

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

[REDACTED]  
06-4016CFMF

06-4016CFMG

JOSEPH WALSH, II

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.



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Michael C. Overstreet, Circuit Judge.

CC:

All Counsel for the State  
and the Defendants.