caregivers responsible for protecting a child in their care from harm inflicted by another person. The statute is not limited to a specific person, and does not require that the person who harmed the victim be identified. The standard jury instruction for Child Neglect does not require “another person” to be named, but simply uses the term “another person.” Therefore, it is not necessary for the State to specify or provide the identity of “another person.”

As has previously been discussed, the incident in question was recorded on videotape, and all defendants have given statements describing the event. There is no doubt that all defendants are aware of the identity of everyone involved in the incident. The request to have “another person” identified in a statement of particulars fails to demonstrate that this information is necessary to prepare a defense to the crime charged.

## CONCLUSION

The incident in question involves multiple defendants who were responsible for the well-being of the victim. All defendants interacted with the victim and each other during the incident. Each defendant is fully aware of the conduct of all involved in this case. The question to be resolved by a jury is whether the conduct of each defendant was criminally negligent, as alleged by the State. The information adequately puts the defendants on notice that the State has alleged that the defendants were caregivers of Martin Lee Anderson and the conduct of each was culpably negligent, constituted child neglect, and caused the death of Martin Lee Anderson. The information is sufficient to enable the preparation of a defense, and no additional information is required to put the defendants on notice of the charges, or to prevent prejudice or surprise.

Under Rule 3.140(n), when a statement of particulars is ordered by a court, the statement of particulars is limited to date, place and material facts. The motion for a statement of particulars in this case requests explanations and prosecution theories. This is tantamount to a request to have the Court order the prosecution to argue this case in writing before trial. A statement of particulars should not be used as a device to force the prosecution to articulate legal theories and argue inferences from the evidence. The law only requires a statement of particulars if necessary to prevent a lack of notice, prejudice, surprise, or the inability to prepare a defense.

The information in this case provides adequate notice of the crime charged for the defendants to prepare a defense. Furthermore, the evidence in this case includes a videotape of the incident, reports about the incident written by multiple defendants, and interviews about the incident with all defendants. An extensive amount of media

attention has been given to this case. There is no doubt that the defendants are fully aware of the conduct that is at issue in this case, and there is little danger of unfair prejudice or surprise.

For the foregoing reasons, the Motion for a Statement of Particulars should be denied.

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Hoot Crawford, attorney for Henry Dickens, via facsimile to (850) 872-8228, and via U.S. mail to P.O. Box 1103, 748 Jenks Avenue, Panama City, Florida 32402, on this 21<sup>st</sup> day of February, 2007.

MARK A. OBER  
STATE ATTORNEY

A handwritten signature in black ink, appearing to read "M. Sinacore", written over the typed name of Michael C. Sinacore.

Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #868523

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

STATE OF FLORIDA,

Plaintiff,

vs.

Case No.: 06-4016G

KRISTIN ANNE SCHMIDT,

Defendant.

---

**NOTICE OF APPEARANCE**

**COMES NOW**, the undersigned attorney, and files this Notice of Appearance in the above-styled cause, and requests that copies of all further pleadings be served upon the undersigned.

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished by U.S. Mail to the Michael Sinacore, Assistant State Attorney, 800 East Kennedy Blvd., Tampa, Florida 33602 this 22<sup>nd</sup> day of February, 2007.



---

**ASHLEY STONE BENEDIK**  
FL BAR # 980129  
**COTHRAN & BENEDIK, P.A.**  
1004 Jenks Avenue  
Panama City, Florida 32401  
(850)784-2992 Fax (850)784-4773  
Attorney for Defendant

FILED

2007 FEB 22 P 4: 26

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

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

STATE OF FLORIDA,

Plaintiff,

vs.

Case No.: 06-4016G

KRISTIN ANNE SCHMIDT,


Defendant.

---

**WRITTEN PLEA OF NOT GUILTY**

**COMES NOW**, the Defendant, KRISTIN ANNE SCHMIDT, by and through his attorney, and pursuant to Rule 3.160(a), Florida Rules of Criminal Procedure, hereby enters his written plea of not guilty, waives arraignment, and requests that the Defendant be given twenty (20) days within which to file all appropriate motions.

I **HEREBY CERTIFY** that a copy of the foregoing has been furnished by U.S. Mail to the Michael Sinacore, Assistant State Attorney, 800 East Kennedy Blvd., Tampa, Florida 33602 this 22 day of February, 2007.

  
**ASHLEY STONE BENEDIK**  
FL BAR # 980129  
**COTHRAN & BENEDIK, P.A.**  
1004 Jenks Avenue  
Panama City, Florida 32401  
(850)784-2992 Fax (850)784-4773  
Attorney for Defendant

FILED

2007 FEB 22 P 4:26

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

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

FILED

2007 FEB 22 P 4: 26

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

Case No.: 06-4016G

KRISTIN ANNE SCHMIDT,

Defendant.

---

**NOTICE OF DISCOVERY AND BRADY DEMAND**

**COMES NOW** the Defendant, KRISTIN ANNE SCHMIDT, by and through his attorney, and files herewith his Notice of Discovery and Brady Demand requiring the prosecutor to disclose to defense counsel, pursuant to Florida Rules of Criminal Procedure 3.220, the following:

(a) The names and addresses of all persons known to the prosecutor to have information which may be relevant to the offense charged, and to any defense with respect thereto.

1) The names of all persons described under paragraph (a) above who the prosecutor designates as performing ministerial functions with respect to the case.

2) The names of all persons described under paragraph (a) above whom the prosecutor does not intend to call at trial.

3) The names of all persons described under paragraph (a) above whose involvement with the case and knowledge of the case is FULLY SET out in a police report or other statement furnished to the defense.

(b) Copies of statements of any person whose name is furnished in compliance with the preceding paragraph to include any statement of any kind or manner made by such person and written or recorded or summarized in any writing or recording. The term "statement" is specifically intended to include ALL police and investigative reports of ANY kind prepared for or in connection with the case.

(c) Copies or transcripts of any written or recorded statement and the substance of any oral statements made by the accused and known to the prosecutor, together with the name and address of each witness to the statement.

(d) Copies of any written or recorded statements and the substance of any oral statements made by a co-defendant, if there is a co-defendant in the above-styled cause.

(e) Those portions of any recorded grand jury minutes that contain testimony of the accused.

(f) Any copies or list of tangible papers or objects which were obtained from or belonged to the accused, together with the location of said objects.

(g) List of the information or materials or copies of any statements or other documents which have been provided by a confidential informant.

(h) Whether the State has engaged in any electronic surveillance, including wire-tapping, of the premises of the accused or of conversations to which the accused was a party; and, any documents relating thereto.

(i) Whether there has been any search or seizure and any documents relating thereto.

(j) Reports or statements of experts made in connection with this case,

including results of physical or mental examinations and of scientific tests, experiments or comparisons. The term "statement " is specifically intended to include ALL police and investigative reports of ANY kind prepared for or in connection with the case. In the event that blood alcohol, urinalysis or breathalyzer tests should constitute a report or statement furnished herein, in such event, furnish the following:

1) A copy of breathalyzer/urinalysis/blood alcohol report.

2) A copy of the radio logs of the arrest and incarcerating law enforcement agency for the time periods for the day preceding the date of arrest, the date of arrest, and the day following date of arrest.

3) The maintenance logs as required by DHSMV Rule 158-3.05, paragraph 2.

4) A copy (front and back) of the permit issued by the Department of Health and Rehabilitative Services under the provisions of Florida Statutes 322.261 and 322.262 to the officer who conducted the test.

(k) Any tangible papers or objects which the prosecuting attorney intends to use in the hearing or trial and which were not obtained from or belonged to the accused.

(l) Any and all material now known to the State of Florida, or which through due diligence may be learned from the investigating officers or the witnesses or persons having knowledge of this case, which is favorable in nature to the accused or which may lead to favorable material or which might serve to mitigate punishment, and including any material impeaching or contradicting testimony of State witnesses or instructions to State witnesses not to speak with or discuss the facts of the case with defense counsel. Brady v. Maryland, 373 U.S. 83 (1963). Included in favorable material but not limited to



are the following specific requests for the following items:

- 1) Any favorable material relating to guilt or punishment of the accused.
  - 2) Any favorable material which impeaches prosecution witnesses.
  - 3) Any favorable material of prior inconsistent statements of a State or Government witness.
  - 4) Any favorable material consisting of promises to witnesses of immunity, leniency, or recommendations of specific sentence.
  - 5) Any favorable material consisting of promises of leniency or reward received in other cases or investigations.
  - 6) Any favorable material consisting of threats to prosecute a State or Government witness or any witness which may be called at trial.
  - 7) Any favorable material consisting of information as to pending indictments, prior indictments, or prior convictions of a State or Government witness.
  - 8) Any favorable material consisting of information regarding a State or Government witness's interest, motives, prejudices, hostilities, means of obtaining knowledge, power of memory, way of life, or associations.
  - 9) Any favorable material consisting of information that an eyewitness identified someone other than the accused as the perpetrator even though that witness shall not or will not be called by the State or Government.
  - 10) Any favorable material consisting of descriptions of the perpetrator which do not match the accused.
- (m) Please furnish copies of all documentary evidence as required above to

the undersigned by United States Mail. The undersigned will pay, upon receipt, reasonable costs of copying and reproduction of the documentary evidence (excluding photographs). All of this documentary evidence should be furnished prior to any depositions of any persons involved in this cause. It shall be presumed that the prosecutor shall perform the foregoing obligations and furnishing of said copies as aforesaid by U.S. Mail and that manner is mutually agreeable to the prosecutor and defense counsel absent of objection from the prosecutor within fifteen (15) days of service of this written demand by the defendant's attorney.


In the event this motion is filed prior to any information or indictment being filed, then, upon the filing of the information or indictment by the assistant state attorney or state attorney, this motion is automatically renewed by such filing and the undersigned attorney is bound by the reciprocal provisions of Rule 3.220, Florida Rules of Criminal Procedure. The purpose of the filing of this motion is to allow the assistant state attorney or state attorney having jurisdiction of this matter to proceed expeditiously, and to place the assistant state attorney or state attorney on notice that such demand will and is being made.

By the execution and filing hereof by either the defendant or his attorney, same shall constitute a certification that the signer has read this notice and that to the best of the signer's knowledge, information or belief, that it complies with the certification required by Rule 3.220(n)(3), Florida Rules of Criminal Procedure.



**ASHLEY STONE BENEDIK**  
FL Bar#980129  
**COTHRAN & BENEDIK, P.A.**  
1004 Jenks Ave  
Panama City, FL 32401  
(850)784-2992 Fax (850)784-4773  
Attorney for Defendant

I **HEREBY CERTIFY** that a copy of the foregoing has been furnished by U.S. Mail to the Michael Sinacore, Assistant State Attorney, 800 East Kennedy Blvd., Tampa, Florida 33602 this 22 day of February, 2007.

  
ASHLEY STONE BENEDIK, ESQ.

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

FILED

2007 FEB 22 P 4: 26

STATE OF FLORIDA

Plaintiff,

v.

CASE NO.: 06-4016G

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

KRISTIN ANNE SCHMIDT,

Defendant.

JUDGE: MICHAEL C. OVERSTREET

**MOTION FOR ORDER APPROVING COSTS FOR A PAPER COPY OF DISCOVERY**

COMES NOW, Ashley Stone Benedik, as the private court-appointed attorney in the above-entitled cause, and files this Motion for Order Approving the Cost for a paper copy of the discovery in this case and in support thereof, states as follows:

The discovery in this case is being provided from the State in the form of multiple CD-ROMs. It is necessary for the Defense to have the discovery printed on to paper so that the Defense can properly review the documents and prepare for trial. The Defense has received a quote (attached as Exhibit A) from Allegra Printing for the costs of printing the 21,654 pages of discovery which amounts to a total of \$933.78. These costs are above and beyond the ordinary business expenses of the court-appointed attorney and therefore the Defense is requesting that the Court require the Justice Administration Commission to pay for these copy costs.

**WHEREFORE**, it is respectfully requested that the Court enter an order approving the cost for a paper copy of the discovery in the above case.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Motion for Order Approving Costs for a Paper Copy of Discovery has been served by U.S. Mail to the Justice Administrative Commission, P.O. Box 1654, Tallahassee, FL 32302 and/or Facsimile to the Justice Administrative Commission (850)488-8944 on this 22<sup>nd</sup> day of February, 2007.



ASHLEY STONE BENEDIK  
Florida Bar No.:980129  
Cothran & Benedik, P.A.  
1004 Jenks Avenue  
Panama City, FL 32401  
(850)784-2992



**ST. ANDREWS**  
 2505 West 15th Street  
 Panama City, FL 32401  
 850.747.9000  
 850.747.9119 Fax

**BEACH**  
 7902 Front Beach Road  
 Panama City Beach, FL 32407  
 850.234.6101  
 850.233.1834 Fax

www.allegrapc.com

Quotation	
No: 4912	Date: 02/22/07

Ashley Stone Benedik  
 Cothran & Benedik, P.A.  
 1004 Jenks Avenue  
 Panama City FL 32401

Fax: 850-784-4773

Acct.No	Ordered by	Phone	P.O. No	Prepared by	Sales Rep	Ship Via
17270	Ashley Stone Benedik	850-784-2992		Cheryl Smith-Wyts	House	Customer Pickup
Quantity	Description				Price	
1	Litigation Copies: Boot Camp Case (21654 clicks/set) Paper B/W - 20# White 8.5 x 11 (21600 Origs 1 --> 1) Paper B/W - 20# Color 8.5 x 11 (54 Origs 1 --> 1)				876.79	
					<b>Subtotal</b>	<b>876.79</b>
					Shipping	0.00
					Postage	0.00
					Tax	56.98
					<b>TOTAL</b>	<b>933.78</b>
Received by: _____ Date: __/__/__						

Quotes are valid for 30 days.

Allegra Print & Imaging - 2505 West 15th Street - Panama City FL 32401 - (850) 747-9000

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

96

Judge: OVERSTREET MICHAEL G. (DTU 6)  
Court Reporter: 3:30 pm  
State Attorney: MARK A OBER  
State Of Florida vs SCHMIDT, KRISTIN ANNE  
Defendant in Custody? YES [ ] NO [X]

Clerk: J Galpin Division: 60  
Probation Off: \_\_\_\_\_  
Defense Attorney: Ashley Benedic  
Date: 02/22/2007

CASE NO: 06004016CFMG CHARGE - I:001: AGGRAVATED MANSLAUGHTER OF A CHILD 0301108827 ARRESTED

PLEA  
CASE NO: \_\_\_\_\_ VOPE [ ] VOCC [ ] ; CASE NO: \_\_\_\_\_ VOPE [ ] VOCC [ ]  
TO THE CHARGE OF \_\_\_\_\_ ; TO THE CHARGE OF \_\_\_\_\_  
NOLD [ ] GUILTY [ ] ADM VIOL. [ ] PSI [ ] ; NOLD [ ] GUILTY [ ] ADM VIOL. [ ] PSI [ ]  
PDR [ ] SS [ ] SENT SET [ ] ; PDR [ ] SS [ ] SENT SET [ ]  
MOB [ ] REINS [ ] REVOKED [ ] ; MOB [ ] REINS [ ] REVOKED [ ]

SENTENCING  
CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ] ; CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo ; DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
BCJA 1st [ ] Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_ ; BCJA 1st [ ] Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ ; COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ ; \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSM/BCMP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo ; \$50 DRUG \_\_\_\_\_ PSM/BCMP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_ ; HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_  
CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ] ; CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo ; DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
BCJA 1st [ ] Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_ ; BCJA 1st [ ] Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ ; COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ ; \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSM/BCMP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo ; \$50 DRUG \_\_\_\_\_ PSM/BCMP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_ ; HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_  
CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

DRUG PKG [ ] B/R/U [ ] A/D COUNSEL PSYCH/SEX COUNSEL [ ] GED/EMPLOY [ ] ESSAY [ ] CAN TERM EARLY [ ]  
STAY AWAY FROM VICTIM [ ] NO ALCOHOL [ ] DO NOT VISIT ALCOHOL PLACES [ ] DL REVOKED [ ] \_\_\_\_\_ YRS ]  
COS \$ \_\_\_\_\_ /no beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL COMMENTS: (Oral Tenus Motion)  
1: Defense mot for Statement of Particulars - Granted  
2: \_\_\_\_\_  
3: \_\_\_\_\_  
By Court

GRANTED [ ] [ ] [ ] [ ] DENIED [ ] [ ] [ ] [ ] CONT [ ] [ ] [ ] [ ] HELD UNDER ADVISEMENT [ ] [ ] [ ] [ ]  
Supply CDIS & ADIS to state  
DEFENDANT RELEASED TO PTR - TO REPORT TO \_\_\_\_\_ W/ 7 days.  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE  
DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES  
DEFENDANT SWORN \_\_\_\_\_ NUMBER OF WITNESSES SWORN \_\_\_\_\_

Court orders that State is to respond to each individual def as to their part in the charge against them.

WHITE - CLERK YELLOW - PROBATION PINK - CCA BLUE - BCJA  
60 days to get table of contents done.  
Cont to 3/20/07 @ 3:30 pm  
all travel restrictions as to PTRP is lifted as to all det is

State has 30 days to respond.

FILED  
2007 FEB 22 PM 11:45

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

THE STATE OF FLORIDA

VS

SCHMIDT, KRISTIN ANNE

CASE NO(S):  
06004016CFMG

I ACKNOWLEDGE THAT:

(1) I am required to keep my current telephone number and mailing address known to my attorney and the clerk of this court at all times.

(2) I am personally to appear in court for:

- ( ) First Arraignment on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- ( ) Arraignment on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- Pre-Trial on BASED 3-20-07 at 8:30 o'clock.
- Trial on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- ( ) Sentencing on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- ( ) Motion Day on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- ( ) Drug Court on \_\_\_\_\_ at \_\_\_\_\_ o'clock.

FAILURE TO COMPLY WITH ANY OF THE ABOVE REQUIREMENTS MAY RESULT IN A CAPIAS FOR MY ARREST AND INCARCERATION WITHOUT BOND UNTIL TRIAL

WITNESS my hand this Twenty-First day of February, 2007

By: [Signature]  
Deputy Clerk

\_\_\_\_\_ Defendant

\_\_\_\_\_ Address

\_\_\_\_\_ City, State, Zip

\_\_\_\_\_ Phone

[Signature]  
Attorney For Defendant

FILED  
2007 FEB 22 PM 4:15  
CLERK OF COURT  
BAY COUNTY, FLORIDA

96

Judge: OVERSTREET MICHAEL G (DTU 6)  
Court Reporter: 3:30 pm  
State Attorney: MARK A OBER  
State Of Florida vs SCHMIDT, KRISTIN ANNE  
Defendant in Custody? YES [ ] NO [x]

Clerk: J. Galpin Division: 60  
Probation Off: \_\_\_\_\_  
Defense Attorney: Ashley Benedik  
Date: 02/22/2007

CASE NO: 06004016CFNG CHARGE - I:001: AGGRAVATED MANSLAUGHTER OF A CHILD 030110827 ARRESTED

P L E A							
CASE NO: _____	VOPE [ ]	VOCC [ ]	:	CASE NO: _____	VOPE [ ]	VOCC [ ]	:
TO THE CHARGE OF _____				TO THE CHARGE OF _____			
NOLD [ ]	GUILTY [ ]	ADM VIOL. [ ]	PSI [ ]	NOLD [ ]	GUILTY [ ]	ADM VIOL. [ ]	PSI [ ]
PDR [ ]	SS [ ]	SENT SET [ ]	:	PDR [ ]	SS [ ]	SENT SET [ ]	:
MOD [ ]	REINS [ ]	REVOKED [ ]	:	MOD [ ]	REINS [ ]	REVOKED [ ]	:

S E N T E N C I N G							
CASE NO: _____	ADJ W/H [ ]	GUILTY [ ]	:	CASE NO: _____	ADJ W/H [ ]	GUILTY [ ]	:
DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	:	DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	:	DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo
BCJA 1st [ ]	Credit _____ yr _____ dy - Prev Doc _____	:	BCJA 1st [ ]	Credit _____ yr _____ dy - Prev Doc _____	:	BCJA 1st [ ]	Credit _____ yr _____ dy - Prev Doc _____
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	:	COMM CONTROL _____	BY PROB _____	Unforf Gain _____	:
\$3 Teen Ct _____ CC _____	FINE _____	REST _____	:	\$3 Teen Ct _____ CC _____	FINE _____	REST _____	:
\$50 DRUG _____	PSM/BCMP _____	Hrs @ _____ dy/mo	:	\$50 DRUG _____	PSM/BCMP _____	Hrs @ _____ dy/mo	:
HAB OFF [ ]	PREV COND REIMPOSED [ ]	1ST STEP _____	:	HAB OFF [ ]	PREV COND REIMPOSED [ ]	1ST STEP _____	:
CONC [ ] W/ _____	CONSEC [ ] W/ _____	:	CONC [ ] W/ _____	CONSEC [ ] W/ _____	:	CONC [ ] W/ _____	CONSEC [ ] W/ _____

CASE NO: _____	ADJ W/H [ ]	GUILTY [ ]	:	CASE NO: _____	ADJ W/H [ ]	GUILTY [ ]	:
DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	:	DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	:	DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo
BCJA 1st [ ]	Credit _____ yr _____ dy - Prev Doc _____	:	BCJA 1st [ ]	Credit _____ yr _____ dy - Prev Doc _____	:	BCJA 1st [ ]	Credit _____ yr _____ dy - Prev Doc _____
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	:	COMM CONTROL _____	BY PROB _____	Unforf Gain _____	:
\$3 Teen Ct _____ CC _____	FINE _____	REST _____	:	\$3 Teen Ct _____ CC _____	FINE _____	REST _____	:
\$50 DRUG _____	PSM/BCMP _____	Hrs @ _____ dy/mo	:	\$50 DRUG _____	PSM/BCMP _____	Hrs @ _____ dy/mo	:
HAB OFF [ ]	PREV COND REIMPOSED [ ]	1ST STEP _____	:	HAB OFF [ ]	PREV COND REIMPOSED [ ]	1ST STEP _____	:
CONC [ ] W/ _____	CONSEC [ ] W/ _____	:	CONC [ ] W/ _____	CONSEC [ ] W/ _____	:	CONC [ ] W/ _____	CONSEC [ ] W/ _____

DRUG PKG [ ] B/B/U [ ] A/D COUNSEL PSYCH/SEX COUNSEL [ ] GED/EMPLOY [ ] ESSAY [ ] CAN TERM EARLY [ ]  
STAY AWAY FROM VICTIM [ ] NO ALCOHOL [ ] DO NOT VISIT ALCOHOL PLACES [ ] DL REVOKED [ ] \_\_\_\_\_ YRS ]  
COS \$ \_\_\_\_\_ /mo beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL COMMENTS

1: Defense Mot for Statement of Particulars - Granted  
2: \_\_\_\_\_  
3: \_\_\_\_\_  
By Court

GRANTED [ ] [ ] [ ] [ ] DENIED [ ] [ ] [ ] [ ] CONT [ ] [ ] [ ] [ ] HELD UNDER ADVISEMENT [ ] [ ] [ ] [ ]  
Supply CDIS & ADIS to state  
DEFENDANT RELEASED TO PTR - TO REPORT TO \_\_\_\_\_ W/E \_\_\_\_\_ days.  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE  
DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES  
DEFENDANT SMORN \_\_\_\_\_ NUMBER OF WITNESSES SMORN \_\_\_\_\_

WHITE - CLERK YELLOW - PROBATION PINK - CCA BLUE - BCJA  
60 days to get table of contents done.  
Cont. to 3/20/07 3:30 PM  
all travel restrictions as to PTRIP is lifted as to all det's

Court orders that state is to respond to each individual def as to their part in the charge against them.  
state has 30 days to respond.

FILED  
FEB 22 2007  
CLERK



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

FILED

2007 FEB 26 P 4: 39

STATE OF FLORIDA

Plaintiff,

v.

CASE NO.: 06-4016G

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

KRISTIN ANNE SCHMIDT,

Defendant.

JUDGE: MICHAEL C. OVERSTREET

**MOTION FOR ORDER APPROVING COSTS FOR DISCOVERY OF CD-RS, DVDS AND  
RELATED EXPENSES**

COMES NOW, Ashley Stone Benedik, as the private court-appointed attorney in the above-entitled cause, and files this Motion for Order Approving the Costs for CD-Rs and DVD-Rs and related expenses for the electronic media discovery in this case and in support thereof, states as follows:

Additional discovery in this case is contained in the form of CDs and DVDs. The State is requesting approximately 70 CD-Rs and 50 DVD-Rs to make copies of the discovery contained in digital media in this case. This digital media is additional discovery and separate from the previously requested paper discovery. It is necessary for the Defense to have a copy of the digital media discovery so that the Defense can properly review the digital media and prepare for trial. The Defense has ordered and paid \$90.73 for the costs of blank DVD-Rs and blank CD-Rs, as well as paper CD envelopes and binder sheets to store the CDs and DVDs from Office Depot.(Exhibit A) These costs are above and beyond the ordinary business expenses of the court-appointed attorney and therefore the Defense is requesting that the Court require the Justice Administration Commission to reimburse the attorney for these costs.

**WHEREFORE**, it is respectfully requested that the Court enter an Order approving the Costs for CD-Rs and DVD-Rs and related expenses for the electronic media discovery in the above case.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Motion for Order Approving Costs has been served by U.S. Mail to the Justice Administrative Commission, P.O. Box 1654, Tallahassee, FL 32302 and/or Facsimile to the Justice Administrative Commission (850)488-8944 on this 26<sup>th</sup> day of February 2007.



ASHLEY STONE BENEDIK  
Florida Bar No.:980129  
Cothran & Benedik, P.A.  
1004 Jenks Avenue  
Panama City, FL 32401  
(850)784-2992

State v Kristin Schmidt  
06-4016 G

# Thank you for ordering from Office Depot!

## Order Info

### Shipping Info

COTHRAN & BENEDIK P A  
1004 JENKS AVE  
PANAMA CITY, FL 32401-2437  
USA  
(850) 784-2992

### Payment Info

**Credit Card**  
\*\*\*\*\*6893

### Billing Info

COTHRAN & BENEDIK P A  
1004 JENKS AVE  
PANAMA CITY, FL 32401-2437  
USA

Member Number::1104944374

Order Number: 377204351-001

### Order Date

02/23/2007

### Delivery Date

02/26/2007  
08:30 AM - 05:00 PM

### Order Total

Subtotal: \$39.97  
Delivery Fee: \$0.00  
Coupon: \$0.00  
Taxes: \$2.60  
**Total: \$42.57**

### Cart Item

	Our Price/Units	Quantity	Back Ordered	Extended Price
<b>DVD+R,OD,50-PK,SPINDLE</b> Item # 679808	\$9.99/PK	1	0	\$9.99
<b>CD-R,OD,52X,50-PK,SPINDLE</b> Item # 678120	\$14.99/PK	2	0	\$29.98

Order Number: 377204614-001

### Order Date

02/23/2007

### Delivery Date

02/26/2007  
08:30 AM - 05:00 PM

### Order Total

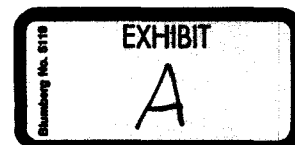
Subtotal: \$45.22  
Delivery Fee: \$0.00  
Coupon: \$0.00  
Taxes: \$2.94  
**Total: \$48.16**

### Cart Item

	Our Price/Units	Quantity	Back Ordered	Extended Price
<b>CD/DVD,BINDER,SHEETS,25/PK</b> Item # 544087	\$32.84/PK	1	0	\$32.84
<b>ENVELOPE,CD,50BX,COLOR</b> Item # 931101	\$6.19/BX	2	0	\$12.38

CLOSE WINDOW

Total \$ 90.73



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

FILED

2007 FEB 26 P 4: 39

STATE OF FLORIDA

Plaintiff,

v.

CASE NO.: 06-4016G

KRISTIN ANNE SCHMIDT,

Defendant.

JUDGE: MICHAEL C. OVERSTREET

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA


**AMENDED MOTION FOR ORDER APPROVING COSTS FOR A PAPER COPY OF  
DISCOVERY**

COMES NOW, Ashley Stone Benedik, as the private court-appointed attorney in the above-entitled cause, and files this Motion for Order Approving the Cost for a paper copy of the discovery in this case and in support thereof, states as follows:

The discovery in this case is being provided from the State in the form of multiple CD-ROMs. It is necessary for the Defense to have the discovery printed on to paper so that the Defense can properly review the documents and prepare for trial. The Defense has received a quote (attached as Exhibit A) from Allegra Printing for the costs of printing the 21,654 pages of discovery which amounts to a total of \$876.79 (The amended amount deletes the sales tax from the original total.). These costs are above and beyond the ordinary business expenses of the court-appointed attorney and therefore the Defense is requesting that the Court require the Justice Administration Commission to pay for these copy costs.

**WHEREFORE**, it is respectfully requested that the Court enter an order approving the cost for a paper copy of the discovery in the above case in which the Justice Administration Commission directly pays the vendor Allegra Printing \$876.79.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Motion for Order Approving Costs for a Paper Copy of Discovery has been served by U.S. Mail to the Justice Administrative Commission, P.O. Box 1654, Tallahassee, FL 32302 and/or Facsimile to the Justice Administrative Commission (850)488-8944 on this 26<sup>th</sup> day of February, 2007.

  
ASHLEY STONE BENEDIK  
Florida Bar No.:980129  
Cothran & Benedik, P.A.  
1004 Jenks Avenue  
Panama City, FL 32401  
(850)784-2992



**ST. ANDREWS**  
 2505 West 15th Street  
 Panama City, FL 32401  
 850.747.9000  
 850.747.9119 Fax

**BEACH**  
 7902 Front Beach Road  
 Panama City Beach, FL 32407  
 850.234.6101  
 850.233.1834 Fax

www.allegrapc.com

Invoice	
<b>No: 18583</b>	<b>Date: 02/23/07</b>

**Monica Cothran**  
**Cothran & Benedik, P.A.**  
 1004 Jenks Avenue  
 Panama City FL 32401

Ship To:

< Same as Bill To >

Customer Pickup 3/3/2007

Fax: 850-784-4773

Acct No	Ordered by	Phone	P.O. No	Prepared by	Sales Rep	Ship Via	
17270	Monica Cothran	850-784-2992		Cheryl Smith-Wys	House	Customer Pickup	
Quantity	Description					Price	
1	Litigation Copies: Boot Camp Case (21654 clicks/set)					876.79	
						Subtotal	876.79
						Shipping	0.00
						Postage	0.00
						Tax	56.99
						<b>TOTAL</b>	<b>933.78</b>
						Paid	0.00
						<b>BALANCE</b>	<b>933.78</b>
Received by: _____ Date: / / _____						Terms	C.O.D.

Please remit to: Allegra Print & Imaging, 2505 W 15th St., Panama City, FL 32401

Allegra Print & Imaging · 2505 West 15th Street · Panama City FL 32401 · (850) 747-8000

(print# 1)

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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO(S): 06-4016G

KRISTIN SCHMIDT,  
Defendant.

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA  
2007 FEB 28 P 4:08  
FILED

**DEMAND FOR ADDITIONAL DISCOVERY**

**COMES NOW**, the Defendant, by and through the undersigned attorney in the above-captioned cause, and gives notices to the prosecuting attorney in this case that the Defendant elects and intends to avail herself/himself of the discovery process, including the taking of discovery depositions, as provided by *Rule 3.220, Florida Rules of Criminal Procedure*, and in addition specifically requests the following:

- 1. PLEASE PROVIDE A COPY OF ANY AND ALL CD-R'S PERTAINING TO THE ABOVE CASE.**
- 2. PLEASE PROVIDE A COPY OF ANY AND ALL DVD'S PERTAINING TO THE ABOVE CASE.**

**I HEREBY CERTIFY** that a copy of the foregoing has been furnished to Michael Sinacore Assistant State Attorney, 800 East Kennedy Blvd., Tampa, Florida 33602, by U.S. Mail/Hand Delivery, this 27 day of February, 2007.



**ASHLEY STONE BENEDIK**  
FL BAR # 980129  
COTHRAN & BENEDIK, P.A.  
1004 Jenks Avenue  
Panama City, Florida 32401  
(850)784-2992 Fax (850)784-4773  
Attorney for Defendant

**POSTED**  
(A20)

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

FILED

2007 FEB 28 P 1:26

STATE OF FLORIDA,

Plaintiff,

Case No.:

06-4016

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMF

06-4016CFMG

06-4016CFMH

Defendant.

---

**ORDER GRANTING DEFENDANTS' COLLECTIVE MOTION FOR  
STATEMENT OF PARTICULARS**

This Court being fully advised and having reviewed both the Defendants' Motion and the State's response and after carefully considering the oral arguments presented in open court, does hereby **GRANT** the Defendants' Motion for Statement of Particulars.

It is hereby **ORDERED** and **ADJUDGED** that the State will furnish each individual Defendant with a Statement of Particulars which will allege specific facts as they relate to each individual defendant's conduct, or non-conduct, which the State believes constitutes a, "...failure or omission to provide Martin Lee Anderson with the care, supervision or services necessary to maintain his physical or mental health that a prudent person would consider essential for the well being of a child..."

The State shall also include in the Statement of Particulars specific facts as they relate to each individual defendant's conduct, or non-conduct, which the State believes

constitutes a, "...failure to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person..."

The Court hereby orders the State to file their Statement of Particulars as to each individual defendant by **March 22<sup>nd</sup>, 2007**.

**DONE AND ORDERED** at the Bay County Courthouse, Panama City, Florida, this 28 day of February, 2007.



HONORABLE MICHAEL OVERSTREET  
CIRCUIT JUDGE

Copies furnished to:

Honorable Michael Sinacore, Assistant State Attorney

[REDACTED]

James H. White, Attorney for Raymond Hauck

[REDACTED]

[REDACTED]

Robert Pell, Attorney for Joseph Walsh

Ashley Benedict, Attorney for Kristen Schmidt

Hoot Crawford, Attorney for Henry Dickens

Walter Smith, Attorney for Charles Enfinger

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

STATE OF FLORIDA  
Plaintiff,

vs

Case Number: 06-4016CFMA

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II,

Defendants.

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 FEB 28 P 1:26

FILED

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PROTECTIVE ORDER

Upon motion by the State requesting a limitation on disclosure of certain discovery materials, it is hereby ORDERED:

The discovery documents labeled and numbered as per the attached and incorporated exhibit titled "Discovery Documents for In Camera Review" shall be released to the defendants in this case. However, the documents and their contents shall be available only to the state, the defendants, their attorneys, the attorneys' employees, agents or co-counsel, unless otherwise permitted by this court. Counsel and their clients shall use their best efforts to ensure that the confidentiality of said materials is maintained at all times.

DONE AND ORDERED this 28 day of February, 2007.

  
MICHAEL C. OVERSTREET,  
CIRCUIT JUDGE



## **DISCOVERY DOCUMENTS FOR IN CAMERA REVIEW**

<u>Page</u>	<u>Description</u>
607-1256	School Records for Martin Anderson
1264-1267	Commitment Order
1268-1270	DJJ Authority for Treatment
1273-1276	DJJ Substance Abuse & Mental Health Screening
1281-1286	DJJ Risk Assessment Evaluation
1291-1294	DJJ Delinquency History
1295-1299	DJJ Pre-Disposition Report
1230A-1232A	DJJ Authority for Evaluation & Treatment
1233A-1246A	DJJ Comprehensive Physical Assessment
1247A-1248A	DJJ Jimmy Ryce Act Screening
1249A-1251A	DJJ Substance Abuse & Mental Health Screening
1252A-1256A	DJJ Suicide Risk Screening Instrument
1257A-1266A	DJJ Comprehensive Evaluation
1267A-1276A	Student Incident and Misconduct Records
1282A-1285A	Commitment Order
1286A-1288A	Commitment Summary
1289A-1290A	Victim Notification
1291A	DJJ Physical Evaluation & Needs Assessment
1292A-1295A	DJJ Facility Entry Physical Health Screening
3789-4443	DJJ Records for Martin Anderson
4444-4471	DJJ Records for Martin Anderson

4588A-4619A	Medication Records for juvenile B.C.
4638A	DJJ Face Sheet for Anderson
4639A-4659A	DJJ Detention Center Shift Reports
4660-4672	DJJ Detention Center Shift Reports
4680-4682	DJJ Mental Health Screening for Anderson
4711-4768	DJJ Health & Physical Assessment Records for other juveniles
4769-4816	DJJ Interview Forms for other juveniles
4827-4829	DJJ Resource Census Reports
4857-4859	DJJ Resource Census Reports
4680-4682	Mental Health Screening
4906-4912	Medication Records for juvenile B.C.
4942-4948	Medication Records for juvenile B.C.
5487-5490	DJJ Resource Census Report
17273-17431	Department of Children and Families Records
18000-18010	Student Incident and Misconduct Records
18021-18030	Student Incident and Misconduct Records
19236-19239	DJJ Authority for Treatment
19240-19248	DJJ Health History
19311-19314	DJJ Comprehensive Physical Assessment
19315-19321	DJJ Health Related History
22984-23018	Sworn Statement of juvenile P.O. Mary Elizabeth Carr
23412-23480	Sworn Statement of juvenile P.O Lorene Thomas
23633-23636	FDLE Profile with Delinquency History for Martin Anderson

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

STATE OF FLORIDA

Plaintiff,

v.

KRISTIN ANNE SCHMIDT,

Defendant.

CASE NO.: 06-4016G

CFM 6

JUDGE: MICHAEL C. OVERSTREET

**AMENDED ORDER APPROVING COSTS FOR A PAPER COPY OF DISCOVERY**

**THIS CAUSE** having come before the Court upon the Motion for Order Approving Costs for a Paper Copy of Discovery, filed by Attorney Ashley Stone Benedik for the representation of KRISTIN ANNE SCHMIDT, an indigent person, in the above entitled cause; and

The Court having reviewed the motion and exhibit provided and finding that costs to print the paper discovery in the amount of \$876.79 for 21,654 pages is not a normal business expense for the court-appointed attorney and that a paper copy of the discovery is necessary in order for the proper defense of the case it is

**ORDERED AND ADJUDGED** that the Motion is hereby Granted and the costs to obtain a paper copy of the discovery shall be borne by the Justice Administrative Commission and paid directly to Allegra Printing .

**DONE AND ORDERED** at Panama City, Bay County, Florida this 28 day of

 February, 2007.



Honorable Michael C. Overstreet  
Circuit Judge

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 FEB 28 P 1:27

FILED

~~COPY~~

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

**ORIGINAL**

STATE OF FLORIDA

Plaintiff,

v.

CASE NO.: 06-4016G

CFM G

KRISTIN ANNE SCHMIDT,

Defendant.


JUDGE: MICHAEL C. OVERSTREET

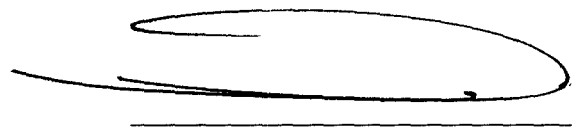
**ORDER APPROVING COSTS FOR CD-Rs AND DVDs AND RELATED EXPENSES**

**THIS CAUSE** having come before the Court upon the Motion for Order Approving Costs for CD-Rs and DVD-Rs and related expenses, filed by Attorney Ashley Stone Benedik for the representation of KRISTIN ANNE SCHMIDT, an indigent person, in the above entitled cause; and

The Court having reviewed the motion and exhibit provided and finding that costs of the CD-Rs and DVD-Rs and storage containers in the amount of \$90.73 is not a normal business expense for the court-appointed attorney and that a copy of digital media and storage containers is necessary in order for the proper defense of the case it is

**ORDERED AND ADJUDGED** that the Motion is hereby Granted and Ashley Stone Benedik (Cothran & Benedik, P.A.) shall be reimbursed for the abovestated expenses in the amount of \$90.73 by the Justice Administrative Commission within thirty (30) days of the signing of this order..

**DONE AND ORDERED** at Panama City, Bay County, Florida this 28 day of , 2007.



Honorable Michael C. Overstreet  
Circuit Judge

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 FEB 28 P 1:21

**FILED**

IN THE CIRCUIT COURT OF THE 14<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: 06-4016G

v.

JUDGE: MICHAEL C. OVERSTREET

KRISTIN ANNE SCHMIDT,  
Defendant.

**JUSTICE ADMINISTRATIVE COMMISSION'S RESPONSE TO  
DEFENDANT'S MOTION FOR ORDER APPROVING COSTS FOR  
A PAPER COPY OF DISCOVERY**

COMES NOW, the Justice Administrative Commission ("JAC"), by and through the undersigned attorney and files this response to the Defendant's Motion for Order Approving Costs for a Paper Copy of Discovery, and responds as follows:

1. Per the motion, Counsel received discovery on CD-ROMS rather than on paper.
2. Counsel seeks to have the JAC pay for the photocopying costs of transferring the information on the CD-ROMS to paper.
3. Under the Fourteenth Judicial Circuit Indigent Services Committee (ISC)

Guidelines, photocopying is considered part of office expenses. Paragraph 17 of the ISC Guidelines provides as follows:

Court appointed counsel shall be compensated at an hourly rate of \$100 for in and out of court legal services for those cases that they are under appointment up to the statutory caps set by section 27.5304, Florida Statutes. This rate is *inclusive* of normal business expenses such as photocopies, postage, and such other expenses as may be reasonably considered as an office expense.

(Emphasis supplied.)

4. In that photocopies are considered normal office expenses under the ISC Guidelines, the JAC objects to the motion.

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 MAR -5 A 8:17

FILED

5. Although Counsel has asserted that it is necessary to have the discovery printed on paper, Counsel has not explained why it is necessary to do so. In that the documents contained on the CD-ROMS can presumably be viewed through the use of a computer, Counsel has not provided sufficient justification as to why those documents need to be printed on to paper.

6. The JAC does not request to participate in any hearing set on this motion. However, should the Court require additional input from the JAC, the undersigned may be reached toll-free at (866) 355-7902.

WHEREFORE, the JAC requests this Court deny the Motion for Order Approving Costs for a Paper Copy of Discovery.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile and U.S. Mail on this 27 day of February, 2007, to: the Honorable Michael C. Overstreet, Main Courthouse, 300 East 4th Street, Panama City, Florida 32401, fax 850-747-5159; and Ashley Stone Benedik, 1004 Jenks Ave., Panama City, FL 32401, fax 850-784-4773

  
CHRISTIAN D. LAKE  
Assistant General Counsel  
Justice Administrative Commission  
P.O. Box 1654  
Tallahassee, FL 32302  
Tel.: 850-488-2415 / Fax: 850-488-8944  
Florida Bar No.: 0134831

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

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

**ADDITIONAL 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, files the following Additional Discovery in this case:

**Category B Witnesses** pursuant to Rule 3.220 (b)(1)(A)(ii), F.R.C.R.P.:

Dr. Nikolaus Gravenstein  
Dept. of Anesthesiology  
University of Florida  
P.O. Box 100254  
Gainesville, FL 32610-0254

Dr. Martin Steinberg  
Center of Excellence in Sickle Cell Disease  
Boston Medical Center  
88 E. Newton Street  
Boston, MA 02118

Rex Uberman  
(Formerly with Department of Juvenile Justice)  
8200 Neely Drive  
Austin, TX 78759

911 Records Custodian  
Bay County Sheriff's Office

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 MAR -7 A 10:54

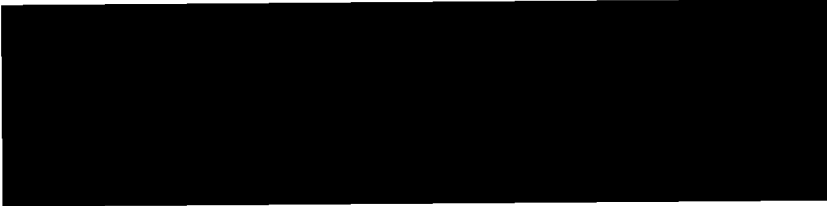
FILED

POSTED

**Pursuant to Rule 3.220(b)(1)(C), Florida Rules of Criminal Procedure, written, recorded and/or oral statements of the accused:**

Charles Enfinger

Interview by Detective Charles Keene and Detective Mike Gibson.  
(Pages numbered 23579-23592).



**Pursuant to Rule 3.220(b)(1)(J), Florida Rules of Criminal Procedure, reports or statements by experts:**

Report by Dr. Nikolaus Gravenstein (CV and report provided).

Report by Dr. Martin Steinberg (CV and report provided).

**Additional Discovery Documents Provided:**

Pages numbered 24225 through 24359.

I HEREBY CERTIFY that a copy of the foregoing Additional Discovery has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; 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; Waylon Graham, attorney for Charles Helms, Jr., at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell,



attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651,  
Panama City, Florida 32401, via U.S. mail, on this 6<sup>th</sup> day of March,  
2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY

A handwritten signature in black ink, appearing to read "M. Sinacore", written in a cursive style.

MICHAEL C. SINACORE  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #0868523

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

FILED

2007 MAR 20 A 10 40

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

06-4016CFMC

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMF

06-4016CFMG

06-4016CFMH

**STATEMENT OF PARTICULARS**

THE STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, hereby provides a Statement of Particulars in this cause. The State alleges that the manner in which the defendants did fail or omit to provide [REDACTED] with the care, supervision or services necessary to maintain his physical or mental health that a prudent person would consider essential for the well-being of a child, and the manner in which the defendants did fail to make a reasonable effort to protect [REDACTED] from abuse, neglect or exploitation by another person, are as follows:

**As to Henry Dickens:**

Henry Dickens did fail to allow [REDACTED] to recover from physical exertion.

Henry Dickens did fail to allow [REDACTED] to inhale sufficient oxygen.

Henry Dickens did assist Joseph Walsh II in depriving [REDACTED] of oxygen, by providing Joseph Walsh II with ammonia.

Henry Dickens did fail to protect [REDACTED] from being deprived oxygen by Joseph Walsh II, [REDACTED], Raymond Hauck and [REDACTED]

**As to Charles Enfinger:**

Charles Enfinger did fail to allow [REDACTED] to recover from physical exertion.

Charles Enfinger did fail to allow [REDACTED] to inhale sufficient oxygen.

Charles Enfinger did assist Joseph Walsh II, Patrick Garrett, Raymond Hauck and [REDACTED] in depriving [REDACTED] of oxygen, by restraining and applying force to [REDACTED]

Charles Enfinger did fail to protect [REDACTED] from being deprived oxygen by Joseph Walsh II, [REDACTED] Raymond Hauck and [REDACTED]

**As to [REDACTED]**

[REDACTED] did fail to allow [REDACTED] to recover from physical exertion.

[REDACTED] did fail to allow [REDACTED] to inhale sufficient oxygen.

[REDACTED] did assist Joseph Walsh II, Raymond Hauck and [REDACTED] in depriving [REDACTED] of oxygen, by restraining and applying force to [REDACTED]

[REDACTED] did deprive [REDACTED] of oxygen.

[REDACTED] did fail to protect [REDACTED] from being deprived oxygen by Joseph Walsh II, Raymond Hauck and [REDACTED]

**As to Raymond Hauck:**

Raymond Hauck did allow drill instructors to improperly apply ammonia on juveniles.

Raymond Hauck did fail to allow [REDACTED] to recover from physical exertion.

Raymond Hauck did fail to allow [REDACTED] to inhale sufficient oxygen.

Raymond Hauck did deprive [REDACTED] of oxygen.

Raymond Hauck did fail to protect [REDACTED] from being deprived oxygen by [REDACTED] and [REDACTED]

As to [REDACTED]

[REDACTED] did allow drill instructors to improperly apply ammonia on juveniles.

[REDACTED] did fail to allow [REDACTED] to recover from physical exertion.

[REDACTED] did fail to allow [REDACTED] to inhale sufficient oxygen.

[REDACTED] did fail to protect [REDACTED] from being deprived oxygen by Patrick Garrett and Raymond Hauck

[REDACTED] did deprive [REDACTED] of oxygen.

[REDACTED] did fail to provide medical personnel with information necessary to diagnose and treat [REDACTED].

As to [REDACTED]:

[REDACTED] did fail to allow [REDACTED] to recover from physical exertion.

[REDACTED] did fail to allow [REDACTED] to inhale sufficient oxygen.

[REDACTED] did assist Joseph Walsh II, [REDACTED] and Raymond Hauck in depriving [REDACTED] of oxygen, by restraining and applying force to [REDACTED]

[REDACTED] did fail to protect [REDACTED] from being deprived oxygen by Joseph Walsh II, [REDACTED] Raymond Hauck and [REDACTED]

As to Kristin Schmidt:

Kristin Schmidt did allow drill instructors to improperly apply ammonia on juveniles.

Kristin Schmidt did fail to allow [REDACTED] to recover from physical exertion.

Kristin Schmidt did fail to allow [REDACTED] to inhale sufficient oxygen.

Kristin Schmidt did fail to properly assess the physical and medical needs of [REDACTED]

Kristin Schmidt did assist Joseph Walsh II, [REDACTED], Raymond Hauck and [REDACTED] in depriving [REDACTED] of oxygen, by providing Joseph Walsh II, [REDACTED], Raymond Hauck and [REDACTED] with ammonia.

Kristin Schmidt did fail to properly monitor the physical and medical effects on [REDACTED] of exercise, deprivation of oxygen, and physical interaction with Joseph Walsh II, Charles Enfinger, [REDACTED], Henry Dickens, Raymond Hauck and [REDACTED]

Kristin Schmidt did fail to provide necessary medical care to [REDACTED]

Kristin Schmidt did fail to properly control and supervise the application of ammonia to [REDACTED], and did allow the improper application of ammonia to [REDACTED]

Kristin Schmidt did allow Joseph Walsh II, Patrick [REDACTED], Raymond Hauck and [REDACTED] to deprive [REDACTED] of oxygen.

Kristin Schmidt did fail to protect [REDACTED] from being deprived oxygen by Joseph Walsh II, [REDACTED], Raymond Hauck and [REDACTED]

Kristin Schmidt did fail to provide medical personnel with information necessary to diagnose and treat [REDACTED].

**As to Joseph Walsh II:**

Joseph Walsh II did fail to allow [REDACTED] to recover from physical exertion.

Joseph Walsh II did fail to allow [REDACTED] to inhale sufficient oxygen.

Joseph Walsh II did deprive [REDACTED] of oxygen.

Joseph Walsh II did assist [REDACTED], Raymond Hauck and [REDACTED] in depriving [REDACTED] of oxygen, by restraining and applying force to [REDACTED]

Joseph Walsh II did fail to protect [REDACTED] from being deprived oxygen by [REDACTED], Raymond Hauck and [REDACTED]

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
 BAY COUNTY, FLORIDA

Judge: OBERSTREET MICHAEL C' (3) (2) (1) Clerk: \_\_\_\_\_ Division: 60  
 Court Reporter: \_\_\_\_\_ Probation Off: \_\_\_\_\_  
 State Attorney: MARK A OBER Mike Sinacore Defense Attorney: BENEDIK ASHLEY STONE  
 State Of Florida vs SCHMIDT, KRISTIN ANNE  
 Defendant in Custody? YES [ ] NO [X] Date: 03/20/2007

CASE NO: 06004016CFMG CHARGE - I:001: AGRVAVATED MANSLAUGHTER OF A CHILD 0301108827 ARRESTED

\*\*\*\*\* P L E A \*\*\*\*\*  
 CASE NO: \_\_\_\_\_ VOPE [ ] VOICE [ ] : CASE NO: \_\_\_\_\_ VOPE [ ] VOICE [ ]  
 TO THE CHARGE OF \_\_\_\_\_ : TO THE CHARGE OF \_\_\_\_\_  
 NOLD [ ] GUILTY [ ] ADM VIOL. [ ] PSI [ ] : NOLD [ ] GUILTY [ ] ADM VIOL. [ ] PSI [ ]  
 PDR [ ] SS [ ] SENT SET [ ] : PDR [ ] SS [ ] SENT SET [ ]  
 MOD [ ] REINS [ ] REVOKED [ ] : MOD [ ] REINS [ ] REVOKED [ ]

\*\*\*\*\* S E N T E N C I N G \*\*\*\*\*  
 CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ] : CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
 DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo : DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
 BCJA 1st [ ] Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_ : BCJA 1st [ ] Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
 COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ : COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
 \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ : \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
 \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo : \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
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 CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_ : CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ] : CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
 DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo : DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
 BCJA 1st [ ] Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_ : BCJA 1st [ ] Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
 COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ : COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
 \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ : \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
 \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo : \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
 HAB OFF [ ] PREV COND REIMPOSED [ ] 1ST STEP \_\_\_\_\_ : HAB OFF [ ] PREV COND REIMPOSED [ ] 1ST STEP \_\_\_\_\_  
 CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_ : CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

DRUG PKG [ ] B/B/U [ ] A/D COUNSEL PSYCH/SEX COUNSEL [ ] GED/EMPLOY [ ] ESSAY [ ] CAN TERM EARLY [ ]  
 STAY AWAY FROM VICTIM [ ] NO ALCOHOL [ ] DO NOT VISIT ALCOHOL PLACES [ ] DL REVOKED [ ] \_\_\_\_\_ YRS ]  
 COS \$ \_\_\_\_\_ /mo beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL \_\_\_\_\_ COMMENTS \_\_\_\_\_  
 \*\*\*\*\* M O T I O N S \*\*\*\*\*

1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 GRANTED [ ] [ ] [ ] DENIED [ ] [ ] [ ] CONT [ ] [ ] [ ] HELD UNDER ADVISEMENT [ ] [ ] [ ]

DEFENDANT RELEASED TO PTR - TO REPORT TO \_\_\_\_\_  
 DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE \_\_\_\_\_  
 DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES \_\_\_\_\_  
 DEFENDANT SWORN \_\_\_\_\_ NUMBER OF WITNESSES SWORN \_\_\_\_\_

WHITE - CLERK YELLOW - PROBATION PINK - CCA BLUE - BCJA

*WST*

*6/19/07 @ 130*

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

THE STATE OF FLORIDA

VS

SCHMIDT, KRISTIN ANNE

CASE NO(S):  
06004016CFMG

I ACKNOWLEDGE THAT:

(1) I am required to keep my current telephone number and mailing address known to my attorney and the clerk of this court at all times.

(2) I am personally to appear in court for:

- First Arraignment on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- Arraignment on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- Pre-Trial on 6-19-07 at 130 o'clock.
- Trial on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- Sentencing on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- Motion Day on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- Drug Court on \_\_\_\_\_ at \_\_\_\_\_ o'clock.

FAILURE TO COMPLY WITH ANY OF THE ABOVE REQUIREMENTS MAY RESULT  
IN A CAPIAS FOR MY ARREST AND INCARCERATION WITHOUT BOND UNTIL TRIAL

WITNESS my hand this Sixteenth day of March, 2007

By: \_\_\_\_\_  
Deputy Clerk

*KV*

RECEIVED  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA  
MAR 16 2007 10:54 AM

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

*Shirley Benesh*  
\_\_\_\_\_  
Attorney For Defendant

DATE: 03/20/2007

TO: STEELE BOYS BAIL BONDS INC  
1003 N MLK JR BLVD SUITE A

PANAMA CITY FL 32401

NOTICE TO APPEAR

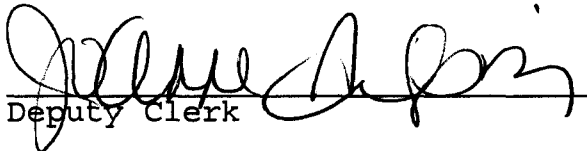
Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 06004016CFMG  
Charge(s) AGGRAVATED MANSLAUGHTER OF A CHILD

You are hereby notified that the above styled case has been  
scheduled for: PRETRIAL

This is your NOTICE TO APPEAR ON 06/19/2007 at 15:30 pm  
before the Honorable OVERSTREET MICHAEL C (DIV G) in Courtroom  
of the CRTHOUSE 2ND FLOOR - WEST, PANAMA CITY FL 32401

If this office can be of further assistance please advise.

Honorable HAROLD BAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITITES ACT OF  
1990. In Accordance with the Americans With Disabilities  
Act, If you are a person with a disability who needs any  
accomodation in order to participate in this proceeding, you  
are entitled, at no cost to you, to the provision of certain  
assistance. Please contact Jennifer Wells at (850) 747-5327  
within 2 working days of your receipt of this NOTICE TO  
APPEAR; if you are hearing impaired, call 1-800-955-8771; if  
you are voice impaired, call 1-800-955-8770.



DATE: 03/20/2007

TO: ASHLEY STONE BENEDIK  
1004 JENKS AVE

PANAMA CITY FL 32401

NOTICE TO APPEAR


Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 06004016CFMG  
Charge(s) AGGRAVATED MANSLAUGHTER OF A CHILD

You are hereby notified that the above styled case has been  
scheduled for: PRETRIAL

This is your NOTICE TO APPEAR ON 06/19/2007 at 15:30 pm  
before the Honorable OVERSTREET MICHAEL C (DIV G) in Courtroom  
of the CRTHOUSE 2ND FLOOR - WEST, PANAMA CITY FL 32401

If this office can be of further assistance please advise.

Honorable HAROLD BAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITITES ACT OF  
1990. In Accordance with the Americans With Disabilities  
Act, If you are a person with a disability who needs any  
accomodation in order to participate in this proceeding, you  
are entitled, at no cost to you, to the provision of certain  
assistance. Please contact Jennifer Wells at (850) 747-5327  
within 2 working days of your receipt of this NOTICE TO  
APPEAR; if you are hearing impaired, call 1-800-955-8771; if  
you are voice impaired, call 1-800-955-8770.

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

THE STATE OF FLORIDA,

Plaintiff,

vs.

KRISTIN SCHMIDT,

Defendant.

Case No.:06-4016G

**NOTICE OF WAIVER OF PRESENCE OF DEFENDANT**

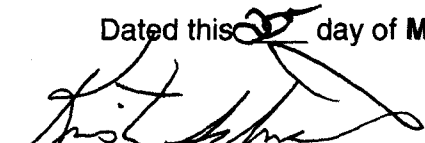
**COMES NOW**, the Defendant, **KRISTIN SCHMIDT**, pursuant to Rule 3.180, Fla.R.Crim.P. (2003), and waives her presence at any Motion or Pre-Trial hearings subsequent to the date of the filing of this notice.


The Defendant, **KRISTIN SCHMIDT**, acknowledges that her presence is required upon any of the following:

- (i) at the beginning of the trial during the examination, challenging, impaneling, and swearing of the jury;
- (ii) at all proceedings before the Court when the jury is present;
- (iii) when evidence is addressed to the Court out of the presence of the jury for the purpose of laying the foundation for the introduction of evidence before the jury;
- (iv) at any view by the jury
- (v) at the rendition of the verdict
- (vi) at the pronouncement of judgment and sentence, if any.

and specifically agrees to be present at any of the above mentioned proceedings.


Dated this 20 day of **March, 2007**.

  
\_\_\_\_\_  
**KRISTIN SCHMIDT**, Defendant

  
\_\_\_\_\_  
**ASHLEY STONE BENEDIK, ESQ.**  
COTHRAN & BENEDIK, P.A.  
Florida Bar No.: 980129  
1004 Jenks Avenue  
Panama City, Florida 32401  
(850)784-2992  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true copy of the foregoing instrument has been furnished to Michael Sinacore, Assistant State Attorney, 800 East Kennedy Blvd., Tampa, Florida 33602, by Regular United States Mail this 20 day of **March, 2007**.

  
\_\_\_\_\_  
**ASHLEY STONE BENEDIK, ESQ.**

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

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2001 MAR 22 P 12:18

FILED

STATE OF FLORIDA

Plaintiff,

v.

CASE NO.: 06-4016G

KRISTIN ANNE SCHMIDT,

Defendant.

JUDGE: MICHAEL C. OVERSTREET

**MOTION FOR ORDER APPROVING COSTS FOR PAPER COPY OF ADDITIONAL  
DISCOVERY (SUBJECT TO PROTECTIVE ORDER)**

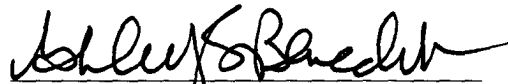
COMES NOW, Ashley Stone Benedik, as the private court-appointed attorney in the above-entitled cause, and files this Motion for Order Approving the Cost for a paper copy of the additional discovery(that was subject to a protective order) in this case and in support thereof, states as follows:

1. The Defendant has been declared indigent in this case and the undersigned attorney was appointed to represent her by this Court.
2. According to the Justice Administration Commission it will not pay for copy costs because the ISC has determined that copy costs are ordinary business expenses and should be borne by the attorney.
3. The discovery in this case is voluminous and is being provided in the form of multiple CD-ROMs that are in the possession of Allegra Printing and Imaging. It is necessary for the Defense to have the discovery printed on to paper so that the Defense can properly review the documents and prepare for trial. If the copies are only placed on CD the Defendant will be burdened with the task of having to make copies of thousands of pages of discovery which she does not have the funds to do so. This discovery is in addition to the 22,000 plus pages already provided and consist of 2055 pages of documents related to juvenile and medical records that are currently subject to a Protective Order.
4. The Defense has received a quote (attached as Exhibit A) from Allegra Printing for the costs of printing the 2,055 pages of discovery which amounts to a total of \$159.67 excluding sales tax.
5. Due the unusual and extraordinary costs associated with this case, the undersigned attorney contends that the costs in this case should be paid for by the Justice Administration Commission.

**WHEREFORE**, it is respectfully requested that the Court enter an order approving the cost for a paper copy of the discovery in the above case in which the Justice Administration Commission directly pays the vendor Allegra Printing and Imaging \$159.67.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Motion for Order

Approving Costs for a Paper Copy of Additional Discovery has been served by U.S. Mail to the Justice Administrative Commission, P.O. Box 1654, Tallahassee, FL 32302 and/or Facsimile to the Justice Administrative Commission (850)488-8944 on this 21<sup>st</sup> day of March, 2007.



ASHLEY STONE BENEDIK

Florida Bar No.:980129

Cothran & Benedik, P.A.

1004 Jenks Avenue

Panama City, FL 32401

(850)784-2992



**ST. ANDREWS**  
 2505 West 15th Street  
 Panama City, FL 32401  
 850.747.9000  
 850.747.9119 Fax

**BEACH**  
 7902 Front Beach Road  
 Panama City Beach, FL 32407  
 850.234.6101  
 850.233.1834 Fax

www.allegrapc.com

Quotation	
<b>No: 5229</b>	<b>Date: 03/20/07</b>

Ashley Stone Benedik  
 Cothran & Benedik, P.A.  
 1004 Jenks Avenue  
 Panama City FL 32401

Fax: 850-784-4773

Acct.No	Ordered by	Phone	P.O. No	Prepared by	Sales Rep	Ship Via
17270	Ashley Stone Benedik	850-784-2992		Cheryl Smith-Wys	House	Customer Pickup
Quantity	Description					Price
1	Juvenile Records for Boot Camp (1858 clicks/set) Paper B/W - 20# White 8.5 x 11 (1858 Origs 1 -> 1)					86.30
1	Litigation stapled copies (197 clicks/set) Paper B/W - 20# White 8.5 x 11 (197 Ongs 1 -> 1)					73.37
					<b>Subtotal</b>	<b>159.67</b>
					Shipping	0.00
					Postage	0.00
					Tax	0.00
					<b>TOTAL</b>	<b>159.67</b>
Received by: _____ Date: ___/___/___						

Quotes are valid for 30 days.

Allegra Print & Imaging 2505 West 15th Street Panama City FL 32401 (850) 747-9000

Exh. A.

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

STATE OF FLORIDA

Plaintiff,

v.

CASE NO.: 06-4016G

KRISTIN ANNE SCHMIDT,

Defendant.

JUDGE: MICHAEL C. OVERSTREET

---

**ORDER APPROVING COSTS FOR PAPER COPY OF ADDITIONAL DISCOVERY (SUBJECT TO PROTECTIVE ORDER)**

**THIS CAUSE** having come before the Court upon the Motion for Order Approving Costs for a Paper Copy of Additional Discovery, filed by Attorney Ashley Stone Benedik for the representation of KRISTIN ANNE SCHMIDT, an indigent person, in the above entitled cause; and

The Court having reviewed the motion and exhibit provided and finding that costs to print the paper discovery in the amount of \$159.67 for 2,055 pages is not a normal business expense for the court-appointed attorney and that a paper copy of the discovery is necessary in order for the proper defense of the case it is

**ORDERED AND ADJUDGED** that the Motion is hereby Granted and the costs to obtain a paper copy of the discovery shall be borne by the Justice Administrative Commission and paid directly to Allegra Printing .

**DONE AND ORDERED** at Panama City, Bay County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2007.



Honorable Michael C. Overstreet  
Circuit Judge

3-22-07

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 MAR 22 P 12:18

**FILED**

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

FILED

STATE OF FLORIDA,  
Plaintiff,  
vs.

2007 MAY 16 P 4: 36

CASE NO:

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II,  
Defendants.

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

**NOTICE OF TAKING DEPOSITIONS**

TO: Michael C. Sinacore, Assistant State Attorney  
800 East Kennedy Boulevard, 3<sup>rd</sup> Floor  
Tampa, Florida 33602-4148

PLEASE TAKE NOTICE that commencing at 9:30 a.m., **central time**, on the 22nd day of May, 2007, by **telephonic communication**, at the office of Professional Court Reporting Service, located at 337 Magnolia Avenue, Panama City, Florida, the Defendants will take the deposition of Dr. Thomas Andrew, White Mountain Forensic Consulting Services, Contocook, New Hampshire, upon oral examination, before Professional Court Reporting Service, an official court reporter, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

I HEREBY CERTIFY that a copy of the foregoing Notice of Deposition was mailed to the above-named addressee this 16 day of May, 2007.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522  
ATTORNEY FOR DEFENDANT

cc: Professional

**ADDITIONAL SERVICE LIST**

Ashley S. Benedik  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

Hoot Crawford  
Attorney at Law  
Post Office Box 1103  
Panama City, FL 32402

Jonathan Dingus  
Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

Waylon Graham  
Attorney at Law  
Post Office Box 327  
Panama City, FL 32402

Robert A. Pell  
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514 Magnolia Avenue  
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Robert S. Sombathy  
Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402



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

**FILED**

2007 MAY 16 P 4: 36

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO:

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

HENRY DICKENS  
CHARLES ENFINGER  
PATRICK GARRETT  
RAYMOND HAUCK

06-4016CFMA  
06-4016CFMB  
06-4016CFMC  
06-4016CFMD

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II,  
Defendants.

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

**NOTICE OF TAKING DEPOSITIONS**

TO: Michael C. Sinacore, Assistant State Attorney  
800 East Kennedy Boulevard, 3<sup>rd</sup> Floor  
Tampa, Florida 33602-4148


PLEASE TAKE NOTICE that commencing at 9:00 a.m., **central time**, on the 4<sup>th</sup> day of June, 2007,  
at the office of Professional Court Reporting Service located at 337 Magnolia Avenue, Panama City, Florida,  
the Defendants will take the following depositions:

Robert Anderson	at	9:00 a.m.
Dr. Dennis Arnold	at	10:00 a.m.
Gina Jones	at	11:00 a.m.
Dr. Jeffrey Appel	at	1:00 p.m.
Chelsea Pollock	at	2:00 p.m.
Anita Segers	at	3:00 p.m.

upon oral examination, before Professional Court Reporting Service, an official court reporter, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The depositions are being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

I HEREBY CERTIFY that a copy of the foregoing Notice of Deposition was mailed to the above-named addressee this 16 day of May, 2007.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522  
ATTORNEY FOR DEFENDANT

cc: Professional

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1004 Jenks Avenue  
Panama City, FL 32401

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Post Office Box 1103  
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527 Jenks Avenue  
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Robert S. Sombathy  
Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402

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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO:

2007 MAY 16 P 4: 35

HENRY DICKENS  
CHARLES ENFINGER  
PATRICK GARRETT  
RAYMOND HAUCK

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II,  
Defendants.

06-4016CFMA  
06-4016CFMB  
06-4016CFMC  
06-4016CFMD

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

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

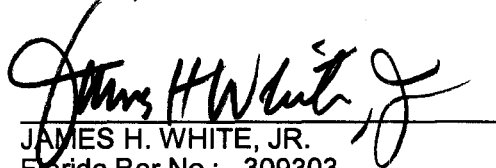
**NOTICE OF TAKING DEPOSITIONS**

TO: Michael C. Sinacore, Assistant State Attorney  
800 East Kennedy Boulevard, 3<sup>rd</sup> Floor  
Tampa, Florida 33602-4148

PLEASE TAKE NOTICE that commencing at 9:00 a.m., **central time**, on the 6<sup>th</sup> day of June, 2007, by **telephonic communication**, at the office of Professional Court Reporting Service, located at 337 Magnolia Avenue, Panama City, Florida, the Defendants will take the deposition of Dr. Vernard Adams, Hillsborough County Medical Examiner, Tampa, Florida, upon oral examination, before Professional Court Reporting Service, an official court reporter, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

I HEREBY CERTIFY that a copy of the foregoing Notice of Deposition was mailed to the above-named addressee this 16 day of May, 2007.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522

ATTORNEY FOR DEFENDANT

cc: Professional

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1004 Jenks Avenue  
Panama City, FL 32401

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Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402

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

FILED

STATE OF FLORIDA,  
Plaintiff,  
vs.

2007 MAY 16 P 4: 35

CASE NO:

HENRY DICKENS  
CHARLES ENFINGER  
PATRICK GARRETT  
RAYMOND HAUCK

06-4016CFMA  
06-4016CFMB  
06-4016CFMC  
06-4016CFMD

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

██████████  
HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II,  
Defendants.

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

**NOTICE OF TAKING DEPOSITIONS**

TO: Michael C. Sinacore, Assistant State Attorney  
800 East Kennedy Boulevard, 3<sup>rd</sup> Floor  
Tampa, Florida 33602-4148

PLEASE TAKE NOTICE that commencing at 4:00 p.m., **central time**, on the 7<sup>th</sup> day of June, 2007, by **telephonic communication**, at the office of Professional Court Reporting Service, located at 337 Magnolia Avenue, Panama City, Florida, the Defendants will take the deposition of Dr. Nikolaus Gravenstein, Department of Anesthesiology, University of Florida, Gainesville, Florida, upon oral examination, before Professional Court Reporting Service, an official court reporter, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

I HEREBY CERTIFY that a copy of the foregoing Notice of Deposition was mailed to the above-named addressee this 16 day of May, 2007.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522  
ATTORNEY FOR DEFENDANT

cc: Professional

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Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402

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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO:

HENRY DICKENS  
CHARLES ENFINGER  
PATRICK GARRETT  
RAYMOND HAUCK

06-4016CFMA  
06-4016CFMB  
06-4016CFMC  
06-4016CFMD

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II,  
Defendants.

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


**NOTICE OF TAKING DEPOSITIONS**

TO: Michael C. Sinacore, Assistant State Attorney  
800 East Kennedy Boulevard, 3<sup>rd</sup> Floor  
Tampa, Florida 33602-4148

PLEASE TAKE NOTICE that commencing at 2:00 p.m., **central time**, on the 2nd day of July, 2007, by **telephonic communication**, at the office of Professional Court Reporting Service, located at 337 Magnolia Avenue, Panama City, Florida, the Defendants will take the deposition of Dr. John Downs, Tampa, Florida, upon oral examination, before Professional Court Reporting Service, an official court reporter, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

I HEREBY CERTIFY that a copy of the foregoing Notice of Deposition was mailed to the above-named addressee this 16 day of May, 2007.

STAATS, WHITE & GRABNER

  
JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522  
ATTORNEY FOR DEFENDANT

FILED

2007 MAY 16 P 4: 35

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

cc: Professional

**ADDITIONAL SERVICE LIST**

Ashley S. Benedik  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

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Panama City, FL 32401

Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402



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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO:

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II,  
Defendants.

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMF

06-4016CFMG

06-4016CFMH

**NOTICE OF TAKING DEPOSITIONS**

TO: Michael C. Sinacore, Assistant State Attorney  
800 East Kennedy Boulevard, 3<sup>rd</sup> Floor  
Tampa, Florida 33602-4148

PLEASE TAKE NOTICE that commencing at 9:00 a.m., **central time**, on the 22<sup>nd</sup> day of June, 2007, by **telephonic communication**, at the office of Professional Court Reporting Service, located at 337 Magnolia Avenue, Panama City, Florida, the Defendants will take the deposition of Steve J. Martin, 8513 Adirondack Trail, Austin, Texas, upon oral examination, before Professional Court Reporting Service, an official court reporter, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

I HEREBY CERTIFY that a copy of the foregoing Notice of Deposition was mailed to the above-named addressee this 24 day of May, 2007.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522

ATTORNEY FOR DEFENDANT

FILED

MAY 25 A 9:12

PROFESSIONAL COURT  
CLERK OF THE COURT  
BAY COUNTY, FLORIDA

cc: Professional

**POSTED**

**ADDITIONAL SERVICE LIST**

Ashley S. Benedik  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

Hoot Crawford  
Attorney at Law  
Post Office Box 1103  
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434 Magnolia Avenue  
Panama City, FL 32401

Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402

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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO:

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II,

06-4016CFMG

Defendants.

06-4016CFMH

**NOTICE OF TAKING DEPOSITIONS**

TO: Michael C. Sinacore, Assistant State Attorney  
800 East Kennedy Boulevard, 3<sup>rd</sup> Floor  
Tampa, Florida 33602-4148

PLEASE TAKE NOTICE that commencing at 9:00 a.m., **central time**, on the 27<sup>th</sup> day of June, 2007, by **telephonic communication**, at the office of Professional Court Reporting Service, located at 337 Magnolia Avenue, Panama City, Florida, the Defendants will take the deposition of Dr. Cynthia Lewis-Younger, Medical Toxicology Consultants, 9210 Florida Palm Drive, Tampa, Florida, upon oral examination, before Professional Court Reporting Service, an official court reporter, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

12 I HEREBY CERTIFY that a copy of the foregoing Notice of Deposition was mailed to the above-named addressee this 24 day of May, 2007.

FILED

2007 MAY 25 A

CLERK OF CIRCUIT COURT  
BAY COUNTY

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522

ATTORNEY FOR DEFENDANT

cc: Professional

**POSTED**

## ADDITIONAL SERVICE LIST

Ashley S. Benedik  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

Hoot Crawford  
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Panama City, FL 32401

Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402

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

FILED  
2007 MAY 25 A 10:51

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HAROLD L. WYLLIE  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II

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

**ADDITIONAL 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, files the following Additional Discovery in this case:

**Category A Witness** pursuant to Rule 3.220 (b)(1)(A)(i), F.R.C.R.P.:

Dr. Bryan Bledsoe (CV Provided)  
6420 Hayes Road  
Midlothian, Texas 76065-5235

**Expert Witnesses:** (Names and addresses have been provided)

Dr. Vernard Adams

Dr. Thomas Andrew

Dr. Bryan Bledsoe

Dr. John Downs

Dr. Nikolaus Gravenstein

Dr. Cynthia Lewis-Younger

Steve Martin

Dr. Charles Siebert

Dr. Martin Steinberg

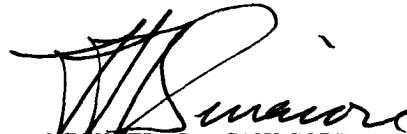
**POSTED**

I HEREBY CERTIFY that a copy of the foregoing Additional Discovery has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; 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; [REDACTED]

[REDACTED] at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail, on this 23<sup>rd</sup> day of May, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



MICHEL C. SINACORE  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #0868523

IN THE CIRCUIT COURT OF THE FOURTEENTH 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  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II

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

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA  
2007 JUN -6 A 7:36  
FILED

MOTION FOR ORDER TO SHOW CAUSE

COMES NOW, the State of Florida by and through the undersigned Assistant State Attorneys' and request that this Honorable Court issue an Order to Show Cause as to any of the defendants' counsel who revealed confidential information to the press as to why they should not be held in contempt of court.

The facts are as follows:

Depositions were taken on June 4, 2007 at Professional Court Reporting Service in Panama City. Robert Anderson, Gina Jones, Dennis Arnold and Dr. Jeffrey Appel were among the deponents.

As reported in the Panama City Herald on June 5, 2007, details of the deposition were revealed to the media. (See attached News Herald Article)

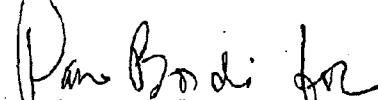
On June 5, 2007, the State learned that a member of the local media was present in the depositions when defense attorneys discussed information that this Honorable Court ordered remain confidential. This is a clear violation of the Court's Order dated February 28, 2007.


WHEREFORE, the State of Florida respectfully requests this Honorable Court to issue an Order to Show Cause to any members of the defense team who revealed any confidential information to the press as to why they should not be held in contempt of court.


I HEREBY CERTIFY that a copy of the foregoing \_\_\_\_\_ has been furnished to  
 Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103,  
 Panama City, FL 32402; Walter B. Smith, Deputy Public Defender, attorney for  
 Charles Enfinger, at 115 East 4<sup>th</sup> St., P.O. Box 580, Panama City, Florida  
 32402-0580; 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; \_\_\_\_\_  
 \_\_\_\_\_ at P.O. Box 327, Panama City, Florida 32402-0327;  
 Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama  
 City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004  
 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for  
 Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida  
 32401, via U.S. Mail, on this 5 day of June, 2007.

Respectfully Submitted,

MARK A. OBER  
STATE ATTORNEY

  
 \_\_\_\_\_  
 Michael C. Sinacore  
 Assistant State Attorney  
 Florida Bar #: 0868523

  
 \_\_\_\_\_  
 Scott Harmon  
 Assistant State Attorney  
 Florida Bar#: 933775

  
 \_\_\_\_\_  
 Pamela J. Bondi  
 Assistant State Attorney  
 Florida Bar #: 0886440



**June 5, 2007**

**'It was a death sentence' (VIDEO)**

By David Angier News Herald Writer 747-5077 / dangier@pcnh.com

**PANAMA CITY**

Gina Jones said Monday she carries the guilt of sending her son, Martin Lee Anderson, to the Bay County Sheriff's Office Boot Camp.

"It was a death sentence," she said. "I just wanted him to come out and be on the right track to get some help."

Anderson, 14, collapsed during a run Jan. 5, 2006. He was manhandled by drill instructors at the now-defunct boot camp, a medium-security, military style juvenile detention facility, for about 20 minutes as they tried to make him comply with their orders to resume the run.

Anderson became unresponsive and was rushed to Bay Medical Center, then transferred to Sacred Heart Hospital in Pensacola where he died the next morning.

Two medical examiners split in their opinion about the cause of his death, with one saying it was from complications of sickle cell trait and the other saying the guards caused Anderson to suffocate by forcing him to inhale ammonia fumes.

Seven drill instructors and a camp nurse are charged with aggravated manslaughter of a child, a felony that carries a 30-year prison term. The lawyers in the case questioned Jones and Anderson's father, Robert, Monday in depositions that will be used to prepare their case.

A trial could be scheduled later this month for August or September.

Read an archive of articles about the Bay County Boot Camp and the Martin Lee Anderson case here.

**'I don't remember'**

Shortly after the discovery in the criminal case was provided to defense attorneys earlier this year, it was found that Anderson had tested positive for sickle cell trait as a baby.

Jones said Monday she first heard about the testing when she read about it in The News Herald. She said she's never seen the test reports.

Attorney Bob Sombathy handed her two discharge papers from Bay Medical Center that she received when she left Bay Medical Center in 1991 after having Anderson. The papers say that the state performed tests on Anderson, which would be ready in two or three weeks.

"Did you follow up with anybody to see why these tests were done?" Sombathy asked her.

"I don't remember," Jones answered. "I never heard anything about him testing positive for sickle cell tr

She said that was something she would have remembered if she'd been told.

Jones said she received Anderson's medical records a short time after he was born, when his podiatrist retired and she went to another doctor. Jones said she delivered the medical records to the new physician.

She said she filled out a medical screening on Anderson the November before he was admitted to the boot camp. In that screening, Jones stated that Anderson did not have "sickle cell." The day Anderson was admitted to the boot camp, he was asked if he had sickle cell and replied no. Jones said she was at work and did not participate in that screening.

Anderson told the camp nurse that he was allergic to onions and eggs — something Jones said Monday she didn't know. She said he didn't eat onions or eggs, but she didn't think it was because he was allergic.

Jones said she found out after her son's death that Robert Anderson's sister had sickle cell trait.

"They say it does run in the family," Jones told attorney Jim White.

### Close to home

Jones said Monday that she was responsible for getting Anderson into the boot camp after he was arrested for trespassing on school property, then violated his probation numerous times. Jones said that when he went joy riding in his grandmother's car, which crashed in a parking lot, she went to Anderson's probation officer and asked her to put him in the boot camp.

Jones said the officer was going to put Anderson in a different program that might have meant his relocation to Pensacola or South Florida. Jones said she wanted Anderson close to home.

She said she'd been to the boot camp twice before with Anderson on field trips. She had a general idea, Jones said, of what went on there but didn't know about the hands-on disciplining that drill instructors use to force compliance.

Jones said Anderson's criminal history didn't make him a candidate for the boot camp, but she asked the probation officer and camp supervisor to make an exception.

"I walk around every day with the guilt," she said.

Jones said her son had disciplinary problems at home and school, had been arrested and violated his probation, admitted trying marijuana, and admitted and denied being associated with more than one gang in the area.

She said he would admit being in a gang one day and deny it the next. Jones said Anderson told her he'd tried marijuana once, but didn't like it and didn't try it again. However, traces of marijuana were found in his blood at the autopsy.

Jones said she had to rely on her son's word that he'd stopped using the drug.

Jones said "Thank you, Jesus," when she was told on Jan. 5, 2006, that he'd been admitted to the camp. Two hours later, she received another call that he'd collapsed.

Jones said she was driving to the hospital when she saw Anderson's father, Robert. She said they talked

Robert Anderson told her Martin might have just "fell out." Robert Anderson, she said, thought his son might have collapsed because he was not used to running early in the morning.

Jones said she thought that was unlikely because Martin Anderson was an active child and played basket with friends and on school teams without problem.

Jones said when she saw Martin Anderson's face in the hospital she was sure that someone had beat him

She said she's never been able to watch the videotape of the incident between Anderson and the drill instructors.

"I still can't even look at it, to see my son helpless and being beaten," Jones said. When she was told that Panama City Medical Examiner Charles Siebert Jr. had ruled the death as natural, she said it was impossible. "How could he be well one day and dead the other?"

View the Boot Camp Video here.

### No spasms

Dennis Arnold, a Bay Medical Center respiratory therapist, was deposed before Jones. He told the lawyer that Anderson was not exhibiting the normal symptoms of suffocation from laryngeal spasms and showed no signs of trauma.

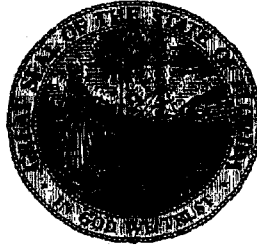
Tampa Medical Examiner Vernard Adams, after a second autopsy on Anderson's body, ruled the death a homicide and said Anderson's vocal cords spasmed when he was forced to inhale ammonia fumes. The spasms, Adams said, caused him to suffocate.

Arnold said he'd seen patients with those types of spasms. He said they make a very distinctive noise as they struggle to get air past the clenched area of the larynx. Arnold said Anderson was breathing fast and his own when he was brought into the emergency room, and was not making the noise.

A few minutes after he was brought in, doctors put a breathing tube into Anderson's windpipe through his nose. Arnold said they didn't meet the resistance they would have if Anderson's vocal cords were spasm

Arnold said the other aspect of laryngeal spasms is it resolves itself before leading to death. He said once person becomes unconscious and relaxes, the spasms stop and the person is able to breathe.

Jones said doctors at both hospitals had no idea what was killing Anderson. She said they finally remove him from a respirator because there was nothing more they could do.



STATE ATTORNEY  
MARK A. OBER  
Thirteenth Judicial Circuit  
5<sup>th</sup> Floor County Courthouse Annex  
Tampa, Florida 33602  
(813) 272-5400

FAX TRANSMISSION COVER SHEET  
FAX: (813) 274-1925

DATE: 6/5/07

TO: Judge Overstreet

FAX: 850-747-5159

RE: \_\_\_\_\_

SENDER: ANNE BRACKETT Jou Pam Bondi

HILLSBOROUGH COUNTY STATE ATTORNEY'S OFFICE

IF YOU FEEL THAT YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (813)274-1901.

NOTES:

IN THE CIRCUIT COURT OF THE FOURTEENTH 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  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II

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

MOTION FOR PROTECTIVE ORDER

COMES NOW, the State of Florida by and through the undersigned Assistant State Attorneys and brings this Motion for Protective Order under Florida Rules of Criminal Procedure Rule 3.220(L) and states as follows:

1. On February 28, 2007, this Court entered a protective order limiting the disclosure of certain discovery materials to the State, the defendants, their attorneys, the attorneys' employees, agents and co-counsels, unless otherwise permitted by this court. Further, the defendants and their counsel were directed to use their best efforts to ensure that the confidentiality of those materials be maintained at all times.
2. Included in the list of these protected materials were mental health and medical records for the deceased victim Martin Lee Anderson.
3. During defense depositions, which occurred on June 1, 2007, questions concerning these protected records were asked of the State witnesses in the known presence of a member of the local media.

2007 JUN -5 A 7:35  
HAROLD BAZZELI  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

FILED

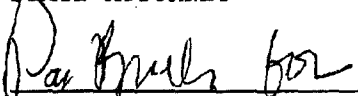
4. The State of Florida moves for this court to enter a protective order prohibiting any further disclosure of confidential records.


WHEREFORE, the State of Florida prays that this Honorable Court enter a Protective Order prohibiting any further disclosure of confidential records.


I HEREBY CERTIFY that a copy of the foregoing Motion for Protective Order has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, FL 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> St., P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for Patrick Garrett, at P.O. Box 430, Panama City, Florida 32402; James H. White, Jr., attorney for Raymond Gauck, at 229 McKenzie Avenue, Panama City, Florida 32401; [REDACTED], [REDACTED], at P.O. Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. Mail, on this 5<sup>th</sup> day of June, 2007.

Respectfully Submitted,

MARK A. OBER  
STATE ATTORNEY

  
 Michael C. Sinacore  
 Assistant State Attorney  
 Florida Bar #: 0868523

  
 Scott Harmon  
 Assistant State Attorney  
 Florida Bar#: 933775

  
 Pamela J. Bondi  
 Assistant State Attorney  
 Florida Bar #: 0886440

Judge: Overstreet  
Court Reporter: JE MB SL SD BA  
St Att: Mike Szwarc  
State vs Kristin Schmitt  
Defendant in Custody? YES [ ] NO [X]  
Case # 06-4016 CPMG  
Case # \_\_\_\_\_  
Case # \_\_\_\_\_  
Case # \_\_\_\_\_

Clerk: Gilpin DIV - \_\_\_\_\_  
Probation Off. \_\_\_\_\_  
Def. Att: Benedict  
Date: 6-6-07  
Charge : \_\_\_\_\_  
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**PLEA**

CASE # \_\_\_\_\_ VOP [ ] VOCC [ ]  
TO THE CHARGE OF \_\_\_\_\_  
NOLO [ ] GUILTY [ ] ADM VIOL [ ] PSI [ ]  
PDR [ ] SS [ ] SENT SET [ ]  
MOD [ ] REINS [ ] REVOKED [ ]

CASE # \_\_\_\_\_ VOP [ ] VOCC [ ]  
TO THE CHARGE OF \_\_\_\_\_  
NOLO [ ] GUILTY [ ] ADM VIOL [ ] PSI [ ]  
PDR [ ] SS [ ] SENT SET [ ]  
MOD [ ] REINS [ ] REVOKED [ ]

*Hearing In Chambers*  
**SENTENCING**

CASE # \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo. BCJA/JKSN \_\_\_\_\_ yr. \_\_\_\_\_ mo.  
BCJA 1st [ ] Credit \_\_\_\_\_ yr. \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
C-CNTRL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 TEEN Ct \_\_\_\_\_ C/C \_\_\_\_\_ Fine/SC \_\_\_\_\_ IDF \$40 \_\_\_\_\_  
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HAB OFF [ ] PREV COND REIMPOSED [ ] 1ST STEP \_\_\_\_\_  
CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

CASE # \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
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CASE # \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
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CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

CASE # \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo. BCJA/JKSN \_\_\_\_\_ yr. \_\_\_\_\_ mo.  
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\$3 TEEN Ct \_\_\_\_\_ C/C \_\_\_\_\_ Fine/SC \_\_\_\_\_ IDF \$40 \_\_\_\_\_  
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HAB OFF [ ] PREV COND REIMPOSED [ ] 1ST STEP \_\_\_\_\_  
CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

DRUG AREA [ ] B/B/U [ ] SAE COUNSEL [ ] PSYCH / SEX COUNSEL [ ] GED / EMPLOY [ ] ESSAY [ ] W/ \_\_\_\_\_  
CAN TERM EARLY IF ALL COND. ARE MET [ ] CIVIL JUDGMENT FOR UNPAID MONIES \_\_\_\_\_  
NO CONTACT W/VICTIM [ ] NO ALCOHOL [ ] DO NOT VISIT ALCOHOL PLACES [ ] DL REVOKED \_\_\_\_\_ YRS  
COS \$ \_\_\_\_\_ mo beginning \_\_\_\_\_ COMPLETE KEETON PGM \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL \_\_\_\_\_ COMMENTS \_\_\_\_\_

**MOTIONS**  
1: States Mot for Order to Show Cause - State  
2: \_\_\_\_\_  
3: \_\_\_\_\_

GRANTED: [ ] [ ] [ ] DENIED: [ ] [ ] [ ] CONT: [ ] [ ] [ ] HELD UNDER ADVISEMENT: [ ] [ ] [ ]

DEFENDANT MAY BE RELEASED ON THESE CHARGES \_\_\_\_\_  
DEFENDANT RELEASED TO PTR - TO REPORT TO 301 MCKENZIE AVE. \_\_\_\_\_  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE \_\_\_\_\_  
DEFENDANT REMAND TO CUSTODY ON THESE CHARGES \_\_\_\_\_  
DEFENDANT SWORN \_\_\_\_\_ NUMBER OF WITNESSES SWORN \_\_\_\_\_

*Judge orders to follow protective order.*



IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

Judge: OVERSTREET MICHAEL C (DIN) *3:38 PM* Clerk: *96* Division: 60  
Court Reporter: \_\_\_\_\_ Probation Off: \_\_\_\_\_  
State Attorney: MARK A OBER Defense Attorney: BENEDICT ASHLEY STONE  
State Of Florida vs SCHMIDT, KRISTIN ANNE  
Defendant in Custody? YES  NO  Date: 06/19/2007

\*\*\*\*\*

CASE NO: 06004016CFMG CHARGE - I:001: AGGRAVATED MANSLAUGHTER OF A CHILD 0301108827 ARRESTED

\*\*\*\*\* P L E A \*\*\*\*\*  
CASE NO: \_\_\_\_\_ VOPE  VOCC  : CASE NO: \_\_\_\_\_ VOPE  VOCC   
TO THE CHARGE OF \_\_\_\_\_ : TO THE CHARGE OF \_\_\_\_\_  
NOLD  GUILTY  ADM VIOL.  PSI  : NOLD  GUILTY  ADM VIOL.  PSI   
P/R  SS  SENT SET  : P/R  SS  SENT SET   
MOD  REINS  REVOKED  : MOD  REINS  REVOKED

\*\*\*\*\* S E N T E N C I N G \*\*\*\*\*  
CASE NO: \_\_\_\_\_ ADJ W/H  GUILTY  : CASE NO: \_\_\_\_\_ ADJ W/H  GUILTY   
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo : DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
BCJA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_ : BCJA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ : COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ : \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo : \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
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CONC  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_ : CONC  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_

CASE NO: \_\_\_\_\_ ADJ W/H  GUILTY  : CASE NO: \_\_\_\_\_ ADJ W/H  GUILTY   
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo : DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCJA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
BCJA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_ : BCJA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ : COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ : \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo : \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF  PREV COND REIMPOSED  1ST STEP \_\_\_\_\_ : HAB OFF  PREV COND REIMPOSED  1ST STEP \_\_\_\_\_  
CONC  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_ : CONC  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_

DRUG PKG  B/B/U  A/D COUNSEL PSYCH/SEX COUNSEL  GED/EMPLOY  ESSAY  CAM TERM EARLY   
STAY AWAY FROM VICTIM  NO ALCOHOL  DO NOT VISIT ALCOHOL PLACES  DL REVOKED  \_\_\_\_\_ YRS  
COS \$ \_\_\_\_\_ /mo beginning \_\_\_\_\_ COMPLETE WRITON PKG \_\_\_\_\_ after case \_\_\_\_\_ Bars to Bed \_\_\_\_\_

*PT 9/4/07 @ 3:30 PM*

APPEAL \_\_\_\_\_ COMMENTS \_\_\_\_\_

\*\*\*\*\* M O T I O N S \*\*\*\*\*  
1: \_\_\_\_\_  
2: \_\_\_\_\_  
3: \_\_\_\_\_  
GRANTED    DENIED    CONT    HELD UNDER ADVISEMENT

DEFENDANT RELEASED TO PTR - TO REPORT TO \_\_\_\_\_  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE \_\_\_\_\_  
DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES \_\_\_\_\_  
DEFENDANT SWORN \_\_\_\_\_

*Jury Sole Chm - 9-240*

WHITE - CLERK      YELLOW - PROBATION      PINK - CCA      BLUE - BCJA

*JKT 10-3-07*

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA  
2007 JUN 19 A 8:20  
FILED

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

THE STATE OF FLORIDA

VS

SCHMIDT, KRISTIN ANNE

CASE NO(S):  
06004016CFMG

I ACKNOWLEDGE THAT:

(1) I am required to keep my current telephone number and mailing address known to my attorney and the clerk of this court at all times.

(2) I am personally to appear in court for:

- ( ) First Arraignment on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- ( ) Arraignment on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- (X) Pre-Trial on 9-4-07 at 3:30 o'clock.
- ( ) Trial on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- ( ) Sentencing on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- ( ) Motion Day on \_\_\_\_\_ at \_\_\_\_\_ o'clock.
- ( ) Drug Court on \_\_\_\_\_ at \_\_\_\_\_ o'clock.

FAILURE TO COMPLY WITH ANY OF THE ABOVE REQUIREMENTS MAY RESULT  
IN A CAPTAS FOR MY ARREST AND INCARCERATION WITHOUT BOND UNTIL TRIAL

WITNESS my hand this Thirteenth day of June, 2007

By: 96  
Deputy Clerk

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

Ashley J. Bennett  
Attorney For Defendant

DATE: 06/19/2007

TO: STEELE BOYS BAIL BONDS INC  
1003 N MLK JR BLVD SUITE A

PANAMA CITY FL 32401

NOTICE TO APPEAR

Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 06004016CFMG  
Charge(s) AGGRAVATED MANSLAUGHTER OF A CHILD

You are hereby notified that the above styled case has been  
scheduled for: PRETRIAL

This is your NOTICE TO APPEAR ON 09/04/2007 at 15:30 pm  
before the Honorable OVERSTREET MICHAEL C (DIV G) in Courtroom  
of the CRTHOUSE 2ND FLOOR - WEST, PANAMA CITY FL 32401

If this office can be of further assistance please advise.

Honorable HAROLD BAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITITES ACT OF  
1990. In Accordance with the Americans With Disabilities  
Act, If you are a person with a disability who needs any  
accomodation in order to participate in this proceeding, you  
are entitled, at no cost to you, to the provision of certain  
assistance. Please contact Jennifer Wells at (850) 747-5327  
within 2 working days of your receipt of this NOTICE TO  
APPEAR; if you are hearing impaired, call 1-800-955-8771; if  
you are voice impaired, call 1-800-955-8770.

DATE: 06/19/2007

TO: STEELE BOYS BAIL BONDS INC  
1003 N MLK JR BLVD SUITE A

PANAMA CITY FL 32401

NOTICE TO APPEAR

Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 06004016CFMG  
Charge(s) AGGRAVATED MANSLAUGHTER OF A CHILD

You are hereby notified that the above styled case has been  
scheduled for: JURY TRIAL

This is your NOTICE TO APPEAR ON 09/24/2007 at 08:30 am  
before the Honorable OVERSTREET MICHAEL C (DIV G) in Courtroom  
of the CRTHOUSE 2ND FLOOR - WEST, PANAMA CITY FL 32401

If this office can be of further assistance please advise.

Honorable HAROLD BAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITITES ACT OF  
1990. In Accordance with the Americans With Disabilities  
Act, If you are a person with a disability who needs any  
accomodation in order to participate in this proceeding, you  
are entitled, at no cost to you, to the provision of certain  
assistance. Please contact Jennifer Wells at (850) 747-5327  
within 2 working days of your receipt of this NOTICE TO  
APPEAR; if you are hearing impaired, call 1-800-955-8771; if  
you are voice impaired, call 1-800-955-8770.

DATE: 06/19/2007

TO: STEELE BOYS BAIL BONDS INC  
1003 N MLK JR BLVD SUITE A

PANAMA CITY FL 32401

NOTICE TO APPEAR

Re: State of Florida -vs- KRISTIN ANNE SCHMIDT  
Case No. 06004016CFMG  
Charge(s) AGGRAVATED MANSLAUGHTER OF A CHILD

You are hereby notified that the above styled case has been  
scheduled for: JURY TRIAL

This is your NOTICE TO APPEAR ON 10/03/2007 at 08:30 am  
before the Honorable OVERSTREET MICHAEL C (DIV G) in Courtroom  
of the CRTHOUSE 2ND FLOOR - WEST, PANAMA CITY FL 32401

If this office can be of further assistance please advise.

Honorable HAROLD BAZZEL  
Clerk of Circuit and County Court

  
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITITES ACT OF  
1990. In Accordance with the Americans With Disabilities  
Act, If you are a person with a disability who needs any  
accomodation in order to participate in this proceeding, you  
are entitled, at no cost to you, to the provision of certain  
assistance. Please contact Jennifer Wells at (850) 747-5327  
within 2 working days of your receipt of this NOTICE TO  
APPEAR; if you are hearing impaired, call 1-800-955-8771; if  
you are voice impaired, call 1-800-955-8770.

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

STATE OF FLORIDA,

Plaintiff,

vs.

Case No:

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH, II

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

Defendants.

=====

RESPONSE TO DEMAND FOR  
RECIPROCAL DISCOVERY

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 JUN 21 A 10:48

FILED

The above named Defendants by and through the undersigned attorney, files this Response to Demand for Reciprocal Discovery and states:

1. The name and address of a person known to have information relevant to the defense of the defendant is as follows:

William P. Kissel, M.S., CCHP  
3805 Hunting Ridge Drive  
Lilburn, GA 30047  
(404) 657-1648 Office  
(770) 985-4329 Home


and all witnesses listed by the State.

DATED this 20<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
ROBERT A. PELL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by facsimile (813) 274-1925) and U.S. mail to , Michael C. Sinacore, Esq., Assistant State Attorney, 800 East Kennedy Boulevard, 3<sup>rd</sup> Floor, Tampa, FL 33602-4148 and to those persons set forth in the attached Additional Service List, this 20<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
ROBERT A. PELL, ESQ.  
Florida Bar No.: 0499226  
514 Magnolia Avenue  
P. O. Box 651  
Panama City, FL 32401  
(850) 763-0078

ADDITIONAL SERVICE LIST

1. Ashley S. Benedik, Esq.  
1004 Jenks Avenue  
Panama City, FL 32401
2. Hoot Crawford, Esq.  
P.O. Box 1103  
Panama City, FL 32402
3. Jonathan Dingus, Esq.  
527 Jenks Avenue  
Panama City, FL 32401
4. Waylon Graham, Esq.  
P.O. Box 327  
Panama City, FL 32402
5. Walter B. Smith, Esq.  
P.O. Box 580  
Panama City, FL 32402
6. Robert S. Sombathy, Esq.  
P.O. Box 430  
Panama City, FL 32402
7. James H. White, Jr., Esq.  
229 McKenzie Avenue  
Panama City, FL 32401



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

STATE OF FLORIDA

Plaintiff,

vs.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSPEH WALSH, II

Defendants.

CASE NO

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMF

06-4016CFMG

06-4016CFMH

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 JUN 21 P 4: 39

FILED

**UNIFORM ORDER SETTING CAUSE FOR TRIAL AND PRE-TRIAL**

**(JURY TRIAL)**

This cause being at issue and the Court being otherwise fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The above entitled cause is hereby set for **Jury Trial October 3, 2007 thru October 12, 2007, commencing at 8:30 a.m., CST.**

2. **Jury Selection** for this matter will commence **September 24, 2007 at 8:30 a.m., CST**, and will continue through September 25, 2007, if necessary.

3. A **PRE-TRIAL CONFERENCE** shall be held in Chambers before the Honorable Michael C. Overstreet, Circuit Judge, at the Bay County Courthouse, Panama City, Florida, from **8:30 a.m., CST, until 12:00 noon, September 6, 2007.**

4. **On or before July 9, 2007**, counsel for the State shall furnish to counsel for the Defendants, and file directly with the Clerk, a list of names and addresses of all witnesses who are expected to testify at the trial of this cause, including experts. **On or before July 23**, counsel for the Defendants shall furnish to counsel for the State, and file directly with the Clerk, a list of names and addresses of **all** witnesses that are expected to testify at the trial of this cause, including expert witnesses, rebuttal and impeachment witnesses.

5. **On or before August 23, 2007**, counsel shall complete all discovery. The conduct of discovery thereafter, shall be permitted only on the Order of the Court for good cause shown and

which will not delay the trial of this cause.

6. **On or before August 30, 2007**, all motions, including motions in limine, shall be filed.

All pending motions will be heard at the Pre-Trial Conference September 6, 2007.

7. **On or before August 30, 2007**, counsel for the parties shall submit to the Court, with a copy to opposing counsel, written jury instructions and proposed verdict forms. Each jury instruction shall be on a separate sheet of paper; shall be plainly marked with the name and number of the case; shall contain citations of supporting authorities, if any; shall designate the party submitting the instructions; and shall be numbered in sequence. Counsel should confer prior to trial and attempt to agree as to the jury instructions and verdict forms. This paragraph shall not foreclose the right of each party to modify instructions up to and including the instruction conference at the close of evidence. Any party who intends to request that the Court provide a set of written jury instructions for the jury's consideration during deliberations shall be responsible for providing a clean copy of the full jury instructions to the Court.

8. **Prior to the pretrial conference on September 6, 2007**, counsel for the parties shall:

a) Mark all exhibits for identification and prepare a chronological exhibit list for use of Clerk and Court at trial (actual exhibits and documentation evidence shall be available for inspection at this time);

b) Admit or not admit as evidence and list specific objections, if any;

c) Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof;

d) Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence;

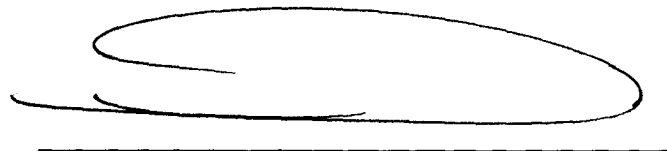
e) Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its Pre-Trial Conference and Trial;

9. Failure to comply with the requirements of this Order shall subject counsel to such sanctions as the Court shall determine just and proper under the circumstances.

10. **Between September 26<sup>th</sup> and 28<sup>th</sup>**, Counsel shall test all technical equipment intended to be used at trial. The equipment shall be tested in the Jury Pool Room. Court Technology personnel will be available to assist with any problems which may be encountered. Counsel shall coordinate available times to enter the courtroom with my judicial assistant.

**DONE AND ORDERED** in chambers at Panama City, Bay County Florida, this 21 day of

JUNE, 2007.



MICHAEL C. OVERSTREET, Circuit Judge

Copies furnished to:

(See Service List Attached)

## SERVICE LIST

**Ashley S. Benedik**

Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

**Hoot Crawford**

Attorney at Law  
Post Office Box 1103  
Panama City, FL 32401

**Jonathan Dingus**

Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

**Waylon Graham**

Attorney at Law  
Post Office box 327  
Panama City, FL 32402

**Robert A. Pell**

Attorney at Law  
514 Magnolia Avenue  
Panama City, FL 32401

**Robert S. Sombathy**

Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

**Walter Smith**

Assistant Public Defender  
Post Office Box 580  
Panama City, FL 32402

**James H. White, Jr.**

Attorney at Law  
229 McKenzie Avenue  
Panama City, FL 32401

**Michael C. Sinacore**

Assistant State Attorney  
800 East Kennedy Blvd., 3<sup>rd</sup> Floor  
Tampa, FL 33602-4148

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

STATE OF FLORIDA,

CASE NO. 06-4016-CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016-CFMA

06-4016-CFMB

████████████████████  
RAYMOND HAUCK

06-4016-CFMD

████████████████████  
████████████████████  
KRISTIN SCHMIDT  
JOSEPH WALSH II

████████████████████  
06-4016-CFMG

06-4016-CFMH

Defendants.

---

**DEFENDANT'S RECIPROCAL DISCOVERY RESPONSE**

COMES NOW the Defendant, RAYMOND HAUCK, by and through his undersigned attorney, and makes the following reciprocal discovery response:

1. The Defendant's witness list is as follows, to-wit:
  - a. Defendant
  - b. Travis Perry  
Bay County Sheriff's Office
  - c. Amanda Rubel  
Panama City Police Department
  - d. Timothy G. Moriarty, M.D.  
2195 Jenks Avenue  
Panama City, Florida 32405  
850-872-0502  
Expert Witness

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 JUN 28 P 4: 19

FILED

- e. Charles Chervanik  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100
  - f. All witnesses listed by any Defendant
  - g. All witnesses listed by the State
2. The Defendant's documentary evidence list is as follows, to-wit:
- a. April 20, 2007 Memorandum from Bay County Sheriff's Office with all attachments, totaling 155 numbered pages
  - b. All documents listed by any Defendant
  - c. All documents provided by State in discovery

DATED this 28 day of June, 2007.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No. 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522

ATTORNEY FOR DEFENDANT

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Defendant's Reciprocal Discovery Response 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 28 day of June, 2007.



JAMES H. WHITE, JR.

## ADDITIONAL SERVICE LIST

1. Ashley S. Benedik, Esquire  
1004 Jenks Avenue  
Panama City, Florida 32401
2. Hoot Crawford, Esquire  
P.O. Box 1103  
Panama City, Florida 32402
3. Jonathan Dingus, Esquire  
527 Jenks Avenue  
Panama City, Florida 32401
4. Waylon Graham, Esquire  
P.O. Box 327  
Panama City, Florida 32402
5. Robert A. Pell, Esquire  
P.O. Box 651  
Panama City, Florida 32402
6. Walter B. Smith, Esquire  
P.O. Box 580  
Panama City, Florida 32402
7. Robert S. Sombathy, Esquire  
P.O. Box 430  
Panama City, Florida 32401

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

STATE OF FLORIDA

Plaintiff,

vs.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSPEH WALSH, II

Defendants.

CASE NO

06-4016CFMA

06-4016CFMB

[REDACTED]  
06-4016CFMD

[REDACTED]  
06-4016CFMG

06-4016CFMH

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 JUL -6 P 4: 10

FILED

-----  
**AMENDED  
UNIFORM ORDER SETTING CAUSE FOR TRIAL AND PRE-TRIAL**

**(JURY TRIAL)**

This cause being at issue and the Court being otherwise fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The above entitled cause is hereby set for **Jury Trial October 3, 2007 thru October 12, 2007, commencing at 8:30 a.m., CST.**

2. **Jury Selection** for this matter will commence **September 24, 2007 at 8:30 a.m., CST**, and will continue through **September 25, 2007**, if necessary.

3. A **PRE-TRIAL CONFERENCE** shall be held in Chambers before the Honorable Michael C. Overstreet, Circuit Judge, at the Bay County Courthouse, Panama City, Florida, from **8:30 a.m., CST, until 12:00 noon, August 30, 2007.**

4. **On or before July 9, 2007**, counsel for the State shall furnish to counsel for the Defendants, and file directly with the Clerk, a list of names and addresses of all witnesses who are expected to testify at the trial of this cause, including experts. **On or before July 23**, counsel for the Defendants shall furnish to counsel for the State, and file directly with the Clerk, a list of names and addresses of **all** witnesses that are expected to testify at the trial of this cause, including expert witnesses, rebuttal and impeachment witnesses.

5. **On or before August 16, 2007**, counsel shall complete all discovery. The conduct of discovery thereafter, shall be permitted only on the Order of the Court for good cause shown and

which will not delay the trial of this cause.

6. **On or before August 23, 2007**, all motions, including motions in limine, shall be filed.

All pending motions will be heard at the Pre-Trial Conference September 6, 2007.

7. **On or before August 23, 2007**, counsel for the parties shall submit to the Court, with a copy to opposing counsel, written jury instructions and proposed verdict forms. Each jury instruction shall be on a separate sheet of paper; shall be plainly marked with the name and number of the case; shall contain citations of supporting authorities, if any; shall designate the party submitting the instructions; and shall be numbered in sequence. Counsel should confer prior to trial and attempt to agree as to the jury instructions and verdict forms. This paragraph shall not foreclose the right of each party to modify instructions up to and including the instruction conference at the close of evidence. Any party who intends to request that the Court provide a set of written jury instructions for the jury's consideration during deliberations shall be responsible for providing a clean copy of the full jury instructions to the Court.

8. **Prior to the pretrial conference on August 30, 2007**, counsel for the parties shall:

a) Mark all exhibits for identification and prepare a chronological exhibit list for use of Clerk and Court at trial (actual exhibits and documentation evidence shall be available for inspection at this time);

b) Admit or not admit as evidence and list specific objections, if any;

c) Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof;

d) Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence;

e) Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its Pre-Trial Conference and Trial;

9. Failure to comply with the requirements of this Order shall subject counsel to such sanctions as the Court shall determine just and proper under the circumstances.

10. **Between September 26<sup>th</sup> and 28<sup>th</sup>**, Counsel shall test all technical equipment intended to be used at trial. The equipment shall be tested in the Jury Pool Room. Court Technology personnel will be available to assist with any problems which may be encountered. Counsel shall coordinate available times to enter the courtroom with my judicial assistant.

**DONE AND ORDERED** in chambers at Panama City, Bay County Florida, this 5<sup>th</sup> day of

JULY, 2007.



MICHAEL C. OVERSTREET, Circuit Judge

Copies furnished to:

(See Service List Attached)



## SERVICE LIST

**Ashley S. Benedik**

Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

**Hoot Crawford**

Attorney at Law  
Post Office Box 1103  
Panama City, FL 32401

**Jonathan Dingus**

Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

**Waylon Graham**

Attorney at Law  
Post Office box 327  
Panama City, FL 32402

**Robert A. Pell**

Attorney at Law  
514 Magnolia Avenue  
Panama City, FL 32401

**Robert S. Sombathy**

Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

**Walter Smith**

Assistant Public Defender  
Post Office Box 580  
Panama City, FL 32402

**James H. White, Jr.**

Attorney at Law  
229 McKenzie Avenue  
Panama City, FL 32401

**Michael C. Sinacore**

Assistant State Attorney  
800 East Kennedy Blvd., 3<sup>rd</sup> Floor  
Tampa, FL 33602-4148

**AMENDED  
BOOT CAMP CASE  
DEADLINE SUMMARY**

1. **July 9, 2007** – State's witness list due (See paragraph 4)
2. **July 23, 2007** – Defendants' witness list due (See paragraph 4)
3. **August 16, 2007** – All discovery to be complete (See paragraph 5)
4. **August 23, 2007** - All motions to be filed with the clerk **and** jury instructions/verdict form to be submitted to the Court (See paragraphs 6 and 7)
5. **August 30, 2007** – Pretrial conference / All motions presented (See paragraph 3)
6. **Prior to August 30, 2007** – Thorough review and marking of evidence (See paragraph 8)
7. **September 24 - 25, 2007** – Jury selection (See paragraph 2)
8. **September 26 – 28, 2007** - Testing of technological equipment (See paragraph 10)
9. **October 2 – 12, 2007** - Jury trial (See paragraph 1)

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  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMF

06-4016CFMG

06-4016CFMH

**ADDITIONAL 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, files the following Additional Discovery in this case:

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

Amy Norkus  
FDLE  
2331 Phillips Rd.  
Tallahassee, FL 32308

Haley Hill  
FDLE  
1301 N. Palafox Street  
Pensacola, FL 32501

Paul Kessling  
FDLE  
2331 Phillips Rd.  
Tallahassee, FL 32308

HAROLD D. RAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

2007 JUL -9 A 11:41

FILED

Brian Berkowitz  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Building  
Tallahassee, FL 32399

**Category B Witnesses** pursuant to Rule 3.220 (b)(1)(A)(ii), F.R.C.R.P.:

Becky Johns  
Records Custodian  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, FL 32405

Ingrid Dieudonne  
Records Custodian  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, FL 32405

**Updated Address:**

Anthony Schembri  
562 San Remo Circle  
Inverness, FL 34450

HAROLD BAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

2001 JUL -9 A 11:41

FILED

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED]

327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED]  
Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for  
Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell,  
attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City,  
Florida 32401, via U.S. mail, on this 6<sup>th</sup> day of July, 2007.

MARK A. OBER  
STATE ATTORNEY



Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #0868523

HAROLD D. BAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

2007 JUL -9 AM 11:11

**FILED**

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  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMG  
06-4016CFMH

**STATE'S TRIAL WITNESS LIST**

THE STATE OF FLORIDA, as required by the Court's Uniform Order Setting Cause for Trial and Pre-Trial, entered in this cause on June 21, 2007, hereby provides a list of names of witnesses expected to testify at trial. The State of Florida reserves the right not to call witnesses on this list, and also reserves the right to produce testimony from any additional witnesses provided in the discovery filed by the State in this cause.

