

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)

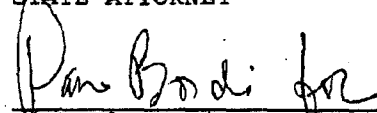
On June 5, 2007, the State learned that a member of the local media was present in the depositions when defense attorneys discussed information that this Honorable Court ordered remain confidential. This is a clear violation of the Court's Order dated February 28, 2007.

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  
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NewsHerald.com

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**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.



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RE: \_\_\_\_\_

SENDER: ANNE BRACKETT Jou Pam Bondi

HILLSBOROUGH COUNTY STATE ATTORNEY'S OFFICE

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NOTES: