

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

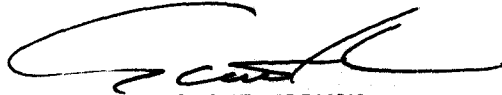
Martin Anderson.

- 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 4th 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