Experts:

Dr. Vernard Adams  
Hillsborough County Medical Examiner  
401 South Morgan Street  
Tampa, FL 33602

Dr. Thomas Andrew  
109 Woodland Drive  
Contoocook, New Hampshire 03229

Dr. Nikolaus Gravenstein  
Dept. of Anesthesiology  
University of Florida  
P.O. Box 100254  
Gainesville, FL 32610

HAROLD BAZZEL  
CLERK OF THE CIRCUIT COURT  
BAY COUNTY, FLORIDA  
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Dr. John Downs  
917 Guisando de Avila  
Tampa, FL 33613

Dr. Martin Steinberg  
Center of Excellence in Sickle Cell Disease  
Boston Medical Center  
88 E. Newton Street  
Boston, MA 02118

Dr. Bryan Bledsoe  
6420 Hayes Road  
Midlothian, Texas 76065

Dr. Cynthia Lewis-Younger  
Medical Toxicology Consultants  
9210 Florida Palm Drive  
Tampa, FL 33619

Steve Martin  
8513 Adirondack Trail  
Austin, Texas 78759

Additional Witnesses:

Dr. Samir Ebeid  
2202 State Avenue  
Suite #302  
Panama City, FL 32405

Anita Segers  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, FL 32405

Chelsea Pollock  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, FL 32405

Dr. Jeffrey Appel  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, FL 32405

HAROLD FAZZEL  
CLERK OF THE DISTRICT COURT  
BAY COUNTY, FLORIDA

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Cassie Elliott  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, FL 32405

Melinda Keiffer  
Ramsden Air Force Base  
Germany

Dennis Arnold  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, FL 32405

Dr. Jason Foland  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504

Dr. Jennifer Jenkins  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504

Capt. Mike Thompson  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, FL 32405

Steven Adamczyk  
108 Kristine Blvd.  
Panama City, FL 32404

Timothy Petrucci  
22331 S. Spring Creek Rd.  
Estacada, Oregon 97023

Adam Rogers  
156 Hill Drive  
Panama City, FL 32404

Amber Hunter  
3913 Pisa Drive K-5  
Panama City, FL 32405

HAROLD RAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

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Antonio Jones  
1914 Frankford Avenue  
Apt. #803  
Panama City, FL 32405

David Cruel  
502 David Avenue  
Panama City, FL 32404

Stanley Heaton  
208 N. Harris Avenue  
Panama City, FL 32401

William Reynolds  
1606 W. 10<sup>th</sup> Court  
Panama City, FL 32401

Richard Hall  
21043 N.W. Josephine Lane  
Altha, FL 32421

Becky Johns  
Records Custodian  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, FL 32405

Ingrid Dieudonne  
Records Custodian  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, FL 32405

Allison Turner  
Records Custodian  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504

Lt. Karen De Marchi  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, FL 34994

HAROLD R. RAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

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Capt. Lloyd Jones  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, FL 34994

Lt. Kimberly Klein  
Pinellas County Sheriff's Office  
14400 49<sup>th</sup> Street N  
Clearwater, FL 33762

Lt. Michael Allen  
Polk County Sheriff's Office  
455 N. Broadway Avenue  
Bartow, FL 33830

Sgt. Robert Bowden  
Manatee County Sheriff's Office  
14490 Harlee Road  
Palmetto, FL 34221

Dr. Shari Turner  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Building  
Tallahassee, FL 32399

Anthony Schembri  
562 San Remo Circle  
Inverness, FL 34450

Andrew Anderson, Jr.  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Building  
Tallahassee, FL 32399

Richard Kline  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Building  
Tallahassee, FL 32399

Beth Carr  
Department of Juvenile Justice  
505 East 11<sup>th</sup> Street  
Panama City, FL 32401

HAROLD PAZZEL  
CLERK OF THE DISTRICT COURT  
BAY COUNTY, FLORIDA

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Brian Berkowitz  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Building  
Tallahassee, FL 32399

Cpl. Raymond O'Brien  
Bay Regional Juvenile Detention Center  
450 E. 11<sup>th</sup> Street  
Panama City, FL 32401

Tamika Herbert  
Bay Regional Juvenile Detention Center  
450 E. 11<sup>th</sup> Street  
Panama City, FL 32401

Cpl. Terrence Henderson  
Bay Regional Juvenile Detention Center  
450 E. 11<sup>th</sup> Street  
Panama City, FL 32401

Cpl. Eddie Mae Hubbard  
Bay Regional Juvenile Detention Center  
450 E. 11<sup>th</sup> Street  
Panama City, FL 32401

Michael Bostic  
Bay Regional Juvenile Detention Center  
450 E. 11<sup>th</sup> Street  
Panama City, FL 32401

Sgt. George Pridgen  
Bay Regional Juvenile Detention Center  
450 E. 11<sup>th</sup> Street  
Panama City, FL 32401

Sgt. Richard Koester  
Bay Regional Juvenile Detention Center  
450 E. 11<sup>th</sup> Street  
Panama City, FL 32401

Brenda Booher  
Bay Regional Juvenile Detention Center  
450 E. 11<sup>th</sup> Street  
Panama City, FL 32401

HAROLD RAZZEL  
CLERK OF THE DISTRICT COURT  
BAY COUNTY, FLORIDA

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Pasha Waters  
Bay Regional Juvenile Detention Center  
450 E. 11<sup>th</sup> Street  
Panama City, FL 32401

Gina Jones  
c/o Benjamin Crump, Esq.  
Parks & Crump  
240 N. Magnolia Drive  
Tallahassee, FL 32301

Paul Green  
Emerald Bay Academy  
1515 June Avenue  
Panama City, FL 32405

Terrance Winters  
Everett Middle School  
608 School Avenue  
Panama City, FL 32401

Bobby Hall  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, FL 32405

Kristen Cortiz  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, FL 32405

Matt Herring  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, FL 32405

Tommy Ford  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, FL 32405

Tom Ring  
FDLE  
2237 W. 24<sup>th</sup> Street  
Panama City, FL 32405

HAROLD RAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

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Amy Norkus  
FDLE  
2331 Phillips Rd.  
Tallahassee, FL 32308

Haley Hill  
FDLE  
1301 N. Palafox Street  
Pensacola, FL 32501

Paul Kessler  
FDLE  
2331 Phillips Rd.  
Tallahassee, FL 32308

Capt. Jim Stanford  
Bay County Sheriff's Office  
3421 Hwy. 77  
Panama City, FL 32405

Investigator Mark Walton  
Bay County Sheriff's Office  
3421 Hwy. 77  
Panama City, FL 32405

Steve Lewis  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, FL 33619

Charles Keene  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, FL 33619

Harry Hoover  
Hillsborough County Sheriff's Office  
2008 8<sup>th</sup> Avenue  
Tampa, FL 33605

Jason Van Brunt  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, FL 33619

HAROLD BAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

2007 JUL -9 A 11:41

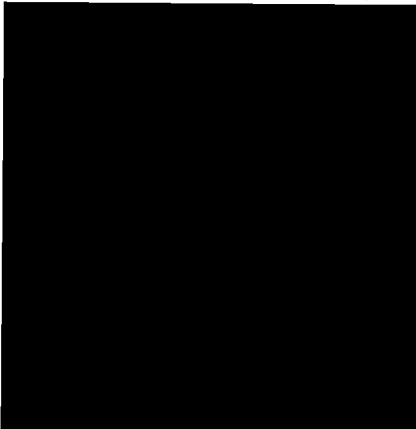
FILED

Mike Gibson  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, FL 33619

Gloria Porter  
State Attorney's Office  
800 E. Kennedy Blvd.  
Tampa, FL 33602

David Hathaway  
Honeywell NASA Marshall Space Flight Center  
P.O. Box 240011  
Huntsville, AL 35824

Christopher Hood  
Honeywell NASA Marshall Space Flight Center  
P.O. Box 240011  
Huntsville, AL 35824



HAROLD R. PAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

2007 JUL -9 11:41

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I HEREBY CERTIFY that a copy of the foregoing has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED], 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail, on this 6<sup>th</sup> day of July, 2007.

MARK A. OBER  
STATE ATTORNEY



Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #0868523

HAROLD BAZZEL  
CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA

2007 JUL -9 A 11 01

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CHAMBERS OF  
**CIRCUIT JUDGE**

FOURTEENTH JUDICIAL CIRCUIT OF FLORIDA

SERVING BAY, CALHOUN, GULF, HOLMES, JACKSON AND WASHINGTON COUNTIES

MICHAEL C. OVERSTREET  
CIRCUIT JUDGE

ROBIN E. OWENS  
JUDICIAL ASSISTANT

July 18, 2007

PLEASE REPLY TO:  
POST OFFICE BOX 2237  
PANAMA CITY, FL 32402  
(850) 747-5650  
(850) 747-5159 FAX

**MEMORANDUM**

**TO:** All Counsel (Bay Co. Case No. 06-4016 CFMA)

**FR:** Robin E. Owens, Judicial Assistant 

**RE:** **Second Amended Order Setting Trial**

---

The only change made in the enclosed second amended order setting trial is the correction of the pretrial date reflected in paragraph 6.

/reo

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 JUL 18 P 3:31

**FILED**



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

STATE OF FLORIDA

Plaintiff,

vs.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
KRISTIN SCHMIDT  
JOSPEH WALSH, II

Defendants.

CASE NO

06-4016CFMA  
06-4016CFMB  
[REDACTED]  
06-4016CFMD  
[REDACTED]  
06-4016CFMG  
06-4016CFMH

HAROLD RAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 JUL 18 P 3:32

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**SECOND AMENDED  
UNIFORM ORDER SETTING CAUSE FOR TRIAL AND PRE-TRIAL**

**(JURY TRIAL)**

This cause being at issue and the Court being otherwise fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The above entitled cause is hereby set for **Jury Trial October 3, 2007 thru October 12, 2007, commencing at 8:30 a.m., CST.**
2. **Jury Selection** for this matter will commence **September 24, 2007 at 8:30 a.m., CST**, and will continue through September 25, 2007, if necessary.
3. A **PRE-TRIAL CONFERENCE** shall be held in Chambers before the Honorable Michael C. Overstreet, Circuit Judge, at the Bay County Courthouse, Panama City, Florida, from **8:30 a.m., CST, until 12:00 noon, August 30, 2007.**
4. **On or before July 9, 2007**, counsel for the State shall furnish to counsel for the Defendants, and file directly with the Clerk, a list of names and addresses of all witnesses who are expected to testify at the trial of this cause, including experts. **On or before July 23**, counsel for the Defendants shall furnish to counsel for the State, and file directly with the Clerk, a list of names and addresses of **all** witnesses that are expected to testify at the trial of this cause, including expert witnesses, rebuttal and impeachment witnesses.
5. **On or before August 16, 2007**, counsel shall complete all discovery. The conduct of discovery thereafter, shall be permitted only on the Order of the Court for good cause shown and

which will not delay the trial of this cause.

6. **On or before August 23, 2007**, all motions, including motions in limine, shall be filed.

All pending motions will be heard at the Pre-Trial Conference August 30, 2007.

7. **On or before August 23, 2007**, counsel for the parties shall submit to the Court, with a copy to opposing counsel, written jury instructions and proposed verdict forms. Each jury instruction shall be on a separate sheet of paper; shall be plainly marked with the name and number of the case; shall contain citations of supporting authorities, if any; shall designate the party submitting the instructions; and shall be numbered in sequence. Counsel should confer prior to trial and attempt to agree as to the jury instructions and verdict forms. This paragraph shall not foreclose the right of each party to modify instructions up to and including the instruction conference at the close of evidence. Any party who intends to request that the Court provide a set of written jury instructions for the jury's consideration during deliberations shall be responsible for providing a clean copy of the full jury instructions to the Court.

8. **Prior to the pretrial conference on August 30, 2007**, counsel for the parties shall:

a) Mark all exhibits for identification and prepare a chronological exhibit list for use of Clerk and Court at trial (actual exhibits and documentation evidence shall be available for inspection at this time);

b) Admit or not admit as evidence and list specific objections, if any;

c) Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof;

d) Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence;

e) Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its Pre-Trial Conference and Trial;

9. Failure to comply with the requirements of this Order shall subject counsel to such sanctions as the Court shall determine just and proper under the circumstances.

10. **Between September 26<sup>th</sup> and 28<sup>th</sup>**, Counsel shall test all technical equipment intended to be used at trial. The equipment shall be tested in the Jury Pool Room. Court Technology personnel will be available to assist with any problems which may be encountered. Counsel shall coordinate available times to enter the courtroom with my judicial assistant.

**DONE AND ORDERED** in chambers at Panama City, Bay County Florida, this 18 day of

July, 2007.



MICHAEL C. OVERSTREET, Circuit Judge

Copies furnished to:

(See Service List Attached)

## SERVICE LIST

**Ashley S. Benedik**

Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

**Hoot Crawford**

Attorney at Law  
Post Office Box 1103  
Panama City, FL 32401

**Jonathan Dingus**

Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

**Waylon Graham**

Attorney at Law  
Post Office box 327  
Panama City, FL 32402

**Robert A. Pell**

Attorney at Law  
514 Magnolia Avenue  
Panama City, FL 32401

**Robert S. Sombathy**

Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

**Walter Smith**

Assistant Public Defender  
Post Office Box 580  
Panama City, FL 32402

**James H. White, Jr.**

Attorney at Law  
229 McKenzie Avenue  
Panama City, FL 32401

**Michael C. Sinacore**

Assistant State Attorney  
800 East Kennedy Blvd., 3<sup>rd</sup> Floor  
Tampa, FL 33602-4148

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

STATE OF FLORIDA,

Plaintiff,

Case No.: 06-4016

vs.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH

[REDACTED]  
06-4016CFMG

06-4016CFMH

Defendant.

---

**DEFENDANTS' JOINT WITNESS LIST**

The Defendant by and through undersigned counsel and pursuant to Rule 3.220 Florida Rules of Criminal Procedure identifies as witnesses the following:

1. Charles Chervanik  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Bldg. Suite #206  
Tallahassee, Florida 32399-3100
2. Dr. E.R. Eichner, M.D.  
University of Oklahoma  
5505 North Stonewall Drive  
Oklahoma City, Oklahoma 73111-6657
3. Paul Green  
c/o Emerald Bay Academy  
1515 June Avenue  
Panama City, Florida 32405
4. Michele Giroux  
Mental Health Counselor  
Bay Regional Juvenile Detention Center  
450 East 11<sup>th</sup> Street  
Panama City, Florida 32401

HAROLD BAZZITI  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

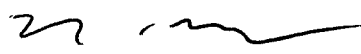
2007 JUL 23 P 4: 12

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5. William P. Kissell, M.S., CCHP  
3805 Hunting Ridge Drive  
Lilburn, GA 30047
6. Travis Perry  
c/o Bay County Sheriff's Office  
3421 N. Hwy 77  
Panama City, Florida 32404
7. Amanda Rubel  
c/o Panama City Police Department  
1209 E 15th Street  
Panama City, FL 32405
8. Terry Sasser  
c/o Boys and Girls Club of Bay County  
3404 W 19<sup>th</sup> Street  
Panama City, Florida 32405
9. Dr. Charles Siebert, M.D.  
3737 Frankford Ave.  
Panama City, FL 32404
10. Dr. Jon Thogmartin  
10900 Ulmerton Road  
Largo, Florida 33778

The Defendant reserves the right to call all witnesses listed by the State and all witnesses later discovered by the State or defense.

I HEREBY CERTIFY that a copy of the foregoing Defendant's Witness List has been furnished to Honorable Michael C. Sinacore, State Attorney, 800 E. Kennedy Blvd 3<sup>rd</sup> Floor., Tampa, Florida 33602, by regular U.S. mail this 23<sup>rd</sup> day of July, 2007.

  
\_\_\_\_\_  
Robert S. Sombathy, Esq.  
Florida Bar No.: 0971870  
Isler, Sombathy & Sombathy, P.A.  
Post Office Box 430  
Panama City, FL 32402  
(850) 769-5532

ATTORNEY FOR DEFENDANT

**ADDITIONAL SERVICE LIST**

Ashley S. Benedik, Esq.  
1004 Jenks. Ave.  
Panama City, Florida 32401

Hoot Crawford, Esq.  
P.O. Box 1103  
Panama City, Florida 32402

Jonathan Dingus, Esq.  
527 Jenks Ave.  
Panama City, Florida 32401

Waylon Graham, Esq.  
P.O. Box 327  
Panama City, Florida 32401

Robert Pell, Esq.  
P.O. Box 651  
Panama City, Florida 32401

Walter B. Smith, Esq.  
P.O. Box 580  
Panama City, Florida 32402

James H. White, Jr., Esq.  
229 McKenzie Avenue  
Panama City, Florida 32401

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

FILED

STATE OF FLORIDA,  
Plaintiff,

2007 JUL 25 P 4: 36

vs.

CASE NO:

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II,  
Defendants.

06-4016CFMG  
06-4016CFMH

**NOTICE OF TAKING DEPOSITIONS**

TO: Michael C. Sinacore, Assistant State Attorney  
800 East Kennedy Boulevard, 3<sup>rd</sup> Floor  
Tampa, Florida 33602-4148

PLEASE TAKE NOTICE that commencing at 9:00 a.m., **central time**, on the 2<sup>nd</sup> day of August, 2007, by **telephonic communication**, at the office of Professional Court Reporting Service, located at 337 Magnolia Avenue, Panama City, Florida, the Defendants will take the deposition of Bryan Edward Bledsoe, D.O., upon oral examination, before Professional Court Reporting Service, an official court reporter, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

I HEREBY CERTIFY that a copy of the foregoing Notice of Deposition was mailed to the above-named addressee and to the persons listed on the attached Additional Service List, this 23 day of July, 2007.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522

ATTORNEY FOR DEFENDANT

cc: Professional

**ADDITIONAL SERVICE LIST**

Ashley S. Benedik  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

Hoot Crawford  
Attorney at Law  
Post Office Box 1103  
Panama City, FL 32402

Jonathan Dingus  
Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

Waylon Graham  
Attorney at Law  
Post Office Box 327  
Panama City, FL 32402

Robert A. Pell  
Attorney at Law  
514 Magnolia Avenue  
Panama City, FL 32401

Robert S. Sombathy  
Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402



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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO:

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II,  
Defendants.

06-4016CFMA  
06-4016CFMB

[REDACTED]  
06-4016CFMD

[REDACTED]  
06-4016CFMG  
06-4016CFMH

HAROLD BAZZELL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 JUL 30 P 4: 25

FILED

**NOTICE OF TAKING DEPOSITION**

TO: Michael C. Sinacore, Assistant State Attorney  
800 East Kennedy Boulevard, 3<sup>rd</sup> Floor  
Tampa, Florida 33602-4148

PLEASE TAKE NOTICE that commencing at 2:00 p.m., **central time**, on the 7th day of August, 2007, by **telephonic communication**, at the office of Professional Court Reporting Service, located at 337 Magnolia Avenue, Panama City, Florida, the Defendants will take the deposition of Dr. Martin Steinberg, upon oral examination, before Professional Court Reporting Service, an official court reporter, or a Notary Public in and for the State of Florida at Large, or some other officer duly authorized by law to take depositions. The deposition is being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

I HEREBY CERTIFY that a copy of the foregoing Notice of Deposition was mailed to the above-named addressee and to the persons listed on the attached Additional Service List, this 30th day of July, 2007.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522  
ATTORNEY FOR DEFENDANT

cc: Professional

## ADDITIONAL SERVICE LIST

1. Ashley S. Benedik, Esquire  
1004 Jenks Avenue  
Panama City, Florida 32401
2. Hoot Crawford, Esquire  
P.O. Box 1103  
Panama City, Florida 32402
3. Jonathan Dingus, Esquire  
527 Jenks Avenue  
Panama City, Florida 32401
4. Waylon Graham, Esquire  
P.O. Box 327  
Panama City, Florida 32402
5. Robert A. Pell, Esquire  
P.O. Box 651  
Panama City, Florida 32402
6. Walter B. Smith, Esquire  
P.O. Box 580  
Panama City, Florida 32402
7. Robert S. Sombathy, Esquire  
P.O. Box 430  
Panama City, Florida 32401

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  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMG  
06-4016CFMH

**ADDITIONAL 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, files the following Additional Discovery in this case:

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

Detective Brian Custer  
Hillsborough County Sheriff's Office  
2310 Falkenburg Rd.  
Tampa, FL 33619

(Note: Witness prepared diagram on p. 18425 of discovery, previously provided)

**Additional Documents:** (Copies enclosed)

Booking photographs of defendants

Still images from enhanced video

DJJ Policy FDJJ-1100

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 16 A 10:19

FILED


Defendants and Actions chart

Autopsy photographs (on CD)

**Also Note:** Please refer to State's Exhibit List (3 pages, attached) for a list of documents and other evidence that the State anticipates using at trial.

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail, on this 15th day of August, 2007.

MARK A. OBER  
STATE ATTORNEY

  
Michael E. Sinacore  
Assistant State Attorney  
Florida Bar #0868523

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

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMG  
06-4016CFMH







STATE'S EXHIBIT LIST

1. Video of incident 1/5/06 at Bay Boot Camp.
  - A. Original videotape.
  - B. DVD – copy of original videotape
  - C. DVD - enhanced by NASA, with digital clock
  - D. DVD – segment zoomed and enhanced
  - E. DVD – zoomed segments, slowed to half speed
  
2. Still images from Exhibit 1C (with identification labels)
  - A. 5:46:08
  - B. 6:04:15
  - C. 6:41:27
  - D. 16:00:00
  - E. 16:02:05
  - F. 16:54:26
  - G. 22:03:02
  - H. 22:38:09
  - I. 24:19:01
  - J. 24:56:08
  - K. 25:30:24
  - L. 27:24:17
  
3. Portions of Control Room Log for 1/5/06
  
4. Defendants and Actions Chart

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CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

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5. HCSO Timeline Summary for Use of Ammonia
6. Diagram of Boot Camp
7. Photographs from Boot Camp  
(Each photograph to be identified by letter)
8. FDLE interview of Henry Dickens, 1/5/06(CD)
9. Statements by Charles Enfinger
  - A. FDLE interview, 1/5/06 (CD)
  - B. HCSO interview, 11/28/06 (CD)
10. 
11. Statements by Raymond Hauck
  - A. BCSO Information Report, 1/5/06
  - B. FDLE interview, 1/5/06 (CD)
13. 
14. Statements by Kristin Schmidt
  - A. Medical Department Progress Notes, 1/5/06
  - B. FDLE interview, 1/5/06 (CD)
  - C. FDLE interview, 1/9/06 (CD)
  - D. FDLE interview, 1/19/06 (CD)
15. Statements by Joseph Walsh II
  - A. PAR Report, 1/5/06
  - B. BCSO Information Report, 1/5/06
  - C. FDLE interview, 1/5/06 (CD)
  - D. FDLE interview, 1/25/06 (CD)
16. Booking Photographs
  - A. Henry Dickens
  - B. Charles Enfinger
  - C. 
  - D. Raymond Hauck
  - E. 
  - F. 
  - G. Kristin Schmidt

- H. Joseph Walsh II
- 17. First Autopsy Photographs  
(Each photograph to be identified by letter)
  
- 18. Bay Medical Center Records, 1/5/06
  - A. Ambulance Run Report
  - B. Copy of X-Ray with time stamp
  - C. Emergency Department Report – Nurses Notes
  - D. Blood Gas Analysis Report, 10:17
  - E. Blood Gas Analysis Report, 11:19
  
- 19. Ammonia Capsules
  - A. Ammonia Box
  - B. Photographs of Box
  
- 20. DJJ Comprehensive Physical Assessment, 10/19/05
  
- 21. DJJ Health Related History, 10/21/05
  
- 22. Medical and Mental Health Admission Screening, 1/5/06
  
- 23. Facility Entry Health Screening, 1/5/06
  
- 24. Physical Evaluation and Needs Assessment, 1/5/06
  
- 25. Physical Assessment Sheet, 1/5/06
  
- 26. DJJ Policy on Rights of Youths in DJJ Care, Custody or Supervision
  - A. FDJJ – 1100
  - B. DJJ Rights for Youth
  
- 27. Use of Force Policies
  - A. BCSO Use of Force Policy
  - B. BCSO Behavioral Matrix
  - C. BCSO Use of Force Continuum
  - D. CJSTC Use of Force Policy
  
- 28. BCSO Boot Camp Program Manual

\*\*\* The State reserves the right to seek admission into evidence any additional exhibits needed in the State's case-in-chief or in rebuttal.

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

v.

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CHARLES ENFINGER

RAYMOND HAUCK

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06-4016CFMA

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HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

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**STATE'S PROPOSED JURY INSTRUCTIONS**

THE STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, and pursuant to the Court's Second Amended Uniform Order Setting Cause for Trial and Pre-Trial, hereby submits written proposed jury instructions and verdict forms.

Unless otherwise noted, all jury instructions proposed by the State of Florida are taken from the Florida Standard Jury Instructions in Criminal Cases.

The State notes that no standard jury instruction exists for the crime of Aggravated Manslaughter of a Person under 18. The State has proposed a jury instruction for Aggravated Manslaughter of a Person under 18 tracking Florida Statute §782.07(3), modeled after the instruction approved in Bayer v. State, 788 So.2d 310 (Fla. 5<sup>th</sup> DCA 2001), and using definitions from standard jury instruction 16.6 (Neglect of a Child).

The State also requests a special jury instruction regarding pre-existing medical conditions of a victim.



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.:

06-4016

v.

HENRY DICKENS  
CHARLES ENFINGER

██████████  
RAYMOND HAUCK

██████████  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
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**STATE'S PROPOSED JURY INSTRUCTIONS**

**2.1 PRELIMINARY INSTRUCTIONS**

Ladies and gentlemen of the jury:

You have been selected and sworn as the jury to try the case of State of Florida v. Henry Dickens, Charles Enfinger, ██████████ Raymond Hauck, ██████████  
██████████, Kristin Schmidt and Joseph Walsh II.

This is a criminal case. The defendants have been charged with Aggravated Manslaughter of a Person Under 18. The definition of the elements of Aggravated Manslaughter of a Person Under 18 will be explained to you later.

It is your solemn responsibility to determine if the State has proved its accusation beyond a reasonable doubt against each defendant. Your verdict must be based solely on the evidence, or lack of evidence, and the law.

The information is not evidence and is not to be considered by you as any proof of guilt.

It is the judge's responsibility to decide which laws apply to this case and to explain those laws to you. It is your responsibility to decide what the facts of this case may be, and to apply the law to those facts. Thus, the province of the jury and the province of the court are well defined, and they do not overlap. This is one of the fundamental principles of our system of justice.

Before proceeding further, it will be helpful if you understand how a trial is conducted.

At the beginning of the trial the attorneys will have an opportunity, if they wish, to make an opening statement. The opening statement gives the attorneys a chance to tell you what evidence they believe will be presented during the trial. What the lawyers say is not evidence, and you are not to consider it as such.

Following the opening statements, witnesses will be called to testify under oath. They will be examined and cross-examined by the attorneys. Documents and other exhibits also may be produced as evidence.

After the evidence has been presented, the attorneys will have the opportunity to make their final argument.

Following the arguments by the attorneys, the court will instruct you on the law applicable to the case.

After the instructions are given the alternate jurors will be released and you will then retire to consider your verdict.

You should not form any definite or fixed opinion on the merits of the case until you have heard all the evidence, the argument of the lawyers and the instructions on the law by the judge. Until that time you should not discuss the case among yourselves.

During the course of the trial the court may take recesses, during which you will be permitted to separate and go about your personal affairs. During these recesses you will not discuss the case with anyone nor permit anyone to say anything to you or in your presence about the case. If anyone attempts to say anything to you or in your presence about this case, tell him and/or her that you are on the jury trying the case and ask him and/or her to stop. If he and/or she persist, leave him and/or her at once and immediately report the matter to the bailiff, who will advise me.

The case must be tried by you only on the evidence presented during the trial in your presence and in the presence of the defendant, the attorneys and the judge. Jurors must not conduct any investigation of their own. Accordingly, you must not visit any of the places described in the evidence, and you must not read nor listen to any reports about the case. Further, you must not discuss this case with any person and you must not speak with the attorneys, the witnesses or the defendant about any subject until your deliberations are finished.

*Give if defendant requests*

In every criminal proceeding a defendant has the absolute right to remain silent. At no time is it the duty of a defendant to prove his and/or her innocence. From the exercise of a defendant's right to remain silent, a jury is not permitted to draw any inference of guilt, and the fact that a defendant did not take the witness stand must not influence your verdict in any manner whatsoever.

The attorneys are trained in the rules of evidence and trial procedure, and it is their duty to make all objections they feel are proper. When an objection is made you should not speculate on the reason why it is made; likewise, when an objection is sustained, or upheld, by me, you must not speculate on what might have occurred had the objection not been sustained, nor what a witness might have said had he and/or she been permitted to answer.

IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

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HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

██████████  
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██████████  
06-4016CFMD

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KRISTIN SCHMIDT  
JOSEPH WALSH II

██████████  
06-4016CFMG  
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**STATE'S PROPOSED JURY INSTRUCTIONS**

**2.7 CLOSING ARGUMENT**

Both the State and the defendants have now rested their case.

The attorneys now will present their final arguments. Please remember that what the attorneys say is not evidence. However, do listen closely to their arguments. They are intended to aid you in understanding the case. Each side will have equal time, but the State is entitled to divide this time between an opening argument and a rebuttal argument after the defense has spoken.

**FILED**

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IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMG  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.1 INTRODUCTION TO FINAL INSTRUCTIONS**

Members of the jury, I thank you for your attention during this trial. Please pay attention to the instructions I am about to give you.

**FILED**  
2007 AUG 23 A 10:45  
HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR BAY COUNTY  
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06-4016CFMG  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.2 STATEMENT OF CHARGE**

Henry Dickens, Charles Enfinger, [REDACTED], Raymond Hauck, [REDACTED], [REDACTED], [REDACTED], Kristin Schmidt and Joseph Walsh II, the defendants in this case, have been accused of the crime of Aggravated Manslaughter of a Person under 18.

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HAROLD BAZZEL  
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BAY COUNTY, FLORIDA

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IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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STATE OF FLORIDA

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06-4016CFMG  
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**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.4 WHEN THERE ARE LESSER INCLUDED CRIMES OR ATTEMPTS**

In considering the evidence, you should consider the possibility that although the evidence may not convince you that a defendant committed the main crime of which he or she is accused, there may be evidence that he or she committed other acts that would constitute a lesser included crime. Therefore, if you decide that the main accusation has not been proved beyond a reasonable doubt, you will next need to decide if the defendant is guilty of any lesser included crime. The lesser crimes indicated in the definition of Aggravated Manslaughter of a Person under 18 are:

Manslaughter

Child Neglect

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BAY COUNTY

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**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.7 PLEA OF NOT GUILTY; REASONABLE DOUBT;  
AND BURDEN OF PROOF**

Each defendant has entered a plea of not guilty. This means you must presume or believe each defendant is innocent. The presumption stays with each defendant as to each material allegation in the information through each stage of the trial unless it has been overcome by the evidence to the exclusion of and beyond a reasonable doubt.

To overcome a defendant's presumption of innocence the State has the burden of proving the crime with which the defendant is charged was committed and the defendant is the person who committed the crime.

The defendant is not required to present evidence or prove anything.

Whenever the words "reasonable doubt" are used you must consider the following:

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if, after carefully considering, comparing and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt and you must find the defendant not guilty because the doubt is reasonable.

It is to the evidence introduced in this trial, and to it alone, that you are to look for that proof.



A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence or the lack of evidence.

If you have a reasonable doubt, you should find the defendant not guilty. If you have no reasonable doubt, you should find the defendant guilty.

IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

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**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.9 WEIGHING THE EVIDENCE**

It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence, and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable, or less reliable than other evidence.

You should consider how the witnesses acted, as well as what they said. Some things you should consider are:

1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?
2. Did the witness seem to have an accurate memory?
3. Was the witness honest and straightforward in answering the attorneys' questions?
4. Did the witness have some interest in how the case should be decided?
5. Does the witness' testimony agree with the other testimony and other evidence in the case?
6. Has the witness been offered or received any money, preferred treatment or other benefit in order to get the witness to testify?
7. Had any pressure or threat been used against the witness that affected the truth of the witness' testimony?

8. Did the witness at some other time make a statement that is inconsistent with the testimony he or she gave in court?
9. Was it proved that the witness had been convicted of a crime?
10. Was it proved that the general reputation of the witness for telling the truth and being honest was bad?

You may rely upon your own conclusion about the witness. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.

IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMG  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.9(a) EXPERT WITNESSES**

Expert witnesses are like other witnesses, with one exception - the law permits an expert witness to give his or her opinion.

However, an expert's opinion is only reliable when given on a subject about which you believe him or her to be an expert.

Like other witnesses, you may believe or disbelieve all or any part of an expert's testimony.

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BAY COUNTY, FLORIDA

IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NO.: 06-4016CF

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[REDACTED]

06-4016CFMD  
[REDACTED]

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMG  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.9(c) DEFENDANT TESTIFYING**

A defendant in this case has become a witness. You should apply the same rules to the consideration of the defendant's testimony that you apply to the testimony of the other witnesses.

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CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

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IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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06-4016CFMG  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.9(d) DEFENDANT NOT TESTIFYING**

The constitution requires the State to prove its accusations against the defendant. It is not necessary for the defendant to disprove anything. Nor is the defendant required to prove [his] [her] innocence. It is up to the State to prove the defendant's guilt by evidence.

A defendant exercised a fundamental right by choosing not to be a witness in this case. You must not view this as an admission of guilt or be influenced in any way by the defendant's decision. No juror should ever be concerned that the defendant did or did not take the witness stand to give testimony in the case.

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CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

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IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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06-4016CFMG  
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**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.9(e) DEFENDANT'S STATEMENTS**

A statement claimed to have been made by a defendant outside of court has been placed before you. Such a statement should always be considered with caution and be weighed with great care to make certain it was freely and voluntarily made.

Therefore, you must determine from the evidence that the defendant's alleged statement was knowingly, voluntarily and freely made.

In making this determination, you should consider the total circumstances, including but not limited to

1. whether, when the defendant made the statement, he or she had been threatened in order to get him or her to make it, and
2. whether anyone had promised him or her anything in order to get him or her to make it.

If you conclude the defendant's out of court statement was not freely and voluntarily made, you should disregard it.

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CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

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IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.10 RULES FOR DELIBERATION**

These are some general rules that apply to your discussion. You must follow these rules in order to return a lawful verdict:

1. You must follow the law as it is set out in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice. There is no reason for failing to follow the law in this case. All of us are depending upon you to make a wise and legal decision in this matter.
2. This case must be decided only upon the evidence that you have heard from the testimony of the witnesses [and have seen in the form of the exhibits in evidence] and these instructions.
3. This case must not be decided for or against anyone because you feel sorry for anyone, or are angry at anyone.
4. Remember, the lawyers are not on trial. Your feelings about them should not influence your decision in this case.
5. Your duty is to determine if the defendant has been proven guilty or not, in accord with the law. It is the judge's job to determine a proper sentence if the defendant is guilty.
6. Whatever verdict you render must be unanimous, that is, each juror must agree to the same verdict.



7. It is entirely proper for a lawyer to talk to a witness about what testimony the witness would give if called to the courtroom. The witness should not be discredited by talking to a lawyer about his or her testimony.
8. Your verdict should not be influenced by feelings of prejudice, bias or sympathy. Your verdict must be based on the evidence, and on the law contained in these instructions.

IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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[REDACTED]  
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[REDACTED]  
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06-4016CFMA  
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HAROLD R. BAYLOR  
CLERK OF COURT  
BAY COUNTY  
FLORIDA

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**STATE'S PROPOSED JURY INSTRUCTIONS**

**7.1 INTRODUCTION TO HOMICIDE**

In this case each defendant is accused of Aggravated Manslaughter of a Person under 18.

Aggravated Manslaughter of a Person under 18 includes the lesser crime of Manslaughter, both of which are unlawful.

A killing that is excusable or was committed by the use of justifiable deadly force is lawful.

If you find Martin Lee Anderson was killed by one or more of the defendants, you will then consider the circumstances surrounding the killing in deciding if the killing was Aggravated Manslaughter of a Person under 18, or was Manslaughter, or whether the killing was excusable or resulted from justifiable use of deadly force.

**JUSTIFIABLE HOMICIDE**  
**§ 782.02, Fla. Stat.**

The killing of a human being is justifiable homicide and lawful if necessarily done while resisting an attempt to murder or commit a felony upon the defendant, or to commit a felony in any dwelling house in which the defendant was at the time of the killing.

**EXCUSABLE HOMICIDE**  
**§ 782.03, Fla. Stat.**

The killing of a human being is excusable, and therefore lawful, under any one of the following three circumstances:

1.           When the killing is committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution and without any unlawful intent, or
2.           When the killing occurs by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or
3.           When the killing is committed by accident and misfortune resulting from a sudden combat, if a dangerous weapon is not used and the killing is not done in a cruel or unusual manner.

"Dangerous weapon" is any weapon that, taking into account the manner in which it is used, is likely to produce death or great bodily harm.

I now instruct you on the circumstances that must be proved before a defendant may be found guilty of Aggravated Manslaughter of a Person under 18, or any lesser included crime.

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

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFME  
06-4016CFMF

2001 AUG 23 A 10:45

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18  
§782.07(3) and §827.03(3)**

As to Henry Dickens, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Henry Dickens caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.
3. Henry Dickens was a caregiver for Martin Lee Anderson.
4. Martin Lee Anderson was under the age of 18 years.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act

or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

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Citations of authority:

Florida Statute §782.07(3)

Florida Statute §827.03(3)

Standard Instruction 16.6 (Neglect of a Child)

Bayer v. State, 788 So.2d 310 (Fla. 5<sup>th</sup> DCA 2001)

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.: 06-40166

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-40166

06-40166

06-40166

06-4016CFMG

06-4016CFMH

HAROLD  
CLERK  
BAY COUNTY  
2007 AUG 23 A 10:46

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**7.7 MANSLAUGHTER  
§ 782.07, Fla. Stat.**

As to Henry Dickens, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was caused by the culpable negligence of Henry Dickens.

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

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

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

06-4016CFMB

06-4016CFMC

06-4016CFMD

06-4016CFME

2007 AUG 23 A 10:46

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**16.6 NEGLECT OF A CHILD**

**§ 827.03(3)(c), Fla. Stat.**

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Henry Dickens, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Henry Dickens by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Henry Dickens was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any

conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.



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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CF MA

06-4016CF MB

06-4016CF MD

06-4016CF ME

06-4016CF MF

2007 AUG 23 A 10:46

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18  
§782.07(3) and §827.03(3)**

As to Charles Enfinger, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Charles Enfinger caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.
3. Charles Enfinger was a caregiver for Martin Lee Anderson.
4. Martin Lee Anderson was under the age of 18 years.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an

utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

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Citations of authority:

Florida Statute §782.07(3)

Florida Statute §827.03(3)

Standard Instruction 16.6 (Neglect of a Child)

Bayer v. State, 788 So.2d 310 (Fla. 5<sup>th</sup> DCA 2001)

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

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB

06-4016CFMD  
[REDACTED]

06-4016CFMG  
[REDACTED]

06-4016CFMH  
[REDACTED]

2007 AUG 23 A 10:46

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**7.7 MANSLAUGHTER  
§ 782.07, Fla. Stat.**

As to Charles Enfinger, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was caused by the culpable negligence of Charles Enfinger.

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

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2007 AUG 23 A 10:46

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**16.6 NEGLECT OF A CHILD**

**§ 827.03(3)(c), Fla. Stat.**

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Charles Enfinger, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Charles Enfinger by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Charles Enfinger was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any

conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

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.:

06-4016

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016

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HAROLD  
CLERK CIRCUIT  
BAY COUNTY

2007 AUG 23 A 10:46

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18  
§782.07(3) and §827.03(3)**

As to [REDACTED] to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. [REDACTED] caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.
3. [REDACTED] was a caregiver for Martin Lee Anderson.
4. Martin Lee Anderson was under the age of 18 years.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act

or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

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Citations of authority:

Florida Statute §782.07(3)

Florida Statute §827.03(3)

Standard Instruction 16.6 (Neglect of a Child)

Bayer v. State, 788 So.2d 310 (Fla. 5<sup>th</sup> DCA 2001)

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.: 06-4016

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

HAROLD  
CLERK CIRCUIT  
BAY COUNTY  
06-4016CFMA  
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2007 AUG 23 A 10:46

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**7.7 MANSLAUGHTER  
§ 782.07, Fla. Stat.**

As to [REDACTED] to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was caused by the culpable negligence of [REDACTED]

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.



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

v.

HENRY DICKENS  
CHARLES ENFINGER

██████████  
RAYMOND HAUCK

██████████  
KRISTIN SCHMIDT  
JOSEPH WALSH II

2007 AUG 8 11:11 AM  
CLERK OF COURT  
BAY COUNTY  
06-4016CFMB  
06-4016CFMB  
06-4016CFMG  
06-4016CFMH

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**16.6 NEGLECT OF A CHILD**

**§ 827.03(3)(c), Fla. Stat.**

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to ██████████ to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. ██████████ by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. ██████████ was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any

conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMB  
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2007 AUG 23 A 10:46

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18  
§782.07(3) and §827.03(3)**

As to Raymond Hauck, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Raymond Hauck caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.
3. Raymond Hauck was a caregiver for Martin Lee Anderson.
4. Martin Lee Anderson was under the age of 18 years.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an

utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

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Citations of authority:

Florida Statute §782.07(3)

Florida Statute §827.03(3)

Standard Instruction 16.6 (Neglect of a Child)

Bayer v. State, 788 So.2d 310 (Fla. 5<sup>th</sup> DCA 2001)

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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

2007 AUG 23 A 10:46  
FILED  
CLERK OF COURT  
BAY COUNTY  
06-4016CFMA  
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**STATE'S PROPOSED JURY INSTRUCTIONS**

**7.7 MANSLAUGHTER  
§ 782.07, Fla. Stat.**

As to Raymond Hauck, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was caused by the culpable negligence of Raymond Hauck.

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB  
06-4016CFMD  
06-4016CFMG  
06-4016CFMH

2001 AUG 23 A 10:46

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**16.6 NEGLECT OF A CHILD**

**§ 827.03(3)(c), Fla. Stat.**

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Raymond Hauck, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Raymond Hauck by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Raymond Hauck was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term “culpable negligence”: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

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

v.

HENRY DICKENS  
CHARLES ENFINGER

██████████  
RAYMOND HAUCK

████████████████████  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMG

06-4016CFMH

2007 AUG 23 A 10:47

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18  
§782.07(3) and §827.03(3)**

As to ██████████ to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. ██████████ caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.
3. ██████████ was a caregiver for Martin Lee Anderson.
4. Martin Lee Anderson was under the age of 18 years.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an



utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

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Citations of authority:

Florida Statute §782.07(3)

Florida Statute §827.03(3)

Standard Instruction 16.6 (Neglect of a Child)

Bayer v. State, 788 So.2d 310 (Fla. 5<sup>th</sup> DCA 2001)

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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMG

06-4016CFMH

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FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**7.7 MANSLAUGHTER**  
**§ 782.07, Fla. Stat.**

As to [REDACTED] to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was caused by the culpable negligence of [REDACTED].

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

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

v.

HENRY DICKENS

PATRICK GARRETT

RAYMOND HAUCK

KRISTIN SCHMIDT

JOSEPH WALSH II

06-4016CFMA

06-4016CFMB

06-4016CFMC

06-4016CFMD

06-4016CFMG

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FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**16.6 NEGLECT OF A CHILD**

**§ 827.03(3)(c), Fla. Stat.**

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to [REDACTED] to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. [REDACTED] by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. [REDACTED] was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any

conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CF  
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FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18  
§782.07(3) and §827.03(3)**

As to [REDACTED], to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. [REDACTED] caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.
3. [REDACTED] was a caregiver for Martin Lee Anderson.
4. Martin Lee Anderson was under the age of 18 years.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an

utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

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Citations of authority:

Florida Statute §782.07(3)

Florida Statute §827.03(3)

Standard Instruction 16.6 (Neglect of a Child)

Bayer v. State, 788 So.2d 310 (Fla. 5<sup>th</sup> DCA 2001)

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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

2007 AUG 23 A 10:47  
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**STATE'S PROPOSED JURY INSTRUCTIONS**

**7.7 MANSLAUGHTER  
§ 782.07, Fla. Stat.**

As to [REDACTED], to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was caused by the culpable negligence of [REDACTED]

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

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

v.

HENRY DICKENS  
CHARLES ENFINGER

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KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CF  
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FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**16.6 NEGLECT OF A CHILD**

**§ 827.03(3)(c), Fla. Stat.**

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to [REDACTED] to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. [REDACTED] by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. [REDACTED] was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any



conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

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.: 06-4016

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016  
06-4016  
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HAROLD BAZZEE  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

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FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18  
§782.07(3) and §827.03(3)**

As to Kristin Schmidt, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Kristin Schmidt caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.
3. Kristin Schmidt was a caregiver for Martin Lee Anderson.
4. Martin Lee Anderson was under the age of 18 years.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any

conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

---

Citations of authority:

Florida Statute §782.07(3)

Florida Statute §827.03(3)

Standard Instruction 16.6 (Neglect of a Child)

Bayer v. State, 788 So.2d 310 (Fla. 5<sup>th</sup> DCA 2001)

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.: 06-4016

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016  
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2007 AUG 23 A 10:47

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**7.7 MANSLAUGHTER  
§ 782.07, Fla. Stat.**

As to Kristin Schmidt, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was caused by the culpable negligence of Kristin Schmidt.

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

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.: 06-4016

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016  
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2007 AUG 23 A 10:47

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**16.6 NEGLECT OF A CHILD**

**§ 827.03(3)(c), Fla. Stat.**

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Kristin Schmidt, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Kristin Schmidt by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Kristin Schmidt was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any

conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

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.: 06-4016C

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]

RAYMOND HAUCK

[REDACTED]

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016C

06-4016CFMG

[REDACTED]

06-4016CFMG

[REDACTED]

06-4016CFMG

06-4016CFMH

HAROLD S. SMITH  
CLERK CIRCUIT COURT  
BAY COUNTY

2007 AUG 23 A 10:47

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18  
§782.07(3) and §827.03(3)**

As to Joseph Walsh II, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Joseph Walsh II caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.
3. Joseph Walsh II was a caregiver for Martin Lee Anderson.
4. Martin Lee Anderson was under the age of 18 years.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable

negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

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Citations of authority:

Florida Statute §782.07(3)

Florida Statute §827.03(3)

Standard Instruction 16.6 (Neglect of a Child)

Bayer v. State, 788 So.2d 310 (Fla. 5<sup>th</sup> DCA 2001)



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

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

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06-4016CFMH

2007 AUG 23 AM 10:47  
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CLERK OF COURT  
BAY COUNTY  
H. H. HARRIS  
JUDGE

**STATE'S PROPOSED JURY INSTRUCTIONS**

**7.7 MANSLAUGHTER  
§ 782.07, Fla. Stat.**

As to Joseph Walsh II, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was caused by the culpable negligence of Joseph Walsh II.

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

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**STATE'S PROPOSED JURY INSTRUCTIONS**

**16.6 NEGLECT OF A CHILD**

**§ 827.03(3)(c), Fla. Stat.**

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Joseph Walsh II, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Joseph Walsh II by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Joseph Walsh II was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any

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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

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMG

[REDACTED]  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**PREEXISTING MEDICAL CONDITION**

You have heard evidence of a preexisting medical condition of Martin Lee Anderson. Defendants take their victims as they find them and cannot be excused from guilt because of a victim's condition alone.

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Citations of authority:

Weir v. State, 777 So.2d 1073, 1075 (Fla. 4<sup>th</sup> DCA 2001)

Swan v. State, 382 So.2d 485, 487 (Fla. 1975)

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 23 A 10:47

FILED

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

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMG  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.11 CAUTIONARY INSTRUCTION**

Deciding a verdict is exclusively your job. I cannot participate in that decision in any way. Please disregard anything I may have said or done that made you think I preferred one verdict over another.

**FILED**  
2007 AUG 23 A 10:40  
HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

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

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB  
06-4016CFMC  
06-4016CFMD

[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**3.12 VERDICT**

You may find the defendant guilty as charged in the information or guilty of such lesser included crime as the evidence may justify or not guilty.

If you return a verdict of guilty, it should be for the highest offense which has been proven beyond a reasonable doubt. If you find that no offense has been proven beyond a reasonable doubt, then, of course, your verdict must be not guilty.

Only one verdict may be returned as to the crime charged. This verdict must be unanimous, that is, all of you must agree to the same verdict. The verdict must be in writing and for your convenience the necessary forms of verdict have been prepared for you. They are as follows:

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 23 A 10:48

FILED

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

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMG

06-4016CFMH

HAROLD BAZZEL  
CLERK OF COURT  
BAY COUNTY  
FLORIDA

2007 AUG 23 A 10:48

FILED

**STATE'S PROPOSED JURY INSTRUCTIONS**

**VERDICT FORM**

As to defendant Henry Dickens, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Child Neglect.
- D. The defendant is not guilty.

As to defendant Charles Enfinger, we, the jury, find as follows: (check only one)

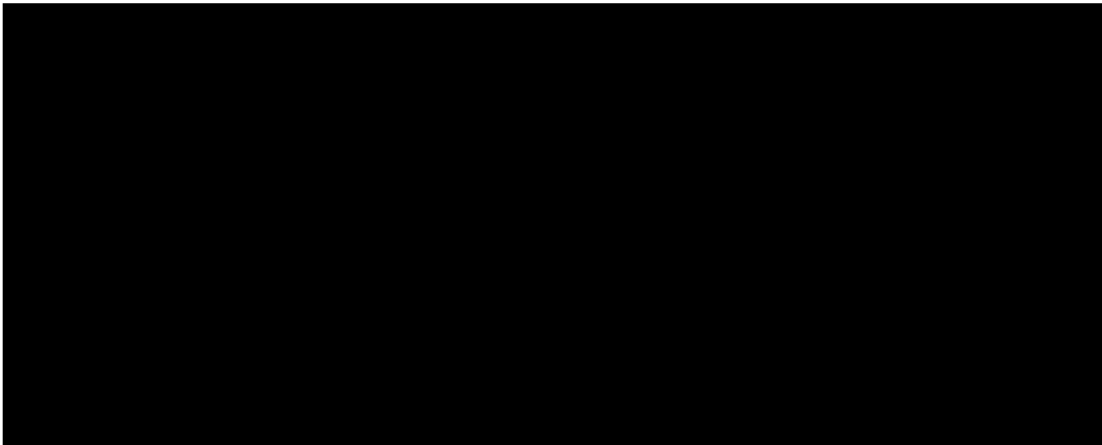
- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Child Neglect.
- D. The defendant is not guilty.

As to defendant [REDACTED] we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Child Neglect.
- D. The defendant is not guilty.

As to defendant Raymond Hauck, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Child Neglect.
- D. The defendant is not guilty.





As to defendant [REDACTED] we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Child Neglect.
- D. The defendant is not guilty.

As to defendant Kristin Schmidt, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Child Neglect.
- D. The defendant is not guilty.

As to defendant Joseph Walsh II, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Child Neglect.
- D. The defendant is not guilty.

SO SAY WE ALL, dated this \_\_\_\_\_ day of October, 2007.

\_\_\_\_\_  
Foreperson of the Jury

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

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMG  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**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 or her 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.

**FILED**

2007 AUG 23 A 10:48

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

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

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMG  
06-4016CFMH

**STATE'S PROPOSED JURY INSTRUCTIONS**

**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 each 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 be applied, you must use them. For two centuries we have lived by the constitution and the law. No juror has the right to violate rules we all share.

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 23 A 10:48

FILED

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail, on this 22<sup>nd</sup> day of August, 2007.

MARK A. OBER  
STATE ATTORNEY



Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #0868523

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

STATE OF FLORIDA,  
Plaintiff.

vs.

CASE NOS.:

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH, II,  
Defendants.

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

HAROLD D. BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 23 P 4 00

FILED

**MOTION IN LIMINE RE: JURY INSTRUCTIONS:  
NON-HOMICIDE LESSER INCLUDED OFFENSES**

Pursuant to applicable law, the Defendants move this Honorable Court to rule in limine regarding the State's request to instruct the jury in accordance with non-homicide lesser included offenses. As grounds therefor, Defendants would show:

1. The Defendants are charged collectively with the offense of aggravated manslaughter of a child. Each Defendant is charged as a principal in causing the death of the victim. The State has alleged that all defendants are jointly and severally responsible for the victim's death.
2. The State has proposed that the Court instruct the jury in accordance with one or more non-homicide lesser offenses. Defendants submit that the jury should be instructed only in accordance with the charged offense, aggravated manslaughter of a child, and no lesser included offenses.

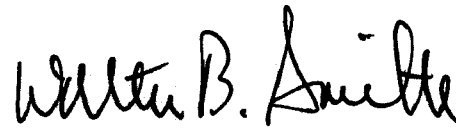
3. "Where a homicide has taken place, the proper jury instructions are restricted to all degrees of murder, manslaughter, and justifiable and excusable homicide." Martin v. State, 342 So.2d 501, 503 (Fla. 1977). Only under "peculiar facts" would it be appropriate to instruct a jury on non-homicide lesser included offenses. See Drotar v. State, 433 So.2d 1005 (Fla. 3<sup>rd</sup> DCA 1983).

4. Where one or more defendants act in concert to cause the death of the victim, it is improper to instruct on non-homicide lesser included offenses. Humphrey v. State, 690 So.2d 1351 (Fla. 3<sup>rd</sup> DCA 1997).

WHEREFORE, Defendant moves this Honorable Court to instruct the jury only in accordance with the jury instruction on aggravated manslaughter of a child, and no non-homicide lesser included offenses.

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Michael Sinacore, Assistant State Attorney, 800 E. Kennedy Blvd., Third Floor, Tampa, FL 33602; and to the persons listed on the attached Additional Service List, by U. S. Mail this 23<sup>rd</sup> day of August, 2007.

Respectfully submitted,



WALTER B. SMITH  
DEPUTY PUBLIC DEFENDER  
FOURTEENTH JUDICIAL CIRCUIT  
P. O. BOX 580  
115 EAST 4<sup>TH</sup> STREET  
PANAMA CITY, FL 32402-0580  
(850) 784-6155  
FLORIDA BAR NO.: 291749  
ATTORNEY FOR DEFENDANT

**ADDITIONAL SERVICE LIST**

Ashley S. Benedick  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

Hoot Crawford  
Attorney at Law  
Post Office Box 1103  
Panama City, FL 32402

Jonathan Dingus  
Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

Waylon Graham  
Attorney at Law  
Post Office Box 327  
Panama City, FL 32402

Robert A. Pell  
Attorney at Law  
514 Magnolia Avenue  
Panama City, FL 32401

Robert S. Sombathy  
Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

James H. White, Jr.  
Attorney at Law  
229 McKenzie Avenue  
Panama City, FL 32401

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

STATE OF FLORIDA,  
Plaintiff.

vs.

CASE NOS.:

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH, II,  
Defendants.

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMF

06-4016CFMG

06-4016CFMH

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT,  
BAY COUNTY, FLORIDA

2007 AUG 23 P 4: 00

FILED

**MOTION IN LIMINE RE:**  
**EVIDENCE AND TESTIMONY DIRECTED**  
**TO ISSUE OF "CORPORAL PUNISHMENT"**

Pursuant to applicable law, the Defendants seek a pre-trial ruling regarding the admissibility of evidence and testimony directed to the issue of corporal punishment. As grounds therefor, Defendants would show:

1. Defendants anticipate that an issue at trial will be whether the defendants' engaged in corporal punishment during their interaction with the decedent, Martin Anderson.
2. The State has enlisted the assistance of a use-of-force expert, Steve Martin. Mr. Martin has opined that the defendants in this case were using force in order to compel Martin Anderson to complete a required 1.5 mile run at the boot camp. Mr. Martin characterized the actions of the defendants as de facto corporal punishment, which, in his opinion, "is illegal in American corrections."
3. Under Florida law, a parent, or one standing in loco parentis, may use corporal



punishment in disciplining a child. Raford v. State, 828 So.2d 1012 (Fla. 2002). Florida has long recognized a parental privilege with regard to disciplining a minor who is under the care, custody, and control of the adult. See, Kama v. State, 507 So.2d 154 (Fla. 1<sup>st</sup> DCA 1987).

4. An essential allegation against the Defendants in this case is that they were acting in the role of a “caregiver” through their employment at the Bay County Sheriff’s Boot Camp. By definition, a caregiver is the functional equivalent of a parent, and would be afforded the same parental privilege as a biological parent. The term statutorily includes persons employed at a boot camp. §39.01 (46), Fla. Stat. (2007).

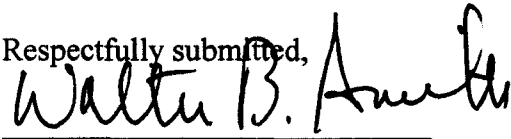
5. As a result, the Defendants in this case could lawfully use corporal punishment as a means of disciplining or correcting the behavior of the juvenile offenders who are placed within their care, custody, and control at the boot camp. It would be erroneous and misleading to suggest to the jury that corporal punishment is per se unlawful or inappropriate within a boot camp facility.

WHEREFORE, Defendant moves this Honorable Court to enter a pre-trial ruling excluding evidence and testimony suggesting that corporal punishment is legal.

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Michael Sinacore, Assistant State Attorney, 800 E. Kennedy Blvd., Third Floor, Tampa, FL 33602; and to

the persons listed on the attached Additional Service List, by U. S. Mail this 23<sup>rd</sup> day of August, 2007.

Respectfully submitted,



---

WALTER B. SMITH  
DEPUTY PUBLIC DEFENDER  
FOURTEENTH JUDICIAL CIRCUIT  
P. O. BOX 580  
115 EAST 4<sup>TH</sup> STREET  
PANAMA CITY, FL 32402-0580  
(850) 784-6155  
FLORIDA BAR NO.: 291749  
ATTORNEY FOR DEFENDANT

**ADDITIONAL SERVICE LIST**

Ashley S. Benedick  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

Hoot Crawford  
Attorney at Law  
Post Office Box 1103  
Panama City, FL 32402

Jonathan Dingus  
Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

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Attorney at Law  
Post Office Box 327  
Panama City, FL 32402

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514 Magnolia Avenue  
Panama City, FL 32401

Robert S. Sombathy  
Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

James H. White, Jr.  
Attorney at Law  
229 McKenzie Avenue  
Panama City, FL 32401

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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NOS.:

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
HENRY MCFADDEN, JR.,  
KRISTIN SCHMIDT,  
JOSEPH WALSH, II,  
Defendants.

06-4016CFMA

06-4016CFMB

[REDACTED]  
06-4016CFMD

[REDACTED]  
06-4016CFMF

06-4016CFMG

06-4016CFMH

HAROLD BAZZELL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 23 P 4:00

FILED

**DEFENDANTS' PROPOSED JURY INSTRUCTION**  
**RE: AGGRAVATED MANSLAUGHTER OF A CHILD**

Pursuant to applicable law, the Defendants move this Honorable Court to instruct the jury in accordance with the following jury instruction:

To prove the crime of aggravated manslaughter of a child, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Martin Lee Anderson was under the age of eighteen (18) at the time of his death.
3. The Defendants were caregivers for Martin Lee Anderson at the time of his death.
4. (a.) The death of Martin Lee Anderson was caused by the Defendants' culpable negligence in failing to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain Martin Lee Anderson's physical and mental health, including, but not

limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of Martin Lee Anderson, or

(b.) The death of Martin Lee Anderson was caused by the Defendants' culpable negligence in failing to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.

The culpably negligent behavior of the Defendants may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in substantial and foreseeable risk of death to Martin Lee Anderson. However, the Defendants cannot be guilty of aggravated manslaughter of a child if the killing was either justifiable or excusable homicide as I have previously explained those terms.

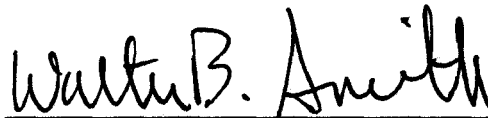
I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard for the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

I will now define "caregiver" for you. A "caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Michael Sinacore, Assistant State Attorney, 800 E. Kennedy Blvd., Third Floor, Tampa, FL 33602; and to the persons listed on the attached Additional Service List, by U. S. Mail this 23<sup>rd</sup> day of August, 2007.

Respectfully submitted,



---

WALTER B. SMITH  
DEPUTY PUBLIC DEFENDER  
P. O. BOX 580  
PANAMA CITY, FL 32402-0580  
(850) 784-6155  
ATTORNEY FOR DEFENDANT  
FLORIDA BAR NO.: 291749

**ADDITIONAL SERVICE LIST**

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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NOS.:

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH, II,  
Defendants.

06-4016CFMA

06-4016CFMB

[REDACTED]  
06-4016CFMD

[REDACTED]  
06-4016CFMF

06-4016CFMG

06-4016CFMH

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 23 P 4:00

FILED

**DEFENDANTS' PROPOSED JURY INSTRUCTION**  
**RE: EXCUSABLE HOMICIDE**

Pursuant to applicable law, the Defendants move this Honorable Court to instruct the jury in accordance with the principle of excusable homicide. As grounds therefor, Defendants would show:

1. The court is required read to the jury the standard jury instruction entitled "Introduction to Homicide." Within this instruction, the court will define the principle of excusable homicide.
2. The standard jury instruction provides that excusable homicide may occur in one of three circumstances, including: "When the killing is committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution and without any unlawful intent."
3. The underlined phrase renders the jury instruction erroneous since it implies that a killing which is done through mere negligence cannot be excusable homicide. In fact, it is



unconstitutional to punish negligent conduct as a crime. State v. Smith, 638 So.2d 509 (Fla. 1994).

4. Defendants maintain that the death of Martin Lee Anderson could be construed to be a case of excusable homicide. A reasonable juror could conclude that the death of Martin Lee Anderson was due to the accidental and unfortunate condition of sickle cell trait, which was transformed into a medical crisis by physical exertion and then exacerbated by the actions of the defendants. At most, the Defendants' conduct constituted simple negligence in failing to recognize that Martin Lee Anderson was suffering a medical crisis, and not malingering.

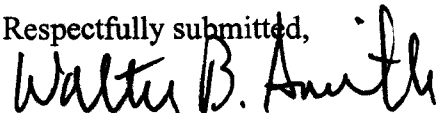
Based upon the foregoing, the Defendants propose the following language in lieu of the standard jury instruction:

“When the killing is committed by accident and misfortune in doing any lawful act without any unlawful intent.” or, alternatively:

“When the killing is committed by accident and misfortune in doing any lawful act without any conscious intention to harm.”

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Michael Sinacore, Assistant State Attorney, 800 E. Kennedy Blvd., Third Floor, Tampa, FL 33602; and to the persons listed on the Additional Service List, by U. S. Mail this 23<sup>rd</sup> day of August, 2007.

Respectfully submitted,



WALTER B. SMITH  
DEPUTY PUBLIC DEFENDER  
P. O. BOX 580  
PANAMA CITY, FL 32402-0580  
(850) 784-6155  
ATTORNEY FOR DEFENDANT  
FLORIDA BAR NO.: 291749

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Attorney at Law  
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Panama City, FL 32401

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Post Office Box 1103  
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IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA, IN AND FOR BAY COUNTY

STATE OF FLORIDA,  
Plaintiff,

CASE NO.: 06-4016CF

vs.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB  
[REDACTED]  
06-4016CFMD  
[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMHI

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**MOTION TO ALLOW ISSUANCE OF  
SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

COMES NOW the Defendant, HENRY DICKENS, by and through his undersigned  
attorney, and moves this court for entry of an order directing the clerk to issue a subpoena duces  
tecum without deposition, and as grounds therefore would show:

1. The Defendant has been accused of the offense of Aggravated Manslaughter of a child. The alleged victim is Martin Lee Anderson.
2. Based upon the discovery conducted, the undersigned has found that the Juvenile Court records, either audio recordings or transcripts, of proceedings during 2005 or January 2006 involving the alleged victim will assist the Defendant in the preparation of his defense.

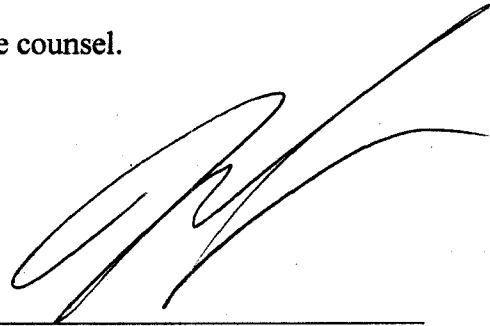
NOW, WHEREFORE, the Defendant respectfully requests that the court will grant this

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA  
2007 AUG 23 P 4:03

FILED

motion, and direct the clerk to issue a subpoena duces tecum without deposition for the Juvenile Court recordings or transcripts from any proceedings involving Martin Lee Anderson in 2005 or January 2006 upon the request of the undersigned defense counsel.

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

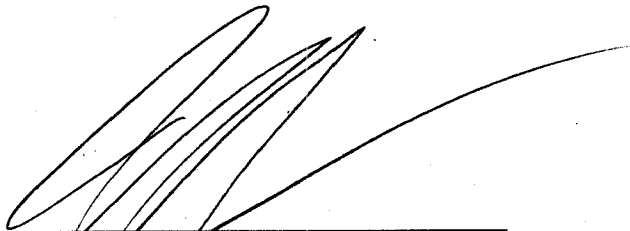


---

HOOT CRAWFORD  
Florida Bar No.: 0140521  
748 Jenks Ave  
Panama City, FL 32401  
(850) 913-9661  
ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Motion has been furnished by the undersigned counsel by U.S. Mail to Michael Sinacore, Assistant State's Attorney, 800 East Kennedy Boulevard, 3<sup>rd</sup> Floor, Tampa FL 33602 and Gina Jones c/o Benjamin Crump, 240 North Magnolia Drive, Tallahassee FL 32301; and to those persons set forth in the attached Additional Service List, this 23<sup>rd</sup> day of August, 2007.



---

HOOT CRAWFORD

**ADDITIONAL SERVICE LIST**

1. Ashley S. Benedik, Esquire  
1004 Jenks Ave  
Panama City FL 32401
2. James H. White, Jr., Esquire  
229 McKenzie Ave  
Panama City FL 32401
3. Jonathan Dingus, Esquire  
527 Jenks Ave  
Panama City FL 32401
4. Waylon Graham, Esquire  
P.O. Box 327  
Panama City FL 32402
5. Robert A. Pell, Esquire  
P.O. Box 651  
Panama City FL 32402
6. Walter B. Smith, Esquire  
P.O. Box 580  
Panama City FL 32402
7. Robert S. Sombathy, Esquire  
P.O. Box 430  
Panama City FL 32401

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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO.: 06-4016CF

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

06-4016CFMB

06-4016CFMC

06-4016CFMD

[REDACTED]  
06-4016CFMF

06-4016CFMG

06-4016CFMH

---

**ORDER GRANTING MOTION TO ALLOW ISSUANCE  
OF SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

THIS CAUSE came on to be heard upon the Defendant's Motion to Allow Issuance Of Subpoena Duces Tecum Without Deposition, and the Court having heard argument of counsel, and the Court being otherwise fully advised in the premises, it is therefore

ORDERED AND ADJUDGED that the Clerk of this Court shall issue a subpoena duces tecum directed to the Clerk of Juvenile Court and the person responsible for the Court Smart audio recording system.

DONE AND ORDERED in chambers at Panama City, Bay County, Florida, this \_\_\_ day of August, 2007.

\_\_\_\_\_  
MICHAEL C. OVERSTREET, Circuit Judge

Copies furnished to:  
Michael Sinacore  
Hoot Crawford  
Clerk of the Juvenile Court  
Court Smart Clerk

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

STATE OF FLORIDA,  
Plaintiff,

CASE NO: 06-4016CF

vs.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB  
06-4016CFMC  
06-4016CFMD  
[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

---

**SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

THE STATE OF FLORIDA  
COUNTY OF BAY

TO: CLERK OF THE JUVENILE COURT and COURT SMART RECORDING CLERK

**YOU ARE COMMANDED** to produce at the law offices of Hoot Crawford, 748 Jenks Ave, Panama City, Florida 32401, within ten (10) days from the date of service of this subpoena, the following:

1. A copy of any and all audio court proceedings or transcripts involving Martin Lee Anderson and any criminal charge(s) that were heard before the Court and/or charges that arose from incidents that occurred in 2005 or January 2006.

All items produced will be inspected and may be copied at that time. You will not be required to surrender the original items. **You may comply with this subpoena by providing**

**legible copies of all items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above.**

You have the right to object to the production pursuant to this subpoena at any time before the production by giving written notice to the attorney whose name appears on this subpoena.

If you fail to (1) appear as specified; or (2) furnish the records instead of appearing as provided above; or (3) object to this subpoena, you may be in contempt of court.

You are subpoenaed by the attorney whose name appears on this subpoena and, unless excused from this subpoena by the attorney or the Court, you shall respond to this subpoena as directed.

WITNESS my hand and official seal of this Court on the \_\_\_ day of August, 2007.

HOOT CRAWFORD  
Florida Bar No.: 0140521  
748 Jenks Ave  
Panama City, FL 32401  
(850) 913-9661  
ATTORNEY FOR DEFENDANT

CLERK OF THE CIRCUIT COURT

By: \_\_\_\_\_  
Deputy Clerk



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.

---

**NOTICE OF HEARING**

TO: Michael C. Sinacore  
Assistant State Attorney  
County Courthouse Annex  
5th Floor, 800 East Kennedy Blvd  
Tampa, Florida 33602

**FILED**  
2007 AUG 23 P 4: 02  
HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

**YOU ARE HEREBY NOTIFIED** that the undersigned has set down for hearing before the Honorable Michael Overstreet, one of the Judges of the above-styled Court, located at Panama City, Bay County, Florida, at 8:30 a.m. on the 30<sup>th</sup> day of August, 2007, or as soon thereafter as counsel may be heard on all pending motions filed by any Defendant and/or the State.

DATED this 23 day of August, 2007.

I HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was served by U.S. Mail on the above-named addressee, and to the persons listed on the attachment, on the aforementioned date.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No.: 309303  
229 McKenzie Avenue  
Panama City, Florida 32401  
(850) 785-1522  
ATTORNEY FOR DEFENDANT

cc: Judge Overstreet

**ADDITIONAL SERVICE LIST**

Ashley S. Benedik  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

Hoot Crawford  
Attorney at Law  
Post Office Box 1103  
Panama City, FL 32402

Jonathan Dingus  
Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

Waylon Graham  
Attorney at Law  
Post Office Box 327  
Panama City, FL 32402

Robert A. Pell  
Attorney at Law  
514 Magnolia Avenue  
Panama City, FL 32401

Robert S. Sombathy  
Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402

Gina Jones, Personal Representative  
c/o Benjamin L. Crump, Esquire  
240 N. Magnolia Drive  
Tallahassee, FL 32301

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

STATE OF FLORIDA,

CASE NO. 06-4016-CFMA

Plaintiffs,

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

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 TO ALLOW ISSUANCE OF  
SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

COMES NOW the Defendant, RAYMOND HAUCK, by and through his undersigned attorney, and moves this court for entry of an order directing the clerk to issue a subpoena duces tecum without deposition, and as grounds therefore would show:

1. The Defendant has been accused of the offense of aggravated manslaughter. The alleged victim is Martin Lee Anderson.

2. Based upon the discovery conducted, the undersigned has found that Martin Lee Anderson was treated at Life Management Center of Northwest Florida, Inc. (hereinafter referred to as Life Management Center) at times pertinent to this case. Martin Lee Anderson's medical records from Life Management Center have not been produced by the State of Florida in discovery, although the State has produced other Martin Lee Anderson medical records.

3. Defendant needs to review the medical records of Martin Lee Anderson from

Life Management Center to properly prepare the defense of his case. These records are requested in conjunction with Martin Lee Anderson's general mental and physical health, as well as his seizure disorder and noncompliance in taking his prescribed dilantin medication. These records are discoverable, and could be pertinent to several issues, including Martin Lee Anderson's medical course and death, his acceptance into the Bay County Boot Camp Program, and impeachment of witnesses.

NOW, WHEREFORE, the Defendant respectfully requests that the court will grant this motion, and direct the clerk to issue a subpoena duces tecum without deposition for the medical records of Martin Lee Anderson from Life Management Center, upon the request of the undersigned defense counsel.

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


STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No. 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522  
ATTORNEY FOR DEFENDANT

**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 23rd day of August, 2007.



JAMES H. WHITE, JR.

## ADDITIONAL SERVICE LIST

1. Ashley S. Benedik, Esquire  
1004 Jenks Avenue  
Panama City, Florida 32401
2. Hoot Crawford, Esquire  
P.O. Box 1103  
Panama City, Florida 32402
3. Jonathan Dingus, Esquire  
527 Jenks Avenue  
Panama City, Florida 32401
4. Waylon Graham, Esquire  
P.O. Box 327  
Panama City, Florida 32402
5. Robert A. Pell, Esquire  
P.O. Box 651  
Panama City, Florida 32402
6. Walter B. Smith, Esquire  
P.O. Box 580  
Panama City, Florida 32402
7. Robert S. Sombathy, Esquire  
P.O. Box 430  
Panama City, Florida 32401
8. Gina Jones, Personal Representative  
c/o Benjamin L. Crump, Esquire  
240 N. Magnolia Drive  
Tallahassee, FL 32301

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



JAMES H. WHITE, JR.

Florida Bar No.: 309303

229 McKenzie Avenue

Panama City, Florida 32401

(850) 785-1522

ATTORNEY FOR DEFENDANT

**ADDITIONAL SERVICE LIST**

Ashley S. Benedik  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

Hoot Crawford  
Attorney at Law  
Post Office Box 1103  
Panama City, FL 32402

Jonathan Dingus  
Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

Waylon Graham  
Attorney at Law  
Post Office Box 327  
Panama City, FL 32402

Robert A. Pell  
Attorney at Law  
514 Magnolia Avenue  
Panama City, FL 32401

Robert S. Sombathy  
Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402



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.: 06-40160

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-40160  
06-40160  
06-40160  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY FLORIDA

2007 AUG 23 A 10:48

FILED

STATE'S FIRST MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any bad character evidence concerning the victim Martin Anderson.
2. Any bad acts committed by Martin Anderson.
3. Any acts of aggression or violence by Martin Anderson.
4. Any inquiry of any witness and any argument concerning alleged substance abuse by Martin Anderson.
5. Any toxicological screening done during Martin Anderson's hospitalization following his admission to the boot camp

specifically any positive screening for cannabinoids.

- ✓ 6. Any arrest or criminal history of Martin Anderson including the underlying facts or charges of any arrest or conviction.
- ✓ 7. Any inquiry of any witness and any argument concerning whether Martin Anderson was sexually active or not.
- ✓ 8. Any alleged possession of weapons by Martin Anderson.
- ✓ 9. Any school or academic records for Martin Anderson or the contents of such records to include:
  - a. academic performance records
  - b. disciplinary or misconduct reports or records
  - c. any school suspensions
  - d. any in school detentions
  - e. any repeated school years
- ? 10. Any hearsay statements made by Martin Anderson prior to admission into the boot camp on January 5, 2006.
- ✓ 11. Any incidents where Martin Anderson ran away from home.
- ? 12. Any information contained within a record titled "DJJ Comprehensive Evaluation", which was previously sealed by order of this Court, to include but not limited to:
  - a. any reported acts of aggression or violence
  - b. any evaluations or opinions
  - c. any treatment recommendations
  - d. any bad character evidence
  - e. any alleged abuse
  - f. any alleged behavioral problems or demonstrated attitude
  - g. any descriptions of the nature of, or opinions concerning, the relationship between Martin Anderson and his parents or stepfather.
  - h. any mental health or medical diagnosis or treatment of

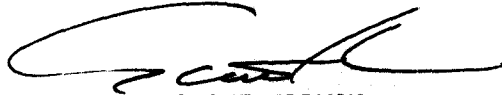
Martin Anderson.

- i. any medications prescribed to Martin Anderson
- j. any statements attributed to Martin Anderson or his parents Gina Jones or Robert Anderson.

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/als

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

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

HAROLD B. STUBBS  
CLERK OF COURT  
BAY COUNTY, FLORIDA

2001 AUG 23 A 10:49

FILED

STATE'S SECOND MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

- ✓ 1. Any bad character evidence concerning Gina Jones.
- ✓ 2. Any allegations of substance abuse or alcohol abuse by Gina Jones.
- 9 3. Any hearsay statements by Gina Jones.
- 9 4. Any inquiry as to whether Gina Jones was told by any medical authority at the time of Martin Anderson's birth that Martin Anderson had sickle cell trait.
- 9 5. Any inquiry into Gina Jones' personal knowledge of the Panama

City Boot Camp, or how it operated, before Martin Anderson was admitted to the boot camp, to include any prior visits to the boot camp or any prior observation of the boot camp.

✓ 6. Any desires or wishes of Gina Jones or actual actions taken by Gina Jones to have Martin Anderson sent to the Panama City Boot Camp.

✓ 7. Any change in Gina Jones employment or financial status after Martin Anderson's death or after any civil settlement concerning his death.

✓ 8. How often Martin Anderson spent the night at his grandparents or anywhere else out of Gina Jones' home.

✓ 9. If Martin Anderson had ever ran away from home or if Gina Jones had ever asked him to leave home.

✓ 10. Any inquiry into when Gina Jones would punish Martin Anderson or what type of punishment she used to discipline Martin Anderson.

✓ 11. Any inquiry into the punishment of Martin Anderson by Gina Jones or Robert Anderson when Martin Anderson misbehaved.

✓ 12. Any inquiry into Gina Jones other children to include but not limited to:

a. where they were raised

b. what they do for a living

c. whether they have criminal history or not

d. Ms. Jones marital status at the time of their births

✓ 13. The marital status of Gina Jones at the time of Martin Anderson's birth.

✓ 14. Any opinion or observation that Gina Jones may have concerning the relationship that existed between Martin Anderson and Robert Anderson.

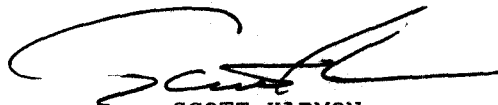
- ✓ 15. Any opinion or belief of Gina Jones as to whether Martin Anderson was associated with any criminal element or group.
- ? 16. Any investigations involving Gina Jones by the Department of Children and Families and any allegations, statements or opinions contained within any DCF records.
- ✓ 17. Any inquiry into any specific incidents where Martin Anderson misbehaved in the home and the subsequent actions of Gina Jones.
- ? 18. Any arrest or criminal history of Gina Jones including the underlying facts or charges of any arrest.
- ✓ 19. Any meetings between Gina Jones and then Governor Jeb Bush or current Governor Charlie Crist and the content of any conversation between Ms. Jones and Governor Bush or Governor Crist.

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

[REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CF MA

06-4016CF MB

06-4016CF MD

06-4016CF ME

06-4016CF MF

06-4016CF MG

2007 AUG 23 A 10:49

FILED

STATE'S THIRD MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

- ✓ 1. Any bad character evidence concerning Robert Anderson.
- ? 2. Any hearsay statements made by Robert Anderson.
- ? 3. Any arrest or criminal history of Robert Anderson to include the underlying facts or the nature of the charges.
- ✓ 4. Any inquiry into any child support actions taken against Mr. Anderson.
- ? 5. Any inquiry into whether Mr. Anderson was advised by any medical personal at the time of Martin Anderson's birth that



Martin Anderson had sickle cell trait.

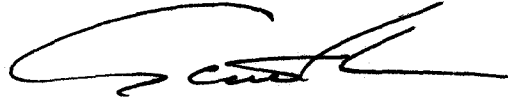
- ✓ 6. Any change in Mr. Anderson's financial status or employment status since Martin Anderson's death or pursuant to any civil settlement.
- ? 7. The nature and extent of Robert Anderson's relationship with Martin Anderson.
- ✓ 8. The nature and extent of any involvement Robert Anderson had in the discipline and punishment of Martin Anderson and the type of punishment used.
- ✓ 9. Any meetings between Robert Anderson and then Governor Bush and Robert Anderson and Governor Crist and any conversations Mr. Anderson had with either Governor.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

[REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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.: 06-4016C

v.

HENRY DICKENS  
CHARLES ENFINGER

████████████████████  
RAYMOND HAUCK

████████████████████  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016C  
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06-4016CFMG  
06-4016CFMH

HAROLD BAYLOR  
CLERK  
BAY COUNTY

2007 AUG 23 A 10:49

FILED

STATE'S FOURTH MOTION FOR ORDER IN LIMINE

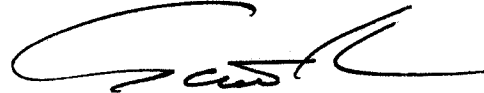
THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any inquiry into any civil lawsuits brought by the family of Martin Anderson after his death, any settlement of any lawsuits, the monetary amount of any settlement and its distribution and any inquiry into the legislative or executive creation of the Martin Lee Anderson Act.
2. Any inquiry into Gina Jones and Robert Anderson retaining legal counsel after the death of Martin Anderson.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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.: 06-4016C

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

HAROLD D. BAZZELI  
CLERK OF THE COURT  
BAY COUNTY, FLORIDA  
06-4016C  
06-4016C  
06-4016C  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

2007 AUG 23 A 10:49

FILED

STATE'S FIFTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

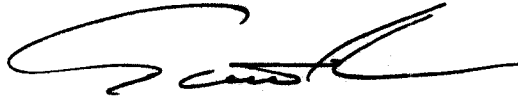
- ✓ 1. The arrest and criminal record of Carl Jones to include the underlying facts or charges.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

[REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CF  
06-4016CF  
06-4016CF  
06-4016CF  
06-4016CF  
06-4016CF  
06-4016CF  
06-4016CF

HAROLD PATRICK  
CLERK OF COURT  
BAY COUNTY

2007 AUG 23 A 10:49

FILED

STATE'S SIXTH MOTION FOR ORDER IN LIMINE

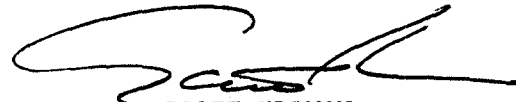
THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any inquiry into any medical or mental health records of Martin Anderson not limited to but including:
  - a. Any records of any hospital admission prior to January 5, 2006.
  - b. Any records of any doctor's office visits or treatments.
  - c. The hospital and medical records concerning the birth of Martin Anderson.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje



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.: 06-4016

v.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

KRISTIN SCHMIDT  
JOSEPH WALSH II

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

HAROLD BRADY  
CLERK CIRCUIT COURT  
BAY COUNTY FLORIDA

2001 AUG 23 A 10:49

FILED

STATE'S SEVENTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

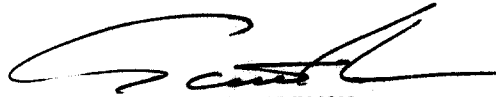
1. Any self serving comment or inquiry into the defendant's lack of a prior criminal record.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

██████████ 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; ██████████ 327, Panama City, Florida 32402-0327; Jonathan Dings, attorney for ██████████ ██████████ at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CF  
06-4016CF  
06-4016CF  
06-4016CF  
06-4016CFMG  
06-4016CFMH

HAROLD BAZZELI  
CLERK OF COURT  
BAY COUNTY

2007 AUG 23 A 10:49

FILED

STATE'S EIGHTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

- ✓ 1. Any inquiry of any expert witness as to any legal conclusion or the guilt or innocence of any defendant or the propriety of the charges.
- ✓ 2. Any attempt to have one expert witness bolster or degrade the credibility of another expert witness.
- ? 3. Any attempt to bolster the credibility of any expert witness or his opinion by questioning the expert about consultations with other experts or treatises which support or agree with


his opinion.

4. Any attempt to elicit hearsay or other inadmissible evidence through the testimony of any expert witness.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

HAROLD  
CLERK  
BAY COUNTY

2007 AUG 23 A 10:49

FILED

STATE'S NINTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any inquiry of Dr. Vernard Adams as to his opinion of whether Governor Bush was exerting any pressure on the Office of the State Attorney for the 13<sup>th</sup> Judicial Circuit during the investigation of this case.
2. Any argument that Dr. Vernard Adams reached a particular result or came to a particular opinion at the request of the Office of the State Attorney for the 13<sup>th</sup> Judicial Circuit or State Attorney Mark Ober.

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 22 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/als

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

FILED

2007 AUG 29 P 3:41

STATE OF FLORIDA,

Plaintiff,

Case No.:

06-4016

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT  
JOSEPH WALSH

06-4016CFMF

06-4016CFMG

06-4016CFMH

Defendant.

---


**DEFENSE EXHIBIT LIST**

1. Booking photograph of Martin Lee Anderson.
2. Documentation of State Test Results that Martin Lee Anderson tested positive for sickle cell trait as a baby dated 1-30-1991.
3. Discharge Teaching Checklist dated 1-17-91.
4. Department of Juvenile Justice Comprehensive Evaluation conducted by Michele Giroux on 10-20-05.
5. Department of Juvenile Justice Health Related History completed by Brenda Booher dated 10-21-05.
6. Medical and Mental Health Admission Screening dated 01-05-06.
7. Facility Entry Health Screening dated 01-05-06.
8. Physical Evaluation and Needs Assessment dated 01-05-06.
9. Bay Medical Ambulance Run Report dated 1-05-06.
10. Bay Medical Center Records dated 1-05-06;
  - a. Emergency Department Reports and Notes.
  - b. Blood Gas Analysis Report, 10:10.
  - c. Blood Gas Analysis Report, 11:15.
  - d. Toxicology Report.

11. AirHeart Medical Transfer Record signed by C. Jeter on 1-06-06.
12. Use of Force Policies;
  - a. Bay County Sheriff's Office Use of Force Policy.
  - b. Bay County Sheriff's Office Boot Camp Division Behavioral Management Matrix.
  - c. Bay County Sheriff's Office Use of Force Continuum.
13. Criminal Justice Standards and Training Commission Defensive Tactics Curriculum – June 2002.
14. Letter from Charles Chervanik dated January 23, 2003.
15. Memo from Secretary Schembri dated June 21, 2004.
16. April 20<sup>th</sup>, 2007 Memorandum for Bay County Sheriff's Office with all attachments totaling 155 numbered pages.
17. Department of Juvenile Justice 911 Policy Poster.
18. Emails between Dr. Thogmartin and Vern Adams regarding the second autopsy; with attachments.
19. Emails between Dr. Siebert and Dr. Adams regarding the second autopsy.
20. Letter from Dr. Jerry D. Spencer to FDLE dated July 16, 2007.
21. Death Certificate signed by Dr. Siebert.

The Defense reserves the right to seek admission into evidence of any additional exhibits needed for our defense and/or impeachment of any State witnesses. The Defense reserves the right to seek admission into evidence of any and all reports, documentation or items relied upon by any expert witness in forming their opinion.

I HEREBY CERTIFY that a copy of the foregoing Defendant's Witness List has been furnished to Honorable Michael C. Sinacore, State Attorney, 800 E. Kennedy Blvd 3<sup>rd</sup> Floor., Tampa, Florida 33602, by facsimile this 28th day of August, 2007.

  
\_\_\_\_\_  
Robert S. Sombathy, Esq.  
Florida Bar No.: 0971870  
Isler, Sombathy & Sombathy, P.A.  
Post Office Box 430  
Panama City, FL 32402  
(850) 769-5532

ATTORNEY FOR DEFENDANT



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

FILED

2007 AUG 29 P 3 41

STATE OF FLORIDA,

Plaintiff,

Case No.:

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK

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

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH

[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

Defendant.

---

**DEFENDANT'S ADDITIONAL WITNESS LIST**

The Defendant by and through undersigned counsel and pursuant to Rule 3.220 Florida Rules of Criminal Procedure identifies as the additional witness as follows:

1. Jerry Spencer, M.D., J.D.  
668 Pinewood Drive  
Annapolis, MD 21404

On Monday, August 27, 2007 the State disclosed additional discovery including information from Dr. Jerry D. Spencer regarding his evaluation of Dr. Siebert's performance on the autopsy of Martin Lee Anderson. This witness may become relevant at trial. The State can claim no prejudice to the listing of this witness since they waited until beyond the discovery deadline to disclose him to the Defense.

The Defendant reserves the right to call all witnesses listed by the State, all witnesses listed in Discovery, and all witnesses later discovered by the State or defense.

I HEREBY CERTIFY that a copy of the foregoing Defendant's Witness List has been furnished to Honorable Michael C. Sinacore, State Attorney, 800 E. Kennedy Blvd 3<sup>rd</sup> Floor., Tampa, Florida 33602, by facsimile this 29<sup>th</sup> day of August, 2007.



---

Robert S. Sombathy, Esq.  
Florida Bar No.: 0971870  
Isler, Sombathy & Sombathy, P.A.  
Post Office Box 430  
Panama City, FL 32402  
(850) 769-5532

ATTORNEY FOR DEFENDANT

Judge: OVERSTREET MICHAEL C (DIV 6)

Clerk: JG

Division: 60

Court Reporter: SD

Probation Off:

State Attorney: MARK A OBER

Defense Attorney: BENEDIK ASHLEY STONE

State Of Florida vs SCHMIDT, KRISTIN ANNE

Defendant in Custody? YES [ ] NO [ ]

Date: 08/30/2007

\*\*\*\*\*

CASE NO: 06004016CFMG CHARGE - I:001: AGGRAVATED MANSLAUGHTER OF A CHILD

0301108827 ARRESTED

* P L E A *			
CASE NO: _____	VOPE [ ]	VOCCE [ ]	TO THE CHARGE OF
NOLD [ ]	GUILTY [ ]	ADM VIOL. [ ]	PSI [ ]
PDR [ ]	SS [ ]	SENT SET [ ]	
MOD [ ]	REINS [ ]	REVOKED [ ]	

* S E N T E N C I N G *			
CASE NO: _____	ADJ W/H [ ]	GUILTY [ ]	
DOC _____yr(s) _____mo	BCJA _____yr(s) _____mo		
BCJA 1st [ ]	Credit _____yr _____dy	Prev Doc _____	
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	
\$3 Teen Ct _____CC	FINE _____	REST _____	
\$50 DRUG _____	PSW/BCWP _____Hrs @ _____	dy/mo _____	
HAB OFF [ ]	PREV COND REIMPOSED [ ]	1ST STEP _____	
CONC [ ] W/ _____	CONSEC [ ] W/ _____		

CASE NO: _____	ADJ W/H [ ]	GUILTY [ ]	
DOC _____yr(s) _____mo	BCJA _____yr(s) _____mo		
BCJA 1st [ ]	Credit _____yr _____dy	Prev Doc _____	
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	
\$3 Teen Ct _____CC	FINE _____	REST _____	
\$50 DRUG _____	PSW/BCWP _____Hrs @ _____	dy/mo _____	
HAB OFF [ ]	PREV COND REIMPOSED [ ]	1ST STEP _____	
CONC [ ] W/ _____	CONSEC [ ] W/ _____		

DRUG PKG [ ] B/B/U [ ] A/D COUNSEL PSYCH/SEX COUNSEL [ ] GED/EMPLOY [ ] ESSAY [ ] CAN TERM EARLY [ ]  
 STAY AWAY FROM VICTIM [ ] NO ALCOHOL [ ] DO NOT VISIT ALCOHOL PLACES [ ] DL REVOKED [ ] \_\_\_\_\_ YRS ]  
 COS \$ \_\_\_\_\_ /mo beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL \_\_\_\_\_ COMMENTS  
 1: 1) States first mot in Limine - See attached pleading w/ rulings  
 2: 2) States second mot in Limine - See attached pleading w/ rulings  
 3: 3) States third mot in Limine - mute  
4) States fourth mot in Limine - See attached pleadings for rulings

GRANTED [ ] [ ] [ ] DENIED [ ] [ ] [ ] CONT [ ] [ ] [ ] HELD UNDER ADVISEMENT [ ] [ ] [ ]  
5) States fifth mot in Limine - mute  
 DEFENDANT RELEASED TO PTR - TO REPORT TO 6) States sixth mot in Limine - Held under advisement  
 DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE 7) States seventh mot in Limine - Granted  
 DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES 8) States eighth mot in Limine - See attached pleadings for ruling  
 DEFENDANT SWORN \_\_\_\_\_  
 WHITE - CLERK  
 YELLOW - PROBATION  
 PINK - CCA  
 BLUE - BSA

9) States ninth mot in Limine - See attached pleadings for ruling  
 Def's Havcks mot in Limine: Evidence concerning procedures of other Boot camps - Granted  
 Def's Havcks mot in Limine to allow issuance of subpoena Duces Tecum w/o Deposition  
 to life management - Granted By CRT - documents to be treated under  
 Protective Order

All other motions - See attached minutes

STATE VS Henry Dickens, Charles Enfinger, CASE NO. 06-4016

Raymond Hauck, [REDACTED]  
Kristin Schmidt, & Joseph Walsh II

- ① Defense mot in Limine as directed to issue of Corporal Punishment - Neither State or Defense will Call.
- ② Def's Hauck's Mot in Limine Evidence concerning procedures of other Boat Camps - Granted By Court
- ③ Def's mot in Limine - Re: Jury Instructions on Non Homicide Lesser included Offenses - Court reserves ruling
- ④ Def's Hauck's mot to Allow issuance of subpoena Duces Tecum w/o Deposition to Life management - Granted  
 Documents to be treated under protective order
- ⑤ Def's Dickens mot to allow issuance of Subpoena Duces Tecum w/o Deposition to clerk of Juvenile CRT - Judge orders Defense to get transcript of Proceedings from CRT Reporters - NO subpoena needed.
- ⑥ Def's Demand for Additional Discovery - State has turned over all Discovery
- ⑦ Defense proposed Jury Instruction Re: Agg manslaughter of A Child - Held Under Advisement.  
 As to Part B of motion - Court orders to submit a memo as to arguments by Wednesday 9-5-07.
- ⑧ Def's Proposed Jury Instructions Re: Excusable Homicide - Held Under Advisement.
- ⑨ Def's objection to States Proposed Jury Instructions Pre-existing medical Condition - Held Under ruling

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

v.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB  
06-4016CFMC  
06-4016CFMD  
[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

STATE'S FIRST MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

*Granted*

1. Any bad character evidence concerning the victim [REDACTED]

*Take under advisement*

Any bad acts committed by [REDACTED]

*take under advisement  
as to any acts prior to entry*

3. Any acts of aggression or violence by [REDACTED]

*into Boot Camp program*

*Denied*

4. Any inquiry of any witness and any argument concerning

*Granted*

alleged substance abuse by [REDACTED]

*Denied*

5. Any toxicological screening done during [REDACTED]

*Granted*

hospitalization following his admission to the boot camp

specifically any positive screening for cannabinoids.

Granted only to personal history

Granted

Granted

Granted

6. Any arrest or criminal history of [REDACTED] including the underlying facts or charges of any arrest or conviction.

7. Any inquiry of any witness and any argument concerning whether [REDACTED] was sexually active or not.

8. Any alleged possession of weapons by Martin Anderson.

9. Any school or academic records for Martin Anderson or the contents of such records to include:

- a. academic performance records
- b. disciplinary or misconduct reports or records
- c. any school suspensions
- d. any in school detentions
- e. any repeated school years

10. Any hearsay statements made by [REDACTED] prior to admission into the boot camp on January 5, 2006.

11. Any incidents where [REDACTED] ran away from home.

12. Any information contained within a record titled "DJJ Comprehensive Evaluation", which was previously sealed by order of this Court, to include but not limited to:

- a. any reported acts of aggression or violence
- b. any evaluations or opinions
- c. any treatment recommendations
- d. any bad character evidence
- e. any alleged abuse
- f. any alleged behavioral problems or demonstrated attitude
- g. any descriptions of the nature of, or opinions concerning, the relationship between [REDACTED] and his parents or stepfather.
- h. any mental health or medical diagnosis or treatment of

Held under advisement

Granted

Held under advisement

~~On US questions at~~  
Rule on as questions are asked at trial. - Under Advisement  
Granted

- [REDACTED]
- i. any medications prescribed to [REDACTED]
  - j. any statements attributed to [REDACTED] or his parents Gina Jones or Robert [REDACTED]

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] [REDACTED] 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; [REDACTED] at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/als

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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

06-4016CFMC

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT

[REDACTED]  
06-4016CFMF

06-4016CFMG

JOSEPH WALSH II

06-4016CFMH

STATE'S SECOND MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

Granted ←

1. Any bad character evidence concerning Gina Jones.

Granted ←

2. Any allegations of substance abuse or alcohol abuse by Gina Jones.

Held under Adversement ←

3. Any hearsay statements by Gina Jones.

Granted →

4. Any inquiry as to whether Gina Jones was told by any medical authority at the time of [REDACTED]'s birth that [REDACTED] had sickle cell trait.

Held under Adversement ←

5. Any inquiry into Gina Jones' personal knowledge of the Panama



City Boot Camp, or how it operated, before [REDACTED] was admitted to the boot camp, to include any prior visits to the boot camp or any prior observation of the boot camp.

Held under  
Advisement ←

6. Any desires or wishes of Gina Jones or actual actions taken by Gina Jones to have [REDACTED] sent to the Panama City Boot Camp.

Denied ←

7. Any change in Gina Jones employment or financial status after [REDACTED] death or after any civil settlement concerning his death.

Granted ←

8. How often [REDACTED] spent the night at his grandparents or anywhere else out of Gina Jones' home.

Granted

9. If [REDACTED] had ever ran away from home or if Gina Jones had ever asked him to leave home.

Granted

10. Any inquiry into when Gina Jones would punish [REDACTED] or what type of punishment she used to discipline [REDACTED]

Granted

11. Any inquiry into the punishment of [REDACTED] by Gina Jones or Robert [REDACTED] when [REDACTED] misbehaved.

Granted

12. Any inquiry into Gina Jones other children to include but not limited to:

- a. where they were raised
- b. what they do for a living
- c. whether they have criminal history or not
- d. Ms. Jones marital status at the time of their births

Granted

13. The marital status of Gina Jones at the time of [REDACTED] birth.

Granted ←

14. Any opinion or observation that Gina Jones may have concerning the relationship that existed between [REDACTED] and Robert [REDACTED]

Held under  
advisement ←

15. Any opinion or belief of Gina Jones as to whether [REDACTED]  
[REDACTED] was associated with any criminal element or group.

Granted ←

16. Any investigations involving Gina Jones by the Department of Children and Families and any allegations, statements or opinions contained within any DCF records.

Held under  
advisement ←

17. Any inquiry into any specific incidents where [REDACTED] misbehaved in the home and the subsequent actions of Gina Jones.

Granted ←

18. Any arrest or criminal history of Gina Jones including the underlying facts or charges of any arrest.

Granted ←

19. Any meetings between Gina Jones and then Governor Jeb Bush or current Governor Charlie Crist and the content of any conversation between Ms. Jones and Governor Bush or Governor Crist.

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

[REDACTED] 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; [REDACTED], at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB  
06-4016CFMC  
06-4016CFMD  
[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

STATE'S THIRD MOTION FOR ORDER IN LIMINE

*- mute - witness  
not on  
witness  
list*

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any bad character evidence concerning Robert [REDACTED]
2. Any hearsay statements made by Robert [REDACTED].
3. Any arrest or criminal history of Robert [REDACTED] to include the underlying facts or the nature of the charges.
4. Any inquiry into any child support actions taken against Mr. Anderson.
5. Any inquiry into whether Mr. [REDACTED] was advised by any medical personal at the time of [REDACTED]'s birth that

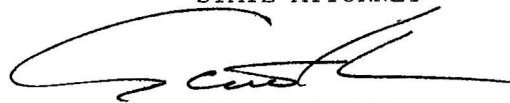
- [REDACTED] had sickle cell trait.
6. Any change in Mr. [REDACTED]'s financial status or employment status since [REDACTED]'s death or pursuant to any civil settlement.
  7. The nature and extent of Robert [REDACTED]'s relationship with [REDACTED]
  8. The nature and extent of any involvement Robert [REDACTED] had in the discipline and punishment of [REDACTED] and the type of punishment used.
  9. Any meetings between Robert [REDACTED] and then Governor Bush and Robert [REDACTED] and Governor Crist and any conversations Mr. [REDACTED] had with either Governor.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

[REDACTED] 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; [REDACTED] at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

06-4016CFMC

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT

[REDACTED]  
06-4016CFMF

06-4016CFMG

JOSEPH WALSH II

06-4016CFMH

STATE'S FOURTH MOTION FOR ORDER IN LIMINE

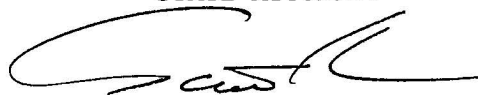
THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

- Denied*
1. Any inquiry into any civil lawsuits brought by the family of [REDACTED] after his death, any settlement of any lawsuits, the monetary amount of any settlement and its distribution and any inquiry into the legislative or executive creation of the [REDACTED] Act.
  2. Any inquiry into Gina Jones and Robert [REDACTED] retaining legal counsel after the death of [REDACTED].

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED] at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje



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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

06-4016CFMC

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT

[REDACTED]  
06-4016CFMF

06-4016CFMG

JOSEPH WALSH II

06-4016CFMH

STATE'S FIFTH MOTION FOR ORDER IN LIMINE

*mute*

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

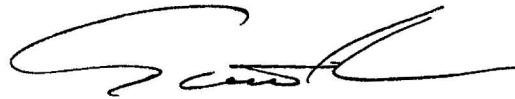
1. The arrest and criminal record of Carl Jones to include the underlying facts or charges.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

[REDACTED] 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; [REDACTED], at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

06-4016CFMB

06-4016CFMC

06-4016CFMD

[REDACTED]  
06-4016CFMF

06-4016CFMG

06-4016CFMH

STATE'S SIXTH MOTION FOR ORDER IN LIMINE

*Held under advisement*

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any inquiry into any medical or mental health records of

[REDACTED] not limited to but including:

- a. Any records of any hospital admission prior to January 5, 2006.
- b. Any records of any doctor's office visits or treatments.
- c. The hospital and medical records concerning the birth of [REDACTED]

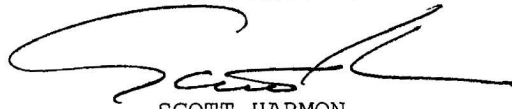
*Held under advisement*

*advisement*

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED], at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED], at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

06-4016CFMC

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT

[REDACTED]  
06-4016CFMF

06-4016CFMG

JOSEPH WALSH II

06-4016CFMH

STATE'S SEVENTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any self serving comment or inquiry into the defendant's lack of a prior criminal record.

*Granted* ←

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

[REDACTED] 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; [REDACTED], at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED], at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

06-4016CFMC

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT

[REDACTED]  
06-4016CFMF

06-4016CFMG

JOSEPH WALSH II

06-4016CFMH

STATE'S EIGHTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

- Granted ←
- Granted ←
- Granted ←
1. Any inquiry of any expert witness as to any legal conclusion or the guilt or innocence of any defendant or the propriety of the charges.
  2. Any attempt to have one expert witness bolster or degrade the credibility of another expert witness.
  3. Any attempt to bolster the credibility of any expert witness or his opinion by questioning the expert about consultations with other experts or treatises which support or agree with

his opinion.

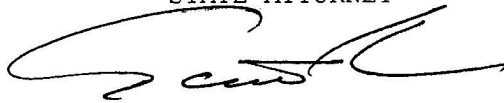
Granted

4. Any attempt to elicit hearsay or other inadmissible evidence through the testimony of any expert witness.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED], at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje



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

v.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB  
06-4016CFMC  
06-4016CFMD  
[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

STATE'S NINTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

- Held under advisement* ←
1. Any inquiry of Dr. Vernard Adams as to his opinion of whether Governor Bush was exerting any pressure on the Office of the State Attorney for the 13<sup>th</sup> Judicial Circuit during the investigation of this case. *Held under advisement*
- Granted* →
2. Any argument that Dr. Vernard Adams reached a particular result or came to a particular opinion at the request of the Office of the State Attorney for the 13<sup>th</sup> Judicial Circuit or State Attorney Mark Ober. *- Held under advisement*
- WALSH*

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] [REDACTED] 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; [REDACTED], at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 22 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/als

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

Judge: OVERSTREET MICHAEL C (DIV 6)

Clerk: JG

Division : GD

Court Reporter: SD

Probation Off: \_\_\_\_\_

State Attorney: MARK A OBER

Defense Attorney: BENEDIK ASHLEY STONE

State Of Florida vs SCHMIDT, KRISTIN ANNE

Defendant in Custody? YES [ ] NO [ ]

Date: 08/30/2007

\*\*\*\*\*

CASE NO: 06004016CFMG CHARGE - I:001: AGGRAVATED MANSLAUGHTER OF A CHILD 0301108827 ARRESTED

P L E A			
CASE NO: _____	VOPE [ ]	VOCC [ ]	
TO THE CHARGE OF _____			
NOLD [ ]	GUILTY [ ]	ADM VIOL. [ ]	PSI [ ]
PDR [ ]	SS [ ]	SENT SET [ ]	
MOD [ ]	REINS [ ]	REVOKED [ ]	

S E N T E N C I N G			
CASE NO: _____	ADJ W/H [ ]	GUILTY [ ]	
DOC _____yr(s) _____mo	BCJA _____yr(s) _____mo		
BCJA 1st [ ] Credit _____yr _____dy - Prev Doc _____			
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	
\$3 Teen Ct _____ CC _____	FINE _____	REST _____	
\$50 DRUG _____ PSM/BCMP _____	Hrs @ _____	dy/mo _____	
HAB OFF [ ]	PREV COND REIMPOSED [ ]	!ST STEP _____	
CONC [ ] W/ _____	CONSEC [ ] W/ _____		

CASE NO: _____	ADJ W/H [ ]	GUILTY [ ]	
DOC _____yr(s) _____mo	BCJA _____yr(s) _____mo		
BCJA 1st [ ] Credit _____yr _____dy - Prev Doc _____			
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	
\$3 Teen Ct _____ CC _____	FINE _____	REST _____	
\$50 DRUG _____ PSM/BCMP _____	Hrs @ _____	dy/mo _____	
HAB OFF [ ]	PREV COND REIMPOSED [ ]	!ST STEP _____	
CONC [ ] W/ _____	CONSEC [ ] W/ _____		

DRUG PKG [ ] B/B/U [ ] A/D COUNSEL PSYCH/SEX COUNSEL [ ] GEO/EMPLOY [ ] ESSAY [ ] CAN TERM EARLY [ ]  
 STAY AWAY FROM VICTIM [ ] NO ALCOHOL [ ] DO NOT VISIT ALCOHOL PLACES [ ] DL REVOKED [ ] \_\_\_\_\_ YRS ]  
 COS \$ \_\_\_\_\_ /mo beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL COMMENTS  
 1: 1) States first mot in Limine - see attached pleading w/ rulings  
 2: 2) States second mot in Limine - see attached pleading w/ rulings  
 3: 3) States third mot in Limine - mute  
4) States fourth mot in Limine - see attached pleadings for rulings

GRANTED [ ] [ ] [ ] [ ] DENIED [ ] [ ] [ ] [ ] CONT [ ] [ ] [ ] [ ] HELD UNDER ADVISEMENT [ ] [ ] [ ] [ ]  
5) States fifth mot in Limine - mute  
 DEFENDANT RELEASED TO PTR - TO REPORT TO 6) States sixth mot in Limine - Held under advisement  
 DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE 7) States seventh mot in Limine - Granted  
 DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES 8) States eighth mot in Limine - see attached pleadings for ruling  
 DEFENDANT SWORN \_\_\_\_\_ 9) States ninth mot in Limine - see attached pleadings for ruling

WHITE - CLERK  
 YELLOW - PROBATION  
 PINK - CCA  
 BLUE - BCJA  
Def's Hawks mot in Limine: Evidence concerning procedures of other Boot camps - Granted  
Def's Hawks mot in Limine to allow issuance of subpoena Duces Tecum w/o Deposition to life management - Granted By CRT - documents to be treated under protective order

All other motions - see attached minutes

Henry Dickens, Charles Enfinger,

06-4016

Raymond Hauck,  
Kristin Schmidt, & Joseph Walsh II

- ① Defense mot in Limine as directed to issue of Corporal Punishment - Neither State or Defense will Call.
- ② Def's Hauck's Mot in Limine: Evidence concerning procedures of other Boot Camps - Granted By Court
- ③ Def's mot in Limine - Re: Jury Instructions on Non Homicide Lesser included Offenses - Court reserves ruling
- ④ Def's Hauck's mot to Allow issuance of subpoena Duces Tecum w/o Deposition to Life management - Granted Documents to be treated under protective order
- ⑤ Def's Dickens mot to allow issuance of Subpoena Duces Tecum w/o Deposition to clerk of Juvenile Ct - Judge orders Defense to get transcript of Proceedings from CRT Reporters - No subpoena needed.
- ⑥ Def's Demand for Additional Discovery - State has turned over all Discovery
- ⑦ Defense proposed Jury Instruction Re: Agg manslaughter of A Child - Held Under Advisement. As to Part B of motion - Court orders to submit a memo as to arguments by Wednesday 9-5-07.
- ⑧ Def's Proposed Jury Instructions Re: Excusable Homicide - Held Under Advisement.
- ⑨ Def's objection to States Proposed Jury Instructions Pre-existing medical Condition - Held Under ruling

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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II

06-4016CFMG

06-4016CFMH

STATE'S FIRST MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

*Granted*

1. Any bad character evidence concerning the victim Martin Anderson.

*Take under Advisement*

Any bad acts committed by Martin Anderson.

*take under advisement as to any acts prior to entry*

3. Any acts of aggression or violence by Martin Anderson.

*denied*

4. Any inquiry of any witness and any argument concerning alleged substance abuse by Martin Anderson.

5. Any toxicological screening done during Martin Anderson's hospitalization following his admission to the boot camp

*Denied*

specifically any positive screening for cannabinoids.

Granted  
only as  
to personal  
history

6. Any arrest or criminal history of Martin Anderson including the underlying facts or charges of any arrest or conviction.

Granted

7. Any inquiry of any witness and any argument concerning whether Martin Anderson was sexually active or not.

Granted

~~8. Any alleged possession of weapons by Martin Anderson.~~

Rule on as questions are asked at trial. - Under Adversement

Granted

9. Any school or academic records for Martin Anderson or the contents of such records to include:

Granted

- a. academic performance records
- b. disciplinary or misconduct reports or records
- c. any school suspensions
- d. any in school detentions
- e. any repeated school years

Held under  
adversement

10. Any hearsay statements made by Martin Anderson prior to admission into the boot camp on January 5, 2006.

Granted

11. Any incidents where Martin Anderson ran away from home.

12. Any information contained within a record titled "DJJ Comprehensive Evaluation", which was previously sealed by order of this Court, to include but not limited to:

Held under  
adversement

- a. any reported acts of aggression or violence
- b. any evaluations or opinions
- c. any treatment recommendations
- d. any bad character evidence
- e. any alleged abuse
- f. any alleged behavioral problems or demonstrated attitude
- g. any descriptions of the nature of, or opinions concerning, the relationship between Martin Anderson and his parents or stepfather.
- h. any mental health or medical diagnosis or treatment of

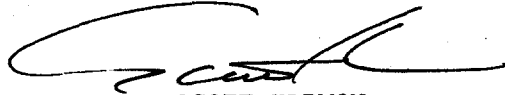
Martin Anderson.

- i. any medications prescribed to Martin Anderson
- j. any statements attributed to Martin Anderson or his parents Gina Jones or Robert Anderson.

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/als

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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II

06-4016CFMG

06-4016CFMH

STATE'S SECOND MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

- Granted ←
- Granted ←
- Held under Adversement ←
- Granted →
- Held under Adversement ←
1. Any bad character evidence concerning Gina Jones.
  2. Any allegations of substance abuse or alcohol abuse by Gina Jones.
  3. Any hearsay statements by Gina Jones.
  4. Any inquiry as to whether Gina Jones was told by any medical authority at the time of Martin Anderson's birth that Martin Anderson had sickle cell trait.
  5. Any inquiry into Gina Jones' personal knowledge of the Panama



City Boot Camp, or how it operated, before Martin Anderson was admitted to the boot camp, to include any prior visits to the boot camp or any prior observation of the boot camp.

Held under  
Advisement ←

6. Any desires or wishes of Gina Jones or actual actions taken by Gina Jones to have Martin Anderson sent to the Panama City Boot Camp.

Denied ←

7. Any change in Gina Jones employment or financial status after Martin Anderson's death or after any civil settlement concerning his death.

Granted ←

8. How often Martin Anderson spent the night at his grandparents or anywhere else out of Gina Jones' home.

Granted

9. If Martin Anderson had ever ran away from home or if Gina Jones had ever asked him to leave home.

Granted

10. Any inquiry into when Gina Jones would punish Martin Anderson or what type of punishment she used to discipline Martin Anderson.

Granted

11. Any inquiry into the punishment of Martin Anderson by Gina Jones or Robert Anderson when Martin Anderson misbehaved.

Granted

12. Any inquiry into Gina Jones other children to include but not limited to:

- a. where they were raised
- b. what they do for a living
- c. whether they have criminal history or not
- d. Ms. Jones marital status at the time of their births

Granted

13. The marital status of Gina Jones at the time of Martin Anderson's birth.

Granted ←

14. Any opinion or observation that Gina Jones may have concerning the relationship that existed between Martin Anderson and Robert Anderson.

Held under  
advisement ←

Granted ←

Held under  
advisement ←

Granted ←

Granted ←

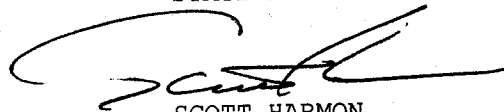
15. Any opinion or belief of Gina Jones as to whether Martin Anderson was associated with any criminal element or group.
16. Any investigations involving Gina Jones by the Department of Children and Families and any allegations, statements or opinions contained within any DCF records.
17. Any inquiry into any specific incidents where Martin Anderson misbehaved in the home and the subsequent actions of Gina Jones.
18. Any arrest or criminal history of Gina Jones including the underlying facts or charges of any arrest.
19. Any meetings between Gina Jones and then Governor Jeb Bush or current Governor Charlie Crist and the content of any conversation between Ms. Jones and Governor Bush or Governor Crist.

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

[REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II

06-4016CFMG

06-4016CFMH

STATE'S THIRD MOTION FOR ORDER IN LIMINE

*- mute - witness  
not on  
witness  
list*

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any bad character evidence concerning Robert Anderson.
2. Any hearsay statements made by Robert Anderson.
3. Any arrest or criminal history of Robert Anderson to include the underlying facts or the nature of the charges.
4. Any inquiry into any child support actions taken against Mr. Anderson.
5. Any inquiry into whether Mr. Anderson was advised by any medical personal at the time of Martin Anderson's birth that

Martin Anderson had sickle cell trait.

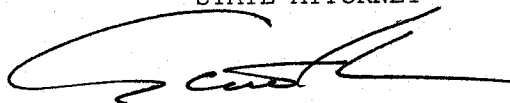
6. Any change in Mr. Anderson's financial status or employment status since Martin Anderson's death or pursuant to any civil settlement.
7. The nature and extent of Robert Anderson's relationship with Martin Anderson.
8. The nature and extent of any involvement Robert Anderson had in the discipline and punishment of Martin Anderson and the type of punishment used.
9. Any meetings between Robert Anderson and then Governor Bush and Robert Anderson and Governor Crist and any conversations Mr. Anderson had with either Governor.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

██████████ 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; ██████████ 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for ██████████ ██████████ at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
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SH/rje

IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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RAYMOND HAUCK

06-4016CFMD

KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II

06-4016CFMG

06-4016CFMH

STATE'S FOURTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

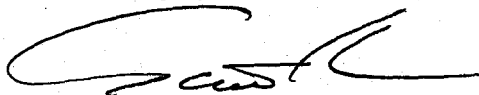
1. Any inquiry into any civil lawsuits brought by the family of Martin Anderson after his death, any settlement of any lawsuits, the monetary amount of any settlement and its distribution and any inquiry into the legislative or executive creation of the Martin Lee Anderson Act.
2. Any inquiry into Gina Jones and Robert Anderson retaining legal counsel after the death of Martin Anderson.

*Denied*

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje



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

v.

HENRY DICKENS	06-4016CFMA
CHARLES ENFINGER	06-4016CFMB
[REDACTED]	[REDACTED]
RAYMOND HAUCK	06-4016CFMD
[REDACTED]	[REDACTED]
KRISTIN SCHMIDT	06-4016CFMF
JOSEPH WALSH II	06-4016CFMG
	06-4016CFMH

STATE'S FIFTH MOTION FOR ORDER IN LIMINE

*mute*

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. The arrest and criminal record of Carl Jones to include the underlying facts or charges.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

[REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

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STATE ATTORNEY



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ASSISTANT STATE ATTORNEY  
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IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
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06-4016CFMD

KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II

06-4016CFMG

06-4016CFMH

STATE'S SIXTH MOTION FOR ORDER IN LIMINE

*Held under  
advisement*

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any inquiry into any medical or mental health records of Martin Anderson not limited to but including:

- a. Any records of any hospital admission prior to January 5, 2006.
- b. Any records of any doctor's office visits or treatments.
- c. The hospital and medical records concerning the birth of Martin Anderson.

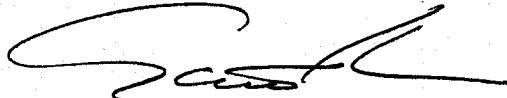
*Held  
under  
advisement*

*advisement*

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Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

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IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR BAY COUNTY  
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v.

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CHARLES ENFINGER	06-4016CFMB
[REDACTED]	[REDACTED]
RAYMOND HAUCK	06-4016CFMD
[REDACTED]	[REDACTED]
[REDACTED]	06-4016CFMF
KRISTIN SCHMIDT	06-4016CFMG
JOSEPH WALSH II	06-4016CFMH

STATE'S SEVENTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any self serving comment or inquiry into the defendant's lack of a prior criminal record.

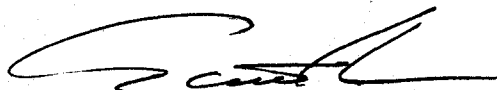
*Granted* ←

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for

██████████ 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; ██████████ ██████████ 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for ██████████ ██████████ at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

[REDACTED]  
RICHMOND HAUCK

06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II

06-4016CFMG

06-4016CFMH

STATE'S EIGHTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

Granted ←

Granted ←

Granted ←

1. Any inquiry of any expert witness as to any legal conclusion or the guilt or innocence of any defendant or the propriety of the charges.
2. Any attempt to have one expert witness bolster or degrade the credibility of another expert witness.
3. Any attempt to bolster the credibility of any expert witness or his opinion by questioning the expert about consultations with other experts or treatises which support or agree with

his opinion.

Granted

4. Any attempt to elicit hearsay or other inadmissible evidence through the testimony of any expert witness.

I HEREBY CERTIFY that a copy of the foregoing Motion for Order in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 21 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje



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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

[REDACTED]  
[REDACTED]

06-4016CFMD

KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II

06-4016CFMG

06-4016CFMH

STATE'S NINTH MOTION FOR ORDER IN LIMINE

THE STATE OF FLORIDA, moves this Court for an Order in Limine instructing the Attorneys for the Defendant(s) to refrain from making any direct or indirect mention whatsoever at trial before the jury of the matter(s) hereinafter set forth, without first obtaining permission from the Court outside the presence and hearing of the jury, on the grounds that said matter(s) is incompetent, irrelevant or immaterial to the issues involved herein, and will serve only to unfairly prejudice the jurors against the State thereby requiring a mistrial, pursuant to the authority of Henry v. State, 290 So.2d 73 (2d DCA 1974).

1. Any inquiry of Dr. Vernard Adams as to his opinion of whether Governor Bush was exerting any pressure on the Office of the State Attorney for the 13<sup>th</sup> Judicial Circuit during the investigation of this case. *Held under Advisement*

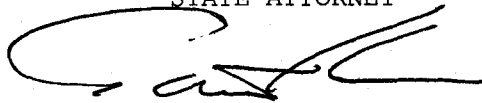
2. Any argument that Dr. Vernard Adams reached a particular result or came to a particular opinion at the request of the Office of the State Attorney for the 13<sup>th</sup> Judicial Circuit or State Attorney Mark Ober. *- Held under Advisement*

*Held under Advisement*  
*under Advisement*  
*Advisement*  
*Advisement*  
*Advisement*

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] [REDACTED] 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 22 day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/als

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

**STATE OF FLORIDA,**  
Plaintiff,

vs.

**Henry Dickens**  
Black/Male, DOB 10/27/46,  
[REDACTED],

Defendant,

**Charles Enfinger**  
White/Male, DOB 03/11/73,  
[REDACTED],

Defendant,

[REDACTED]  
Defendant,

**Raymond Hauck**  
White/Male, DOB 06/15/58,  
SSN 266-51-9961,  
[REDACTED]

Defendant,

[REDACTED]  
Black/Male, DOB 06/15/73,  
[REDACTED]

Defendant,

**Kristin Schmidt**  
White/Female, DOB 09/19/53,  
[REDACTED]

Defendant,

**Joseph Walsh II, alias Joe Walsh**  
White/Male, 07/05/71,  
[REDACTED]

Defendant,

**INFORMATION CHARGING:**

AMENDS INFORMATION FILED  
ON NOVEMBER 28, 2006

Count I: Aggravated Manslaughter  
of a Person under 18  
782.07(3) & 827.03(3)  
1<sup>st</sup> Degree Felony

Case No.: 06-4016CF

26

Filed w/ clerk  
on 8-30-07  
@ 11:00 AM

IN THE NAME AND BY AUTHORITY OF THE STATE OF FLORIDA:

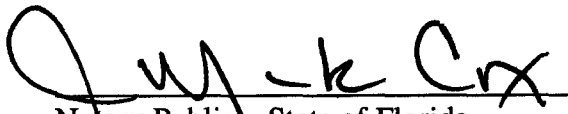
Mark A. Ober, State Attorney for the Thirteenth Judicial Circuit of the State of Florida, assigned to discharge the duties of the State Attorney for the Fourteenth Judicial Circuit of the State of Florida pursuant to Executive Order 06-36, Amended Executive Order 06-37 and Executive Order 07-40, prosecuting for said State of Florida, in the name of and by the authority of the State of Florida, in the County of Bay, under oath, informs the Court that

**Count I**

Henry Dickens, Charles Enfinger, [REDACTED] Raymond Hauck, [REDACTED] [REDACTED], Kristin Schmidt, and Joseph Walsh II [REDACTED], on or about the 5<sup>th</sup> day of January, 2006, within the County of Bay and the State of Florida, being caregivers of Martin Lee Anderson, a person under the age of eighteen, did cause the death of Martin Lee Anderson by culpable negligence, without lawful justification or excuse, by willfully or by culpable negligence neglecting Martin Lee Anderson, by failure or omission to provide Martin Lee Anderson with the care, supervision or services necessary to maintain his physical or mental health that a prudent person would consider essential for the well-being of a child, or by failure to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person, in violation of §782.07(3) and §827.03(3), Florida Statutes, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Florida.

Mark A. Ober, State Attorney for the Thirteenth Judicial Circuit of the State of Florida, assigned to discharge the duties of the State Attorney for the Fourteenth Judicial Circuit of the State of Florida pursuant to Executive Order 06-36, Amended Executive Order 06-37 and Executive Order 07-40, under oath, states that the allegations set forth in the INFORMATION are based on facts that have been sworn to as true, under oath, by material witnesses, and which, if true, would constitute the offense(s) therein charged, and this INFORMATION is filed in good faith.

Sworn to and subscribed before me this 28<sup>th</sup>  
day of August, 2007, by Mark A. Ober,  
who is personally known to me.

  
Notary Public - State of Florida



J. Mark Cox  
MY COMMISSION # DD300775 EXPIRES  
July 17, 2008  
BONDED THRU TROY FAIR INSURANCE, INC.



Mark A. Ober  
State Attorney  
Florida Bar #230804  
800 E. Kennedy Blvd.  
Tampa, Florida 33602  
(813)272-5400  
Executive Order 07-40

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

STATE OF FLORIDA,  
Plaintiff,

vs.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH, II

[REDACTED]  
06-4016CFMF

06-4016CFMG

06-4016CFMH

HAROLD BAZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 31 P 4:02

FILED

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**ORDER ON STATE'S AND DEFENDANTS' MOTIONS IN LIMINE**

**STATE'S MOTION IN LIMINE #1**

1. **Any bad character evidence concerning the victim Martin Anderson.**

GRANTED.

2. **Any bad acts committed by Martin Anderson.**

UNDER ADVISEMENT. Certain prior conduct of Martin Anderson may be relevant if the conduct was made known to the Defendants prior to or at the time of his admission if said knowledge would help to explain the acts of the Defendants.

3. **Any acts of aggression or violence by Martin Anderson.**

UNDER ADVISEMENT. Certain prior acts of aggression by Martin Anderson may be relevant if the conduct was made known to the Defendants prior to or at the time of his admission if said knowledge would help to explain the acts of the Defendants.

4. **Any inquiry of any witness and any argument concerning alleged substance abuse by Martin Anderson.**

GRANTED ONLY AS IT RELATES TO ANY PERIOD PREDATING ADMISSION  
Evidence of Martin Anderson's toxicological results may be relevant to explain Martin Anderson's conduct following admission to the Boot Camp facility; to explain the acts of

the Defendants following admission to the Boot Camp facility; to aid any forensic experts regarding issues relating to cause of death.

5. **Any toxicological screening done during Martin Anderson's hospitalization following his admission to the boot camp, specifically any positive screening for cannabinoids.**

DENIED. Evidence of Martin Anderson's toxicological results may be relevant to explain Martin Anderson's conduct following admission to the Boot Camp facility; to explain the acts of the Defendants following admission to the Boot Camp facility; to aid any forensic experts regarding issues relating to cause of death.

6. **Any arrest or criminal history of Martin Anderson including the underlying facts or charges of any arrest or conviction.**

GRANTED. As to facts about Martin Anderson personally. DENIED as to generalities about the Boot Camp and to what type of criminal offenders occupied the Boot Camp.

7. **Any inquiry of any witness and any argument concerning whether Martin Anderson was sexually active or not.**

GRANTED.

8. **Any alleged possession of weapons by Martin Anderson.**

UNDER ADVISEMENT. Certain evidence of a victim's propensity to act violently might be relevant under certain circumstances.

9. **Any school or academic records for Martin Anderson or the contents of such records to include:**

- a. **academic performance records.**
- b. **disciplinary or misconduct reports or records.**
- c. **any school suspensions**
- d. **any in school detentions.**
- e. **any repeated school years.**

UNDER ADVISEMENT if contained in the DJJ Comprehensive Evaluation.

10. **Any hearsay statements made by Martin Anderson prior to admission into the Boot Camp on January 5, 2006.**

UNDER ADVISEMENT.

11. **Any incidents where Martin Anderson ran away from home.**

GRANTED.

12. **Any information contained within a record titled DJJ Comprehensive Evaluation, which was previously sealed by order of this Court.**

UNDER ADVISEMENT.

#### STATE'S MOTION IN LIMINE #2

1. **Any bad character evidence concerning Gina Jones.**

GRANTED.

2. **Any allegations of substance abuse or alcohol abuse by Gina Jones.**

GRANTED.

3. **Any hearsay statements by Gina Jones.**

UNDER ADVISEMENT. Certain hearsay statements by Gina Jones may be relevant to explain Martin Anderson's conduct following admission to the Boot Camp facility; to explain the acts of the Defendants following admission to the Boot Camp facility; to aid any forensic experts regarding issues relating to cause of death.

4. **Any inquiry as to whether Gina Jones was told by any medical authority at the time of Martin Anderson's birth that Martin Anderson had sickle cell trait.**

GRANTED. The issue of whether the Defendants knew or should have known about Martin Anderson's sickle cell trait is relevant to their defense to the charges filed against them. Based on the representation of counsel for the State, the State concedes that the Defendants did not know and could not have known that Martin Anderson had sickle cell trait at any time relevant to these proceedings. Therefore, the issue of why the Defendants were not told about these facts is not relevant to this trial.

While the issue of whether Gina Jones knew or should have known about Martin Anderson's sickle cell trait might be relevant in a civil proceeding for damages where the plaintiff's comparative fault is at issue, it is not an issue in this criminal proceeding for the reasons cited herein.

5. **Any inquiry into Gina Jones' personal knowledge of the Panama City Boot Camp, or how it operated, before Martin Anderson was admitted to the boot camp, to include any prior visits to the boot camp or any prior observation of the boot camp.**

UNDER ADVISEMENT.

6. **Any desires or wishes of Gina Jones or actual actions taken by Gina Jones to have Martin Anderson sent to the Panama City Boot Camp.**

UNDER ADVISEMENT.

7. **Any changes in Gina Jones employment or financial status after Martin Anderson's death or after any civil settlement concerning his death.**

DENIED as to evidence relating to Gina Jones civil settlement which may be probative of bias. GRANTED OTHERWISE.

8. **How often Martin Anderson spent the night at his grandparents or anywhere else out of Gina Jones' home.**

GRANTED.

9. **If Martin Anderson had ever ran away from home or if Gina Jones had ever asked him to leave home.**

GRANTED.

10. **Any inquiry into when Gina Jones would punish Martin Anderson or what type of punishment she used to discipline Martin Anderson.**

GRANTED.

11. **Any inquiry into the punishment of Martin Anderson by Gina Jones or Robert Anderson when Martin Anderson misbehaved.**

GRANTED.

12. **Any inquiry into Gina Jones other children (a)-(d).**

GRANTED.

13. **The marital status of Gina Jones at the time of Martin Anderson's birth.**

GRANTED. Gina Jones marital status shall be redacted from medical records relating to Martin Anderson's birth.

14. **Any opinion or observation that Gina Jones may have concerning the relationship that existed between Martin Anderson and Robert Anderson.**

GRANTED.

15. **Any opinion or belief of Gina Jones as to whether Martin Anderson was associated with any criminal element or group.**



UNDER ADVISEMENT. This information may be relevant to explain Martin Anderson's conduct following admission to the Boot Camp facility; to explain the acts of the Defendants following admission to the Boot Camp facility.

16. **Any investigations involving Gina Jones by the Department of Children and Families and any allegations, statements or opinions contained with any DCF records.**

GRANTED.

17. **Any inquiry into any specific incidents where Martin Anderson misbehaved in the home and the subsequent actions of Gina Jones.**

UNDER ADVISEMENT.

18. **Any arrest or criminal history of Gina Jones including the underlying facts or charges of any arrest.**

GRANTED.

19. **Any meetings between Gina Jones and then Governor Jeb Bush or current Governor Charlie Crist and the content of any conversation between Ms. Jones and Governor Bush or Governor Crist.**

GRANTED.

#### **STATE'S THIRD MOTION IN LIMINE**

The parties stipulated that this motion is moot.

#### **STATE'S FOURTH MOTION IN LIMINE**

1. **Any inquiry into any civil lawsuits brought by the family of Martin Anderson after his death, any settlements of any lawsuits, the monetary amount of any settlement and its distribution and any inquiry into the legislative or executive creation of the Martin Lee Anderson Act.**

DENIED.

2. **Any inquiry into Gina Jones and Robert Anderson retaining legal counsel after the death of Martin Anderson.**

DENIED.

#### **STATE'S FIFTH MOTION IN LIMINE**

The parties stipulated that this motion is moot.

#### **STATE'S SIXTH MOTION IN LIMINE**

1. **Any inquiry into any medical or mental health records of Martin Anderson not limited to but including:**
  - a. **Any records of any hospital admission prior to January 5, 2006.**
  - b. **Any records of any doctor's office visits or treatments.**
  - c. **The hospital and medical records concerning the birth of Martin Anderson.**

UNDER ADVISEMENT

#### **STATE'S SEVENTH MOTION IN LIMINE**

1. **Any self serving comment or inquiry into the defendant's lack of a prior criminal record.**

GRANTED.

#### **STATE'S EIGHTH MOTION IN LIMINE**

1. **Any inquiry of any expert witness as to any legal conclusion or the guilt or innocence of any defendant or the propriety of the charges.**
2. **Any attempt to have one expert witness bolster or degrade the credibility of another expert witness.**
3. **Any attempt to bolster the credibility of any expert witness or his opinion by questioning the expert about consultations with other experts or treatises which support or agree with his opinion.**
4. **Any attempt to elicit hearsay or other inadmissible evidence through the testimony of any expert witness.**

GRANTED.

#### **STATE'S NINTH MOTION IN LIMINE**

1. **Any inquiry of Dr. Bernard Adams as to his opinion of whether Governor Bush was exerting any pressure on the Office of the State Attorney for the 13<sup>th</sup> Judicial Circuit during investigation of this case.**
2. **Any argument that Dr. Vernard Adams reached a particular result or came to a particular opinion at the request of the Office of the State Attorney for the 13<sup>th</sup> Judicial Circuit or State Attorney Mark Ober.**

UNDER ADVISEMENT

#### **DEFENDANTS' FIRST MOTION IN LIMINE**

1. **Any evidence concerning the policies and procedures employed by any other juvenile boot camp facilities which would include evidence that the procedures relating to use of force and use of ammonia capsules followed by the Bay County facility were not followed at other boot camps.**

GRANTED.

#### **DEFENDANTS' SECOND MOTION IN LIMINE**

2. **Prohibiting the inclusion in any jury instructions, instructions relating to non-homicide lesser included offenses.**

DENIED. Because the cause of death is disputed in this matter, the State is entitled to jury instructions relating to non-homicide lesser included offenses. **See: Rossi v. State**, 602 So.2d 614 (Fla. 4<sup>th</sup> DCA 1992); **Walker v. State**, 671 So. 2d 817 (Fla. 4<sup>th</sup> DCA 1996).

#### **DEFENDANTS' THIRD MOTION IN LIMINE**

3. **The parties announced that the issue of corporal punishment is now moot.**

DONE AND ORDERED ON AUGUST 30, 2007.



---

Michael C. Overstreet, Circuit Judge.

CC:

All Counsel for the State  
and the Defendants.

# CLERK

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

v.

HENRY DICKENS

06-4016CFMA

CHARLES ENFINGER

06-4016CFMB

████████████████████

████████████████████

RAYMOND HAUCK

06-4016CFMD

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████████████████████

KRISTIN SCHMIDT

06-4016CFMF

JOSEPH WALSH II

06-4016CFMG

06-4016CFMH

**STATE'S NOTICE OF AUTHORITY RELIED UPON IN SUPPORT OF  
MOTIONS FOR ORDER IN LIMINE**

COMES NOW, The State of Florida, and files this notice of case law authority relied upon in support of the State's Motions For Order In Limine which authority is as follows:

Nowitzke v. State 572 So.2d 1346 (Fla. 1990)

Carver v. Orange County 444 So.2d 452 (Fla. 5th DCA 1983)

Linn v. Fossum 946 So.2d 1032 (Fla.2006)

Martinez v. State 761 So.2d 1074 (Fla. 2000)

Wyatt v. State 578 So.2d 811 (Fla. 3rd DCA 1991)

Torres-Arboledo v. State 524 So.2d 403 (Fla.1988)

Cummings v. State 412 So.2d 436 (Fla. 4th DCA 1982)

Weitz v. State 510 So.2d 1060 (Fla.4th DCA 1987)

Chavers v. State 380 So.2d 1880 (Fla. 5th DCA 1980)

Hitchcock v. State 413 So.2d 741 (Fla. 1982)

Banda v. State 536 So.2d 221 (Fla. 1988)

Fernandez v. State 730 So.2d 277 (Fla. 1999)

Jackson v. State 545 So.2d 260 (Fla. 1989)

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 AUG 31 P 3:20

FILED

Lozano v. State 584 So.2d 19 (Fla. 3rd DCA 1991)

Hoffman v. State 708 So.2d 962 (Fla. 5th DCA 1998)

Williams v. State 600 So.2d 524 (Fla. 2nd DCA 1992)

Smith v. State 661 So.2d 358 (Fla. 1st DCA 1995)


Taylor v. State 513 So.2d 1371 (Fla. 2nd DCA 1987)

Douglas v. State 652 So.2d 887 (Fla. 4th DCA 1995)

I HEREBY CERTIFY that a copy of the foregoing State Notice of Authority Relied Upon In Support of Motions For Order In Limine has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED] 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; [REDACTED] [REDACTED] st Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for [REDACTED] at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 28<sup>th</sup> day of August, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY

*for*   
SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/rje

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

v.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA  
06-4016CFMB  
0 [REDACTED] C  
06-4016CFMD  
[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

**STATE'S NOTICE OF AUTHORITY RELIED UPON  
IN OPPOSITION TO DEFENSE MOTIONS IN LIMINE**

The State of Florida, by and through the undersigned Assistant State Attorney,  
intends to rely on the following legal authority in opposition to defense motions in limine  
filed in this case.

- I. In opposition to the Motion in Limine Re: Jury Instructions: Non-Homicide  
Lesser Included Offenses, the State relies on the following:

Drotar v. State, 433 So.2d 1005, (Fla. 3<sup>rd</sup> DCA 1983)  
Walker v. State, 671 So.2d 817 (Fla. 4<sup>th</sup> DCA 1996)  
State v. Johnson, 601 So.2d 219 (Fla. 1992)  
Williams v. State, 957 So.2d 595 (Fla. 2007)  
Gallo v. State, 491 So.2d 541 (Fla. 1986)

- II. In opposition to the Defendants' Proposed Jury Instruction Re: Excusable  
Homicide, the State relies on the following:


Florida Statute §782.03  
Florida Standard Jury Instructions in Criminal Cases 7.1

HAROLD BAZZET  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA  
2007 AUG 31 P 3:20

FILED

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; [REDACTED]  
[REDACTED]  
James H. White, Jr., attorney for Raymond Hauck, at 229 McKenzie Avenue, Panama City, Florida 32401; [REDACTED]  
327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 28<sup>th</sup> day of August, 2007.

MARK A. OBER  
STATE ATTORNEY

  
Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #0868523

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

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO(S):

KRISTIN SCHMIDT,  
Defendant.

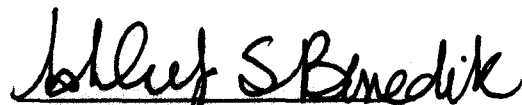
06-4016CFMG

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**MOTION TO SEAL BILLING RECORDS**

PURSUANT TO THE Justice Administrative Commission Senate Bill 1088 Ch. 2007-63, Law of Florida Questions & Answers the undersigned attorney has filed with the Court a Motion for Interim Attorney's Fees and Costs. This motion contains detailed billing statements some of which contain both attorney client confidential statements or work product information. Because this case has not yet proceeded to trial, it would be appropriate for the actual billing notation portion of the motion (exhibit "C" of the Motion) to be sealed until the conclusion of this case. The defendant moves for the justice Administrative Commission to be compelled not to disclose the billing notations in this case to any outside parties until the case is disposed of.

I **HEREBY CERTIFY** that a copy of the foregoing has been furnished to Michael Sinacore Assistant State Attorney, 800 East Kennedy Blvd., Tampa, Florida 33602, by U.S. Mail/Hand Delivery, this 5<sup>th</sup> day of September, 2007.

  
**ASHLEY STONE BENEDIK**  
FL BAR # 980129  
COTHRAN & BENEDIK, P.A.  
1004 Jenks Avenue  
Panama City, Florida 32401  
(850)784-2992 Fax (850)784-4773  
Attorney for Defendant

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 SEP -5 P 3:36

FILED



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]  
[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II  
Defendants.

HAROLD GAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY FLORIDA

2007 SEP -5 P 4: 27

FILED

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**MEMORANDUM IN SUPPORT OF DEFENDANTS' REQUEST  
FOR INSTRUCTION ON "FORESEEABILITY" REQUIREMENT**

It is axiomatic that a defendant has a fundamental right to have the jury properly instructed on his theory of defense if there is any evidence to support that theory. Miller v. State, 712 So.2d 451 (Fla. 2<sup>nd</sup> DCA 1998). Here, a portion of the Defendants' theory of defense is that the death of Martin Lee Anderson was unforeseeable under the circumstances of the case, and the Defendants could therefore not be found culpably negligent in the death.

The amended information alleges the Defendants' liability through a theory of culpable negligence. While the word "willfully" was added to the amended information, the State made it clear at the recent pre-trial hearing that "willfully" is surplusage as it relates to the manslaughter charge, and was included in relation to the State's request for non-homicide lesser included offenses.

The Defendants have presented a proposed jury instruction regarding "aggravated

manslaughter of a child” which tracks the manslaughter instruction regarding culpable negligence, except that the Defendants have suggested that the additional language of “and foreseeable” be included in the second paragraph under paragraph 4(b) of the requested instruction. The pertinent sentence is “The culpably negligent behavior of the Defendants may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in substantial and foreseeable risk of death to Martin Lee Anderson.” The Defendants are simply asking to include the two underlined words in the pattern instruction.

Florida cases demonstrate that foreseeability is required in a culpable negligence manslaughter case. In State v. Rushing, 532 So.2d 1338 (Fla. 4<sup>th</sup> DCA 188), the facts giving rise to the manslaughter prosecution were as follows:

The defendant and the deceased victim were talking in a bar, the latter evincing unhappiness, depression, and a desire to “blow her brains out.” Obligingly, the defendant took the victim out to the parking lot and gave her a .45 caliber pistol produced from his automobile. . . . She pulled the gun up to her head and pulled the trigger.

The defendant was charged with manslaughter under a culpable negligence theory. The trial court granted the defendant's motion to dismiss on the ground that the decedent's act in pulling the trigger was an intervening, superseding act. The appellate court reversed, holding that under the circumstances the decedent's act was foreseeable. The court stated:

If an intervening cause is foreseeable, it cannot insulate a defendant from all liability. Rupp v. Bryant, 417 So.2d 658 (Fla. 1982). In Loranger v. State Department of Transportation, 448 So.2d 1036, 1037 (Fla. 4<sup>th</sup> DCA 1983), this court quoted Cole v. Leach, 405 So.2d 449, 450 (Fla. 4<sup>th</sup> DCA 1981):

One whose negligence causes injury to another is liable for all of the consequences that naturally and proximately flow from

such injury, Cone v. Intercountry Telephone and Telegraph Company, 40 So.2d 148 (Fla. 1949), including injury from an intervening cause when such intervening cause is itself a **reasonably foreseeable consequence** of the tortfeasor's conduct, Gibson v. Avis Rent-A-Car Systems, Inc., 386 So2d 520 (Fla. 1980), the question of whether the intervening cause was reasonably foreseeable being one for the trier of fact. Avis Rent-A-Car Systems, Inc., supra.

See also Padgett v. West Florida Electrical Cooperative, Inc., 417 So.2d 764, 768 (Fla. 1<sup>st</sup> DCA 1982).

In the case at bar, we are of the firm opinion that it cannot be said as a matter of law that the deceased victim's actions were not **foreseeable**. See State v. Marti, 290 N.W.2d 570 (Iowa 1980); Persampieri v. Commonwealth, 343 Mass. 19, 175 N.E.2d 1115 (1979).

The victim had said she wanted to blow her brains out. The defendant immediately furnished her with a loaded pistol and stood and watched her do just that. The defendant, of course, claims that he thought the victim was joking, but as a matter of law it cannot be said that it was **unforeseeable** that the victim would do that very thing which she had already announced she would. As a consequence, under the facts sub judice, the question of foreseeability is for the jury.

532 So.2d at 1339-40 (emphasis supplied). It can be seen that the court freely imported civil negligence concepts of foreseeability into this manslaughter case.

Another such case is State v. Morris, 740 So.2d 554 (Fla. 1<sup>st</sup> DCA 1998). The pertinent facts, as stated by the court, were:

The undisputed facts in the instant case are these. Morris left Selma, Alabama, with C.S., then fifteen, on a trip to Florida. Morris was driving a car owned by C.S.'s father. Morris, during the drive, consumed beer to the point of intoxication. Morris, swerving in and out of his lane, told C.S. that C.S. had to drive. C.S. protested because he had no driver's license. Morris knew C.S. had neither daytime nor night driving experience. C.S. nevertheless agreed to drive because he knew Morris was drunk and he did not want to be stranded on the road late at night (it was approximately 1:00 A.M.). The road was a dark two-lane rural highway. C.S., asleep at the wheel, crossed the center lane, and struck and

killed James Acree. C.S. entered a guilty plea to driving without a license, and causing a death through negligence; he was sentenced to juvenile community control.

740 So.2d at 555. The trial court granted the defendant's motion to dismiss, but the appellate court reversed, explaining:

The trial court concluded that the cause of the instant fatality was "that the driver of the car fell asleep," "not so much that the [unlicensed] person was driving, but that he fell asleep." Morris however, like M.C.J. [in M.C.J. v. State, 444 So.2d 1001 (Fla. 1<sup>st</sup> DCA 1984)], although he could not have foreseen the specific circumstance causing death----that C.S. would fall asleep at the wheel----nevertheless **reasonably should have foreseen** that the same general type of harm----a deadly auto accident----might unfold from ordering a reluctant, unlicensed juvenile behind the wheel of a car, in the wee hours of the morning, on a dark, two-lane highway, with a drunk passenger unable to supervise in any way. The harm that occurred----a deadly auto accident----"was **foreseeable** and within the scope of the danger created by [Morris's] negligent conduct." *Id.* at 1005. The trial court thus erred as a matter of law in concluding that there is no evidence that Morris set in motion a chain of events resulting in the death of James Acree. M.C.J.

740 So.2d at 555 (bracketed citation and emphasis added).

These cases support the following proposition: a reasonably foreseeable intervening circumstance/event between the culpably negligent act of the defendant and the decedent's death will not excuse the defendant in a culpable negligence manslaughter prosecution; an unforeseeable circumstance/event will excuse the defendant in a culpable negligence prosecution. There is really nothing novel in this assertion, as the pattern instruction states that "culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury." This portion of the pattern instruction

clearly speaks to the “foreseeability” issue, although not completely, without actually using the word.

There are some cases from other states that speak to the foreseeability issue and jury instruction. North Carolina is among the states that employ the term “culpable negligence” in defining manslaughter. In State v. Hall, 299 S.E.2d 680 (N.C. Ct. App. 1983), the defendant had shot and killed the decedent in a hunting accident. On appeal of his conviction the defendant contended that the jury had not been properly instructed on the issue of foreseeability. The appellate court agreed, stating:

To hold a defendant criminally responsible for a homicide, the defendant's act must have been a proximate cause of the death. State v. Satterfield, 198 N.C. 682, 153 S.E. 155 (1930); State v. Mizelle, 13 N.C. App. 206, 185 S.E.2d 317 (1971). “Proof of culpable negligence does not establish proximate cause; State v. De Witt, 252 N.C. 457, 458, 114 S.E.2d 100, 101 (1960), because mere proof of a negligent act does not establish its causal relation to the injury. Further, evidence of causal relation is not necessarily proof of proximate cause.

So familiar is the definition of proximate cause that it can be stated, without citation, as a cause: (1) which, in a natural and continuous sequence and unbroken by any new and independent cause, produces an injury; (2) without which the injury would not have occurred; and (3) **from which a person of ordinary prudence could have reasonably foreseen that such a result, or some similar injurious result, was probable under the facts as they existed.** Thus:

[F]oreseeability is a requisite of proximate cause. We have previously pointed this out and ordered a new trial where a proper definition of proximate cause was not given in a civil action. [Citation omitted.] *It is all the more imperative that all of the necessary elements including a correct definition of proximate cause ... be given in a criminal case [Emphasis added.]*

*Mizelle*, 13 N.C.App. at 208, 185 S.E.2d at 318-19.

In this case the defendant, evidently relying on the pattern jury instruction on involuntary manslaughter, N.C.P.I.-Crim 206.50, which defines proximate cause and specifically refers to foreseeability, requested that the following instruction be given: "To hold a person criminally responsible for manslaughter his act must have been a proximate cause of [the] death. Foreseeability is a requisite of proximate cause." The trial court, however, merely instructed the jury that "the State must prove that this unlawful or criminally negligent [sic] on the part of the defendant in shooting the said Mr. Futreal proximately caused the death of Mr. Futreal. No definition of proximate cause was included in the trial court's charge, and no specific reference to "foreseeability" was made when the trial court mentioned the words "proximately caused."

The trial court did mention the words "reasonable foresight" in defining criminal negligence, and the State, relying on State v. Gainey, 292 N.C. 627, 234 S.E.2d 610 (1977), contends that the instructions, considered contextually, were adequate. We disagree. *Gainey* is distinguishable because the trial court therein adequately defined proximate cause and gave specific instructions on foreseeability.

**A reference to "reasonable foresight" as an element of criminal negligence is not sufficient when no instruction of foreseeability is given with reference to proximate cause.** As we stated earlier, evidence of causal relation and proof of culpable negligence are not necessarily proof of proximate cause. State v. Satterfield.

299 S.E.2d at 683-84 (footnote omitted, bold emphasis supplied, other emphasis by the court).

In State v. Magby, 969 P2d. 965 (N.M. 1998), the defendant was charged with abuse of a child resulting in death. The decedent was a four-year-old girl who had been riding with her mother on a horse when the horse bolted, resulting in the child falling off and sustaining fatal injuries. Prior to the horse's bolting, the defendant had "playfully" removed

the horse's bridle and bit. This resulted in the mother's being unable to stop the horse when it bolted. The information charged the defendant with negligently causing the child's death. The trial court instructed the jury:

To find that Robert Leon Magby **negligently** caused child abuse to occur, you must find that Robert Leon Magby *knew or should have known of the danger involved and acted with a **reckless disregard*** for the safety or health of Heather Naylor;

...

969 P2d at 966 (bold and regular emphasis in original). The trial court refused to give the following instruction that was requested by the defendant:

For you to find that the Defendant acted recklessly in this case, you must find that he knew or should have known that his conduct created a substantial and **foreseeable** risk, that he disregarded that risk and that he was wholly indifferent to the consequences of his conduct and to the welfare and safety of others.

969 P2d at 967 (emphasis supplied). The appellate court held that the trial court erred in refusing to give this instruction. It directed that in the future an instruction similar to that requested by the defendant be given in such cases. It should be pointed out that the court did not focus so much on the foreseeability language included in the requested instruction, but rather on the likelihood that the requested instruction might avoid confusion by the jury.

Intent to cause the death of the victim is not an element of aggravated manslaughter of a child; the necessary causation element is culpable negligence. Hankerson v. State, 831 So.2d 235 (Fla. 1<sup>st</sup> DCA 2002). Tyus v. State, 845 So.2d 318 (Fla. 1<sup>st</sup> DCA 2003) makes it clear that in a manslaughter prosecution, the State must not only establish causation in fact, but must also prove the defendant's conduct was the legal or proximate cause of death. As stated in Tyus, "The two questions that must be considered in

establishing legal causation are: (1) whether the prohibited result of the defendant's conduct is beyond the scope of any fair assessment of the danger created by the defendant's conduct and (2) whether it would be otherwise unjust, based on fairness and policy considerations, to hold the defendant criminally responsible for the prohibited result." It is apparent that "foreseeability" is solidly included within the first question posed above.

In short, the Defendants are asking for an additional two words, rather than an additional lengthy instruction, on the foreseeability issue. They should have that.

DATED this 5 day of September, 2007.

STAATS, WHITE & GRABNER



JAMES H. WHITE, JR.  
Florida Bar No. 309303  
229 McKenzie Avenue  
Panama City, FL 32401  
(850) 785-1522

ATTORNEY FOR DEFENDANT, HAUCK

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Memorandum 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 5 day of September, 2007.



JAMES H. WHITE, JR.



## ADDITIONAL SERVICE LIST

Ashley S. Benedik  
Attorney at Law  
1004 Jenks Avenue  
Panama City, FL 32401

Hoot Crawford  
Attorney at Law  
Post Office Box 1103  
Panama City, FL 32402

Jonathan Dingus  
Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

Waylon Graham  
Attorney at Law  
Post Office Box 327  
Panama City, FL 32402

Robert A. Pell  
Attorney at Law  
514 Magnolia Avenue  
Panama City, FL 32401

Robert S. Sombathy  
Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

Walter Smith  
Assistant Public Defender  
P. O. Box 580  
Panama City, FL 32402

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

STATE OF FLORIDA

Plaintiff,

vs.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
KRISTIN SCHMIDT  
JOSEPH WALSH II

CASES 06-4016CFMA-CFMH

MAZZEL  
JUDICIAL CIRCUIT COURT  
BAY COUNTY, FLORIDA

SEP 19 10 3:47

FILED

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**ORDER RELATING TO STATE'S AND DEFENDANTS'  
PROPOSED JURY INSTRUCTIONS**

**THIS CAUSE**, came on for hearing on the State's and Defendants' Proposed Jury Instructions which the court took under advisement. The court is now fully advised in the matter. Accordingly, with respect to the State's proposed jury instructions relating to the charge of Aggravated Manslaughter of a Person under 18, Manslaughter and Pre-existing Medical Condition and the Defendants' proposed jury instructions relating to Aggravated Manslaughter of a Person under 18, Manslaughter, Excusable Homicide and Foreseeability, the court orders that the following instruction will be given subject to consideration of further argument by the parties:

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18  
§782.07(3) and §827.03(3)**

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

As to (defendant), to prove the crime of Aggravated Manslaughter of a Person Under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The defendant was a caregiver for Martin Lee Anderson
3. Martin Lee Anderson was under the age of 18 years.

*Jrb*

4. The defendant directly and proximately caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms .

“culpable negligence” is defined as follows: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

### **7.7 MANSLAUGHTER § 782.07, Fla.Stat.**

As to (defendant), to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was directly and proximately caused by the culpable negligence of (defendant).

"directly caused the death" means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

"proximately caused the death" means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant's conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

However, the defendant cannot be guilty of manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that

violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

DONE AND ORDERED ON SEPTEMBER 12, 2007.



Michael C. Overstreet, Circuit Judge

Authorities:

**Eversley vs. State of Florida**, 748 So.2d 963 (Fla. 1999)

**Weir vs. State of Florida**, 777 So.2d 1073 (Fla. 4<sup>th</sup> DCA 2001)

CC:

All Counsel for the State

All Counsel for the Defendants

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  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

2007 SEP 19 A 9 10  
HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY FLORIDA

FILED

**STATE'S MOTION FOR IN CAMERA REVIEW  
OF RECORDS UNDER SUBPOENA**

THE STATE OF FLORIDA, by and through the undersigned Assistant State

Attorney, hereby requests the Court to perform an in camera review of records from Life Management Center of Northwest Florida, and in support thereof states the following:

1. On August 30, 2007, pursuant to a motion by the defense, the Court entered an Order for Life Management Center of Northwest Florida to provide medical records for Martin Lee Anderson. At the hearing on August 30, 2007, the State requested the records be provided for in camera review before being provided to the defense or the State. The Court ordered that the records be disclosed directly to the parties, and orally ordered that the records not to be disclosed to any person outside the litigation of this case.

2. The purpose stated for the issuance of the subpoena for records from Life Management Center of Northwest Florida was to discern whether Martin Lee Anderson had been diagnosed with a seizure disorder and prescribed anti-seizure medication.
3. On September 14, 2007, the State was informed by Life Management Center of Northwest Florida that it had provided the records in its possession pertaining to Martin Lee Anderson, except for a record that pertained to Martin Lee Anderson's mother, Gina Williams (now known as Gina Jones). The State has been informed that the records have been provided to attorney Jim White, counsel for defendant Raymond Hauck. The State has been informed that Life Management Center of Northwest Florida has also informed Mr. White about the existence of the record pertaining to Martin Lee Anderson's mother, but has not as yet provided the record to Mr. White.
4. The State has been informed by Life Management Center that the record they have not provided is part of the Martin Lee Anderson chart, but the record does not pertain to any medical condition of Martin Lee Anderson. The record in question is an Adult Adolescent Parenting Profile on Gina Williams, done when Martin Lee Anderson was 4 years old. The record arguably is a psychological/social assessment pertaining to Martin Lee Anderson's mother, and not a medical record pertaining to Martin Lee Anderson.
5. The State has not been provided the record in question. Based on the description provided to the State by Life Management Center, however, the Adult Adolescent Parenting Profile on Gina Williams does not appear to have

any possible relevance to this case. Furthermore, the record does not appear to be a record that pertains to any medical condition of Martin Lee Anderson that was the basis for the Court's order to issue a subpoena.

6. Because the record in question arguably qualifies as a psychological record for someone other than Martin Lee Anderson, and the State has specifically been made aware of this issue, the State feels it is appropriate to renew its request for the Court to conduct an in camera review. Since Life Management Center has already disclosed to the defense all other records in its possession pertaining to Martin Lee Anderson, the only record subject to in camera review would be the Adult Adolescent Parenting Profile on Gina Williams. The State feels that an in camera review of this record would be appropriate to protect the rights of the parties, as well as the rights of Gina Williams (now known as Gina Jones). If the record in question is a psychological record pertaining to Gina Williams, the record is privileged and should not be released to the parties absent compelling reasons to breach the privilege. If the record does not contain any information relevant to the issues in this case, the record should not be released to the parties in this case.

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED], 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; [REDACTED]

327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 17<sup>th</sup> day of September, 2007.

MARK A. OBER  
STATE ATTORNEY



Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #0868523

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

STATE OF FLORIDA,

Plaintiff,

v.

CASE NO. 06-4016 CFMA-H

HENRY DICKENS, et al,

Defendants.

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**ORDER SCHEDULING  
CASE MANAGEMENT and CHARGE CONFERENCE**

**THIS MATTER**, upon the Court's own motion, is hereby scheduled for a case management conference and charge conference on Tuesday, October 2, 2007 at 9:00 a.m., CST before the undersigned, in chambers at the Bay County Courthouse, Panama City, Florida.

**DONE AND ORDERED** this 19 day of September 2007.



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MICHAEL C. OVERSTREET  
Circuit Judge

cc: All Counsel (via fax except Crawford)  
Hoot Crawford, Esq. (via interoffice mail)

HAROLD BAZZEL  
CLERK, CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 SEP 20 A 11:05

FILED

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

FILED

2007 SEP 20 A 11:04

STATE OF FLORIDA,

Plaintiff,

Case No.: 06-4016

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

HENRY MCFADDEN, JR

06-4016CFMF

KRISTIN SCHMIDT

06-4016CFMG

JOSEPH WALSH

06-4016CFMH

Defendant.

**MOTION FOR DEFENDANTS' PROPOSED JURY INSTRUCTION ON THE  
LESSER INCLUDED OFFENSE OF "CULPABLE NEGLIGENCE"**

All Defendants jointly object to the Court's September 12<sup>th</sup>, 2007 Order Granting the State's Special Requested Jury Instruction which included the non-homicide lesser of "neglect of a child". All Defendants jointly respectfully request that this Honorable Court recognize the Defendants standing objection to the inclusion of this lesser included offense. However, if the Court is determined to allow this lesser included offense, then the Defense would respectfully request the following lesser included offense of "culpable negligence":

The State's instruction on "neglect of a child", was cited by the State under Section 827.03(3)(c) Florida Statute. There is no category one lesser to the offense of "neglect of a child" under the standard jury instruction, however there is a category two lesser of "culpable negligence" pursuant to Florida Statute 784.05(1). Based on the facts of this case the misdemeanor offense of "culpable negligence" would be a proper instruction as a lesser included offense to the charge of "neglect of a child" under Section 827.03(3)(c) Florida Statutes. Therefore, if a jury is to consider the elements required under the "neglect of a child" instruction it would be proper to instruct the jury on the lesser included offense of "culpable negligence".


“Culpable negligence” under Section 784.05(1) reads as follows:

*“Whoever, through culpable negligence, exposes another person to personal injury, commits a misdemeanor of the second degree”*

Neither the “neglect of a child” instruction nor “culpable negligence” instruction requires death of the victim as an element. The Florida Standard Jury Instructions on “neglect of a child” is attached hereto as Exhibit “A” to show the category two lesser of “culpable negligence” as a lesser to that charge. Exhibit “B” which is attached hereto is Florida Standard Jury Instruction 8.9 for the misdemeanor offense of “culpable negligence” pursuant to Section 784.05(1) Florida Statutes.

WHEREFORE the Defendant’s jointly request this Court to include “culpable negligence” as a lesser included offense to the crime charged by the State in light of the Court’s decision to allow “neglect of a child” as a lesser included offense.

I HEREBY CERTIFY that a copy of the foregoing Defendant’s Witness List has been furnished to Honorable Michael C. Sinacore, State Attorney, 800 E. Kennedy Blvd 3<sup>rd</sup> Floor., Tampa, Florida 33602, by facsimile this 28th day of August, 2007.

  
\_\_\_\_\_  
Robert S. Sombathy, Esq.  
Florida Bar No.: 0971870  
Isler, Sombathy & Sombathy, P.A.  
Post Office Box 430  
Panama City, FL 32402  
(850) 769-5532

ATTORNEY FOR DEFENDANT

Westlaw.

Page 1

West's F.S.A. Std.Crim.Jury Instr., 16.6

West's Florida Statutes Annotated Currentness  
 Florida Standard Jury Instructions in Criminal Cases (Refs & Annos)  
 Part Two: Instructions on Crimes  
 16. Child Abuse

## →16.6. NEGLECT OF A CHILD

§ 827.03(3)(c), Fla.Stat.

(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)

To prove the crime of neglect of a child, the state must prove the following three elements beyond a reasonable doubt:

## 1. (Defendant)

*Give as applicable*

- a. [willfully] [by culpable negligence] failed or omitted to provide (victim) with the care, supervision, and services necessary to maintain (victim's) physical or mental health
- b. failed to make a reasonable effort to protect (victim) from abuse, neglect, or exploitation by another person.

## 2. (Defendant) was a caregiver for (victim).

## 3. (Victim) was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

*Definition: Give in all cases*

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

*Definition: Give if applicable*

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily harm.

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West's F.S.A. Std.Crim.Jury Instr., 16.6

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**Lesser Included Offenses**

-----			
NEGLECT OF A CHILD--827.03 (3) (c)			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
-----			
None			
-----			
	Culpable negligence	784.05	8.9
-----			

---

**COMMENT**

2006 Main Volume

This instruction was adopted in June 2002.

West's F. S. A. Std. Crim. Jury Instr., 16.6, FL ST CR JURY INST 16.6

Current with amendments received through 7/12/07

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END OF DOCUMENT

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Page 1

West's F.S.A. Std.Crim.Jury Instr., 8.9

West's Florida Statutes Annotated Currentness  
 Florida Standard Jury Instructions in Criminal Cases (Refs & Annos)  
 Part Two: Instructions on Crimes  
 8. Assault and Battery

## →8.9. CULPABLE NEGLIGENCE

§ 784.05, Fla.Stat.

To prove the crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. (Defendant)

*Give 1a or 1b as applicable*

a. [exposed (victim) to personal injury].

b. [inflicted actual personal injury on (victim)].

2. [He] [She] did so through culpable negligence.

*Give if 1a alleged*

Actual injury is not required.

*Definition*

I will now define "culpable negligence" for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard for human life, or for the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard for the safety and welfare of the public, or shows such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

---

 Lesser Included Offenses

---

 CULPABLE NEGLIGENCE--784.05(2)
 

---

CATEGORY ONE

CATEGORY TWO

FLA. STAT.

INS. NO.

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

STATE OF FLORIDA,

Plaintiff,

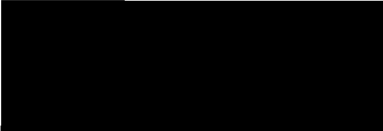
vs.

Case No.: 06-4016CFMC

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 SEP 20 A 11:04

FILED



**MOTION FOR ORDER TO AUTHORIZING DEFENSE ATTORNEY TO  
RETAIN EXPERT FOR TRIAL**

COMES NOW the undersigned counsel and files herein this Motion for an Order  
Authorizing Defense Attorney to Retain Expert for Trial on behalf of the Defendant,



grounds will show;

1. This motion is filed pursuant to Section 26(B) of the Fourteenth Judicial Circuit Indigent Services Committee Guidelines. The Guidelines require the Court to pre-approve any requested expert witness fees which exceed a total of \$1,500.00.
2. The State has disclosed eight expert witnesses to attempt to establish their case in chief against of the defendants. In response to the State's expert witnesses, the Defendants, collectively and individually, made the decision to contact and retain Dr. E.R. Eichner, M.D. located out of the University of Oklahoma. In an attempt to control expert costs, Assistant Public Defender Walter Smith through his office has tried to provide the financial means to hire Dr. Eichner in preparation for trial. The office of the Public Defender has had to divert funds from their own budget to thus far pay for the services of Dr. Eichner. The office of the Public Defender is at a point now where they are seeking assistance in paying for Dr. Eichner's

testimony at trial. All of the Defendants, collectively and individually are relying on the testimony of Dr. Eichner at the trial in this case.

3. The other Defendants listed in this case do not have the financial means to pay for costs of covering Dr. Eichner's testimony here in Bay County as they have already allocated funds towards Dr. Eichner's transportation costs and lodging while in Bay County. Defendant, [REDACTED] does hereby move this Honorable Court for an Order Authorizing Payment to Dr. Eichner as an expert witness for trial in this matter.
4. Dr. Eichner's estimated bill for the time spent here in Bay County for preparing and testifying in Court is approximately 12 hours or \$6,600.00 (email attached hereto as Exhibit "A").
5. In order to provide the Defendant with a full and fair opportunity to present his case, the authorization to retain Dr. Eichner as an expert for trial is critical to achieve this. The Defendant has been declared indigent and would also respectfully requests that the costs for such expert services shall be borne by the State of Florida.

WHEREFORE, the Defendant respectfully requests this Honorable Court to enter into an Order authorizing the undersigned attorney to retain Dr. Eichner as an expert for trial in this matter.

I HEREBY CERTIFY that a copy of the foregoing Notice of Appearance has been furnished to Honorable Michael C. Sinacore, State Attorney, 800 E. Kennedy Blvd 3<sup>rd</sup> Floor., Tampa, Florida 33602, by regular U.S. mail this 19<sup>th</sup> day of September, 2007.

Respectfully Submitted,



---

Robert S. Sombathy, Esq.  
Florida Bar No.: 0971870  
Isler, Sombathy & Sombathy, P.A.  
Post Office Box 430  
Panama City, FL 32402  
(850) 769-5532

ATTORNEY FOR DEFENDANT

**Prows, Melodye**

---

**From:** E R Eichner [Reichner1@cox.net]  
**Sent:** Monday, September 03, 2007 11:09 AM  
**To:** Prows, Melodye  
**Subject:** Eichner trip

Melodye - You ask for info on my billing and hotel choice. Marriott at Bay Point sounds great, my first choice. If that is full, the town Wingate is fine.

As for billing, I will be away from my "workstation" for about 2 1/2 days and miss my weekly athlete's clinic, which is every Wednesday.

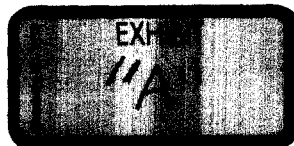
Hmm...my hourly rate is \$550 and I don't up it for depositions or court. I saved you > \$1,000 by flying Economy. And I won't bill anything for travel time (saves you more). You pay trip costs (airfare, taxis, hotel, meals).

Hours? I think fair to bill an 8-hour day for the 11th. And up to 4 hours prep time, re-reading parts of the file and expert statements and depositions. (BTW, I have not seen my deposition, to "read and sign" and fix typos, even though your NewsHerald cited it and Abbie Vansickle at SP Times called me about it last week - I didn't return her calls.)

So I will bill 12 hours (maybe slightly less), or \$6,600.

Thanks for your help, Melodye.

Sincerely,  
Randy E.



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

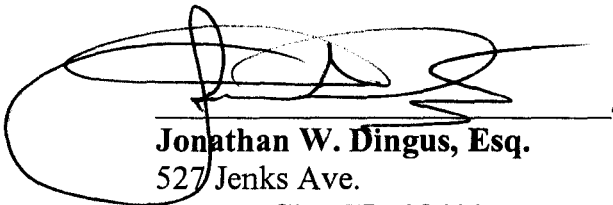
**Robert Pell, Esq.**  
514 Magnolia Ave.  
Panama City, FL 32401

**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**

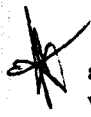
A separate crime is charged in each [count of the information] [indictment] [information] and, although they have been tried together, each crime and the evidence applicable to it must be considered separately and a separate verdict returned as to each. A finding of guilty or not guilty as to one crime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

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

FILED

2007 SEP 21 A 11: 48

STATE OF FLORIDA,

Plaintiff,

Case No.: 06-4016

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS  
CHARLES ENFINGER

RAYMOND HAUCK

HENRY MCFADDEN, JR  
KRISTIN SCHMIDT  
JOSEPH WALSH

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMF

06-4016CFMG

06-4016CFMH

Defendant.

---

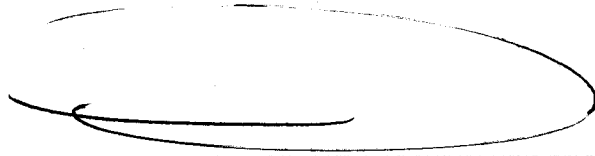
**ORDER GRANTING DEFENDANTS' MOTION FOR THE JURY  
INSTRUCTION ON THE LESSER CHARGE OF "CULPABLE NEGLIGENCE"**

This Court being fully advised and having reviewed the Defendants' Motion and the heard the State's response does hereby **GRANT** the Defendants' motion for a standing and continuing objection to the Court's prior ruling allowing the State's requested instruction on the lesser charge of "neglect of a child". The Court acknowledges that the Defense request for the lesser charge of "culpable negligence" does not waive the Defendants' objection to the Court's inclusion of any non-homicide lesser.

It is hereby **ORDERED** and **ADJUDGED** that pursuant to the Defendant's standing objection to non-homicide lesser included offenses, the Court nevertheless **GRANTS** the Defendants' motion to include the second degree misdemeanor charge of "culpable negligence" as a lesser charge in this case.



**DONE AND ORDERED** at the Bay County Courthouse, Panama City, Florida,  
this 21 day of September, 2007.




**HONORABLE MICHAEL OVERSTREET**  
**CIRCUIT JUDGE**

Copies furnished to:

Honorable Michael Sinacore, Assistant State Attorney

Robert S. Sombathy, Attorney for Patrick Garrett

James H. White, Attorney for Raymond Hauck

  
Jonathan Dingus, Attorney for Henry McFadden, Jr.

Robert Pell, Attorney for Joseph Walsh

Ashley Benedict, Attorney for Kristen Schmidt

Hoot Crawford, Attorney for Henry Dickens

Walter Smith, Attorney for Charles Enfinger

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

2007 SEP 21 A 11: 48

STATE OF FLORIDA,  
Plaintiff,

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

v.

Case Nos.:

HENRY DICKENS,  
CHARLES ENFINGER,  
[REDACTED]  
RAYMOND HAUCK,  
[REDACTED]  
HENRY MCFADDEN, JR.,  
KRISTIN SCHMIDT,  
JOSEPH WALSH II,  
Defendants.

06-4016CFMA  
06-4016CFMB  
[REDACTED]  
06-4016CFMD  
[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

---

**TRIAL MANAGEMENT ORDER**

A prejudicial exhibition of emotion may deprive a defendant of a fair trial. *Buckner v. State*, 714 So.2d 384 (Fla. 1998). It is the duty of this Court to protect the due process rights of the Defendants in this case under the Sixth and Fourteenth Amendments to the U.S. Constitution, and to protect the right of the people of the State of Florida to a trial by a panel of impartial, indifferent jurors whose verdict is based solely upon the evidence developed at the trial. It is the further duty of the Court to safeguard against the intrusion of factors into the trial process tending to subvert this purpose. *See Woods v. Dugger*, 923 F.2d 1454 (U.S. 11<sup>th</sup> Cir. 1991) (citing *Irvin v. Dowd*, 366 U.S. 717 (1961) and *Estes v. Texas*, 381 U.S. 532 (1965) (Warren, C.J., concurring)). To that end,

It is hereby **ORDERED AND ADJUDGED**:

- (1) That no one in the courtroom shall wear any shirts, buttons, ribbons, or other attire reflecting a bias for or against either the State, the victim, the Defendants in this case, or law enforcement in general. *E.g., Bell v. State*, --- So.2d ----, 32 Fla. L. Weekly S307 (Fla. June 7, 2007) (upholding a defendant's conviction where a spectator wore a t-shirt with the victim's photograph on it during the voir dire proceeding only because the prospective jurors said that they did not know who the person in the photograph was and that having seen it briefly would not affect their verdict); *Pozo v. State*, --- So.2d ----, 32 Fla. L. Weekly D1985 (Fla. 4<sup>th</sup> DCA Aug. 8, 2007) (in a case of vehicular homicide where the victim was the daughter of a law enforcement officer, the Court remanded for inquiry of jurors as to whether the presence of many uniformed law enforcement

officers in the gallery, in violation of a pretrial order precluding spectators from wearing buttons or t-shirts reflecting a bias for or against the state or the victim, may have influenced their verdict); and

- (2) That all attorneys in the case are subject to the same restrictions as the general public, and shall not wear any attire outlined above; nor shall they wear any attire advertising their businesses or profession. *See Sandstrom v. State*, 309 So.2d 17 (Fla. 4<sup>th</sup> DCA 1975) (holding that the judicial branch has the inherent power to regulate the professional conduct of all lawyers, and that a trial judge has the authority to impose dress requirements upon lawyers appearing before him/her in judicial proceedings).

This order applies both to the jury selection proceeding and to the trial itself.

**DONE AND ORDERED** in Panama City, Bay County, Florida, this 21st day of September 2007.

A large, stylized handwritten signature in black ink, consisting of a long horizontal stroke with a large loop at the end and a smaller loop at the beginning.

**HONORABLE MICHAEL C. OVERSTREET,  
CIRCUIT JUDGE**

**Service List:**

**Ashley S. Benedik**

Attorney At Law  
1004 Jenks Avenue  
Panama City, FL 32401

**Hoot Crawford**

Attorney at Law  
P.O. Box 1103  
Panama City, FL 32402

**Jonathan Dingus**

Attorney at Law  
527 Jenks Avenue  
Panama City, FL 32401

**Waylon Graham**

Attorney at Law  
P.O. Box 327  
Panama City, FL 32402

**Robert A. Pell**

Attorney at Law  
514 Magnolia Avenue  
Panama City, FL 32401

**Robert S. Sombathy**

Attorney at Law  
434 Magnolia Avenue  
Panama City, FL 32401

**Walter Smith**

Assistant Public Defender  
P.O. Box 580  
Panama City, FL 32402

**James H. White, Jr.**

Attorney at Law  
229 McKenzie Avenue  
Panama City, FL 32401

**Michael C. Sinacore**

Assistant State Attorney  
800 East Kennedy Blvd., 3<sup>rd</sup> Floor  
Tampa, FL 33602-4148

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  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMF

06-4016CFMG

06-4016CFMH

**STATE'S AMENDMENTS TO TRIAL WITNESS LIST**

THE STATE OF FLORIDA, hereby provides the following amendments to the  
State's Trial Witness List submitted on July 6, 2007:

Additional Witnesses:

Bethany Harris  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, FL 32401

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 SEP 24 A 9:51

FILED

Removed Witnesses:

Steve Martin  
8513 Adirondack Trail  
Austin, Texas 78759

Dr. Martin Steinberg  
Center of Excellence in Sickle Cell Disease  
Boston Medical Center  
88 E. Newton Street  
Boston, MA 02118

Becky Johns  
Records Custodian  
Bay County Sheriff's Office  
3421 N. Hwy. 77  
Panama City, FL 32405

Ingrid Dieudonne  
Records Custodian  
Bay Medical Center  
615 North Bonita Avenue  
Panama City, FL 32405

Allison Turner  
Records Custodian  
Sacred Heart Hospital  
5151 N. 9<sup>th</sup> Avenue  
Pensacola, FL 32504

Lt. Karen De Marchi  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, FL 34994

Capt. Lloyd Jones  
Martin County Sheriff's Office  
800 SE Monterey Road  
Stuart, FL 34994

Lt. Kimberly Klein  
Pinellas County Sheriff's Office  
14400 49<sup>th</sup> Street N  
Clearwater, FL 33762

Lt. Michael Allen  
Polk County Sheriff's Office  
455 N. Broadway Avenue  
Bartow, FL 33830

Anthony Schembri  
562 San Remo Circle  
Inverness, FL 34450

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

2001 SEP 24 A 9:51

FILED

Richard Kline  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Building  
Tallahassee, FL 32399

Beth Carr  
Department of Juvenile Justice  
505 East 11<sup>th</sup> Street  
Panama City, FL 32401

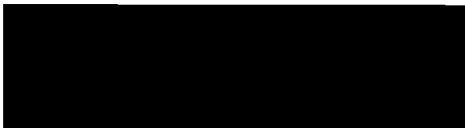
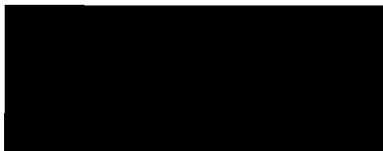
Brian Berkowitz  
Department of Juvenile Justice  
2737 Centerview Drive  
Knight Building  
Tallahassee, FL 32399

Sgt. Robert Bowden  
Manatee County Sheriff's Office  
14490 Harlee Road  
Palmetto, FL 34221

Gloria Porter  
State Attorney's Office  
800 E. Kennedy Blvd.  
Tampa, FL 33602

David Hathaway  
Honeywell NASA Marshall Space Flight Center  
P.O. Box 240011  
Huntsville, AL 35824

Christopher Hood  
Honeywell NASA Marshall Space Flight Center  
P.O. Box 240011  
Huntsville, AL 35824



HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

2001 SEP 24 A 9 31


FILED



Note: The removal of some witnesses previously listed is based in whole or part on the stipulations agreed upon by the State and Defense, including stipulations of specific facts, stipulations of admissibility of exhibits, and the stipulation that all materials provided in discovery by either the State or Defense is authentic and does not need to be authenticated at trial. The State of Florida reserves the right not to call any witness listed, the right to produce testimony from any additional witnesses provided in the discovery filed by the State in this cause, and the right to call witnesses not listed on the State's Trial Witness List as needed in rebuttal.

HAROLD BAZZELL  
 CLERK CIRCUIT COURT  
 BAY COUNTY, FLORIDA  
 2001 SEP 24 A 9:51

FILED

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; 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;  327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell,



attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City,  
Florida 32401, via hand delivery, on this 24th day of September, 2007.

MARK A. OBER  
STATE ATTORNEY



Michael C. Sinacore  
Assistant State Attorney  
Florida Bar #0868523

**FILED**

2007 SEP 24 A 9:51

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

CIRCUIT COURT MINUTES

DATE 9/24/07

TIME 8:56 am

PRESIDING JUDGE Michael C. Overstreet

CLERK PRESENT J. Gilpin & A. Wester

COURT REPORTER PRESENT S. Diltz

STATE OF FLORIDA  
VS

[REDACTED]  
Kristin Schmiot  
[REDACTED]

ATTORNEYS PRESENT  
FOR STATE Mark Ober  
FOR DEFENDANT W. Smith

Henry Dickens  
Charles Einfinger  
Raymond Hauck Joseph Walsh

H. Crawford  
S. Sombathuy  
J. White  
W. Graham  
J. Dingus  
A. Stone  
R. Pell

CASE NUMBER 06-4016 CFMA - CFMH

CHARGE Agg. Manslaughter of a child

- 8:56 am - Court in session
- 8:58 am - Juror 115 called - Jason Creamer - accepted
- 8:59 am - Defense voir dices - B. Sombathuy
- 9:00 am - State voir dices
- 9:01 am - Juror 80 called - Violet Watkins - accepted
- 9:01 am - State voir dices
- 9:02 am - Juror 145 called - Butch Gwirey - accepted
- 9:02 am - Defense voir dices - A. Stone
- 9:03 am - State voir dices
- 9:04 am - Juror 164 called - John Cox - accepted
- 9:05 am - Defense voir dices - W. Graham
- 9:06 am - State voir dices
- 9:07 am - Juror 70 called - Vivians Brinson - accepted
- 9:07 am - Defense voir dices - B. Sombathuy
- 9:08 am - State voir dices
- 9:08 am - Juror 63 called - Latasha Franklin - accepted
- 9:09 am - State voir dices
- 9:10 am - Defense voir dices - W. Graham
- 9:11 am - Def mtn to reject juror - denied

9:12 am - Juror 102 called - Katherine Weckhard - accepted

9:12 am - Defense voir dire's - H. Crawford

9:13 am - State voir dire's

9:14 am - Juror 43 called - Carol Henry - accepted

9:14 am - State voir dire's

9:15 am - Defense with to dismiss juror - denied

9:15 am - Defense voir dire's - B. Sombathing

9:15 am - Juror 139 called - Kathleen Swaine - accepted

9:16 am - Defense voir dire's - J. White

9:17 am - State voir dire's

9:18 am - Juror 78 called - Sandra Oitz - accepted

9:19 am - State voir dire's

9:21 am - Juror 126 called - Erica Bond - not accepted

9:21 am - Defense voir dire's - W. Smith

9:23 am - State voir dire's

9:24 am - Defense with to dismiss juror - granted

9:24 am - Juror 16 called - William Tucker - accepted

9:24 am - State voir dire's

9:29 am - Juror 180 called - Heather Phillips - accepted

9:29 am - State voir dire's

9:31 am - Juror 38 called - John Baker - accepted

9:31 am - Defense voir dire's - J. Diquis

9:33 am - Juror 4 called - Winifred Essma - accepted

9:33 am - State voir dire's

9:34 am - Defense voir dire's - W. Graham

9:35 am - Juror 127 called - Jeanette Stansberry - accepted

9:35 am - Defense voir dire's - B. Sombathing

9:36am - State voir dire  
9:37am - Juror 42 called - Robert Briggs - accepted  
9:37am - State voir dire  
9:38am - Juror 11 called - Georgia Weaver - accepted  
9:39am - Defense voir dire - A. Stone  
9:42am - The Judge voir dire  
9:43am - Defense voir dire - B. Sombathiy - J. Dingus  
9:44am - State voir dire  
9:44am - Defense voir dire - B. Sombathiy  
9:45am - Juror 185 called - Hope Guthrie - accepted  
9:45am - Defense voir dire - W. Graham  
9:46am - Juror 9 called - Tracey Liefman - accepted  
9:46am - State voir dire  
9:48am - Juror 152 called - Sharon Smith - accepted  
9:48am - Defense voir dire - B. Sombathiy  
9:50am - State voir dire  
9:51am - Defense voir dire - W. Graham  
9:51am - Juror 69 called - Michael Crider - accepted  
9:52am - State voir dire  
9:53am - Juror 103 called - Elias Fernandez - accepted  
9:53am - Defense voir dire - H. Crawford  
9:54am - Juror 99 called - Jenny Hudson - accepted  
9:54am - State voir dire  
9:56am - Court in recess until 10:10am  
9:11am - Court in session  
10:11am - Juror 159 called - Michelle Frick - accepted  
10:12am - State voir dire

10:15 am - Juror 190 called - Nancy Hicks - accepted  
10:15 am - Defense voir dire - J. White  
10:20 am - Juror 45 called - Michelle Houser - accepted  
10:20 am - State voir dire  
10:22 am - Juror 89 called - Linda Burg. - accepted  
10:22 am - Defense voir dire - W. Smith  
10:24 am - State voir dire  
10:25 am - Juror 3 called - Terry Cross - accepted  
10:26 am - State voir dire  
10:27 am - Juror 124 called - Stanley Montney - accepted  
10:27 am - Defense voir dire - J. Dingus  
10:29 am - State voir dire  
10:29 am - Juror 64 called - Donna Statcott - accepted  
10:30 am - State voir dire  
10:31 am - Juror 46 called - John Hardenburg - not accepted  
10:31 am - Defense voir dire - R. Pell  
10:32 am - State mtn to dismiss juror - granted  
10:32 am - Juror 6 called - Megan McDonald - not accepted  
10:33 am - State voir dire  
10:35 am - Def & State mtn. to dismiss juror - granted  
10:36 am - Juror 7 called - Steven Crase -  
10:37 am - Defense voir dire - A. Stone  
10:39 am - Def & State mtn. to dismiss juror - granted  
10:39 am - Juror 10 called - Labrena Sims - not accepted  
10:39 am - State voir dire  
10:40 am - Def & State mtn. to dismiss juror - granted  
10:40 am - Juror 13 called - Dianna Riddle - accepted

10:40 am - Defense voir dire - W. Graham  
10:42 am - State voir dire  
10:43 am - State mtn to dismiss juror - denied  
10:43 am - Defense voir dire - J. Dingus  
10:44 am - Juror 14 called - Todd McVey - not accepted  
10:44 am - State voir dire  
10:44 am - State mtn to dismiss juror - granted  
10:45 am - Juror 20 called - Victoria Fugner - accepted  
10:45 am - Defense voir dire - B. Sombathong  
10:46 am - State voir dire  
10:46 am - Juror 27 called - Danny Summer - not accepted  
10:47 am - State voir dire  
10:48 am - Def mtn to dismiss juror - granted  
10:48 am - Juror 28 called - Larry Frazee - not accepted  
10:49 am - Defense voir dire - H. Crawford  
10:50 am - Def mtn to dismiss juror - granted  
10:50 am - State voir dire  
10:51 am - Juror 35 called - Richard Ferrick - accepted  
10:51 am - State voir dire  
10:53 am - Juror 37 called - Richard Godfrey - not accepted  
10:53 am - Defense voir dire - J. White  
10:57 am - State voir dire  
10:57 am - Def mtn to dismiss juror - granted  
10:57 am - Juror 41 called - Donald Mull - not accepted  
10:58 am - State voir dire  
11:00 am - Def mtn to dismiss juror - granted  
11:00 am - Juror 49 called - Richard Lind - not accepted

11:01 am - Defense voir dices - W. Smith  
11:03 am - Def mtn to dismiss juror - granted  
11:03 am - Juror 50 called - Roxane Murch - Not accepted  
11:04 am - State voir dices  
11:05 am - State mtn to dismiss juror - granted  
11:05 am - Defense voir dices - J. White  
11:07 am - Juror 53 called - Jane Hallman - accepted  
11:07 am - Defense voir dices - J. Dingus  
11:09 am - State voir dices  
11:13 am - Defense voir dices - R. Pell  
11:14 am - State mtn to dismiss juror - denied  
11:14 am - Juror 54 called - Katherine Morris - Not accepted  
11:14 am - State voir dices  
11:16 am - States mtn to dismiss juror - granted  
11:16 am - Juror 61 called - Ruby Taylor - accepted  
11:17 am - State voir dices  
11:17 am - Defense voir dices - R. Pell  
11:17 am - Juror 67 called - Ricky Garner - Not accepted  
11:18 am - State voir dices  
11:19 am - Def mtn to dismiss juror - granted  
11:19 am - Juror 73 called - Edie Lane - Not accepted  
11:19 am - Defense voir dices - A. Stone  
11:25 am - State voir dices  
11:25 am - State mtn to dis  
11:25 am - Juror 76 called - Jessica Piper - accepted  
11:26 am - State voir dices  
11:27 am - Juror 83 called - Jennifer Hicks - accepted

- 11:27 am - Defense voir dices - W. Graham
- 11:28 am - Def mtn to dismiss juror - denied
- 11:28 am - Juror 85 called - Ian Owens - not accepted
- 11:29 am - State voir dices
- 11:30 am - Def mtn to dismiss juror - granted
- 11:30 am - Juror 86 called - Opal Walker - not accepted
- 11:31 am - Defense voir dices - R. Sombathy
- 11:32 am - Def mtn to dismiss juror - granted
- 11:32 am - Juror 90 called - Ronald Pitt - not accepted
- 11:32 am - State voir dices
- 11:34 am - State's mtn to dismiss juror - granted
- 11:34 am - Defense voir dices - H. Crawford
- 11:35 am - Juror 95 called - Shawn Brown - accepted
- 11:35 am - Defense voir dices - H. Crawford
- 11:37 am - State voir dices
- 11:39 am - Defense voir dices - H. Crawford
- 11:40 am - State voir dices
- 11:40 am - State mtn to dismiss juror - denied
- 11:40 am - Juror 96 called - Eric Morehead - not accepted
- 11:41 am - State voir dices
- 11:44 am - Defense voir dices - R. Pell
- 11:45 am - State mtn to dismiss juror - granted
- 11:45 am - Juror 97 called - Barbara Kyser - accepted
- 11:45 am - Defense voir dices - J. White
- 11:46 am - State voir dices
- 11:47 am - Juror 106 called - Martie Slocumb - not accepted
- 11:47 am - State voir dices
- 11:49 am - Def mtn to dismiss juror - granted



- 11:50 am - Juror 114 called - Jennifer Butler - accepted
- 11:50 am - Defense voir dices - W. Smith
- 11:52 am - State voir dices
- 11:54 am - Defense voir dices - A. Stone
- 11:55 am - Juror 116 called - Thomas Kinnear - accepted
- 11:55 am - State voir dices
- 12:01 pm - Court in recess until 1 pm
- 1:02 pm - Court in session
- 1:02 pm - Juror 122 called - Cynthia Kleypas - not accepted
- 1:02 pm - State voir dices
- 1:06 pm - Defense voir dices - H. Crawford
- 1:06 pm - State mtn to dismiss jurors - granted
- 1:07 pm - Juror 123 called - Sandra Robinson - accepted
- 1:07 pm - Defense voir dices - R. Pell
- 1:08 pm - Juror 149 called - April Johnson - not accepted
- 1:08 pm - State voir dices
- 1:10 pm - Def mtn to dismiss juror - granted
- 1:10 pm - Juror 151 called - Otis McGrew - accepted
- 1:11 pm - Defense voir dices - A. Stone
- 1:14 pm - Juror 160 called - Jimmy Pope - not accepted.
- 1:14 pm - State voir dices
- 1:15 pm - Defense mtn to dismiss juror - granted
- 1:15 pm - Juror 169 called - Michael Cantrell - not accepted
- 1:16 pm - Defense voir dices - W. Graham
- 1:17 pm - State mtn to dismiss juror - granted
- 1:17 pm - Juror 175 called - Violet Redden - accepted
- 1:18 pm - State voir dices

- 1:20 pm - Juror 191 called - Jean Mazur - Not accepted
- 1:20 pm - Defense voir dire - R. Sambathay
- 1:22 pm - The judge dismisses the juror
- 1:22 pm - Juror 196 called - Chad Shramek - Not accepted
- 1:23 pm - State voir dire
- 1:25 pm - Defense mtn to dismiss juror - granted
- 1:26 pm - Juror 198 called - Margie Watford - accepted
- 1:26 pm - Defense voir dire - H. Crawford
- 1:27 pm - State voir dire
- 1:28 pm - Court in recess - last of am jurors
- 2:43 pm - Court in session
- 2:44 pm - The judge addresses the jurors
- 2:45 pm - Juror 182 called - Meghan Grimstey - accepted
- 2:45 pm - State voir dire
- 2:46 pm - Defense voir dire - W. Graham
- 2:47 pm - Juror 117 called - Pao Lin - Not accepted
- 2:48 pm - Defense voir dire - R. Pell
- 2:48 pm - State mtn to dismiss juror - granted
- 2:48 pm - Juror 173 called - Wesley Goeden - accepted
- 2:49 pm - State voir dire
- 2:50 pm - Juror 57 called - Karri Bisbee - accepted
- 2:50 pm - Defense voir dire - A. Stone
- 2:51 pm - State voir dire
- 2:54 pm - Juror 125 called - Jeffrey Almond - accepted
- 2:54 pm - State voir dire
- 2:57 pm - Juror 176 called - Roger Melvin - accepted
- 2:58 pm - Defense voir dire - W. Graham

- 2:59 pm - State voir dire's
- 2:59 pm - Juror 70 called - Kerry Cole - accepted
- 3:00 pm - State voir dire's
- 3:02 pm - Juror 200 called - Ledue Moore - accepted
- 3:02 pm - Defense voir dire's - R. Sombathing
- 3:03 pm - Juror 58 called - Brian Cahill - accepted
- 3:04 pm - State voir dire's
- 3:05 pm - Juror 184 called - Jeanne Brookhouse - accepted
- 3:05 pm - State voir dire's
- 3:08 pm - Juror 194 called - Aline Tyson - accepted
- 3:08 pm - Defense voir dire's - H. Crawford
- 3:09 pm - State voir dire's
- 3:11 pm - Juror 185 called - Mark Young - accepted
- 3:11 pm - State voir dire's
- 3:14 pm - Juror 113 called - Donald Green - accepted
- 3:15 pm - Defense voir dire's - J. White
- 3:16 pm - Juror 193 called - Teresa Stephens - accepted
- 3:17 pm - State voir dire's
- 3:18 pm - Juror 12 called - Randy Steigler - accepted
- 3:18 pm - State voir dire's
- 3:23 pm - Juror 110 called - William Middleton - accepted
- 3:23 pm - Defense voir dire's - W. Smith
- 3:24 pm - Juror 32 called - James Williamson - accepted
- 3:25 pm - State voir dire's
- 3:27 pm - Juror 61 called - John Shields - accepted
- 3:27 pm - State voir dire's
- 3:28 pm - Juror 23 called - Shannon Parker - accepted

- 3:29 pm - Defense voir dire - J. Dingus
- 3:29 pm - State voir dire
- 3:30 pm - Juror 45 called - Donna Jacobs - accepted
- 3:30 pm - State voir dire
- 3:32 pm - Juror 101 called - Debra Brandan - accepted
- 3:33 pm - Defense voir dire - R. Pell
- 3:34 pm - State voir dire
- 3:35 pm - Defense voir dire - R. Sombathuy
- 3:37 pm - Juror 122 called - Glenda Sly - not accepted
- 3:37 pm - State voir dire
- 3:37 pm - Defense mtn to dismiss juror - granted
- 3:38 pm - Juror 181 called - Jackie Arnold - not accepted
- 3:38 pm - Defense voir dire - A. Stone
- 3:41 pm - State voir dire
- 3:42 pm - Juror 64 called - Ollie Bright - accepted
- 3:43 pm - State voir dire
- 3:43 pm - Defense voir dire - R. Sombathuy
- 3:44 pm - Juror 87 called - Wendy Lazaro - accepted
- 3:44 pm - Defense voir dire - W. Graham
- 3:46 pm - State voir dire
- 3:46 pm - Juror 33 called - Katherine Lawson - accepted
- 3:47 pm - State voir dire
- 3:48 pm - Defense voir dire - W. Graham
- 3:49 pm - Juror 22 called - Angelia Musson - accepted
- 3:49 pm - State voir dire
- 3:51 pm - Juror 3 called - Alexander Harris - accepted
- 3:51 pm - Defense voir dire - R. Sombathuy

3:54 pm - State voir dire  
3:54 pm - Juror 81 called - Bruce Woolum - accepted  
3:55 pm - State voir dire  
3:56 pm - Juror 109 called - Chauncey Kan - accepted  
3:56 pm - Defense voir dire - H. Crawford  
3:58 pm - State voir dire  
4:00 pm - Juror 138 called - Pamela Schaefer - accepted  
4:01 pm - Defense voir dire - J. White  
4:03 pm - Juror 11 called - Gregory Nichols - accepted  
4:04 pm - State voir dire  
4:05 pm - Juror 155 called - Nathaniel Harris - accepted  
4:06 pm - Defense voir dire - W. Smith  
4:09 pm - Juror 163 called - James Morris - accepted  
4:09 pm - State voir dire  
4:10 pm - Juror 1 called - Susan Vaccaro - accepted  
4:11 pm - Defense voir dire - J. Dingus  
4:15 pm - Juror 18 called - Gregory Burnside - accepted  
4:15 pm - State voir dire  
4:17 pm - Juror 130 called - David Rudd - accepted  
4:17 pm - Defense voir dire - R. Pell  
4:19 pm - State voir dire  
4:20 pm - Juror 54 called - Christie Sexton - Not accepted  
4:21 pm - State voir dire  
4:23 pm - Defense voir dire - R. Sambathiy  
4:24 pm - Defense mtn to dismiss juror - granted  
4:24 pm - Juror 177 called - Carol Holmes - Not accepted  
4:24 pm - Defense voir dire - A. Stone

4:26 pm - State voir dire  
4:27 pm - State's mtn to dismiss juror - granted  
4:27 pm - Defense voir dire - H. Crawford  
4:28 pm - State voir dire  
4:29 pm - Court in recess for 10 min  
4:43 pm - Court in session  
4:44 pm - Juror 37 called - Roger Rhodes - accepted  
4:44 pm - Defense voir dire - W. Graham  
4:46 pm - State voir dire  
4:47 pm - State's mtn to dismiss juror - denied  
4:47 pm - Defense voir dire - H. Crawford & R. Bell  
4:47 pm - State voir dire  
4:50 pm - The Judge talks w/ Attny's about last motion  
4:55 pm - Juror 41 called - Angela Hollinger - not accepted  
4:55 pm - State voir dire  
4:56 pm - Defense mtn to dismiss juror - granted  
4:56 pm - Juror 53 called - Billie Parrott - not accepted  
4:56 pm - Defense voir dire - R. Sombathing  
4:57 pm - Def & State mtn to dismiss juror - granted  
4:57 pm - Juror 56 called - William Etchells - not accepted  
4:58 pm - State voir dire  
5:03 pm - State mtn to excuse juror - granted  
5:03 pm - Juror 63 called - Ronnie Mathis - not accepted  
5:03 pm - Defense voir dire - H. Crawford  
5:04 pm - Defense mtn to excuse juror - granted  
5:05 pm - Juror 66 called - James Baker - not accepted  
5:06 pm - State voir dire

5:06 pm - State mtn to dismiss juror - granted  
5:08 pm - Juror 69 called - Florida Menchion - not accepted  
5:09 pm - Defense mtn to excuse juror - granted  
5:09 pm - Juror 71 called - Joe Marler - not accepted  
5:09 pm - State voir dire  
5:10 pm - State mtn to dismiss juror - granted  
5:10 pm - Juror 73 called - Annette Hill - Not accepted  
5:11 pm - Defense voir dire - W. Smith  
5:11 pm - Defense mtn to dismiss - granted  
5:12 pm - Juror 79 called - Martene Logue - Not accepted  
5:12 pm - State voir dire  
5:14 pm - State & Def- mtn to dismiss juror - granted  
5:14 pm - Juror 82 called - John Vines - not accepted  
5:15 pm - Defense voir dire - J. Dingus  
5:16 pm - Defense mtn to dismiss juror - granted  
5:16 pm - Juror 84 called - Paula Qualls - accepted  
5:16 pm - State voir dire  
5:18 pm - Juror 86 called - Alicia Hedgescock - accepted  
5:19 pm - Defense voir dire - F. Pell  
5:20 pm - State voir dire  
5:22 pm - Juror 92 called - James Roddam - Not accepted  
5:22 pm - State voir dire  
5:24 pm - Defense mtn to dismiss juror - granted  
5:24 pm - Juror 94 called - Nancy Thigpen - Not accepted  
5:24 pm - Defense voir dire - A. Stone  
5:26 pm - Defense mtn to dismiss juror - granted  
5:27 pm - State voir dire

5:27 pm - Juror 98 called - Ronald Childs - accepted  
5:27 pm - State voir dire  
5:30 pm - Juror 105 called - Felicia Coleman - accepted  
5:31 pm - Defense voir dire - W. Graham  
5:32 pm - State voir dire  
5:33 pm - Defense voir dire - W. Graham  
5:33 pm - Defense mtn to dismiss - denied  
5:34 pm - Juror 116 called - Robin McGinnis - accepted  
5:35 pm - State voir dire  
5:36 pm - Juror 120 called - Barry Rice - accepted  
5:36 pm - Defense voir dire - R. Sombathing  
5:38 pm - State voir dire  
5:41 pm - Juror 126 called - Minnie Lindsey - not accepted  
5:42 pm - State voir dire  
5:43 pm - Defense & State mtn to dismiss juror - granted  
5:44 pm - Juror 136 called - Lyman Barger - not accepted  
5:44 pm - Defense voir dire - H. Crawford  
5:45 pm - Defense mtn to dismiss juror - granted  
5:45 pm - Juror 139 called - Melon Harris - not accepted  
5:46 pm - State voir dire  
5:47 pm - Defense mtn to dismiss juror - granted  
5:47 pm - Juror 147 called - William Coffman - accepted  
5:47 pm - Defense voir dire - J. White  
5:49 pm - State voir dire  
5:50 pm - Defense voir dire - J. White  
5:51 pm - State voir dire  
5:53 pm - Juror 148 called - Guillermo Boudet - not accepted



5:54 pm - State voir dire

5:56 pm - Defense mtn to dismiss juror

5:56 pm - Juror 156 called - Julie Hall - not accepted

5:56 pm - Defense voir dire - W. Smith

5:57 pm - Defense mtn to dismiss juror - granted

5:58 pm - Juror 158 called - Katherine Campbell - not accepted

5:58 pm - State voir dire

5:59 pm - Def & State mtn to dismiss juror - granted

5:59 pm - Juror 167 called - Susan Watson - not accepted

6:00 pm - Defense voir dire - J. Dingus

6:04 pm - Defense mtn to dismiss juror - granted

6:04 pm - Juror 170 called - Nicholas Wiegley - not accepted

6:05 pm - State voir dire

6:07 pm - State mtn to dismiss juror - granted

6:07 pm - Juror 178 called - William Snuggs - not accepted

6:08 pm - Defense voir dire - R. Pell

6:10 pm - Defense mtn to dismiss

6:10 pm - Juror 172 called - Floyd Woodham - not accepted

6:11 pm - State voir dire

6:11 pm - Def mtn to dismiss juror - granted

6:12 pm - Juror 187 called - Dennis Weatherford - not accepted

6:12 pm - Defense voir dire - A. Stone

6:13 pm - Defense mtn to dismiss - granted

6:14 pm - Juror 189 called - Karen Grindle - not accepted

6:14 pm - State voir dire

6:16 pm - States mtn to dismiss juror - granted

6:16 pm - Juror 199 called - Heather Lawson - not accepted

6:17 pm - Defense voir dire - W. Graham

6:18 pm - Defense mtn to dismiss jury - granted

6:19 pm - Court in recess

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
 BAY COUNTY, FLORIDA

Judge: OVERSTREET MICHAEL C (DIV 6)  
 Court Reporter: SD/8156/11:02  
 State Attorney: MARK A OBER  
 State Of Florida vs SCHWIDT, KRISTIN ANNE  
 Defendant in Custody? YES  NO

Clerk: JG/AN Division: 60  
 Probation Office: \_\_\_\_\_  
 Defense Attorney: BENEDIK ASHLEY STONE  
 Date: 09/24/2007

CASE NO: 06004016CFMG CHARGE - S:001: AGGRAVATED MANSLAUGHTER OF A CHILD 0301108827 FILED

\* P L E A \*

CASE NO: _____ VOPE <input type="checkbox"/> VOCC <input type="checkbox"/> TO THE CHARGE OF _____ MOLD <input type="checkbox"/> GUILTY <input type="checkbox"/> ADM VIOL. <input type="checkbox"/> PSI <input type="checkbox"/> PDR <input type="checkbox"/> SS <input type="checkbox"/> SENT SET <input type="checkbox"/> MOD <input type="checkbox"/> RETNS <input type="checkbox"/> REVOKED <input type="checkbox"/>	CASE NO: _____ VOPE <input type="checkbox"/> VOCC <input type="checkbox"/> TO THE CHARGE OF _____ MOLD <input type="checkbox"/> GUILTY <input type="checkbox"/> ADM VIOL. <input type="checkbox"/> PSI <input type="checkbox"/> PDR <input type="checkbox"/> SS <input type="checkbox"/> SENT SET <input type="checkbox"/> MOD <input type="checkbox"/> RETNS <input type="checkbox"/> REVOKED <input type="checkbox"/>
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\* S E N T E N C I N G \*

CASE NO: _____ ADJ W/H <input type="checkbox"/> GUILTY <input type="checkbox"/> DOC _____ yr(s) _____ mo BCJA _____ yr(s) _____ mo BCJA 1st <input type="checkbox"/> Credit _____ yr _____ dy - Prev Doc _____ COMM CONTROL _____ BY PROB _____ Unforf Gain _____ \$3 Teen Ct _____ CC _____ FINE _____ REST _____ \$50 DRUG _____ PSM/BCWP _____ Hrs @ _____ dy/mo HAB OFF <input type="checkbox"/> PREV COND REIMPOSED <input type="checkbox"/> 1ST STEP _____ CONC <input type="checkbox"/> W/ _____ CONSEC <input type="checkbox"/> W/ _____	CASE NO: _____ ADJ W/H <input type="checkbox"/> GUILTY <input type="checkbox"/> DOC _____ yr(s) _____ mo BCJA _____ yr(s) _____ mo BCJA 1st <input type="checkbox"/> Credit _____ yr _____ dy - Prev Doc _____ COMM CONTROL _____ BY PROB _____ Unforf Gain _____ \$3 Teen Ct _____ CC _____ FINE _____ REST _____ \$50 DRUG _____ PSM/BCWP _____ Hrs @ _____ dy/mo HAB OFF <input type="checkbox"/> PREV COND REIMPOSED <input type="checkbox"/> 1ST STEP _____ CONC <input type="checkbox"/> W/ _____ CONSEC <input type="checkbox"/> W/ _____
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CASE NO: _____ ADJ W/H <input type="checkbox"/> GUILTY <input type="checkbox"/> DOC _____ yr(s) _____ mo BCJA _____ yr(s) _____ mo BCJA 1st <input type="checkbox"/> Credit _____ yr _____ dy - Prev Doc _____ COMM CONTROL _____ BY PROB _____ Unforf Gain _____ \$3 Teen Ct _____ CC _____ FINE _____ REST _____ \$50 DRUG _____ PSM/BCWP _____ Hrs @ _____ dy/mo HAB OFF <input type="checkbox"/> PREV COND REIMPOSED <input type="checkbox"/> 1ST STEP _____ CONC <input type="checkbox"/> W/ _____ CONSEC <input type="checkbox"/> W/ _____	CASE NO: _____ ADJ W/H <input type="checkbox"/> GUILTY <input type="checkbox"/> DOC _____ yr(s) _____ mo BCJA _____ yr(s) _____ mo BCJA 1st <input type="checkbox"/> Credit _____ yr _____ dy - Prev Doc _____ COMM CONTROL _____ BY PROB _____ Unforf Gain _____ \$3 Teen Ct _____ CC _____ FINE _____ REST _____ \$50 DRUG _____ PSM/BCWP _____ Hrs @ _____ dy/mo HAB OFF <input type="checkbox"/> PREV COND REIMPOSED <input type="checkbox"/> 1ST STEP _____ CONC <input type="checkbox"/> W/ _____ CONSEC <input type="checkbox"/> W/ _____
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DRUG PKG  B/R/U  A/D COUNSEL PSYCH/SEX COUNSEL  GEO/EMPLOY  ESSAY  CAN TERM EARLY   
 STAY AWAY FROM VICTIM  NO ALCOHOL  DO NOT VISIT ALCOHOL PLACES  DL REVOKED  \_\_\_\_\_ YRS   
 COS \$ \_\_\_\_\_ /mo beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL \_\_\_\_\_ COMMENTS \_\_\_\_\_

\* M O T I O N S \*

1: \_\_\_\_\_  
 2: \_\_\_\_\_  
 3: \_\_\_\_\_

GRANTED  DENIED  CONT  HELD UNDER ADVISEMENT

DEFENDANT RELEASED TO PTR - TO REPORT TO  
 DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE  
 DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES  
 DEFENDANT SWORN \_\_\_\_\_ NUMBER OF WITNESSES SWORN \_\_\_\_\_

WHITE - CLERK      YELLOW - PROBATION      PINK - CCA      BLUE - BCJA

JRT / Jony  
 Sel

9/25/07  
 @ Sam

FILED  
 2007 SEP 24 P 3:33  
 HAROLD BAZZEL  
 CLERK OF CIRCUIT COURT  
 BAY COUNTY FLORIDA

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

2007 SEP 25 P 2:51

STATE OF FLORIDA

CASE NO.: 06-4016CF HAROLD BAZZEL  
CLERK, CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

██████████  
RAYMOND HAUCK

██████████  
06-4016CFMD

██████████  
HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

**JOINT STIPULATIONS REGARDING EVIDENCE**

The State of Florida and Henry Dickens, Charles Enfinger, Patrick Garter, Raymond Hauck, Charles Helms, Jr., Henry McFadden, Jr., Kristin Schmidt and Joseph Walsh II, stipulate to the following:

1. All evidence provided in discovery is authentic. In order to be admitted at trial it is unnecessary for the State or the Defense to authenticate any documents, recordings or other tangible evidence provided in discovery.
2. The following evidence is to be admitted at trial pursuant to joint stipulation of the State and the Defendants:
  - A. Photographs from the Bay Boot Camp.
  - B. Bay Medical Center Records
    1. Ambulance run report
    2. X-Ray with time stamp
    3. Emergency Department Report – Nurses Notes
    4. Blood Gas Analysis Report, 10:17
    5. Blood Gas Analysis Report, 11:19

2007 SEP 25 P 2:20  
FILED  
HAROLD BAZZEL  
CLERK, CIRCUIT COURT  
BAY COUNTY, FLORIDA

6. Emergency Department Triage Report
7. Medication and IV Orders Report
8. Emergency Department Report by Jeffrey Appel, MD
9. Addendum by Jeffrey Appel, MD
10. Toxicology Report


C. Use of Force Policies and Documents

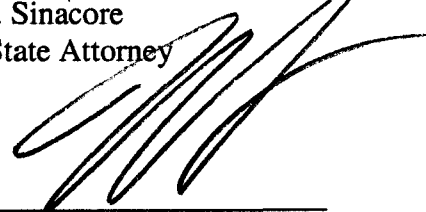
1. Bay County Sheriff's Office Use of Force Policy
2. Bay County Sheriff's Office Boot Camp Division Behavioral Management Matrix.
3. Bay County Sheriff's Office use of Force Continuum.
4. Criminal Justice Standards and Training Commission Defensive Tactics Curriculum – June 2002.
5. Letter from Charles Chervanik dated January 23, 2003.
6. Memorandum from DJJ Secretary Schembri dated June 21, 2004.

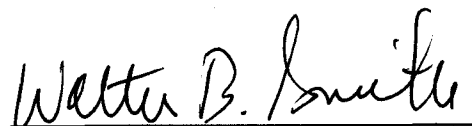
D. Department of Juvenile Justice 911 Policy Poster.

The undersigned counsel for the State of Florida and counsel for defendants

Henry Dickens, Charles Enfinger, Patrick Garrett, Raymond Hauck, Charles Helms, Jr., Henry McFadden, Jr., Kristin Schmidt and Joseph Walsh II, have agreed upon and entered into the foregoing stipulations.

  
 Michael C. Sinacore  
 Assistant State Attorney

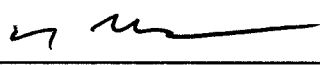
  
 Hoot Crawford  
 Attorney for Henry Dickens

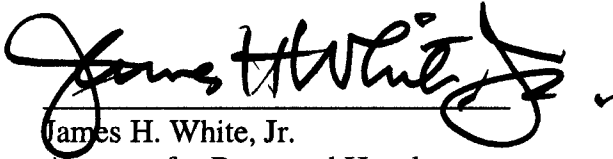
  
 Walter B. Smith  
 Attorney for Charles Enfinger

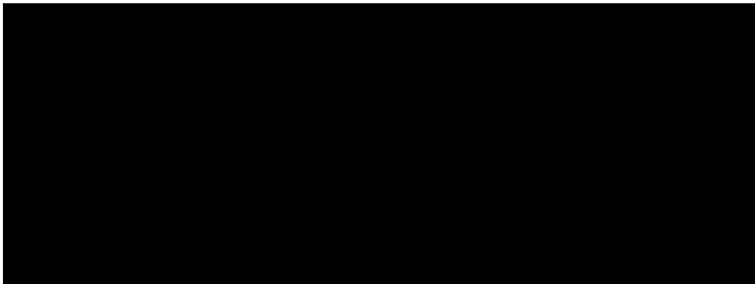
HAROLD BAZZEL  
 CLERK, CIRCUIT COURT  
 BAY COUNTY, FLORIDA

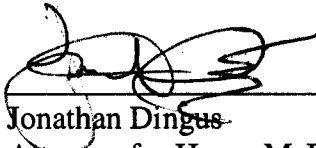
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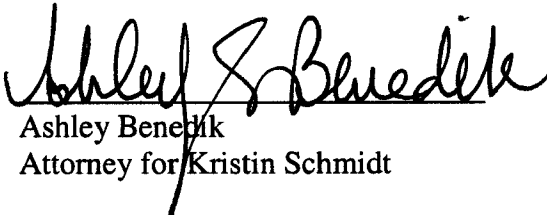
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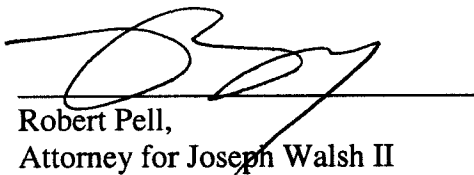
  
\_\_\_\_\_  
Robert Sombathy  
Attorney for Patrick Garrett

  
\_\_\_\_\_  
James H. White, Jr.  
Attorney for Raymond Hauck



  
\_\_\_\_\_  
Jonathan Dingus  
Attorney for Henry McFadden

  
\_\_\_\_\_  
Ashley Benedik  
Attorney for Kristin Schmidt

  
\_\_\_\_\_  
Robert Pell,  
Attorney for Joseph Walsh II

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 SEP 25 P 2: 20

FILED

Stipulations entered and filed with the court in Bay County, Florida, on this  
25<sup>th</sup> day of September, 2007.

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

**FILED**

2001 SEP 25 P 2:51

STATE OF FLORIDA

CASE NO.: 06-4016CF HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]

06-4016CFMA  
06-4016CFMB  
[REDACTED]

RAYMOND HAUCK  
[REDACTED]

06-4016CFMD  
[REDACTED]

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

**JOINT STIPULATION OF FACTS**

The State of Florida and Henry Dickens, Charles Enfinger, Patrick Garrett, Raymond Hauck, Charles Helms, Jr., Henry McFadden, Jr., Kristin Schmidt and Joseph Walsh II, stipulate to the following:


HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA  
2001 SEP 25 P 2:20

**FILED**


1. Henry McFadden, Jr., is also known as Ray McFadden, Jr.
2. Joseph Walsh II is also known as Joe Walsh.
3. Henry Dickens, Charles Enfinger, Patrick Garrett, Raymond Hauck, [REDACTED]  
[REDACTED] Henry McFadden, Jr., Kristin Schmidt and Joseph Walsh II, were caregivers for Martin Lee Anderson.
4. The Bay Boot Camp was a juvenile commitment program for the Department of Juvenile Justice. The Bay County Sheriff's Office contracted with the Department of Juvenile Justice to provide the Bay Boot Camp as a commitment program for the Department of Juvenile Justice. The Bay Boot Camp was staffed and operated by the Bay County Sheriff's Office.

5. The defendants were employees of the Bay County Sheriff's Office and worked at the Bay Boot Camp.
6. Martin Lee Anderson was committed to the custody of the Department of Juvenile Justice on November 3, 2005.
7. The Department of Juvenile Justice placed Martin Lee Anderson in the Bay Boot Camp. Martin Lee Anderson began the Bay Boot Camp program on January 5, 2006.
8. The defendants did not know that Martin Lee Anderson had sickle cell trait.

The undersigned counsel for the State of Florida and counsel for defendants Henry Dickens, Charles Enfinger, Patrick Garrett, Raymond Hauck, Charles Helms, Jr., Henry McFadden, Jr., Kristin Schmidt and Joseph Walsh II, have agreed upon and entered into the foregoing stipulations.


  
Michael C. Sinacore  
Assistant State Attorney

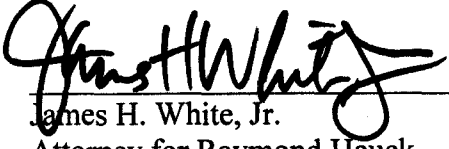
  
Hoot Crawford  
Attorney for Henry Dickens

  
Walter B. Smith  
Attorney for Charles Enfinger

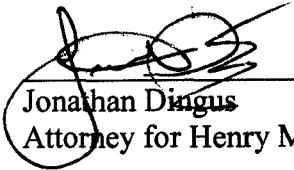
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CLERK  
CIRCUIT COURT  
BAY COUNTY, FLORIDA

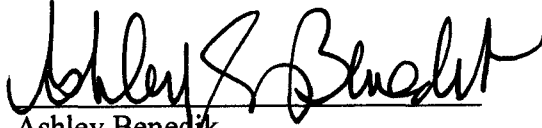



  
Robert Sombathy  
Attorney for Patrick Garrett

  
James H. White, Jr.  
Attorney for Raymond Hauck



  
Jonathan Dingus  
Attorney for Henry McFadden, Jr.

  
Ashley Benedik  
Attorney for Kristin Schmidt

  
Robert Pell,  
Attorney for Joseph Walsh II

FILED  
2007 SEP 25 P 2:20  
HAROLD BAZZEL  
CLERK/CIRCUIT COURT  
BAY COUNTY, FLORIDA

Stipulations entered and filed with the court in Bay County, Florida, on this  
25<sup>th</sup> day of September, 2007.

CIRCUIT COURT MINUTES

DATE 9/25/07

TIME 8:53 am

PRESIDING JUDGE Michael C. Overstreet

CLERK PRESENT J. Gilpin & A. Wester

COURT REPORTER PRESENT S. Diltz

STATE OF FLORIDA  
VS  
Henry Dickens Kristen Schmidt  
Charles Entinger Joseph Walsh  
Raymond Hawk

ATTORNEYS PRESENT  
FOR STATE Mark Ober  
FOR DEFENDANT W. Smith  
W. Graham H. Crawford  
J. Dingus S. Sombathiy  
A. Stone J. White  
R. Pell

CASE NUMBER 06-4016 CFMA-CFMH

CHARGE Agg. Manslaughter of a child

8:53 am - Court in session

8:59 am - Juror 130 called - Stacey Scruggs - accepted

8:59 am - Defense voir dire - H. Crawford

8:59 am - State voir dire

9:00 am - Juror 150 called - John Kennedy - not accepted

9:01 am - State voir dire

9:02 am - The judge excuses the juror

9:02 am - Juror 141 called - Theonne Harris - accepted

9:02 am - Defense voir dire - J. White

9:04 am - Juror 13 called - Ryan Peacock - accepted

9:04 am - State voir dire

9:07 am - Juror 36 called - Monique Davila - accepted

9:07 am - Defense voir dire - W. Graham

9:09 am - Juror 17 called - Audrey Sowell - accepted

9:09 am - State voir dire

9:10 am - Juror 95 called - Michelle Allison - accepted

9:10 am - Defense voir dire - R. Sombathiy

9:12 am - Juror 145 called - Scott Malott - accepted

9:12 am - State voir dire

9:14 am - Juror 148 called - Michael Flanagan - accepted

9:15 am - Defense voir dire - R. Pell

9:16 am - Juror 138 called - Joseph Chapman - accepted

9:16 am - State voir dire

9:18 am - Juror 158 called - John Paulov - accepted

9:18 am - Defense voir dire - A. Stone

9:20 am - State voir dire

9:22 am - Juror 53 called - Paula Reis - accepted

9:23 am - State voir dire

9:24 am - Juror 153 called - Joanne Coleman - accepted

9:24 am - Defense voir dire - W. Smith

9:26 am - Defense mtn to dismiss juror - denied

9:26 am - State voir dire

9:27 am - Defense voir dire - W. Graham

9:28 am - Juror 7 called - Michael Ashmore - accepted

9:28 am - State voir dire

9:29 am - Juror 187 called - Erik Zaleska - accepted

9:30 am - Defense voir dire - J. Dingus

9:31 am - State voir dire

9:32 am - Juror 16 called - Melissa Kelso - accepted

9:32 am - State voir dire

9:33 am - Defense voir dire - R. Sambathiy

9:34 am - Juror 82 called - William Howle - accepted

9:34 am - Defense voir dire - H. Crawford

9:36 am - State voir dire

9:38 am - State mtn to dismiss juror - denied

9:38 am - Defense voir dire - H. Crawford

9:39 am - State voir dire  
9:40 am - Juror 74 called - James Kelly - accepted  
9:40 am - State voir dire  
9:42 am - Juror 146 called - Tonya Lewis - accepted  
9:42 am - Defense voir dire - J. White  
9:44 am - Juror 69 called - Noel Goris - accepted  
9:44 am - State voir dire  
9:48 am - Defense voir dire - R. Sombathij  
9:48 am - Juror 169 called - Peggy Burris - accepted  
9:49 am - Defense voir dire - W. Graham  
9:51 am - Juror 176 called - Debra Cerkan - accepted  
9:51 am - State voir dire  
9:55 am - State's mtn to dismiss juror - denied  
9:55 am - Defense voir dire - R. Sombathij  
9:55 am - State voir dire  
9:57 am - Juror 140 called - Keosha Brunson - accepted  
9:57 am - Defense voir dire - R. Sombathij  
9:58 am - State voir dire  
10:01 am - Juror 183 called - James Geyer - accepted  
10:01 am - State voir dire  
10:03 am - Juror 185 called - Robert Abernathy - accepted  
10:04 am - Defense voir dire - R. Pell  
10:05 am - State voir dire  
10:12 am - State's mtn to dismiss juror - denied  
10:13 am - Juror 48 called - Willie Smith - accepted  
10:13 am - State voir dire  
10:14 am - Defense voir dire - W. Graham

10:15 am - Juror 196 called - Jean Blackwell - accepted  
10:15 am - Defense voir dire - A. Stone  
10:16 am - Juror 122 called - Mary Moore - accepted  
10:17 am - State voir dire  
10:19 am - Juror 188 called - Eric Schaff - Not accepted  
10:19 am - Defense voir dire - W. Smith  
10:23 am - Defense mtn to dismiss juror - granted  
10:23 am - Juror 182 called - Geoffrey Woodby - Not accepted  
10:24 am - State voir dire  
10:26 am - Defense voir dire - W. Graham  
10:26 am - Defense mtn to dismiss juror - granted  
10:26 am - Court in recess for 10 min  
10:42 am - The Judge excuses Michelle Frick 159 from  
9/24/07 morning session  
10:45 am - Court in session  
10:45 am - Juror 56 called - John Dunn - accepted  
10:46 am - Defense voir dire - J. Dingus  
10:48 am - State voir dire  
10:50 am - Juror 33 called - Kay Waddell - accepted  
10:51 am - State voir dire  
10:54 am - Juror 88 called - Leland Downs - accepted  
10:54 am - Defense voir dire - H. Crawford  
10:55 am - State voir dire  
10:56 am - Juror 19 called - Chad Gilbert - accepted  
10:56 am - State voir dire  
10:58 am - Juror 40 called - Justin Guthrie - accepted  
10:59 am - Defense voir dire - J. White

- 11:01 am - Defense mtn. to dismiss juror - denied
- 11:01 am - State voir dire
- 11:03 am - Defense voir dire - J. White
- 11:05 am - State voir dire
- 11:05 am - The Judge address the juror
- 11:08 am - Defense objection to last juror - noted
- 11:08 am - Juror 58 called - Irvin Miller - accepted
- 11:09 am - State voir dire
- 11:12 am - Juror 90 called - Danny Brown - accepted
- 11:12 am - Defense voir dire - W. Graham - A. Stone
- 11:16 am - Juror 30 called - Jo Ann Matakovich - accepted
- 11:16 am - State voir dire
- 11:18 am - Juror 199 called - Mary Chamberlee - accepted
- 11:18 am - Defense voir dire - R. Sombathing
- 11:20 am - Juror 14 called - Janet Kirksey - accepted
- 11:20 am - State voir dire
- 11:23 am - Defense voir dire - W. Graham
- 11:24 am - Juror 86 called - Billy Gilbert - accepted
- 11:24 am - Defense voir dire - R. Pell
- 11:25 am - State voir dire
- 11:29 am - Juror 42 called - Constance Eudie - accepted
- 11:29 am - State voir dire
- 11:31 am - Juror 149 called - Terri Langston - accepted
- 11:31 am - Defense voir dire - A. Stone
- 11:33 am - State voir dire
- 11:37 am - Juror 97 called - Anthony Simpson - accepted
- 11:37 am - Defense voir dire - W. Smith

- 11:40 am - Juror 63 called - Sandra Smith - Not accepted
- 11:41 am - State voir dire
- 11:44 am - Defense mtn to dismiss juror - granted
- 11:44 am - Juror 73 called - Freda Bragg - accepted
- 11:44 am - State voir dire
- 11:46 am - Juror 165 called - Robert Borgers - accepted
- 11:47 am - Defense voir dire - J. Dingus
- 11:48 am - State voir dire
- 11:51 am - Defense voir dire - R. Sambathay
- 11:52 am - Juror 98 called - Mary Miller - accepted
- 11:52 am - Defense voir dire - H. Crawford
- 11:54 am - State voir dire
- 11:56 am - Juror 70 called - Dwayne Lee - Not
- 11:57 am - State voir dire
- 12:00 pm - State's mtn to dismiss juror - granted
- 12:01 pm - Juror 75 called - Debra Baublis - accepted
- 12:01 pm - Defense voir dire - J. White
- 12:04 pm - Juror 79 called - Clifford Griner - Not accepted
- 12:04 pm - State voir dire
- 12:10 pm - State's mtn to dismiss juror - granted
- 12:10 pm - Defense voir dire - J. White
- 12:13 pm - The judge address attny's about juror's  
voir dire responses
- 12:14 pm - Court in recess
- 12:15 pm - The judge address the Attny's about 3rd  
group - to be sent home
- 2:47 pm - Court in session

2:51 pm - Juror 177 called - Teakila Mathis - accepted  
2:51 pm - Defense voir dire - W. Graham  
2:53 pm - Juror 39 called - James Roncaglione - accepted  
2:53 pm - State voir dire  
2:57 pm - Juror 150 called - Elizabeth McDaniel - accepted  
2:58 pm - Defense voir dire - R. Sambathay  
3:00 pm - State voir dire -  
3:05 pm - State's mtn to dismiss juror - denied  
3:05 pm - Juror 190 called - Erik Nolte - accepted  
3:06 pm - State voir dire  
3:12 pm - Juror 44 called - Jake Curry - accepted  
3:12 pm - Defense voir dire - R. Pell  
3:14 pm - Juror 42 called - Nola Routh - accepted  
3:14 pm - State voir dire  
3:17 pm - Juror 137 called - Eva Carroll -  
3:17 pm - Defense voir dire - A. Stone - accepted  
3:19 pm - State voir dire  
3:22 pm - Juror 140 called - Donald Stumpf - accepted  
3:22 pm - State voir dire  
3:25 pm - Juror 59 called - Robert Ross - accepted  
3:26 pm - Defense voir dire - W. Smith  
3:27 pm - State voir dire  
3:28 pm - Juror 62 called - Glen Molina - accepted  
3:29 pm - State voir dire  
3:35 pm - Juror 147 called - Dorothy Killings - accepted  
3:36 pm - Defense voir dire - J. Dingus  
3:38 pm - Defense voir dire - R. Sambathay



- 3:38 pm - Juror 57 called - Leroy Ellis - accepted
- 3:39 pm - State voir dire
- 3:41 pm - Juror 132 called - Linda Fox - accepted
- 3:41 pm - Defense voir dire - H. Crawford
- 3:42 pm - State voir dire
- 3:43 pm - Juror 173 called - Theresa Briscoe - accepted
- 3:44 pm - State voir dire
- 3:47 pm - Defense voir dire - A. Stone
- 3:48 pm - Defense mtn to dismiss juror - denied
- 3:48 pm - State voir dire
- 3:49 pm - Defense voir dire - J. White
- 3:50 pm - State voir dire
- 3:51 pm - Juror 111 called - Gregory Ervin - accepted
- 3:51 pm - Defense voir dire - J. White
- 3:53 pm - Juror 10 called - Lynn Ferren - accepted
- 3:53 pm - State voir dire
- 3:55 pm - Juror 145 called - Teresa Waddell - accepted
- 3:56 pm - Defense voir dire - W. Graham
- 3:58 pm - Juror 149 called - Thomas Smith - accepted
- 3:58 pm - State voir dire
- 4:00 pm - Juror 84 called - Cleo Sexton - accepted
- 4:01 pm - Defense voir dire - R. Sombathing
- 4:04 pm - Juror 141 called - Richard Clappitt - accepted
- 4:04 pm - State voir dire
- 4:05 pm - Defense voir dire - W. Graham
- 4:07 pm - The judge addresses the Attny's about procedure
- 4:11 pm - Court in recess

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

Judge: OVERSTREET MICHAEL C (DIV 6)  
Court Reporter: SD/8:53/2:47  
State Attorney: MARK A OBER  
State Of Florida vs SCHMIDT, KRISTIN ANNE  
Defendant in Custody? YES [ ] NO [x]

Clerk: JG/AW  
Probation Off: \_\_\_\_\_  
Defense Attorney: BENEDIK ASHLEY STONE

Division : GO

Date: 09/25/2007

CASE NO: 06004016CFNG CHARGE - S:001: AGGRAVATED MANSLAUGHTER OF A CHILD 0301108827 FILED

-----P L E A-----  
CASE NO: \_\_\_\_\_ VOPI [ ] VOCCI [ ] | CASE NO: \_\_\_\_\_ VOPI [ ] VOCCI [ ]  
TO THE CHARGE OF \_\_\_\_\_ | TO THE CHARGE OF \_\_\_\_\_  
NOLO [ ] GUILTY [ ] ADM VIOL. [ ] PSI [ ] | NOLO [ ] GUILTY [ ] ADM VIOL. [ ] PSI [ ]  
PDR [ ] SS [ ] SENT SET [ ] | PDR [ ] SS [ ] SENT SET [ ]  
MOD [ ] REINS [ ] REVOKED [ ] | MOD [ ] REINS [ ] REVOKED [ ]

-----S E N T E N C I N G-----  
CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ] | CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
DOC \_\_\_\_\_yr(s) \_\_\_\_\_mo BCJA \_\_\_\_\_yr(s) \_\_\_\_\_mo | DOC \_\_\_\_\_yr(s) \_\_\_\_\_mo BCJA \_\_\_\_\_yr(s) \_\_\_\_\_mo  
BCJA 1st [ ] Credit \_\_\_\_\_yr \_\_\_\_\_dy - Prev Doc \_\_\_\_\_ | BCJA 1st [ ] Credit \_\_\_\_\_yr \_\_\_\_\_dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ | COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ | \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo | \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_ | HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_  
CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_ | CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ] | CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
DOC \_\_\_\_\_yr(s) \_\_\_\_\_mo BCJA \_\_\_\_\_yr(s) \_\_\_\_\_mo | DOC \_\_\_\_\_yr(s) \_\_\_\_\_mo BCJA \_\_\_\_\_yr(s) \_\_\_\_\_mo  
BCJA 1st [ ] Credit \_\_\_\_\_yr \_\_\_\_\_dy - Prev Doc \_\_\_\_\_ | BCJA 1st [ ] Credit \_\_\_\_\_yr \_\_\_\_\_dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ | COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ | \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo | \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_ | HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_  
CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_ | CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

DRUG PKG [ ] B/B/U [ ] A/D COUNSEL PSYCH/SEX COUNSEL [ ] GED/EMPLOY [ ] ESSAY [ ] CAN TERM EARLY [ ]  
STAY AWAY FROM VICTIM [ ] NO ALCOHOL [ ] DO NOT VISIT ALCOHOL PLACES [ ] DL REVOKED [ ]  
COS # \_\_\_\_\_ /mo beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL \_\_\_\_\_ COMMENTS \_\_\_\_\_

-----M O T I O N S-----

1: \_\_\_\_\_  
2: \_\_\_\_\_  
3: \_\_\_\_\_

GRANTED [ ] [ ] [ ] DENIED [ ] [ ] [ ] CONT [ ] [ ] [ ] HELD UNDER ADVISEMENT [ ] [ ] [ ]

DEFENDANT RELEASED TO PTR - TO REPORT TO \_\_\_\_\_  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE \_\_\_\_\_  
DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES \_\_\_\_\_  
DEFENDANT SWORN \_\_\_\_\_ NUMBER OF WITNESSES SWORN \_\_\_\_\_

WHITE - CLERK      YELLOW - PROBATION      PINK - CCA      BLUE - BCJA

JRT 9/26/07  
@ Sam

FILED  
2007 SEP 25 9 5:19  
HAROLD BAZZEL  
CLERK  
BAY COUNTY, FLORIDA

CIRCUIT COURT MINUTES

DATE 9/26/07

TIME 9:34 am

PRESIDING JUDGE Michael C. Overstreet

CLERK PRESENT J. Gilpin & A. Wester

COURT REPORTER PRESENT S. Diltz

STATE OF FLORIDA  
 VS  
Henry Dickens  
Charles Entinger  
[REDACTED]

Raymond Hauck  
[REDACTED]  
Kristin Schmidt  
Joseph Walsh

ATTORNEYS PRESENT  
 FOR STATE M. Sinacore  
 FOR DEFENDANT W. Smith  
J. Dingus H. Crawford  
A. Stone S. Sombathuy  
R. Pell J. White  
W. Graham

CASE NUMBER 06-4016 CFMA - CFMH

CHARGE Agg. Manslaughter of a Child

9:34 am - Court in session

9:35 am - Defense (A. Stone) mtn to strike juror # 173 - denied

9:36 am - Juror 173 struck from pannel - Defense (A. Stone)

9:36 am - State strikes # 185 - struck from pannel

9:41 am - 30 jurors enter the courtroom

- |                        |                         |                         |
|------------------------|-------------------------|-------------------------|
| <u>95 - Allison</u>    | <u>42 - Briggs</u>      | <u>114 - Butler</u>     |
| <u>125 - Almond</u>    | <u>64 - Bright</u>      | <u>58 - Cahill</u>      |
| <u>7 - Ashmore</u>     | <u>70 - Brinson</u>     | <u>137 - Carroll</u>    |
| <u>38 - Baker</u>      | <u>184 - Brookhouse</u> | <u>199 - Chamblee</u>   |
| <u>75 - Baublis</u>    | <u>90 - D. Brown</u>    | <u>138 - Chapman</u>    |
| <u>57 - Bisbee</u>     | <u>95 - S. Brown</u>    | <u>98 - Childs</u>      |
| <u>196 - Blackwell</u> | <u>140 - Brunson</u>    | <u>141 - Clampitt</u>   |
| <u>165 - Borgers</u>   | <u>89 - Burd</u>        | <u>147 - Coffman</u>    |
| <u>73 - Bragg</u>      | <u>169 - Burns</u>      | <u>105 - Coleman</u>    |
| <u>101 - Brandon</u>   | <u>18 - Burnside</u>    | <u>153 - J. Coleman</u> |

9:48 am - The judge gives preliminary instructions

9:49 am - The jurors answer questions

10:16 am - State voir dire

11:16 am - The juror exits for a break - court in recess

- 11:29 am - Court in session
- 11:29 am - State continues voir dire
- 11:32 am - Defense voir dire - J. White
- 11:55 am - State voir dire
- 12:10 pm - Process of jury selection
- 1:04 pm - Jurors 125, 165, 184, 169, 199 to return @ 4 pm
- 1:08 pm - The Judge thanks & dismisses jurors not selected
- 1:10 pm - Court in recess until 1:45 pm
- 1:51 pm - Court in session
- 1:55 pm - 30 jurors enter the courtroom
- |               |                 |                 |
|---------------|-----------------|-----------------|
| 70 - Cole     | 42 - Eadie      | 183 - Geyer     |
| 176 - Corkran | 57 - Ellis      | 86 - Gilbert    |
| 164 - Cox     | 111 - Ervin     | 19 - C. Gilbert |
| 115 - Creamer | 4 - Essma       | 173 - Goeden    |
| 69 - Crider   | 103 - Fernandez | 69 - Goris      |
| 3 - Cross     | 10 - Ferren     | 113 - Green     |
| 44 - Curry    | 35 - Ferrick    | 182 - Grimsley  |
| 36 - Davila   | 148 - Flanagan  | 145 - Guireux   |
| 88 - Downs    | 132 - Fox       | 185 - Guthrie   |
| 56 - Dunn     | 63 - Franklin   | 40 - J. Guthrie |
- 1:58 pm - Jurors answer questions
- 2:21 pm - State voir dire
- 3:11 pm - Defense voir dire - J. White
- 3:39 pm - Process of jury selection
- 5:01 pm - Jury chosen - 125, 165, 184, 169, 4, 10, 173, 182, 145, 185
- 5:22 pm - The Judge thanks & dismisses jurors not chosen
- 5:25 pm - Clerk swears in the jury

5:26 pm - The Judge gives preliminary instructions

5:41 pm - Court in session

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

Judge: OVERSTREET MICHAEL C (DIW G)  
Court Reporter: SD/9.34/  
State Attorney: MARK A OBER  
State Of Florida vs SCHMIDT, KRISTIN ANNE  
Defendant in Custody? YES [ ] NO [x]

Clerk: JG/AN  
Probation Off:  
Defense Attorney: BENEDIK ASHLEY STONE  
Date: 09/26/2007

Division : GO

CASE NO: 06004016CFMG CHARGE - S:001: AGGRAVATED MANSLAUGHTER OF A CHILD 0301108827 FILED

-----P L E A-----  
CASE NO: \_\_\_\_\_ VOPI [ ] VOCCI [ ] | CASE NO: \_\_\_\_\_ VOPI [ ] VOCCI [ ]  
TO THE CHARGE OF \_\_\_\_\_ | TO THE CHARGE OF \_\_\_\_\_  
NOLO [ ] GUILTY [ ] ADM VIOL. [ ] PSI [ ] | NOLO [ ] GUILTY [ ] ADM VIOL. [ ] PSI [ ]  
PDR [ ] SS [ ] SENT SET [ ] | PDR [ ] SS [ ] SENT SET [ ]  
MOD [ ] REINS [ ] REVOKED [ ] | MOD [ ] REINS [ ] REVOKED [ ]

-----S E N T E N C I N G-----  
CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ] | CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
DOC \_\_\_\_\_yr(s) \_\_\_\_\_mo BCJA \_\_\_\_\_yr(s) \_\_\_\_\_mo | DOC \_\_\_\_\_yr(s) \_\_\_\_\_mo BCJA \_\_\_\_\_yr(s) \_\_\_\_\_mo  
BCJA 1st [ ] Credit \_\_\_\_\_yr \_\_\_\_\_dy - Prev Doc \_\_\_\_\_ | BCJA 1st [ ] Credit \_\_\_\_\_yr \_\_\_\_\_dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ | COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ | \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo | \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_ | HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_  
CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_ | CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ] | CASE NO: \_\_\_\_\_ ADJ W/H [ ] GUILTY [ ]  
DOC \_\_\_\_\_yr(s) \_\_\_\_\_mo BCJA \_\_\_\_\_yr(s) \_\_\_\_\_mo | DOC \_\_\_\_\_yr(s) \_\_\_\_\_mo BCJA \_\_\_\_\_yr(s) \_\_\_\_\_mo  
BCJA 1st [ ] Credit \_\_\_\_\_yr \_\_\_\_\_dy - Prev Doc \_\_\_\_\_ | BCJA 1st [ ] Credit \_\_\_\_\_yr \_\_\_\_\_dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_ | COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ | \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo | \$50 DRUG \_\_\_\_\_ PSW/BCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_ | HAB OFF [ ] PREV COND REIMPOSED [ ] !ST STEP \_\_\_\_\_  
CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_ | CONC [ ] W/ \_\_\_\_\_ CONSEC [ ] W/ \_\_\_\_\_

DRUG PKG [ ] B/B/U [ ] A/D COUNSEL PSYCH/SEX COUNSEL [ ] GED/EMPLOY [ ] ESSAY [ ] CAN TERM EARLY [ ]  
STAY AWAY FROM VICTIM [ ] NO ALCOHOL [ ] DO NOT VISIT ALCOHOL PLACES [ ] DL REVOKED [ ] \_\_\_\_\_ YRS ]  
COS \$ \_\_\_\_\_ /mo beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL \_\_\_\_\_ COMMENTS \_\_\_\_\_

-----M O T I O N S-----

1: \_\_\_\_\_  
2: \_\_\_\_\_  
3: \_\_\_\_\_

GRANTED [ ] [ ] [ ] DENIED [ ] [ ] [ ] CONT [ ] [ ] [ ] HELD UNDER ADVISEMENT [ ] [ ] [ ]

DEFENDANT RELEASED TO PTR - TO REPORT TO \_\_\_\_\_  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE \_\_\_\_\_  
DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES \_\_\_\_\_  
DEFENDANT SWORN \_\_\_\_\_ NUMBER OF WITNESSES SWORN \_\_\_\_\_

WHITE - CLERK      YELLOW - PROBATION      PINK - CCA      BLUE - BCJA

JRT

10/3/07

@ 8am

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

2007 SEP 26 P 6:04

FILED







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

FILED

2007 SEP 27 P 2: 58

STATE OF FLORIDA

VS

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]

RAYMOND HAUCK  
[REDACTED]

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

06-4016CFMB  
[REDACTED]

06-4016CFMD  
[REDACTED]

06-4016CFMF

06-4016CFMG

06-4016CFMH

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

NOTICE OF HEARING

The State of Florida gives notice that on the 2nd day of October, 2007, at 9:00 a.m., or as soon thereafter as counsel may be heard, State's Motion for Rehearing will be called up before the HONORABLE JUDGE MICHAEL C. OVERSTREET a judge of the Circuit Court, in and for Bay County, Florida, Bay County Courthouse, in Judge's chambers, in Panama City, Florida.

Please govern yourself accordingly.

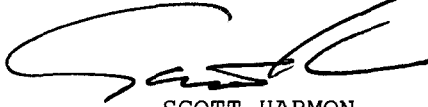
I HEREBY CERTIFY that a copy of the foregoing Notice of Hearing has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup> Street, P.O. Box 580, Panama City, Florida 32402-0580; 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; [REDACTED] 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley

*[Handwritten signature]*

Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, on this 27 day of September, 2007.

Respectfully submitted,

MARK A. OBER  
STATE ATTORNEY

A handwritten signature in black ink, appearing to read "Scott Harmon", written over the typed name.

SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR NO. 933775

SH/als

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

FILED

2007 SEP 27 P 2:59

STATE OF FLORIDA

CASE NO.: 06-4016CF

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

████████████████████  
RAYMOND HAUCK

████████████████████  
06-4016CFMD

████████████████████  
HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

MOTION FOR REHEARING ON THE STATE'S  
FOURTH MOTION FOR ORDER IN LIMINE

COMES NOW, THE STATE OF FLORIDA, by and through the undersigned Assistant State Attorney and brings this motion for rehearing on the State's Fourth Motion for Order in Limine and in furtherance states as follows:

1. The State of Florida filed its Fourth Motion For Order In Limine (See attached) and a hearing was held on this motion as well as other State and defense motions on August 30, 2007. At the hearing the Court denied the State's motion with a caveat. (See pages 56 and 59 of the attached transcript.) The caveat appears to be that the Court wants a proffer from the defense as to what they intend to say in opening statements as it pertains to the civil lawsuit filed by Gina Jones. (See pages 56 through 58).
2. The State of Florida now asks for rehearing on this motion and the issue of the civil lawsuit filed by Ms. Jones.
3. The clear issue in this motion is whether a settled civil lawsuit still constitutes bias evidence that can be used to impeach Ms.

26

Jones. The Court expressed its own concern as to whether a settled lawsuit would still constitute evidence of bias on the part of Ms. Jones. (See page 53, lines 12-18, page 54, lines 25 through page 55, line 2). The Court then expressed concern that in denying the defense inquiry into this area the case could be reversed on appeal. (page 56, lines 1-4).

4. The only potential bias that could be demonstrated by this type of evidence would be the interest of the witness in the outcome of the trial. Here, clearly, if the lawsuit was still pending Ms. Jones could arguably have a financial interest in the outcome of the trial. However, the civil lawsuit was settled months ago and the agreed upon settlement dispersed. Thus, just as clearly, Ms. Jones no longer has a financial interest in this case. There is no longer any improper motivation for her testimony to be untruthful.
5. The decision to allow questioning to show bias rests largely in the discretion of the trial court and its decision will not be disturbed on appeal in the absence of a clear abuse of discretion. (See Nelson v. State, 204 So.2d 752 (Fla. 5<sup>th</sup> DCA 1998), Hahn v. State, 626 So.2d 1056 (Fla. 4<sup>th</sup> DCA 1993), Torres-Arboledo v. State, 524 So.2d 403 (Fla. 1988) and Pandula v. Fonseca, 199 So.358 (1940). Also, Professor Charles W. Ehrhardt, speaking on this issue stated "the decision whether a particular question properly goes to interest, bias, or prejudice lies within the discretion of the trial judge". (Florida Evidence, 2007 Edition, pages 563 and 564.) Thus, the Court's decision on this matter would be subject to an abuse of discretion standard on review.
6. Evidence of interest or bias on the part of a witness is subject to a 90.403 balancing and would be inadmissible if its prejudicial

impact to a party or witness outweighed its probative value. Rodriguez v. State, 753 So.2d 29 (Fla.2000), Dennis v. State, 817 So.2d 741 (Fla. 2002), Nelson v. State, 704 So.2d 752 (Fla. 5<sup>th</sup> DCA 1998). The Florida Supreme Court speaking on this issue stated as follows:

"Evidence of bias may be inadmissible if it unfairly prejudices the trier of fact against the witness or misleads the trier of fact. Therefore, inquiry into collateral matters, if such matters will not promote the ends of justice, should not be permitted if it is unjust to the witness and uncalled for by the circumstances."

Breedlove v. Singletary, 595 So.2d 8 (Fla. 1992). When applying a 405 analysis to this case it is clear that the arguably slight to non-existent probative value of this collateral evidence is greatly outweighed by the tremendous prejudice to the State and the potential for confusion of the issues. It doesn't take much imagination to see the potential Pandora's box that evidence of a civil lawsuit would open. The jury would be distracted and misled by this evidence and could develop concerns such as:

- Why are we here if this case has been settled?
- If the case was settled does that mean the defendant's conceded their guilt?
- Does that mean the defendant's have paid the victim's family?

Clearly, they could become confused as to the issues in this case and how they should be resolved.

Under a 90.405 analysis this evidence should be excluded from this

trial.

7. When assessing whether there is a critical need for allowing this evidence the subject matter of Ms. Gina Jones' testimony should be considered. Generally speaking, Ms. Jones will testify to Martin Anderson's medical history, that he was a normal healthy boy while growing up and never had any major health problem. Also, she will testify that the victim participated in sports, including organized sports, and she will tell the jury when he was born. As the Court can see, her testimony covers very objective facts and basic information. Her testimony, while relevant and important, is not critical to the State's case or to any defense and she is not the linch pin of the State's case. Her testimony does not hold the importance of an identification witness or a witness to a confession or other critical evidence. Additionally, the substance of Ms. Jones' testimony is not of the type that is subject to embellishment or subjective spin. Thus, the need for the defense to use this very prejudicial and potentially confusing evidence is low to non-existent. In light of the substance of her testimony and the fact that the defense still wants to use this evidence it appears that their argument for admissibility is based on pretext and is disingenuous.
8. Based on the above argument the State of Florida asks that this Court grant the State's Fourth Motion for Order in Limine.

I HEREBY CERTIFY that a copy of the foregoing Motion in Limine has been furnished by personal service to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4<sup>th</sup>

Street, P.O. Box 580, Panama City, Florida 32402-0580; 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; [REDACTED] at Post Office Box 327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, on this 27 day of September, 2007.

Respectfully submitted,

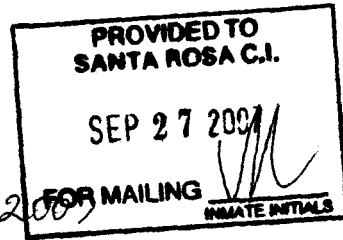
MARK A. OBER  
STATE ATTORNEY



SCOTT HARMON  
ASSISTANT STATE ATTORNEY  
FLORIDA BAR #933775

SH/als

Office of The State's Attorney  
Bay County Ctse  
Panama City Florida 32401



September 27, 2007

Re: The unlawful Killing of Martin Lee Anderson  
at the Bay County boot camp in Jan 2006

Dear Sir or Madam,

Greetings. I hope you are doing well. I know you are busy so I'll get right to the point. I have followed the case from the start. The firing of the victim's Guy Tunnell, the pathology report of Dr. Michael Baden, the national attention that the case has received, etc. I think you might be able to use this information. The guards at the boot camp charged in the alleged offense, displayed the telltale signs of a pharmacodynamic condition known as "Roid Rage". It develops when a person takes anabolic androgenic steroids like: Anastrozole (Arimidex), Boldenone, Cestanon, Deca-Durabolin, ethylestrenol, Formboldone, "Human Growth Hormone" or HGH (has been illegally sold on line by an Orlando Florida company by the name of "Signature Pharmacy", since 2000. Signature Pharmacy had nearly 3-million websites, where it sold HGH nationwide. Even pro-athletes came under fire for the purchase of HGH, including without limitation, the Pittsburgh Steelers team physician. Albany NY district atty P. David Soares, launched an investigation against Signature Pharmacy in Mar. 2007. And connected the dots to an Alabama partnership owned by 2008 presidential hopeful, M. Rudy Giuliani, by the name of "Applied Pharmacy.", Cymeterolone, Wandroline, Nortestosterone, Prednisone, Testosterone, THG, Trenbolone acetate, etc.

FILED

SEP 27

CLERK OF DISTRICT COURT  
BAY COUNTY, FLORIDA



The more common name for street steroids in northern Florida is "D-bol" or Dianabol. And if you need this information in a hurry, since the trial of the guards and the nurse begins 10.3.07, you can contact the US attorney for the Middle District (Fla), Mr. Paul I-perez. He handles the steroid bust at Florida state prison FSP where Officers Oscar Shipley, Michael Chambliss, Marcus Hodges, Bryan Griffin, and Benjamin Zoltowski, and an ex FSP guard Clayton Manning. The FBI and US Customs busted this steroid ring in 2005. Manning was shipping anabolic steroids from Cairo, Egypt, disguised as commercial pharmacy shipments. Officer Benjamin Zoltowski was assigned to the FSP medical clinic. He learned about pharmacy packages from the medical staff (Dr. William Matthews, APRN, Dr. Victor Selyutin, MD, Nursing Super Tera Butler, LPN Ewan Smith, LPN Barbara Sands, C-MTC Wassink, etc. Other officers that had previously worked at FDOC cluster pharmacy camps NFEC, SFEC, A CI, & CFRC, learned about pharmacy shipments via Terry You & Associates (TYA), the FDOC pharmacy specialist/contractor. The FSP steroid ring was distributing illegalroids as far away as the Okaloosa County jail. The nursing staff at FSP even supplied prison guards with drugs to help them build up their muscles. Different kinds of painkillers (Loratab, Vicodin, Oxycontin, Benzil, methadon, Fentanyl, etc.), muscle relaxers (Flexaril, Turidol, Celecox, gemfibrozil (before recall), Vioxx (before recall), Anti-coagulants (Heprin, Coumadin, Warfin, etc.), anti-inflammatory drugs (albuterol sulfate, etc.), and other prescription medications. And that includes diuretic drugs (Lasix), and protein pump inhibitors like Crestor, Lipitor, prevacid, etc. The protein pump inhibitors (PPI) are used as a masking agent to hide positive blood-chemical doping tests for steroids. They get them from prison nurses. Prison nurses trade drugs for sexual favors from guards, especially the more unattractive women employees. & they're easier to manipulate. Here are a few more details:

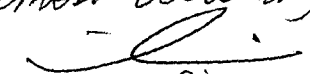
prison doctors over-increase prescription drugs. In many instances, these doctors are prescribing these drugs for ghost patients, prisoners that have died of degenerative diseases. Particularly those that did not have any family. Those who died anonymous deaths from cancer, fibrosis, multiple sclerosis, cerebral palsy, etc. which lets these doctors prescribe anabolic steroids, and other drugware. I know a great deal about these matters. And I am being subjected to torture, and 3<sup>rd</sup> degree tactics by the Staff, at Santa Rosa Correctional Institution, for sharing what I know with your office, and federal authorities. Tranquilizers (like Remeron, Geodon, Risperidol, Serenquel, etc) laced food, food cooked in tobacco extract, and rigid privileges, etc. The staff has not positively responded to my informal, formal grievances. The torture policy is a gimmick for extorting information. But they gets none! You and the feds get it all! So what happens is that the prison doctors transmit the bogus prescriptions to NFRC, CFRC, SFRC & UCI (Cluster Pharmacies). Pharmacy specialist TYA processes the and in turn transmits them to FDOC Pharmaceutical Contractors - viz, Eli Lilly, Pfizer, Glaxo-Smith Klein, Merck, Abbott Labs, Schering-Plough, Novartis, etc. The drug products arrive at NFRC, SFRC, CFRC & UCI. TYA repackages the medications, and "returns" what FDOC doesn't want. Only the return addresses never match the shipping invoice addresses. They are actually ghost addresses for phantom drugs at unmail genuine drop boxes. The drugware is collected by designated couriers, and delivered to separate private systems such as: Wal-Mart Stores Inc, CVS Eckard, Rite Aid, HCA, Signature Pharmacy, Wynn Dixie, Publix, etc.; when the drug products are repackaged and resold to the public at "discount" prices. This scheme violates the Dangerous Drug Diversion Control Act, 21 USC § 822(a). And turns the FDOC into a wholesale prescription drug distributor. Even though FDOC only has a restricted prescription drug distributor's permit. You can take it from there.

I hope this information helps you out.

\* county jails (statewide)  
follow the (same) FDOC model.

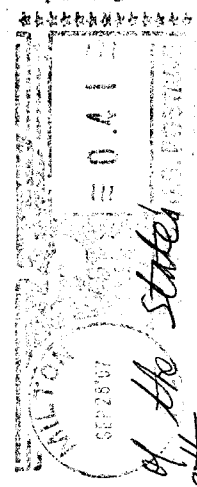
Good luck with your case.

most cordially,

  
VINCENT Rivera  
# 578548  
Santa Rosa, CF  
5850 E. Milton Rd  
Milton FL 32583

Vincent Ruvona 578548  
Savon Rosa Convention  
Law Firm, 57850 Santa  
Marta Road, Panama City  
Florida 32583

Office



of the State  
Attorney  
Bay County Chase  
Panama City Florida  
32501

Legal mail



**PROVIDED TO  
SANTA ROSA C.I.**

SEP 27 2007

FOR MAILING *vl*

INMATE INITIALS

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

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

HENRY MCFADDEN, JR.

06-4016CFMF

KRISTIN SCHMIDT

06-4016CFMG

JOSEPH WALSH II

06-4016CFMH

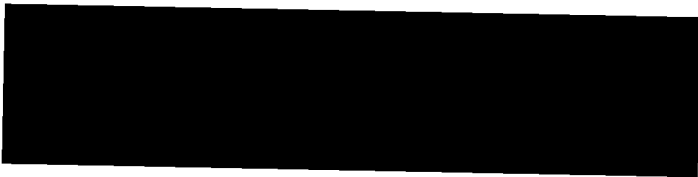
**STATE'S EXHIBIT LIST**

1. Video of incident 1/5/06 at Bay Boot Camp.
  - A. DVD – copy of original videotape
  - B. DVD - enhanced by NASA, with digital clock
  - C. DVD – segment zoomed and enhanced
  - D. DVD – zoomed segments, slowed to half speed
  
2. Still images from Exhibit 1C (with identification labels)
  - A. 5:46:08
  - B. 6:04:15
  - C. 6:41:27
  - D. 16:00:00
  - E. 16:02:05
  - F. 16:54:26
  - G. 22:03:02
  - H. 22:38:09
  - I. 24:19:01
  - J. 24:56:08
  - K. 25:30:24
  - L. 27:24:17
  
3. Portions of Control Room Log for 1/5/06
  
4. Statements by Henry Dickens
  - A. BCSO Information Report, 1/5/06
  - B. FDLE interview, 1/5/06 (CD)

2007 OCT -21 A 10:52  
HAROLD BAZTEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

FILED

5. Statements by Charles Enfinger
  - A. BCSO Information Report, 1/5/06
  - B. FDLE interview, 1/5/06 (CD)
  - C. HCSO interview, 11/28/06 (CD)
6. Statements by Patrick Garrett
  - A. PAR Report, 1/5/06
  - B. FDLE interview, 1/5/06 (CD)
7. Statements by Raymond Hauck
  - A. BCSO Information Report, 1/5/06
  - B. FDLE interview, 1/5/06 (CD)



9. FDLE interview of Henry McFadden, Jr., 1/5/06 (CD)
10. Statements by Kristin Schmidt
  - A. Medical Department Progress Notes, 1/5/06
  - B. FDLE interview, 1/5/06 (CD)
  - C. FDLE interview, 1/9/06 (CD)
  - D. FDLE interview, 1/19/06 (CD)
11. Statements by Joseph Walsh II
  - A. PAR Report, 1/5/06
  - B. BCSO Information Report, 1/5/06
  - C. FDLE interview, 1/5/06 (CD)
  - D. FDLE interview, 1/25/06 (CD)
12. Photographs of Defendants
  - A. Henry Dickens
  - B. Charles Enfinger
  - C. Patrick Garrett
  - D. Raymond Hauck
  - E. Charles Helms, Jr.
  - F. Henry McFadden, Jr.
  - G. Kristin Schmidt
  - H. Joseph Walsh II
13. First Autopsy Photographs  
(13A through 13D)

14. BCSO Boot Camp Program Manual

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

STATE OF FLORIDA,

Plaintiff,

Case No.: 06-4016

vs.

HENRY DICKENS  
CHARLES ENFINGER  
[REDACTED]  
RAYMOND HAUCK  
[REDACTED]  
HENRY MCFADDEN, JR  
KRISTIN SCHMIDT  
JOSEPH WALSH

06-4016CFMA  
06-4016CFMB  
[REDACTED]  
06-4016CFMD  
[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

Defendant.

2007 OCT -2 A 10:52

FILED

DAZZEL  
CIRCUIT COURT  
OF FLORIDA

**DEFENSE EXHIBIT LIST**

1. Booking photograph of Martin Lee Anderson.
2. Documentation of State Test Results that Martin Lee Anderson tested positive for sickle cell trait as a baby dated 1-30-1991.
3. Discharge Teaching Checklist dated 1-17-91.
4. Department of Juvenile Justice Comprehensive Evaluation conducted by Michele Giroux on 10-20-05.
5. AirHeart Medical Transfer Record signed by C. Jeter on 1-06-06.
6. April 20<sup>th</sup>, 2007 Memorandum for Bay County Sheriff's Office with all attachments totaling 155 numbered pages.
7. Emails between Dr. Thogmartin and Vern Adams regarding the second autopsy; with attachments.
8. Emails between Dr. Siebert and Dr. Adams regarding the second autopsy.
9. Letter from Dr. Jerry D. Spencer to FDLE dated July 16, 2007.



10. Death Certificate signed by Dr. Siebert.

The Defense reserves the right to seek admission into evidence of any additional exhibits needed for our defense and/or impeachment of any State witnesses. The Defense reserves the right to seek admission into evidence of any and all reports, documentation or items relied upon by any expert witness in forming their opinion.

I HEREBY CERTIFY that a copy of the foregoing Defendant's Witness List has been furnished to Honorable Michael C. Sinacore, State Attorney, 800 E. Kennedy Blvd 3<sup>rd</sup> Floor., Tampa, Florida 33602, by facsimile this 2nd day of October, 2007.

---

Robert S. Sombathy, Esq.  
Florida Bar No.: 0971870  
Isler, Sombathy & Sombathy, P.A.  
Post Office Box 430  
Panama City, FL 32402  
(850) 769-5532

ATTORNEY FOR DEFENDANT

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

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

JOINT EXHIBIT LIST

1. Joint Stipulation of Facts
2. Diagram of Boot Camp
3. Photographs from Boot Camp  
(3A through 3Z)
4. Bay Medical Center Records, 1/5/06
  - A. Ambulance Run Report
  - B. Copy of X-Ray with time stamp
  - C. Emergency Department Report – Nurses Notes
  - D. Blood Gas Analysis Report, 10:17
  - E. Blood Gas Analysis Report, 11:19
  - F. Emergency Department Triage Report
  - G. Medication and IV Orders form
  - H. Emergency Department Report by Jeffrey Appel, MD
  - I. Addendum by Jeffrey Appel, MD
  - J. Toxicology Report
5. Ammonia Capsules
  - A. Ammonia Box
  - B. Photographs of Box
6. DJJ Comprehensive Physical Assessment, 10/19/05

FILED  
2001 OCT -21 A 10:52  
HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

7. DJJ Health Related History, 10/21/05
8. Medical and Mental Health Admission Screening, 1/5/06
9. Facility Entry Health Screening, 1/5/06
10. Physical Evaluation and Needs Assessment, 1/5/06
11. Physical Assessment Sheet, 1/5/06
12. Use of Force Policies
  - A. BCSO Use of Force Policy
  - B. BCSO Behavioral Matrix
  - C. BCSO Use of Force Continuum
  - D. CJSTC Use of Force Policy
13. DJJ 911 Policy

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
 BAY COUNTY, FLORIDA

Judge: OBERSTREIT MICHAEL C (DIV 6)  
 Court Reporter: *SD*  
 State Attorney: MARK A OBER  
 State Of Florida vs SCHMIDT, KRISTIN ANNE  
 Defendant in Custody? YES  NO

Clerk: *96*  
 Probation Off:  
 Defense Attorney: BENEDICT ASHLEY STONE  
 Date: 10/02/2007

Division : 60

\*\*\*\*\*

CASE NO: 06004016CFMG CHARGE - S:001: AGGRAVATED MANSLAUGHTER OF A CHILD 0301108827 FILED

\*\*\*\*\* P L E A \*\*\*\*\*

CASE NO: _____	VOPE <input type="checkbox"/>	VOCCE <input type="checkbox"/>	:	CASE NO: _____	VOPE <input type="checkbox"/>	VOCCE <input type="checkbox"/>
TO THE CHARGE OF _____			:	TO THE CHARGE OF _____		
NOLO <input type="checkbox"/>	GUILTY <input type="checkbox"/>	ADM VIOL. <input type="checkbox"/>	:	NOLO <input type="checkbox"/>	GUILTY <input type="checkbox"/>	ADM VIOL. <input type="checkbox"/>
PSI <input type="checkbox"/>			:	PSI <input type="checkbox"/>		
PDR <input type="checkbox"/>	SS <input type="checkbox"/>	SENT SET <input type="checkbox"/>	:	PDR <input type="checkbox"/>	SS <input type="checkbox"/>	SENT SET <input type="checkbox"/>
MOD <input type="checkbox"/>	REINS <input type="checkbox"/>	REVOKED <input type="checkbox"/>	:	MOD <input type="checkbox"/>	REINS <input type="checkbox"/>	REVOKED <input type="checkbox"/>

\*\*\*\*\* S E N T E N C I N G \*\*\*\*\*

CASE NO: _____	ADJ W/H <input type="checkbox"/>	GUILTY <input type="checkbox"/>	:	CASE NO: _____	ADJ W/H <input type="checkbox"/>	GUILTY <input type="checkbox"/>
DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo		:	DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	
BCJA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____		:	BCJA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____	
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	:	COMM CONTROL _____	BY PROB _____	Unforf Gain _____
\$3 Teen Ct _____	CC _____	FINE _____	:	\$3 Teen Ct _____	CC _____	FINE _____
REST _____			:	REST _____		
\$50 DRUG _____	PSM/BCWP _____	Hrs @ _____	:	\$50 DRUG _____	PSM/BCWP _____	Hrs @ _____
dy/mo _____			:	dy/mo _____		
HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____	:	HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____
CONC <input type="checkbox"/>	W/ _____	CONSEC <input type="checkbox"/>	:	CONC <input type="checkbox"/>	W/ _____	CONSEC <input type="checkbox"/>

CASE NO: _____	ADJ W/H <input type="checkbox"/>	GUILTY <input type="checkbox"/>	:	CASE NO: _____	ADJ W/H <input type="checkbox"/>	GUILTY <input type="checkbox"/>
DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo		:	DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	
BCJA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____		:	BCJA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____	
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	:	COMM CONTROL _____	BY PROB _____	Unforf Gain _____
\$3 Teen Ct _____	CC _____	FINE _____	:	\$3 Teen Ct _____	CC _____	FINE _____
REST _____			:	REST _____		
\$50 DRUG _____	PSM/BCWP _____	Hrs @ _____	:	\$50 DRUG _____	PSM/BCWP _____	Hrs @ _____
dy/mo _____			:	dy/mo _____		
HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____	:	HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____
CONC <input type="checkbox"/>	W/ _____	CONSEC <input type="checkbox"/>	:	CONC <input type="checkbox"/>	W/ _____	CONSEC <input type="checkbox"/>

DRUG PKG  R/R/U  A/D COUNSEL PSYCH/SEX COUNSEL  GED/EMPLOY  ESSAY  CAN TTRM EARLY   
 STAY AWAY FROM VICTIM  NO ALCOHOL  DO NOT VISIT ALCOHOL PLACES  DL REVOKED  \_\_\_\_\_ YRS   
 COS \$ \_\_\_\_\_ /mo beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Bed \_\_\_\_\_

APPEAL COMMENTS  
 1: *Stack Parth Mot in Order of Limine -*  
 2:  
 3:

GRANTED  DENIED  CONT  HELD UNDER ADVISEMENT

DEFENDANT RELEASED TO PTR - TO REPORT TO \_\_\_\_\_  
 DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE \_\_\_\_\_  
 DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES \_\_\_\_\_  
 DEFENDANT SWORN \_\_\_\_\_

WHITE - CLERK YELLOW - PROBATION PINK - CCA BLUE - BCJA

*Gina is removed from witness list.*

*Parties have resolved Issue today.*

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

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

[REDACTED]  
RAYMOND HAUCK

[REDACTED]  
06-4016CFMD

[REDACTED]  
HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

[REDACTED]  
06-4016CFMF  
06-4016CFMG  
06-4016CFMH

STATE'S WITNESS LIST

Wednesday, October 3

Antonio Jones

Bobby Hall

Anita Segers

Dr. Jeffrey Apple

Cassie Elliott

Mindy Keifer

Charles Keene

Steve Lewis

Matt Herring

Bethany Harris

DATE 10-2-07 **FILED** TIME 9:00 AM

BY [Signature]  
HAROLD BAZZEL  
CLERK OF CIRCUIT COURT

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

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

STATE'S WITNESS LIST

Thursday, October 4

Dr. Jason Foland

Dr. Thomas Andrew

Dr. Samir Ebid

Dr. Nikolaus Gravenstein

Richard Koester

Richard Hall

FILED  
DATE 10-2-07 TIME 9:00 AM

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BY *Johnnie Bazzel*

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

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

STATE'S WITNESS LIST

Friday, October 5

Dr. Jennifer Jenkins

Dr. Vernard Adams

Dr. Cynthia Lewis-Younger

Dr. Bryan Bledsoe

Terrence Winters

Paul Green

Gina Jones

FILED  
DATE 10-2-07 TIME 9:00 AM

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BY [Signature]

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

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB  
06-4016CFMC

RAYMOND HAUCK

06-4016CFMD

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

STATE'S WITNESS LIST

Monday, October 8

Dr. John Downs

Steven Adamcyk

Timothy Petrucci

Andy Anderson

Dr. Shairi Turner

DATE 10-2-07 FILED TIME 9:00 AM

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BY [Signature]



CIRCUIT COURT MINUTES

DATE 10/3/07

TIME 8:22 am

PRESIDING JUDGE Michael C. Overstreet

CLERK PRESENT J. Gilpin & A. Wester

COURT REPORTER PRESENT S. Diltz

STATE OF FLORIDA Raymond Hawk  
 VS [REDACTED]  
Henry Dickens Kristin Schmidt  
Charles Entinger Joseph Walsh

ATTORNEYS PRESENT  
 FOR STATE Mike Sincore  
 FOR DEFENDANT W. Smither  
J. Dingus H. Crawford  
A. Stone S. Sombathuy  
R. Pell J. White  
W. Graham

CASE NUMBER 06-4016 CFMA - CFMH

CHARGE Agg. Manslaughter of a child

- 8:22 am - Court in session
- 8:28 am - The judge addresses the courtroom
- 8:31 am - The jury enters the courtroom
- 8:32 am - The judge reads instructions on the law
- 9:02 am - The jury exits the courtroom - court in recess
- 9:12 am - Court in session
- 9:12 am - The jurors enter the courtroom
- 9:14 am - State gives opening statements
- 9:38 am - Defense gives opening statements - S. Sombathuy
- 9:52 am - Defense gives opening statements - J. Dingus
- 10:01 am - Defense gives opening statements - H. Crawford
- 10:14 am - The jury exits the courtroom - court in recess
- 10:31 am - Court in session
- 10:31 am - The jurors enter the courtroom
- 10:32 am - Defense gives opening statements - R. Pell
- 10:51 am - Defense gives opening statements - A. Stone
- 11:09 am - sidebar
- 11:11 am - Defense gives opening statements - J. White
- 11:29 am - Defense gives opening statements - W. Graham

Henry Dickens  
Charles Entin

PAGE 2

ST. V. Raymond Hawk

CASE NO. 06-4016 CFMA - CFMH

Kristen Schmidt  
Joseph Walsh

- 11:32 am - Sidebar
- 11:45 am - Sidebar
- 11:48 am - Defense. W. Smith reserves opening statements
- 11:49 am - Sidebar - Off the record
- 11:50 am - The jury exits for lunch - court in recess
- 12:56 pm - Court in session
- 12:59 pm - The jurors enter the courtroom
- 1:00 pm - State calls Antonio Jones (sworn)
- 1:37 pm - Defense crosses - J. White
- 1:48 pm - Defense crosses - W. Graham
- 1:52 pm - State re-directs
- 1:54 pm - Defense re-crosses - W. Graham
- 1:55 pm - Defense re-crosses - R. Pell
- 1:56 pm - State calls Bobby Hall (sworn)
- 2:09 pm - Defense crosses - R. Pell
- 2:10 pm - State calls Anita Segers (sworn)
- 2:22 pm - Defense crosses - R. Sambathay
- 2:27 pm - Defense crosses - R. Pell
- 2:28 pm - Defense crosses - A. Stone
- 2:31 pm - State re-directs
- 2:32 pm - Defense re-crosses - R. Sambathay
- 2:33 pm - State calls Dr. Jeffrey Apple (sworn)
- 2:48 pm - Defense crosses - J. Dingus
- 3:00 pm - Defense crosses - W. Graham
- 3:02 pm - Defense crosses - R. Sambathay
- 3:02 pm - State re-directs
- 3:05 pm - Defense re-crosses - R. Sambathay

- 3:05 pm - State re-directs
- 3:10 pm - The jury exits for a break - court in recess
- 3:26 pm - Court in session
- 3:27 pm - The judge enters the courtroom
- 3:27 pm - State calls Cassie Elliott (sworn)
- 4:01 pm - Defense crosses - R. Sambathay
- 4:03 pm - State re-directs
- 4:04 pm - Defense re-crosses - J. Dingus
- 4:04 pm - Defense re-crosses - A. Stone
- 4:05 pm - State calls Mindy Keifer (sworn)
- 4:20 pm - Defense crosses - R. Sambathay
- 4:21 pm - State calls Dennis Armstrong (sworn)
- 4:37 pm - Defense crosses - R. Sambathay
- 4:45 pm - State re-directs
- 4:51 pm - Defense re-crosses - R. Sambathay
- 4:55 pm - State calls Charles Keene (sworn)
- 5:08 pm - State calls Steve Lewis (sworn)
- 6:15 pm - Sidebar
- 5:28 pm - Sidebar
- 5:33 pm - Sidebar
- 5:35 pm - Sidebar
- 5:37 pm - Defense crosses - R. Sambathay
- 5:38 pm - Defense crosses - R. Pell
- 5:39 pm - State re-directs
- 5:42 pm - The judge excuses the jurors for the night
- 5:42 pm - The jurors exit
- 5:42 pm - Sidebar - Off the record - court in recess

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

Judge: DW/STP/LET MICHAEL C. (DIV 16)  
Court Reporter: SD/8:22/12:56  
State Attorneys: MERRA A. DEER  
State Of Florida vs. SORRISO, KRISTIN ANNE  
Defendant in Custody? YES  NO

Clerk: JG (AW)  
Probation Off:  
Defense Attorneys: BENEDETTA ADHLEY STONE  
Date: 10/03/2007

Division: 00

CASE NO: 0600-0106PBG CHARGE - 80001: AGGRAVATED BATTERY OF A CHILD 0301100627 FILED

CASE NO: \_\_\_\_\_ VIOLE  VIOLE  TO THE CHARGE OF \_\_\_\_\_  
MOLD  GUILTY  ADM VIOL.  PSI   
POV  SS  BANY SET   
WOB  METRS  REVOKED

SENTENCING

CASE NO: \_\_\_\_\_ ADJ W/H  GUILTY   
DTC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
BCJA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSM/RCMP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF  PREV COND RETROPOSED  1ST STEP \_\_\_\_\_  
COND  W/ \_\_\_\_\_ COND  W/ \_\_\_\_\_

FILED  
2007 OCT 3 P 5:52  
HARRIS COUNTY COURT  
CLERK OF COURT  
BAY COUNTY, FLORIDA

CASE NO: \_\_\_\_\_ ADJ W/H  GUILTY   
DTC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
BCJA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSM/RCMP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF  PREV COND RETROPOSED  1ST STEP \_\_\_\_\_  
COND  W/ \_\_\_\_\_ COND  W/ \_\_\_\_\_

DRUG PGS  W/R/O  A/D COUNSEL PSYCH/SEX COUNSEL  WFO/EMPLOY  ESSAY  CAN TERM EARLY   
STAY AWAY FROM VICTIM  NO ALCOHOL  DO NOT VISIT ALCOHOL PLACES  DC REVOKED  Yes   
DPS \$ \_\_\_\_\_ /no beginning \_\_\_\_\_ COMPLETE KETION PGS \_\_\_\_\_ after have \_\_\_\_\_ Bars to Red \_\_\_\_\_

APPEAR COMMENTS

1:  
2:  
3:

GRANTED  DENIED  CONT  HELD UNDER ASSIGNMENT

DEFENDANT RELEASED TO PTR - TO REPORT TO  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE  
DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES  
DEFENDANT SWORN \_\_\_\_\_ JUROR OF WITNESSES SWORN \_\_\_\_\_

JRT 10/4/07  
Sam

WHITE - CLERK YELLOW - PROBATION PUR - DUA BLUE - BCJA

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

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA  
06-4016CFMB

██████████  
RAYMOND HAUCK

██████████  
06-4016CFMD

██████████  
HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

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

*Amended*  
**JOINT EXHIBIT LIST**

1. Joint Stipulation of Facts
2. Diagram of Boot Camp
3. Photographs from Boot Camp  
(3A through 3Z)
4. Bay Medical Center Records, 1/5/06
  - A. Ambulance Run Report
  - B. Copy of X-Ray with time stamp
  - C. Emergency Department Report – Nurses Notes
  - D. Blood Gas Analysis Report, 10:17
  - E. Blood Gas Analysis Report, 11:19
  - F. Emergency Department Triage Report
  - G. Medication and IV Orders form
  - H. Emergency Department Report by Jeffrey Appel, MD
  - I. Addendum by Jeffrey Appel, MD
  - J. Toxicology Report
5. Ammonia Capsules
  - A. Ammonia Box
  - B. Photographs of Box
6. DJJ Comprehensive Physical Assessment, 10/19/05

FILED

DATE 10-3-07 TIME 8:00 AM

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT

1

BY [Signature]

7. DJJ Health Related History, 10/21/05
8. Medical and Mental Health Admission Screening, 1/5/06
9. Facility Entry Health Screening, 1/5/06
10. Physical Evaluation and Needs Assessment, 1/5/06
11. Physical Assessment Sheet, 1/5/06
12. Use of Force Policies
  - A. BCSO Use of Force Policy
  - B. BCSO Behavioral Matrix
  - C. BCSO Use of Force Continuum
  - D. CJSTC Use of Force Policy
  - E. Letter from Charles Chervanik, January 23, 2003
  - F. Memo from Secretary Schembri, June 21, 2004
13. DJJ 911 Policy

## CIRCUIT COURT MINUTES

DATE 10/4/07TIME 8:32 amPRESIDING JUDGE Michael C. OverstreetCLERK PRESENT J. Gilpin & A. WesterCOURT REPORTER PRESENT S. DiltzRaymond Hawk

STATE OF FLORIDA

VS

Henry DickensCharles EnriquezKristin SchmidtJoseph WalshCASE NUMBER 06-4016 CFMA - CFMH

ATTORNEYS PRESENT

FOR STATE M. SinacoreFOR DEFENDANT W. SmitherJ. DingusA. StoneR. PellH. CrawfordS. SambathayJ. WhiteW. GrahamCHARGE Agg Manslaughter of a Child8:32 AM - Court in session8:33 am - The jury enters the courtroom8:33 am - State calls Jason Foland (sworn)8:50 am - sidebar8:53 am - Defense crosses - A. Stone8:56 am - Defense crosses - W. Graham8:58 am - Defense crosses - W. Smither9:01 am - State re-directs9:04 am - Defense re-crosses - A. Stone10:12 am - The jury exits for a break - court in recess10:29 am - Court in session10:30 am - State calls Thomas Andrew (sworn)11:16 am - sidebar11:23 am - sidebar11:25 am - Defense crosses - J. Dingus11:32 am - sidebar11:33 am - Defense crosses - J. White11:58 am - Defense crosses - A. Stone12:00 pm - Defense crosses - R. Sambathay

- 12:02 pm - State re-directs
- 12:07 pm - Defense re-crosses - W. Graham
- 12:09 pm - Defense re-crosses - J. White
- 12:10 pm - The jury exits for lunch - court in recess
- 12:11 pm - sidebar - off the record
- 12:16 pm - <sup>attys present + Judge</sup> Meeting w/ Mr. & Mrs. Lawrence in chambers - both sworn  
- meeting was concerning a conversation between Mr & Mrs. Lawrence & a Juror in this case at a sporting good store. (attys + state present)  
Mr. Lawrence questions first - (witness sworn)
- 12:25 pm - Mrs. Lawrence called back in (already placed under oath) to testify as to what she witnessed of the conversation with the Juror at the Sporting Good Store.
- 1:31 pm - Court in session
- 1:32 pm - The jury enters the courtroom
- 1:32 pm - State calls Samir Ebid (sworn)
- 1:41 pm - Defense crosses - A. Stone
- 1:42 pm - Defense crosses - W. Graham
- 1:46 pm - State re-directs
- 1:48 pm - Defense re-crosses - W. Graham
- 1:50 pm - State re-directs
- 1:50 pm - Defense re-crosses - J. Dingus
- 1:52 pm - State calls Richard Koester (sworn)
- 2:00 pm - Defense crosses - R. Pell
- 2:01 pm - State calls Nikolaus Gravenstein (sworn)
- 3:02 pm - The jury exits
- 3:16 pm - Court in session
- 3:16 pm - The jury enters the courtroom
- 3:17 pm - Defense crosses - R. Sambathay
- 3:29 pm - sidebar



Henry Dicker  
Charles Enfinger  
[Redacted]

Raymond Hawk  
[Redacted]

Kristin Schmidt  
Joseph Walsh

3:42 pm - Defense crosses - R. Pell

3:44 pm - State re-directs

3:46 pm - State calls Paul Green (sworn)

3:50 pm - Defense crosses - W. Graham

3:51 pm - The Judge excuses the Jurors for the night

3:52 pm - The Jurors exit the courtroom

3:52 pm - Sidebar - off the record - court in recess

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

Judge: OVERSTREET MICHAEL C (DIV 6)  
Court Reporter: SD/8:32/1:31  
State Attorney: MARK A LIBER  
State Of Florida vs SCHMIDT, KRISTIN ANNE  
Defendant in Custody? YES  NO

Clerk: JG / AW  
Probation Off:  
Defense Attorney: BENEDIK ASHLEY STONE  
Date: 10/04/2007

Division : 60

CASE NO: 06004016DFMG CHARGE - 8:001: AGGRAVATED MANSLAUGHTER OF A CHILD 0301100627 FILED

\*\*\*\*\* F L E A \*\*\*\*\*  
CASE NO: VOPE  VOCC  TO THE CHARGE OF  
HOLD  GUILTY  ADM VIOL  PSI   
PDR  SS  SENT SET   
MOD  REINS  REVOKED

\*\*\*\*\* S E N T E N C I N G \*\*\*\*\*  
CASE NO: ADJ W/H  GUILTY  DOC \_\_\_\_ yr(s) \_\_\_\_ mo  
BCJA \_\_\_\_ yr(s) \_\_\_\_ mo  
BCJA 1st  Credit \_\_\_\_ yr \_\_\_\_ dy - Prev Doc \_\_\_\_  
COMM CONTROL BY PROB Unforf Gain  
\$3 Teen Ct CC FINE REST  
\$50 DRUG PSM/BCMF Hrs @ dy/mo  
HAD OFF  PREV COND REIMPOSED  1ST STEP  
COND  W/ CONSEC  W/

CASE NO: ADJ W/H  GUILTY  DOC \_\_\_\_ yr(s) \_\_\_\_ mo  
BCJA \_\_\_\_ yr(s) \_\_\_\_ mo  
BCJA 1st  Credit \_\_\_\_ yr \_\_\_\_ dy - Prev Doc \_\_\_\_  
COMM CONTROL BY PROB Unforf Gain  
\$3 Teen Ct CC FINE REST  
\$50 DRUG PSM/BCMF Hrs @ dy/mo  
HAD OFF  PREV COND REIMPOSED  1ST STEP  
COND  W/ CONSEC  W/

DRUG PKG  B/B/U  A/D COUNSEL PSYCH/SEX COUNSEL  GEO/EMPLOY  ESSAY  CAN TERM EARLY   
STAY AWAY FROM VICTIM  NO ALCOHOL  DO NOT VISIT ALCOHOL PLACES  DL REVOKED  \_\_\_\_ YRS   
COS \$ \_\_\_\_ /no beginning COMPLETE KEETON PKG \_\_\_\_ after care \_\_\_\_ Bars to Bad \_\_\_\_

APPEAL \_\_\_\_\_ COMMENTS \_\_\_\_\_  
\*\*\*\*\* M O T I O N S \*\*\*\*\*

1: JRT 10/3/07 @ Jan  
2:  
3:  
GRANTED  DENIED  CONT  HELD UNDER ADVISEMENT

DEFENDANT RELEASED TO PTR - TO REPORT TO  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE  
DEFENDANT REMAINS IN CUSTODY ON THESE CHARGES  
DEFENDANT SWORN \_\_\_\_\_

NUMBER OF WITNESSES SWORN \_\_\_\_\_ FILED  
DATE 10/3/07 TIME 3:55 pm

WHITE - CLERK YELLOW - PROBATION PINK - OCA BLUE - BCJA  
HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BY Ah [Signature]

DATE 10/5/07TIME 8:25 amPRESIDING JUDGE Michael C. OverstreetCLERK PRESENT J. Gilpin & A. WesterCOURT REPORTER PRESENT S. Diltz

STATE OF FLORIDA

VS

Henry Dickens  
Charles Entinger  
[REDACTED]Raymond Hawk  
[REDACTED]  
Kristin Schmidt  
Joseph WalshCASE NUMBER 06-4016 CFMA-CFMH

ATTORNEYS PRESENT

FOR STATE M. SinacoreFOR DEFENDANT W. SmithJ. Dingus H. Crawford  
A. Stone S. Sambathay  
R. Pell J. White  
W. GrahamCHARGE Agg Manslaughter of a Child8:25 am - Court in session8:27 am - The Jury enters the courtroom8:27 am - The Judge addresses the jurors8:28 am - State calls Vernard Adams (sworn)9:44 am - Sidebar10:01 am - The Jurors exit the courtroom - court in recess10:14 am - Court in session10:15 am - Defense evidentiary hearing10:25 am - The Jury enters the courtroom10:27 am - Defense crosses - P. Sambathay11:08 am - Defense crosses - W. Graham11:10 am - Sidebar11:23 am - Sidebar11:49 am - State re-directs12:18 pm - Defense re-crosses - W. Graham12:23 pm - State re-directs12:25 pm - Sidebar - off the record12:24 pm - The Jury exits for lunch - court in recess1:58 pm - Court in session

Henry Dickens  
Charles Enfinger

PAGE 2

Raymond Hawk

ST. V.

CASE NO. 06-4016 EFMA - CFMP

Kristin Schmidt  
Joseph Walsh

1:58 pm - The jury enters the courtroom

1:59 pm - State calls Cynthia Younger (sworn)

2:22 pm - Defense crosses - J. White

2:34 pm - State re-directs

2:35 pm - Defense re-crosses - J. White

2:36 pm - Sidebar - off the record

2:37 pm - The jury exits for the weekend

2:39 pm - Court in recess

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

Judge: OVERSTREET MICHAEL C (DIV 0)  
Court Reporter: SD/8/25/11:58  
State Attorneys: MARK A UBER  
State Of Florida vs SCHMIDT, KRISTIN ANNE  
Defendant in Custody? YES  NO

Clerk: JG/AW  
Division: 00  
Probation Off:  
Defense Attorney: BENEDIK ASHLEY STONE  
Date: 10/05/2007

CASE NO: 06004016LPMG CHARGE - 8001: AGGRAVATED MANSLAUGHTER OF A CHILD (0301300627 FILED

===== P L E A =====  
CASE NO: VOPE  MOVE  CASE NO: VOPE  MOVE   
TO THE CHARGE OF TO THE CHARGE OF  
GUILTY  ADM VIOL.  PSI  GUILTY  ADM VIOL.  PSI   
SOR  SS  SENT SET  SOR  SS  SENT SET   
MOD  REINS  REVOKED  MOD  REINS  REVOKED

===== S E N T E N C I N G =====  
CASE NO: ADJ W/H  GUILTY  CASE NO: ADJ W/H  GUILTY   
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCHA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCHA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
BCHA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_ BCHA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unfurf Gain \_\_\_\_\_ COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unfurf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSM/BCAP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo \$50 DRUG \_\_\_\_\_ PSM/BCAP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF  PREV COND REIMPOSED  1ST STEP \_\_\_\_\_ HAB OFF  PREV COND REIMPOSED  1ST STEP \_\_\_\_\_  
COND  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_ COND  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_

===== S E N T E N C I N G =====  
CASE NO: ADJ W/H  GUILTY  CASE NO: ADJ W/H  GUILTY   
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCHA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCHA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
BCHA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_ BCHA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unfurf Gain \_\_\_\_\_ COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unfurf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_ \$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSM/BCAP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo \$50 DRUG \_\_\_\_\_ PSM/BCAP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/mo  
HAB OFF  PREV COND REIMPOSED  1ST STEP \_\_\_\_\_ HAB OFF  PREV COND REIMPOSED  1ST STEP \_\_\_\_\_  
COND  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_ COND  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_

DRUG PKG  R/B/U  A/D COUNSEL PSYCH/SEX COUNSEL  SED/EMPLOY  ESSAY  CAN TERM EARLY   
STAY AWAY FROM VICTIM  NO ALCOHOL  DO NOT VISIT ALCOHOL PLACES  DL REVOKED  \_\_\_\_\_ YRS   
COS \$ \_\_\_\_\_ /no beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Bars to Red \_\_\_\_\_

APPEAL \_\_\_\_\_ COUNTERS \_\_\_\_\_  
===== M O T I O N S =====

1: JRT 10/8/07 @ 8 am  
2: \_\_\_\_\_  
3: \_\_\_\_\_  
GRANTED  DENIED  CONT  HELD UNDER ADVISEMENT

DEFENDANT RELEASED TO PTR -- TO REPORT TO \_\_\_\_\_  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE \_\_\_\_\_  
DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES \_\_\_\_\_  
DEFENDANT SWORN \_\_\_\_\_  
DATE 10/5/07 FILED TIME 2:49 pm

WHITE - CLERK YELLOW - PROBATION PINK - CIA  
BY HAROLD BAZZEL  
CLERK OF CIRCUIT COURT

## CIRCUIT COURT MINUTES

DATE 10/8/07TIME 8:27 amPRESIDING JUDGE Michael C. OverstreetCLERK PRESENT J. Gilpin & A. WesterCOURT REPORTER PRESENT S. DiltzRaymond Hawk

STATE OF FLORIDA

VS

Henry Dickens  
Charles EntingerKristin Schmidt  
Joseph WalshCASE NUMBER 06-4016 CFMA - CFMH

ATTORNEYS PRESENT

FOR STATE M. SinaforeFOR DEFENDANT W. SmithJ. Dingus H. Crawford  
A. Stone S. Sombathong  
R. Fell J. White  
W. GrahamCHARGE Agg. Manslaughter of a child8:27 am - court in session8:28 am - The jurors enter the courtroom8:29 am - The judge addresses the jurors8:29 am - State calls Andy Anderson (sworn)8:34 am - Defense cross - J. White8:38 am - State re-directs8:39 am - State calls Michael Bostic (sworn)8:42 am - State calls Dr. Shairi Turner (sworn)8:53 am - sidebar9:02 am - sidebar9:11 am - sidebar9:25 am - Defense crosses - A. Stone9:30 am - Defense crosses - W. Graham9:53 am - State re-directs9:54 am - sidebar9:57 am - Defense re-crosses - W. Graham9:59 am - sidebar10:00 am - The jury exits for break10:02 am - court in recess

Raymond Hauck Kristin Schmidt  
Joseph Walsh

- 10:15 am - Court in session
- 10:15 am - State rests
- 10:15 am - Defense mtn of acquittal - W. Smith - (for all defendants) - denied
- 10:46 am - States oral jury's mtn - granted
- 10:48 am - The jurors enter the courtroom
- 10:48 am - Defense opening statement - W. Smith
- 12:06 pm - The jurors exit for lunch - court in recess
- 12:07 pm - sidebar - off the record
- 1:25 pm - Court in session
- 1:27 pm - State's mtn in limine - granted in part
- 1:31 pm - State's mtn in limine - held
- 1:34 pm - The State calls Mike Thompson (sworn) - W. Smith
- 2:19 pm - sidebar
- 2:22 pm - The jurors exit the courtroom
- 2:31 pm - The jurors enter the courtroom
- 2:44 pm - Defense continues direct - R. Pell
- 2:52 pm - sidebar
- 2:55 pm - State crosses
- 3:13 pm - sidebar
- 3:13 pm - The jury exits for a break - court in recess
- 3:29 pm - Court in session
- 3:30 pm - The jurors enter the courtroom
- 3:30 pm - State continues cross
- 3:43 pm - sidebar
- 3:57 pm - Defense re-directs - R. Pell
- 3:57 pm - Defense re-directs - W. Graham

ST. V. [REDACTED] Raymond Hawk  
[REDACTED] Kristin Schmidt  
Joseph Walsh

- 4:01 pm - Defense re-directs - A. Stone
- 4:03 pm - Defense re-directs - W. Graham
- 4:04 pm - Defense re-directs - A. Stone
- 4:05 pm - State re-crosses
- 4:06 pm - Defense calls [REDACTED] (sworn) - W. Graham
- 4:12 pm - Sidebar
- 5:14 pm - Sidebar
- 5:16 pm - The jury exits for a break - court in recess
- 5:24 pm - Court in session - the jury enters
- 5:25 pm - Defense continues with direct - W. Graham
- 6:19 pm - The jury exits for the night
- 6:19 pm - Court in recess



Judge: OVERSTREET MICHAEL D (DTV/C)

Clerk: JG/AW

Division: 00

Court Reporter: SD/8:27/125

Probation Off:

State Attorney: MARI A OMER

Defense Attorney: BENEDICT ASHLEY STONE

State Of Florida vs SCHMIDT, KRISTIN ANNE

Defendant in Custody? YES [ ] NO [x]

Date: 10/08/2007

\*\*\*\*\*

CASE NO: 060040162PHG CHARGE - 84001: ABANDONED HUSBAND/DAUGHTER OF A CHILD 030110227 FILED

TO THE CHARGE OF: MOLD [ ] GUILTY [ ] ADM MOLD [ ] PSI [ ] PDR [ ] SA [ ] BERT SET [ ] MOD [ ] REINS [ ] REVOKED [ ]

SENTENCING: DOC yr(s) no BOJA yr(s) no BOJA 1st [ ] Credit yr dy - Prev Doc COMM CONTROL BY PROB Unforf Gain \$3 Teen Ct CC FINE REST \$50 DRUG PSW/RCP Hrs @ dy/no HAB OFF [ ] PREV COND REIMPOSED [ ] 1ST STEP COND [ ] W/ CORSED [ ] W/

ADJ W/H [ ] GUILTY [ ] DOC yr(s) no BOJA yr(s) no BOJA 1st [ ] Credit yr dy - Prev Doc COMM CONTROL BY PROB Unforf Gain \$3 Teen Ct CC FINE REST \$50 DRUG PSW/RCP Hrs @ dy/no HAB OFF [ ] PREV COND REIMPOSED [ ] 1ST STEP COND [ ] W/ CORSED [ ] W/

DRUG PKG [ ] W/B/D [ ] A/D PRUNSEL PSYCH/SEX COUNSEL [ ] BED/EMPLOY [ ] ESSAY [ ] CAN FORM EARLY [ ] STAY AWAY FROM VICTIM [ ] NO ALCOHOL [ ] DO NOT VISIT ALCOHOL PLACES [ ] DL REVOKED [ ] YES [ ]

APPEAL COMMENTS

1: JRT 10/9/07 @ 8am
2:
3:

DEFENDANT RELEASED TO PTR - TO REPORT TO
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE
DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES:
DEFENDANT FROM NUMBER OF WITNESSES SHOWN
WHITE - CLERK YELLOW - PROBATION PINK - DCA BLUE - BOJA

FILED
DATE 10/8/07 TIME 6:20 pm
BY HAROLD BAZZEL CLERK OF CIRCUIT COURT

CIRCUIT COURT MINUTES

DATE 10/9/07

TIME 8:27 am

PRESIDING JUDGE Michael C. Overstreet

CLERK PRESENT J. Gilpin & A. Wester

COURT REPORTER PRESENT S. Diltz

Raymond Hawk

STATE OF FLORIDA

VS

Henry Dickens  
Charles Entinger

Kristin Schmidt  
Joseph Walsh

ATTORNEYS PRESENT

FOR STATE M. Sinacore

FOR DEFENDANT W. Smith

J. Dingus H. Crawford  
A. Stone S. Sombathy  
R. Pell J. White  
W. Graham

CASE NUMBER 02-4016 CFMA - CFMH

CHARGE Agg. Manslaughter of a Child

8:27 am - Court in session

8:28 am - The jury enters the courtroom

8:28 am - State crosses witness [redacted] (prev sworn)

9:43 am - sidebar

9:44 am - The jury exits for a break - court in recess

10:01 am - Court in session

10:01 am - The jury enters the courtroom

10:02 am - State continues to cross

10:23 am - Defense re-directs - W. Graham

10:23 am - Defense calls Raymond Hawk - J. White (sworn) <sup>Def.</sup>

11:39 am - sidebar

11:41 am - The jury exits for lunch - court in recess

12:42 pm - Court in session

12:43 pm - The jury enters the courtroom

12:43 pm - State crosses

1:33 pm - Defense call [redacted] (sworn) - R. Sombathy

2:19 pm - The jury exits for a break - court in recess

2:33 pm - Court in session

2:34 pm - The jury enters the courtroom

- 2:34 pm - State crosses
- 3:12 pm - Defense re-directs - P. Sambathay
- 3:16 pm - State re-crosses
- 3:17 pm - sidebar
- 3:18 pm - The jurors exit for a break - court in recess
- 3:28 pm - Court in session
- 3:29 pm - Defense calls Kristin Schmidt (sworn) - A. Stone
- 4:31 pm - The Jury exits for a break - court in recess
- 4:31 pm - sidebar - off the record
- 4:42 pm - Court in session
- 4:43 pm - The judge addresses the courtroom
- 4:45 pm - The jurors enter the courtroom
- 4:45 pm - The judge addresses the jurors
- 4:46 pm - The State crosses
- 5:03 pm - sidebar
- 5:04 pm - The Jury exits for a few moments
- 5:07 pm - The judge addresses the witness
- 5:08 pm - The Jury enters the courtroom
- 5:09 pm - The State continues cross
- 6:04 pm - Defense re-directs - A. Stone
- 6:12 pm - sidebar - off the record
- 6:13 pm - The Jury exits for the nite - court in recess

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
BAY COUNTY, FLORIDA

Judge: OVERSTREET MICHAEL D. (NY) (D)  
Court Reporter: SD/827/12:42  
State Attorney: MARK A. UBER  
State Of Florida vs. SCHRODT, KRISTEN ANNE  
Defendant in Custody? YES  NO

Division: DD  
Probation Off: [Signature]  
Defense Attorney: BENEDIK ASHLEY STONE  
Date: 10/09/2007

CASE NO: 06004016CJMG CHARGE - 81001: ABUSIVELY MANDULSHTER OF A CHILD 0801100827 FILED

CASE NO: \_\_\_\_\_ VOICE  MODOC  TO THE CHARGE OF \_\_\_\_\_  
HOLD  GUILTY  ADM VIOL  PSI   
PRR  SS  SENT SET   
MCD  REINS  REVOKED

SENTENCING  
CASE NO: \_\_\_\_\_ ADM W/H  GUILTY   
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCHA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
MJA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSM/PCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/wo  
HAB OFF  PREV COND REIMPOSED  1ST STEP \_\_\_\_\_  
COND  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_

CASE NO: \_\_\_\_\_ ADM W/H  GUILTY   
DOC \_\_\_\_\_ yr(s) \_\_\_\_\_ mo BCHA \_\_\_\_\_ yr(s) \_\_\_\_\_ mo  
MJA 1st  Credit \_\_\_\_\_ yr \_\_\_\_\_ dy - Prev Doc \_\_\_\_\_  
COMM CONTROL \_\_\_\_\_ BY PROB \_\_\_\_\_ Unforf Gain \_\_\_\_\_  
\$3 Teen Ct \_\_\_\_\_ CC \_\_\_\_\_ FINE \_\_\_\_\_ REST \_\_\_\_\_  
\$50 DRUG \_\_\_\_\_ PSM/PCWP \_\_\_\_\_ Hrs @ \_\_\_\_\_ dy/wo  
HAB OFF  PREV COND REIMPOSED  1ST STEP \_\_\_\_\_  
COND  W/ \_\_\_\_\_ CONSEC  W/ \_\_\_\_\_

DRUG PKG  W/B/U  A/D COUNSEL PSYCH/SEX COUNSEL  600/EMPLOY  CUNAY  CAN TERM EARLY   
STAY AWAY FROM VICTIM  NO ALCOHOL  DO NOT VISIT ALCOHOL PLACES  DL REVOKED  \_\_\_\_\_ YRS   
CUS \$ \_\_\_\_\_ /no beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Furs to Fed \_\_\_\_\_

APPEAL \_\_\_\_\_ COMMENTS \_\_\_\_\_

1: JRT 10/10/07 CSan  
2:  
3:  
GRANTED  DENIED  CONT  HELD UNDER ASSIGNMENT

DEFENDANT RELEASED TO PCR - TO REPORT TO \_\_\_\_\_  
DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE \_\_\_\_\_  
DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES \_\_\_\_\_  
DEFENDANT SIGNED \_\_\_\_\_ NUMBER OF WITNESSES SWORN \_\_\_\_\_

WHITE - CLERK YELLOW - PROBATION PDR - CIA BLUE - BCHA

FILED  
DATE 10/9/07 TIME \_\_\_\_\_

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BY [Signature]

CIRCUIT COURT MINUTES

DATE 10/10/07

TIME 8:30 am

PRESIDING JUDGE Michael C. Overstreet

CLERK PRESENT J. Gilpin & A. Wester

COURT REPORTER PRESENT S. Diltz

Raymond Hawk

STATE OF FLORIDA

VS

ATTORNEYS PRESENT

FOR STATE H. Sinacore

FOR DEFENDANT W. Smith

Henry Dickens

Kristin Schmidt

Charles Entinger

Joseph Walsh

J. Dingus

H. Crawford

A. Stone

S. Sambathus

R. Pell

J. White

W. Graham

CASE NUMBER 06-4016 CFMA - CFMH

CHARGE Agg. Manslaughter of a child

8:30 am - Court in session

8:30 am - The Jury enters the courtroom

8:31 am - State calls Joseph Walsh (sworn) - R. Pell

9:12 am - State crosses

9:53 am - The Jury exits for a break - court in recess

10:05 am - Court in session

10:05 am - The Jury enters the courtroom

10:05 am - Defense calls Charles Entinger (sworn) - W. Smith

10:29 am - State crosses

10:53 am - Defense calls Henry McFaddin (sworn) - J. Dingus

11:29 am - Sidebar

11:30 am - The Jurors exit the courtroom

11:33 am - The Judge excuses some members of the audience

11:34 am - The Jury enters the courtroom

11:39 am - State crosses

12:07 pm - Defense re-directs - J. Dingus

12:07 pm - The Jury exits for lunch - court in recess

1:12 pm - Court in session

1:12 pm - The Jurors enter the courtroom

- 1:13 pm - Defense calls Henry Dickens (sworn) - H. Crawford
- 1:30 pm - State crosses
- 1:59 pm - Defense re-directs - H. Crawford
- 2:00 pm - Defense re-directs - R. Sombathing
- 2:01 pm - State re-crosses
- 2:02 pm - The jury exits for a break
- 2:02 pm - sidebar - off the record
- 2:16 pm - Court in session
- 2:18 pm - The jury enters
- 2:19 pm - Defense calls Charles Siebert (sworn) - R. Sombathing
- 3:07 pm - Defense directs - W. Graham
- 3:09 pm - State crosses
- 3:37 pm - sidebar
- 3:38 pm - The jury exits for a break - court in recess
- 3:59 pm - Court in session
- 4:00 pm - The jurors enter the courtroom
- 4:02 pm - State continues cross
- 4:42 pm - Defense re-directs - R. Sombathing
- 4:55 pm - sidebar
- 4:58 pm - The jury exits for a break - court in recess
- 5:10 pm - Court in session
- 5:10 pm - The jury enters the courtroom
- 5:11 pm - State re-crosses
- 5:21 pm - Defense re-directs - R. Sombathing
- 5:22 pm - sidebar
- 5:24 pm - State re-crosses
- 5:26 pm - Defense calls Dr. Eichner (sworn)

ST. V. [REDACTED] [REDACTED] CASE NO. 06-4016 CFMA - CFMH  
Raymond Hawk Kristin Schmidt  
[REDACTED] Joseph Walsh

5:51 pm - sidebar

6:08 pm - The jury exits for a break - court in recess

6:20 pm - court in session

6:20 pm - The jury enters the courtroom

6:21 pm - Defense continues direct - W. Smiter

6:23 pm - State crosses

7:14 pm - Defense re-directs - W. Smiter

7:17 pm - State re-crosses

7:17 pm - Defense rests

7:18 pm - The judge addresses the jurors - the  
jurors to return @ 10 am

7:19 pm - The jury exits for the night - court in recess

7:19 pm - sidebar - off the record

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
 BAY COUNTY, FLORIDA

Judge: OVERSTREET MICHAEL C (DWM G)  
 Court Reporter: SD/8:30/11/12  
 State Attorney: MARK A OGER  
 State Of Florida vs SPRINT, KRISTIN ANNE  
 Defendant in Custody? YES  NO

Clerk: JG/AW  
 Probation Off:  
 Defense Attorney: HENRIK ASHLEY STONE  
 Date: 10/10/2007

Division: 00

CASE NO: 0600-016CRPG CHANGE - 0:001: ABANDONED HANDMAIDEN OF A CHILD 030110/B27 FILED

\*\*\*\*\* P L E A \*\*\*\*\*

CASE NO: _____	VOPE <input type="checkbox"/>	VOCC <input type="checkbox"/>	CASE NO: _____	VOPE <input type="checkbox"/>	VOCC <input type="checkbox"/>
TO THE CHARGE OF _____			TO THE CHARGE OF _____		
WOLD <input type="checkbox"/>	SOULTY <input type="checkbox"/>	ADM VIOL. <input type="checkbox"/>	PSI <input type="checkbox"/>	WOLD <input type="checkbox"/>	SOULTY <input type="checkbox"/>
ADM VIOL. <input type="checkbox"/>	SO <input type="checkbox"/>	SENY SET <input type="checkbox"/>	PSI <input type="checkbox"/>	ADM VIOL. <input type="checkbox"/>	SO <input type="checkbox"/>
MOD <input type="checkbox"/>	REINS <input type="checkbox"/>	REVOKED <input type="checkbox"/>	MOD <input type="checkbox"/>	REINS <input type="checkbox"/>	REVOKED <input type="checkbox"/>

\*\*\*\*\* S E N T E N C I N G \*\*\*\*\*

CASE NO: _____	ANY W/H <input type="checkbox"/>	GUILTY <input type="checkbox"/>	CASE NO: _____	ANY W/H <input type="checkbox"/>	GUILTY <input type="checkbox"/>
DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	BCJA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	COMM CONTROL _____	BY PROB _____	Unforf Gain _____
\$3 Teen Ct _____ CC _____	FINE _____	REST _____	\$3 Teen Ct _____ CC _____	FINE _____	REST _____
\$50 DRUG _____	PSM/BCWP _____	Hrs @ _____	dy/mo _____	\$50 DRUG _____	PSM/BCWP _____
HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____	HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____
COND <input type="checkbox"/>	W/ _____	COND <input type="checkbox"/>	W/ _____	COND <input type="checkbox"/>	W/ _____

CASE NO: _____	ANY W/H <input type="checkbox"/>	GUILTY <input type="checkbox"/>	CASE NO: _____	ANY W/H <input type="checkbox"/>	GUILTY <input type="checkbox"/>
DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	DOC _____ yr(s) _____ mo	BCJA _____ yr(s) _____ mo	BCJA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____
COMM CONTROL _____	BY PROB _____	Unforf Gain _____	COMM CONTROL _____	BY PROB _____	Unforf Gain _____
\$3 Teen Ct _____ CC _____	FINE _____	REST _____	\$3 Teen Ct _____ CC _____	FINE _____	REST _____
\$50 DRUG _____	PSM/BCWP _____	Hrs @ _____	dy/mo _____	\$50 DRUG _____	PSM/BCWP _____
HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____	HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____
COND <input type="checkbox"/>	W/ _____	COND <input type="checkbox"/>	W/ _____	COND <input type="checkbox"/>	W/ _____

DRUG PKG  W/B/U  A/D COUNSEL  PSYCH/SEX COUNSEL  SED/EMPLOY  L/SAY  CAN TERM EARLY   
 STAY AWAY FROM VICTIM  NO ALCOHOL  DO NOT VISIT ALCOHOL PLACES  DL REVOKED  \_\_\_\_\_ YRS   
 CDS \$ \_\_\_\_\_ /no beginning \_\_\_\_\_ COMPLETE KEETON PKG \_\_\_\_\_ after care \_\_\_\_\_ Pans to Sed \_\_\_\_\_

APPCAL \_\_\_\_\_ COMMENTS \_\_\_\_\_

\*\*\*\*\* M O T I O N S \*\*\*\*\*

1: JPT 10/11/07 @ 8am  
 2: \_\_\_\_\_  
 3: \_\_\_\_\_

GRANTED  DENIED  CONT  HELD UNDER ADVISEMENT

DEFENDANT RELEASED TO PTR - TO REPORT TO \_\_\_\_\_  
 DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE \_\_\_\_\_  
 DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES \_\_\_\_\_  
 DEFENDANT SWSRN \_\_\_\_\_

WHITE - CLERK YELLOW - PROBATION PDR - DIA BLUE - BCJA  
 DATE 10/10/07 TIME 7:20pm

FILED  
 HAROLD BAZZELI  
 CLERK OF CIRCUIT COURT  
 BY [Signature]



## CIRCUIT COURT MINUTES

DATE 10/11/07TIME 9:57 amPRESIDING JUDGE Michael C. OverstreetCLERK PRESENT J. Gilpin & A. WesterCOURT REPORTER PRESENT S. LessSTATE OF FLORIDA  
VS  
Henry Dickens  
Charles Entinger  
[REDACTED]Raymond Hawk  
[REDACTED]  
Kristin Schmidt  
Joseph WalshATTORNEYS PRESENT  
FOR STATE M. Sinacore  
FOR DEFENDANT W. Smith  
J. Dingus H. Crawford  
A. Stone S. Sombathij  
R. PellCASE NUMBER 06-4016 CFMA - CFMHCHARGE Agg. Manslaughter of a child9:57 am - Court in session9:57 am - sidebar - off the record10:03 am - The judge addresses the courtroom10:07 am - The jury enters the courtroom10:08 am - The judge addresses the jurors10:11 am - State give closing arguments12:46 pm - The jury exits for lunch - court in recess1:45 pm - Court in session1:45 pm - The jury enters the courtroom1:46 pm - State continues closing arguments1:51 pm - Defense gives closing arguments - R. Sombathij2:26 pm - Defense gives closing arguments - R. Dingus2:43 pm - Defense gives closing arguments - R. Pell2:56 pm - Defense gives closing arguments - A. Stone3:17 pm - Defense gives closing arguments - J. White3:41 pm - Court in session3:57 pm - The jury enters the courtroom3:57 pm - Defense gives closing arguments - W. Graham4:18 pm - sidebar

4:21 pm - Defense gives closing arguments - W. Smither

4:36 pm - Defense gives closing arguments - Th. Crawford

4:59 pm - The jury exits for a break - court in recess

5:10 pm - Court in session

5:11 pm - The jury enters the courtroom

5:11 pm - State closing rebuttal

6:23 pm - Side bar

6:34 pm - The jury exits for the night after the  
judge gives the jury instructions

6:36 pm - Court in recess

6:36 pm - Side bar off the record



DATE 10/12/07TIME 9:13 amPRESIDING JUDGE Michael C. OverstreetCLERK PRESENT J. Gilpin & A. WesterCOURT REPORTER PRESENT S. DiltzRaymond Hawk

STATE OF FLORIDA

VS

Henry Dickens Kristin SchmidtCharles Embauer Joseph WalshCASE NUMBER 06-11016 CFMA - CFMH

ATTORNEYS PRESENT

FOR STATE M. SinacoreFOR DEFENDANT W. SmithJ. Dingus H. CrawfordA. Stone S. SombathuyR. PellCHARGE Agg. Manslaughter of a child

9:10 am - The amonia capsules were removed from the amonia box in evidence by the state's investigator and given to the clerk - the amonia capsules will not be going back with the jurors

9:13 am - Court in session

9:13 am - The Jurors enter the courtroom

9:14 am - The Judge instructs the law

9:45 am - The Judge addresses the jurors

9:46 am - The Jury exits to deliberate

9:47 am - The Judge thanks &amp; dismisses the alternates

9:50 am - Court in recess

11:40 am - A verdict has been reached

12:17 pm - Court in session

12:20 pm - The Jurors enter the courtroom

12:22 pm - The Judge publishes the verdict

12:24 pm - Clerk polls the jurors

12:25 pm - The Judge thanks &amp; dismisses the jurors

12:25 pm - Court in recess

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL CIRCUIT  
 BAY COUNTY, FLORIDA

Judge: EVERSTREET MICHAEL D (10/11/07)  
 Court Reporter: SD/9/13/  
 State Attorney: MARK A DUBER  
 State Of Florida vs SCHRODT, KRISTINA ANNE  
 Defendant in Custody? YES  NO

Clk: JG/AN  
 Probation Off:  
 Defense Attorney: BENEDICT ASHLEY STONE  
 Date: 10/12/2007

Division: 00

CASE NO: 040040162P06 Charge - 00001: ABANDONED MARITAL RIGHTS OF A CHILD

040040162? FILED **NG**

**F L E A**

CASE NO: _____	ADULT W/H <input type="checkbox"/>	ADULT GUILTY <input type="checkbox"/>	CASE NO: _____	ADULT W/H <input type="checkbox"/>	ADULT GUILTY <input type="checkbox"/>
TO THE CHARGE OF _____	TO THE CHARGE OF _____	TO THE CHARGE OF _____	TO THE CHARGE OF _____	TO THE CHARGE OF _____	TO THE CHARGE OF _____
MOB <input type="checkbox"/>	SHOULY <input type="checkbox"/>	ADULT MOUL <input type="checkbox"/>	PSI <input type="checkbox"/>	ADULT MOUL <input type="checkbox"/>	PSI <input type="checkbox"/>
POB <input type="checkbox"/>	BY <input type="checkbox"/>	SENT SENT <input type="checkbox"/>	POB <input type="checkbox"/>	BY <input type="checkbox"/>	SENT SENT <input type="checkbox"/>
MOB <input type="checkbox"/>	REING <input type="checkbox"/>	REMOVED <input type="checkbox"/>	MOB <input type="checkbox"/>	REING <input type="checkbox"/>	REMOVED <input type="checkbox"/>

**S E N T E N C I N G**

CASE NO: _____	ADULT W/H <input type="checkbox"/>	ADULT GUILTY <input type="checkbox"/>	CASE NO: _____	ADULT W/H <input type="checkbox"/>	ADULT GUILTY <input type="checkbox"/>
DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo
MORA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____	MORA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____	MORA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____
COMM CONTROL _____	BY PROB _____ Unforf Gain _____	COMM CONTROL _____	BY PROB _____ Unforf Gain _____	COMM CONTROL _____	BY PROB _____ Unforf Gain _____
\$3 Term Ct _____	LC _____ FINE _____ REST _____	\$3 Term Ct _____	LC _____ FINE _____ REST _____	\$3 Term Ct _____	LC _____ FINE _____ REST _____
\$50 DASH _____	PSM/BLWF _____ Hrs @ _____ dy/wk	\$50 DASH _____	PSM/BLWF _____ Hrs @ _____ dy/wk	\$50 DASH _____	PSM/BLWF _____ Hrs @ _____ dy/wk
HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____	HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____
COND <input type="checkbox"/>	COND <input type="checkbox"/>	COND <input type="checkbox"/>	COND <input type="checkbox"/>	COND <input type="checkbox"/>	COND <input type="checkbox"/>

CASE NO: _____	ADULT W/H <input type="checkbox"/>	ADULT GUILTY <input type="checkbox"/>	CASE NO: _____	ADULT W/H <input type="checkbox"/>	ADULT GUILTY <input type="checkbox"/>
DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo	DD: _____ yr(s) _____ mo
MORA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____	MORA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____	MORA 1st <input type="checkbox"/>	Credit _____ yr _____ dy - Prev Doc _____
COMM CONTROL _____	BY PROB _____ Unforf Gain _____	COMM CONTROL _____	BY PROB _____ Unforf Gain _____	COMM CONTROL _____	BY PROB _____ Unforf Gain _____
\$3 Term Ct _____	LC _____ FINE _____ REST _____	\$3 Term Ct _____	LC _____ FINE _____ REST _____	\$3 Term Ct _____	LC _____ FINE _____ REST _____
\$50 DASH _____	PSM/BLWF _____ Hrs @ _____ dy/wk	\$50 DASH _____	PSM/BLWF _____ Hrs @ _____ dy/wk	\$50 DASH _____	PSM/BLWF _____ Hrs @ _____ dy/wk
HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____	HAB OFF <input type="checkbox"/>	PREV COND REIMPOSED <input type="checkbox"/>	1ST STEP _____
COND <input type="checkbox"/>	COND <input type="checkbox"/>	COND <input type="checkbox"/>	COND <input type="checkbox"/>	COND <input type="checkbox"/>	COND <input type="checkbox"/>

SPRING PROB 

W/BLU 

AND COUNSEL 

PSYCH/SEX COUNSEL 

REEMPLOY 

ESSEY 

CAN TERM EARLY 

STAY AWAY FROM VICTIM 

NO ALCOHOL 

DO NOT VISIT ALCOHOL PLACES 

REMOVED 

YES 

YES \$ \_\_\_\_\_ /no beginning \_\_\_\_\_ COMPLETE KEYTON PRG \_\_\_\_\_ after late \_\_\_\_\_ Fave to Fed \_\_\_\_\_

ADVISOR: COMMENTS

1- The defendant is found not guilty of ...

2- ...

3- ... in a jury of peers

WANTED 

WANTED 

WANTED 

WANTED 

WANTED 

WANTED

DEFENDANT RELEASED TO PTO - TO REPORT TO

DEFENDANT TO REPORT TO PROBATION & PAROLE UPON RELEASE

DEFENDANT REMAINED IN CUSTODY ON THESE CHARGES

DEFENDANT BORN \_\_\_\_\_

NUMBER OF WITNESSES BORN \_\_\_\_\_

DATE 10/12/07 TIME 12:25 pm

FILED

BY Ah [Signature]

HAROLD BAZZEL  
 CLERK OF CIRCUIT COURT

WHITE - CLERK YELLOW - PROBATION PINK - DTA BLUE - B/TG

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

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

[REDACTED] T  
RAYMOND HAUCK

[REDACTED]  
[REDACTED]

KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMA

06-4016CFMB

06-4016CFMC

06-4016CFMD

[REDACTED]

06-4016CFMF

06-4016CFMG

06-4016CFMH

**VERDICT FORM**

As to defendant Henry Dickens, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

As to defendant Charles Enfinger, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

FILED

DATE 12/12/07 TIME 12:22 pm

66

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT

BY [Signature]

As to defendant [REDACTED], we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

As to defendant Raymond Hauck, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

As to defendant [REDACTED], we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

As to defendant [REDACTED], we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

As to defendant Kristin Schmidt, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.



As to defendant Joseph Walsh II, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

SO SAY WE ALL, dated this 12 day of October, 2007.

Peggy A. Burns  
Foreperson of the Jury

DATE 10-3-07

CASE NO. 06-4016

CFMIA  
THRU CFMIA  
PRESIDING JUDGE

Michael C. Overstreet

TITLE OF CASE State vs - Henry Dickens, Charles Entinger, [REDACTED]  
Raymond Hauck, [REDACTED] Kristin Schmidt, Joseph Walsh II  
CHARGE Aggravated manslaughter of person under 18 years

APPEARANCES

Joint Exhibits EXHIBITS	FOR IDN	IN EDENC	WITNESSES	DIRECT	CROSS	R-DIRECT	R-CROSS
Joint Stipulation of Facts	1	1					
Diagram of Boot Camp	2	2					
Photographs from Boot Camp (3A thru 3J)	3	3					
Bay medical Center Records, 1-5-06 ... (Composite A thru J)	4A-4J	4A-4J					
Ammonia Capsules - Composite (5A & 5B)	5A-5B	5A-5B					
DJJ Comprehensive Physical Assessment (10-19-05)	6	6					
DJJ Health Related History - 10-21-05	7	7					
medical & mental Health Admissions ... ... Screening (1-5-06)	8	8					
Facility Entry Health Screening - (1-5-06)	9	9					
Physical Evaluation & Needs Assessment - (1-5-06)	10	10					
Physical Assessment Sheet (1-5-06)	11	11					
USE OF FORCE Policies - Composite A-F	12A-12F	12A-12F					
DJJ 911 Policy	13	13					

DATE 10-3-07

CASE NO. 06-4016

PRESIDING JUDGE Michael C. Overstreet

TITLE OF CASE State -VS- Henry Dickens Charles Entinger, [REDACTED], Raymond [REDACTED], Kristin Schmidt, Joseph Walsh

CHARGE Aggravated manslaughter of Person under 18 yrs of Age

APPEARANCES

- State -	EXHIBITS	FOR IDN	IN E'DENG	WITNESSES	- State - 10-3-07			
					DIRECT	CROSS	R- DIRECT	R- CROSS
	Portions of Control Room Log	3	3	Antonio Jones	✓	✓	✓	
	DVD - Copy of original Videotape	1A	1A	Bobby Hall	✓	✓		
	DVD - Enhanced by NASA, with Digital Clock	1B	1B	Anita Segers	✓	✓	✓	✓
	Still images from Exhibit 1 C - comp 2A thru 2L	2A-2L	2A-2L	Dr. Jeffrey Apple	✓	✓	✓	✓
	BCSO Boot Camp Program manual	14	14	Cassie Elliott	✓	✓	✓	✓
	Medical Dept Progress Notes (1-5-06)	10A	10A	Mindy Keifer	✓	✓		
	Statements by Henry Dickens	4A	4A	Dennis Arnold	✓	✓	✓	✓
	Statement by Charles Entinger - BCSO Info Report 1-5-06	5A	5A	Charles Keene	✓			
	Statement by Raymond Hawck - BCSO Info report	7A	7A	Steve Lewis	✓	✓	✓	
	Statement by [REDACTED]							
	Statements by Joseph Walsh II - BCSO Info report 1-5-06	11B	11B	* 10-4-07 *				
	Statements by [REDACTED] - PAR report	6A	6A	Dr. Jason Folland	✓	✓	✓	✓
	Statements by Joseph Walsh II - PAR report	11A	11A	Dr. Thomas Andrew	✓	✓	✓	✓
	First Autopsy Photographs - Comp 13A-13D	13A-13D	13A-13D	Dr. Samir Ebid	✓	✓	✓	✓
	DVD - segment zoomed & Enhanced	1C		Richard Koester	✓	✓		
	DVD - zoomed segments slowed to half speed	1D		Dr. Nikolajs Bravenstein	✓	✓	✓	
	Ammonia material Safety Data Sheet	15	15	Paul Green	✓	✓		
				* 10-5-07 *				
				Dr. Vernard Adams	✓	✓	✓	✓
				Dr. Cynthia Lewis-Younger	✓	✓	✓	✓
				* 10-8-07 *				
				Andy Anderson	✓	✓	✓	
				Michael Bastie	✓			
				Dr. Shairi Turner	✓	✓	✓	✓

DATE 10-8-07

CASE NO. 06-406 <sup>CRMA - FMS</sup>

PRESIDING JUDGE Michael C. Overstre

TITLE OF CASE State vs Henry Dickens, Charles Entinger, [REDACTED], Raymond Hauck,

CHARGE Aggravated Manslaughter of Person Under 18 yrs of Age

APPEARANCES

EXHIBITS	FOR IDN IN	EDENC	DEFENSE - WITNESSES	DIRECT	CROSS	R-DIRECT	R-CROSS
			* 10-8-07 *				
			mike Thompson	✓	✓	✓	✓
			[REDACTED]				
			* 10-9-07 *				
			Raymond Hauck	✓	✓		
			[REDACTED]	✓	✓	✓	✓
			Kristin Schmidt	✓	✓	✓	
			* 10-10-07 *				
			Joseph Walsh II	✓	✓		
			Charles Entinger	✓	✓		
			[REDACTED]	✓	✓	✓	
			Henry Dickens	✓	✓	✓	✓
			Dr. Charles Siebert	✓	✓	✓	✓
			Dr. E.R. Eichner	✓	✓	✓	✓

CASE # 06-4016 CFMA thru CFM1H

STATE OF FLORIDA VS. Henry Dickens, Charles Enfinger, [REDACTED]  
Raymond Hauck, [REDACTED], Kristin Schmidt & Joseph Walsh II  
 CHARGES: Aggravated manslaughter of Person Under 18 yoa

I HEREBY CERTIFY THAT THE FOLLOWING ITEMS WERE MARKED AS EXHIBITS FOR TRIAL:

STATE EXHIBITS	ID	EV	Joint DEFENSE EXHIBITS	ID	EV
✓ # Portions of Control Room Log	3	3	# Joint Stipulation of Facts	1	1
✓ DVD - Copy of original videotape	1A	1A	# Diagram of Boot Camp	2	2
✓ DVD - Enhanced By NISA 4/20/07	1B	1B	# Photos from Camp - 3A thru 3Z	3A-3Z	3A-3Z
✓ Still images from exhibit 1C - composite 2A-2L	2A-2L	2A-2L	# Bay medical center records - log	4A-4J	4A-4J
✓ # BCSO Boot Camp Program manual	14	14	# Ammonia Capsules	5A	5A
✓ # medical Dept Progress Notes	10A	10A	# Photograph of Box	5B	5B
✓ # Statements by Henry Dickens	4A	4A	# DJJ Comprehensive Physical Assessment	6	6
✓ # Statement by Charles Enfinger <sup>CFSO Info</sup>	5A	5A	# DJJ Health Related History	7	7
✓ # " " by Raymond Hauck <sup>BCSO Dept.</sup>	7A	7A	# Medical & mental Health Admission	8	8
✓ # " " by [REDACTED]			# Facility Entry Health Screening	9	9
✓ # " " by Joseph Walsh II - <sup>BCSO report</sup>	11B	11B	# Physical Eval & <sup>needs</sup> Assessment	10	10
✓ # " " by Patrick Barrett - <sup>SOP</sup> report	6A	6A	# Physical Assessment sheet	11	11
✓ # Statement by Joseph Walsh <sup>PAP</sup> report	11A	11A	# Use of Force Policies - Comp.	12A-12F	12A-12F
✓ # First Autopsy Photographs <sup>Composite</sup> 13A thru 13D	13A-13D	13A-13D	# DJJ 911 Policy	13	13
✓ # Ammonia material <sup>safety data sheet</sup>	15	15			
#			#		
#			#		

BY: [Signature]  
 DEPUTY CLERK

DATE: 10-12-07

I HEREBY CERTIFY THAT THE FOLLOWING ITEMS OF EVIDENCE WERE PLACED IN

the vault

BY: [Signature]  
 DEPUTY CLERK

DATE: 10/15/07

**JURY SEATING CHART**

STATE OF FL. VS. H. DICKENS, C. ENFINGER, P. [REDACTED] HAUCK, [REDACTED], H.

[REDACTED] K. SCHMIDT, J. WALSH TRIAL DATE : 10/3/07 8AM

CASE # 06-4016 CFMA-CFMH

		185 HOPE GUTHRIE 10	145 BUTCH GUIREY 9	182 MEGAN GRIMSLEY 8	173 WESLEY GOEDEN 7	10 LYNN FERREN 6
		4 WINIFRED ESSMA 5	169 PEGGY BURNS 4	184 JEANNIE BROOKHOUSE 3	165 ROBERT BORGERS 2	125 JEFFERY ALMOND 1

**3.1 INTRODUCTION TO FINAL INSTRUCTIONS**

Members of the jury, I thank you for your attention during this trial. Please pay attention to the instructions I am about to give you.

DATE 10-12-07 <sup>FILED</sup> TIME 9:52 AM

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT

BY *Colin Lipz*

### 3.2 STATEMENT OF CHARGE

Henry Dickens, Charles Enfinger, [REDACTED], Raymond Hauck, [REDACTED]  
[REDACTED] Henry McFadden Jr., Kristin Schmidt and Joseph Walsh II, the defendants in  
this case, have been accused of the crime of Aggravated Manslaughter of a Person under  
18.



### **3.4 WHEN THERE ARE LESSER INCLUDED CRIMES OR ATTEMPTS**

In considering the evidence, you should consider the possibility that although the evidence may not convince you that a defendant committed the main crime of which he or she is accused, there may be evidence that he or she committed other acts that would constitute a lesser included crime. Therefore, if you decide that the main accusation has not been proved beyond a reasonable doubt, you will next need to decide if the defendant is guilty of any lesser included crime. The lesser crimes indicated in the definition of Aggravated Manslaughter of a Person under 18 are:

Manslaughter

Neglect of a Child

Culpable Negligence

### **3.7 PLEA OF NOT GUILTY; REASONABLE DOUBT; AND BURDEN OF PROOF**

Each defendant has entered a plea of not guilty. This means you must presume or believe each defendant is innocent. The presumption stays with each defendant as to each material allegation in the information through each stage of the trial unless it has been overcome by the evidence to the exclusion of and beyond a reasonable doubt.

To overcome a defendant's presumption of innocence the State has the burden of proving the crime with which the defendant is charged was committed and the defendant is the person who committed the crime.

The defendant is not required to present evidence or prove anything.

Whenever the words "reasonable doubt" are used you must consider the following:

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if, after carefully considering, comparing and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt and you must find the defendant not guilty because the doubt is reasonable.

It is to the evidence introduced in this trial, and to it alone, that you are to look for that proof.

A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence or the lack of evidence.

If you have a reasonable doubt, you should find the defendant not guilty. If you have no reasonable doubt, you should find the defendant guilty.

### 3.9 WEIGHING THE EVIDENCE

It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence, and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable, or less reliable than other evidence.

You should consider how the witnesses acted, as well as what they said. Some things you should consider are:

1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?
2. Did the witness seem to have an accurate memory?
3. Was the witness honest and straightforward in answering the attorneys' questions?
4. Did the witness have some interest in how the case should be decided?
5. Does the witness' testimony agree with the other testimony and other evidence in the case?
6. Has the witness been offered or received any money, preferred treatment or other benefit in order to get the witness to testify?
7. Had any pressure or threat been used against the witness that affected the truth of the witness' testimony?
8. Did the witness at some other time make a statement that is inconsistent with the testimony he or she gave in court?
9. Was it proved that the witness had been convicted of a crime?
10. Was it proved that the general reputation of the witness for telling the truth and being honest was bad?

You may rely upon your own conclusion about the witness. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.

### **3.9(a) EXPERT WITNESSES**

Expert witnesses are like other witnesses, with one exception - the law permits an expert witness to give his or her opinion.

However, an expert's opinion is only reliable when given on a subject about which you believe him or her to be an expert.

Like other witnesses, you may believe or disbelieve all or any part of an expert's testimony.

### **3.9(c) DEFENDANT TESTIFYING**

A defendant in this case has become a witness. You should apply the same rules to the consideration of the defendant's testimony that you apply to the testimony of the other witnesses.

### **3.9(e) DEFENDANT'S STATEMENTS**

A statement claimed to have been made by a defendant outside of court has been placed before you. Such a statement should always be considered with caution and be weighed with great care to make certain it was freely and voluntarily made.

Therefore, you must determine from the evidence that the defendant's alleged statement was knowingly, voluntarily and freely made.

In making this determination, you should consider the total circumstances, including but not limited to

1. whether, when the defendant made the statement, he or she had been threatened in order to get him or her to make it, and
2. whether anyone had promised him or her anything in order to get him or her to make it.

If you conclude the defendant's out of court statement was not freely and voluntarily made, you should disregard it.

### **3.10 RULES FOR DELIBERATION**

These are some general rules that apply to your discussion. You must follow these rules in order to return a lawful verdict:

1. You must follow the law as it is set out in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice. There is no reason for failing to follow the law in this case. All of us are depending upon you to make a wise and legal decision in this matter.
2. This case must be decided only upon the evidence that you have heard from the testimony of the witnesses [and have seen in the form of the exhibits in evidence] and these instructions.
3. This case must not be decided for or against anyone because you feel sorry for anyone, or are angry at anyone.
4. Remember, the lawyers are not on trial. Your feelings about them should not influence your decision in this case.
5. Your duty is to determine if the defendant has been proven guilty or not, in accord with the law. It is the judge's job to determine a proper sentence if the defendant is guilty.
6. Whatever verdict you render must be unanimous, that is, each juror must agree to the same verdict.
7. It is entirely proper for a lawyer to talk to a witness about what testimony the witness would give if called to the courtroom. The witness should not be discredited by talking to a lawyer about his or her testimony.
8. Your verdict should not be influenced by feelings of prejudice, bias or sympathy. Your verdict must be based on the evidence, and on the law contained in these instructions.

## **7.1 INTRODUCTION TO HOMICIDE**

In this case each defendant is accused of Aggravated Manslaughter of a Person under 18.

Aggravated Manslaughter of a Person under 18 includes the lesser crime of Manslaughter, both of which are unlawful.

A killing that is excusable or was committed by the use of justifiable deadly force is lawful.

If you find Martin Lee Anderson was killed by one or more of the defendants, you will then consider the circumstances surrounding the killing in deciding if the killing was Aggravated Manslaughter of a Person under 18, or was Manslaughter, or whether the killing was excusable or resulted from justifiable use of deadly force.

### **JUSTIFIABLE HOMICIDE § 782.02, Fla. Stat.**

The killing of a human being is justifiable homicide and lawful if necessarily done while resisting an attempt to murder or commit a felony upon the defendant, or to commit a felony in any dwelling house in which the defendant was at the time of the killing.

### **EXCUSABLE HOMICIDE § 782.03, Fla. Stat.**

The killing of a human being is excusable, and therefore lawful, under any one of the following three circumstances:

1. When the killing is committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution and without any unlawful intent, or
2. When the killing occurs by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or
3. When the killing is committed by accident and misfortune resulting from a sudden combat, if a dangerous weapon is not used and the killing is not done in a cruel or unusual manner.

"Dangerous weapon" is any weapon that, taking into account the manner in which it is used, is likely to produce death or great bodily harm.



I now instruct you on the circumstances that must be proved before a defendant may be found guilty of Aggravated Manslaughter of a Person under 18, or any lesser included crime.

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18**  
**§782.07(3) and §827.03(3)**

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

As to Henry Dickens, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Henry Dickens was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.
4. The defendant directly and proximately caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

“culpable negligence” is defined as follows: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or

such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

**7.7 MANSLAUGHTER**  
**§ 782.07, Fla. Stat.**

As to Henry Dickens, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was directly and proximately caused by the culpable negligence of Henry Dickens.

However, the defendant cannot be guilty of Manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

## **16.6 NEGLECT OF A CHILD**

### **§ 827.03(3)(c), Fla. Stat.**

#### **(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Henry Dickens, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Henry Dickens by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Henry Dickens was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term “culpable negligence”: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

**8.9 CULPABLE NEGLIGENCE**  
**§ 784.05, Fla. Stat.**

As to Henry Dickens, to prove the lesser-included crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. Henry Dickens exposed Martin Lee Anderson to personal injury or inflicted actual personal injury on Martin Lee Anderson.
2. He did so through culpable negligence.

Actual injury is not required.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard for human life, or for the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or shows such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18**  
**§782.07(3) and §827.03(3)**

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

As to Charles Enfinger, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Charles Enfinger was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.
4. The defendant directly and proximately caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

“culpable negligence” is defined as follows: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless

disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.



## **7.7 MANSLAUGHTER**

### **§ 782.07, Fla. Stat.**

As to Charles Enfinger, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was directly and proximately caused by the culpable negligence of Charles Enfinger.

However, the defendant cannot be guilty of Manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

## **16.6 NEGLECT OF A CHILD**

### **§ 827.03(3)(c), Fla. Stat.**

#### **(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Charles Enfinger, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Charles Enfinger by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Charles Enfinger was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term “culpable negligence”: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

## **8.9 CULPABLE NEGLIGENCE**

### **§ 784.05, Fla. Stat.**

As to Charles Enfinger, to prove the lesser-included crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. Charles Enfinger exposed Martin Lee Anderson to personal injury or inflicted actual personal injury on Martin Lee Anderson.
2. He did so through culpable negligence.

Actual injury is not required.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard for human life, or for the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or shows such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18**  
**§782.07(3) and §827.03(3)**

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

As to Patrick Garrett, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Patrick Garrett was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.
4. The defendant directly and proximately caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

“culpable negligence” is defined as follows: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or

such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

**7.7 MANSLAUGHTER**  
**§ 782.07, Fla. Stat.**

As to Patrick Garrett, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was directly and proximately caused by the culpable negligence of Patrick Garrett.

However, the defendant cannot be guilty of Manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

## 16.6 NEGLECT OF A CHILD

### § 827.03(3)(c), Fla. Stat.

#### (Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)

As to [REDACTED] to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. [REDACTED] by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. [REDACTED] is a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

"Child" means any person under the age of 18 years.

"Caregiver" means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term "culpable negligence": Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

**8.9 CULPABLE NEGLIGENCE**  
**§ 784.05, Fla. Stat.**

As to [REDACTED], to prove the lesser-included crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. [REDACTED] exposed Martin Lee Anderson to personal injury or inflicted actual personal injury on Martin Lee Anderson.
2. He did so through culpable negligence.

Actual injury is not required.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard for human life, or for the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or shows such an indifference to the rights of others as is equivalent to an intentional violation of such rights.



**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18**  
**§782.07(3) and §827.03(3)**

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

As to Raymond Hauck, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Raymond Hauck was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.
4. The defendant directly and proximately caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

“culpable negligence” is defined as follows: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless

disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

**7.7 MANSLAUGHTER**  
**§ 782.07, Fla. Stat.**

As to Raymond Hauck, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was directly and proximately caused by the culpable negligence of Raymond Hauck.

However, the defendant cannot be guilty of Manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

## **16.6 NEGLECT OF A CHILD**

### **§ 827.03(3)(c), Fla. Stat.**

#### **(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Raymond Hauck, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Raymond Hauck by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Raymond Hauck was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term “culpable negligence”: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

**8.9 CULPABLE NEGLIGENCE**  
**§ 784.05, Fla. Stat.**

As to Raymond Hauck, to prove the lesser-included crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. Raymond Hauck exposed Martin Lee Anderson to personal injury or inflicted actual personal injury on Martin Lee Anderson.
2. He did so through culpable negligence.

Actual injury is not required.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard for human life, or for the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or shows such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18**  
**§782.07(3) and §827.03(3)**

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

As to Charles Helms, Jr., to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Charles Helms, Jr. was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.
4. The defendant directly and proximately caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

“culpable negligence” is defined as follows: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless

disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

**7.7 MANSLAUGHTER**  
**§ 782.07, Fla. Stat.**

As to [REDACTED], to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was directly and proximately caused by the culpable negligence of [REDACTED]

However, the defendant cannot be guilty of Manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.



## 16.6 NEGLECT OF A CHILD

§ 827.03(3)(c), Fla. Stat.

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to [REDACTED], to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. [REDACTED] by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. [REDACTED] was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term “culpable negligence”: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

**8.9 CULPABLE NEGLIGENCE**  
**§ 784.05, Fla. Stat.**

As to [REDACTED] to prove the lesser-included crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. [REDACTED] exposed Martin Lee Anderson to personal injury or inflicted actual personal injury on Martin Lee Anderson.
2. He did so through culpable negligence.

Actual injury is not required.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard for human life, or for the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or shows such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18**  
**§782.07(3) and §827.03(3)**

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

As to Henry McFadden, Jr., to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Henry McFadden, Jr. was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.
4. The defendant directly and proximately caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

“culpable negligence” is defined as follows: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must

be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

**7.7 MANSLAUGHTER**  
**§ 782.07, Fla. Stat.**

As to Henry McFadden, Jr., to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was directly and proximately caused by the culpable negligence of Henry McFadden, Jr.

However, the defendant cannot be guilty of Manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

## **16.6 NEGLECT OF A CHILD**

### **§ 827.03(3)(c), Fla. Stat.**

#### **(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Henry McFadden, Jr, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Henry McFadden, Jr. by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Henry McFadden, Jr. was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term “culpable negligence”: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

**8.9 CULPABLE NEGLIGENCE**  
**§ 784.05, Fla. Stat.**

As to Henry McFadden, Jr., to prove the lesser-included crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. Henry McFadden, Jr. exposed Martin Lee Anderson to personal injury or inflicted actual personal injury on Martin Lee Anderson.
2. He did so through culpable negligence.

Actual injury is not required.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard for human life, or for the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or shows such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18**  
**§782.07(3) and §827.03(3)**

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

As to Kristin Schmidt, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Kristin Schmidt was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.
4. The defendant directly and proximately caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

“culpable negligence” is defined as follows: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless



disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

## 7.7 MANSLAUGHTER § 782.07, Fla. Stat.

As to Kristin Schmidt, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was directly and proximately caused by the culpable negligence of Kristin Schmidt.

However, the defendant cannot be guilty of Manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

## **16.6 NEGLECT OF A CHILD**

**§ 827.03(3)(c), Fla. Stat.**

**(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Kristin Schmidt, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Kristin Schmidt by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Kristin Schmidt was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term “culpable negligence”: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.

**8.9 CULPABLE NEGLIGENCE**  
**§ 784.05, Fla. Stat.**

As to Kristin Schmidt, to prove the lesser-included crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. Kristin Schmidt exposed Martin Lee Anderson to personal injury or inflicted actual personal injury on Martin Lee Anderson.
2. She did so through culpable negligence.

Actual injury is not required.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard for human life, or for the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or shows such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

**AGGRAVATED MANSLAUGHTER OF A PERSON UNDER 18**  
**§782.07(3) and §827.03(3)**

A person who causes the death of a person under the age of 18 by culpable negligence by neglect of a child commits Aggravated Manslaughter of a Person under 18.

As to Joseph Walsh II, to prove the crime of Aggravated Manslaughter of a Person under 18, the State must prove the following four elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. Joseph Walsh II was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.
4. The defendant directly and proximately caused the death of Martin Lee Anderson by neglecting Martin Lee Anderson through culpable negligence.

However, the defendant cannot be guilty of Aggravated Manslaughter of a Person under 18 if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

“culpable negligence” is defined as follows: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless

disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

“Neglect of a child” means:

1. A caregiver’s failure or omission to provide a child with the care, supervision, and services necessary to maintain the child’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child;

or

2. A caregiver’s failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child’s welfare.

**7.7 MANSLAUGHTER**  
**§ 782.07, Fla. Stat.**

As to Joseph Walsh II, to prove the lesser-included crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:

1. Martin Lee Anderson is dead.
2. The death of Martin Lee Anderson was directly and proximately caused by the culpable negligence of Joseph Walsh II.

However, the defendant cannot be guilty of Manslaughter if the killing was either justifiable or excusable homicide as I have previously explained those terms.

“directly caused the death” means that but for the culpable negligence of the defendant, Martin Lee Anderson would not have died.

Culpably negligent conduct can directly cause the death of an individual if the culpably negligent conduct aggravates a pre-existing medical condition and as a consequence, the pre-existing medical condition causes the death of an individual.

However, a defendant cannot directly cause the death of an individual if the death of the individual would have occurred, in any event, regardless of the culpably negligent conduct of the defendant.

“proximately caused the death” means that (1) the death of the victim was reasonably foreseeable; so that it can be said that the death of the victim is not beyond the scope of any fair assessment of the danger created by the defendant’s conduct, and (2) the conduct does not fall within the definition of justifiable or excusable homicide as I have previously explained those terms.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.

## **16.6 NEGLECT OF A CHILD**

### **§ 827.03(3)(c), Fla. Stat.**

#### **(Without Great Bodily Harm, Permanent Disability, or Permanent Disfigurement)**

As to Joseph Walsh II, to prove the lesser-included crime of Neglect of a Child, the state must prove the following three elements beyond a reasonable doubt:

1. Joseph Walsh II by culpable negligence failed or omitted to provide Martin Lee Anderson with the care, supervision, and services necessary to maintain the victim's physical or mental health, or failed to make a reasonable effort to protect Martin Lee Anderson from abuse, neglect, or exploitation by another person.
2. Joseph Walsh II was a caregiver for Martin Lee Anderson.
3. Martin Lee Anderson was under the age of 18 years.

Neglect of a child may be based on repeated conduct or on a single incident or omission that resulted in, or reasonably could have been expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

“Child” means any person under the age of 18 years.

“Caregiver” means a parent, adult household member, or other person responsible for a child's welfare.

I will now define what is meant by the term “culpable negligence”: Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care for others. For negligence to be called culpable negligence, it must be gross and flagrant. The negligence must be committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known or reasonably should have known, was likely to cause death or great bodily harm.



**8.9 CULPABLE NEGLIGENCE**  
**§ 784.05, Fla. Stat.**

As to Joseph Walsh II, to prove the lesser-included crime of Culpable Negligence, the State must prove the following two elements beyond a reasonable doubt:

1. Joseph Walsh II exposed Martin Lee Anderson to personal injury or inflicted actual personal injury on Martin Lee Anderson.
2. He did so through culpable negligence.

Actual injury is not required.

I will now define “culpable negligence” for you. Each of us has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard for human life, or for the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard of the safety and welfare of the public, or shows such an indifference to the rights of others as is equivalent to an intentional violation of such rights.

### **3.11 CAUTIONARY INSTRUCTION**

Deciding a verdict is exclusively your job. I cannot participate in that decision in any way. Please disregard anything I may have said or done that made you think I preferred one verdict over another.

### **3.12 VERDICT**

You may find the defendant guilty as charged in the information or guilty of such lesser included crime as the evidence may justify or not guilty.

If you return a verdict of guilty, it should be for the highest offense which has been proven beyond a reasonable doubt. If you find that no offense has been proven beyond a reasonable doubt, then, of course, your verdict must be not guilty.

Only one verdict may be returned as to the crime charged. This verdict must be unanimous, that is, all of you must agree to the same verdict. The verdict must be in writing and for your convenience the necessary forms of verdict have been prepared for you. They are as follows:

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

STATE OF FLORIDA

CASE NO.: 06-4016CF

v.

HENRY DICKENS  
CHARLES ENFINGER

06-4016CFMA

06-4016CFMB

RAYMOND HAUCK

06-4016CFMD

HENRY MCFADDEN, JR.  
KRISTIN SCHMIDT  
JOSEPH WALSH II

06-4016CFMF

06-4016CFMG

06-4016CFMH


**VERDICT FORM**

As to defendant Henry Dickens, we, the jury, find as follows: (check only one)

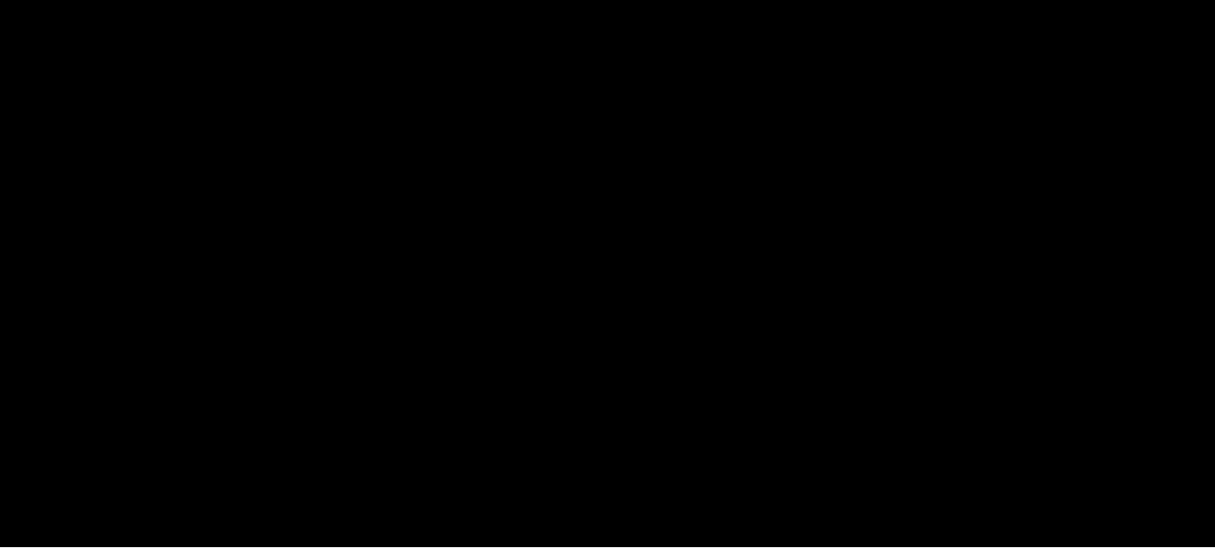
- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

As to defendant Charles Enfinger, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.



As to defendant Raymond Hauck, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
  - B. The defendant is guilty of Manslaughter.
  - C. The defendant is guilty of Neglect of a Child.
  - D. The defendant is guilty of Culpable Negligence.
  - E. The defendant is not guilty.
- 

As to defendant Henry McFadden, Jr., we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

As to defendant Kristin Schmidt, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

As to defendant Joseph Walsh II, we, the jury, find as follows: (check only one)

- A. The defendant is guilty of Aggravated Manslaughter of a Person under 18, as charged.
- B. The defendant is guilty of Manslaughter.
- C. The defendant is guilty of Neglect of a Child.
- D. The defendant is guilty of Culpable Negligence.
- E. The defendant is not guilty.

SO SAY WE ALL, dated this \_\_\_\_\_ day of October, 2007.

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Foreperson of the Jury

### **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 or her 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.



### **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 each 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 be applied, you must use them. For two centuries we have lived by the constitution and the law. No juror has the right to violate rules we all share.

**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  
2007 NOV 20 11: 07 AM

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**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 1<sup>st</sup> 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

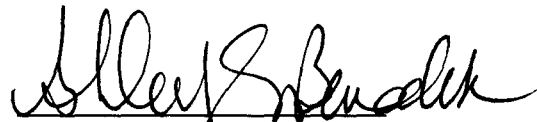
approval.

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 19<sup>th</sup> 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**



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

(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

**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
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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
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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
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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

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## 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

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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
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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

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## 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

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### 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.

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#5

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

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

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## 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.

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A.2.d.



**Justice Administrative Commission**

Rate:	100.00
Total Reimbursable Amount:	\$ 1160.00

A.2.d.

A.2.d.

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FILED

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

2007 NOV 29 A 11:30

STATE OF FLORIDA  
Plaintiff,

v.

CASE NO.: 06-4016-CFMG

HAROLD BAZZEL  
CLERK OF CIRCUIT COURT  
BAY COUNTY, FLORIDA

KRISTIN SCHMIDT,  
Defendant.

JUDGE: MICHAEL OVERSTREET

**ORDER APPROVING PAYMENT OF ATTORNEY'S FEES,  
COSTS OR RELATED EXPENSES**

THIS CAUSE having come before the Court upon the Motion for Attorney's Fees, Costs or Related Expenses pursuant to Makemson v. Martin County, 491 SO. 2d 1109 (Fla. 1986), awarding compensation in excess of the statutory cap, and costs/expenses for services rendered as court-appointed counsel in the above-captioned case filed by Attorney Ashley Stone Benedik for the representation of **KRISTIN SCHMIDT**, an indigent person, in the above entitled cause; and

THE COURT having reviewed the Motion to Exceed Statutory Cap for Court-Appointed Counsel, the billing and the response submitted by the Justice Administrative Commission finds that the fees, costs or related expenses as set for below are appropriate and reasonable and have been incurred as a result of unusual and extraordinary circumstances; therefore it is hereby

ORDERED AND ADJUDGED that the amount of **\$36,600.00** for attorney's fees for **Attorney Ashley Stone Benedik** whose Florida Bar No. is 980129 and that the Justice Administrative Commission shall process said billing for payment by the State of Florida upon receipt of a copy of this Order.

DONE AND ORDERED at Panama City, Bay County, Florida this 27 day  
of November, 2007.



**Honorable Michael Overstreet**  
Circuit Judge

xc:  
Ashley Stone Benedik, Esq.  
Justice Administrative Committee